

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

October 14, 1963

BULLETIN 1532

TABLE OF CONTENTS

ITEM

1. APPELLATE DECISIONS - SICA v. WEST ORANGE.
2. APPELLATE DECISIONS - HI WAY, INC. and PECK v. WOODBRIDGE AND ROSSI.
3. DISCIPLINARY PROCEEDINGS (North Brunswick) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Asbury Park) - SERVING ALCOHOLIC BEVERAGES OTHER THAN ORDERED - BOTTLING - ALCOHOLIC BEVERAGES NOT TRULY LABELED - FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.
5. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1962 TO JUNE 30, 1963 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19.
6. DISCIPLINARY PROCEEDINGS (Pleasantville) - SALE TO MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
7. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOLIC BEVERAGES (HOME BREW) - MOTOR VEHICLE AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.
8. DISCIPLINARY PROCEEDINGS (Atlantic City) - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Hopewell Township) - SALE TO MINOR - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Trenton) - ORDER TERMINATING SUSPENSION FOR BALANCE OF TERM UPON PROOF OF CORRECTION.
12. DISCIPLINARY PROCEEDINGS (Point Pleasant Beach) - SALE TO MINOR - LICENSE SUSPENDED FOR 10 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.

October 14, 1963

BULLETIN 1532

1. APPELLATE DECISIONS - SICA v. WEST ORANGE.

FLORENCE SICA, t/a PHIL'S LIQUOR CENTER,)	
)	
Appellant,)	ON APPEAL
)	CONCLUSIONS
v.)	AND ORDER
)	
MUNICIPAL BOARD OF ALCOHOLIC BEVERAGE CONTROL OF THE TOWN OF WEST ORANGE,)	
)	
Respondent.)	

Grosso, Beck & Mangino, Esqs., by Vincent M. Mangino, Esq.,
Attorneys for Appellant.
Louis Lando, Esq., Attorney for Respondent.

BY THE ACTING DIRECTOR:

The Hearer has filed the following report herein:

"This is an appeal from the action of the respondent whereby, on May 21, 1963, it suspended appellant's license for 10 days, effective June 1, 1963, after finding appellant guilty of a charge alleging that on April 20, 1963 she sold and delivered alcoholic beverages to a minor in violation of Rule 1 of State Regulation No. 20. The licensed premises are located at 56 Main Street, West Orange.

"Upon the filing of the appeal, an order was entered on May 31, 1963 by the Acting Director, staying respondent's order of suspension until further order.
R.S. 33:1-31.

Appellant, in her petition of appeal, alleges that the action of the respondent was erroneous for the following reasons:

"That while the hearing before respondent was in progress she requested and was denied a postponement thereof in order to obtain evidence to meet the minor's testimony that the delivery of the alcoholic beverages in question was made to a place other than that which the minor had set forth in a statement made previous to the hearing; that the respondent failed to prove the charge and that the decision of the respondent was against the weight of the credible evidence.

"Respondent in its answer denies the allegations hereinabove set forth and states that the evidence adduced before it conclusively established that the appellant sold and delivered alcoholic beverages to a minor as charged.

"The hearing on appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15 with full opportunity for

counsel to present testimony under oath and cross examine witnesses. Sidoroff et al v. Jersey City and Niebanck, Bulletin 1310, Item 1.

"The evidence given at the hearing held herein establishes that on the 20th day of April, 1963 the licensee, pursuant to an order received by telephone by her clerk at the licensed premises from Brian --- age 19, delivered 3 1/2 cases of Schaefer Beer to the 2nd floor at 2 Washington Street, West Orange. The sole issue is whether the licensee's delivery clerk delivered the beer to Brian or to Joseph DeStefano, an adult.

"Respondent called as its witnesses 3 minors, Brian, Robert and John. Appellant's witnesses were Patrick Kearns and Joseph DeStefano.

"Brian testified that he was 19 years of age (born November 15, 1943); that at about 8:00 p.m. on April 20, 1963 while in the company of 2 companions, Robert --- and John ---, he alone entered a telephone booth; that he called the licensed premises; that he ordered 3 1/2 cases of Schaefer Beer to be delivered to Stevens, 2nd floor, 2 Washington Street, West Orange; that the beer was delivered to him by Patrick Kearns (identified at the hearing) in a dark hallway at 2 Washington Street, aforesaid, the residence of Bobby Stevens, a friend; that he (Brian) resided at 281 Watchung Avenue, West Orange; that Mr. Kearns questioned him about his age; that he informed Mr. Kearns that he was 21 years old and that he paid Mr. Kearns for the beer from monies contributed by him and his 2 companions.

"Brian further testified that he and his companions carried the beer to his home where they consumed a portion of the same; that thereafter they left his home in possession of some of the beer; that they were taken into custody by the local police and that he told the police that the beer had been delivered to him at 281 Watchung Avenue because 'I didn't want to get Bobby in trouble, because he didn't know we were delivering it there.'

"On cross-examination Brian testified that he gave Kearns \$17; that the bill amounted to \$16.10; that he gave Kearns a tip of 90 cents; that he does not remember testifying to the contrary before the local board; that he does not know Joseph DeStefano (pointed out at the hearing by appellant's counsel) and that DeStefano did not receive the beer for him.

"Robert --- (age 18) substantially corroborated the testimony of Brian except for the alleged delivery of the beer to Brian and Brian's statement to the police.

"On cross-examination Robert testified he had no personal knowledge that Brian called the licensed premises for the beer.

"John --- (age 17) substantially corroborated the testimony of Brian and further testified that he, Brian and Robert decided to purchase some beer by telephone; that Brian stated 'He knew a place where he would call'; that Brian, after telephoning the licensed premises, left him and Robert at

the telephone booth and went to the hallway of 2 Washington Street to accept delivery of the beer; that shortly thereafter he observed Mr. Kearns (licensee's delivery clerk) with a package ascend the front steps of aforesaid building; that within the next few minutes he and Robert joined Brian in possession of the alcoholic beverages in aforesaid hallway and that they carried the beer to Brian's home.

"On cross-examination John testified that Stevens lives on the 2nd floor of 2 Washington Street.

"Patrick Kearns testified that he is employed by the licensee as clerk and deliveryman; that at about 9:00 p.m. on the night in question he delivered 3 1/2 cases of Schaefer Beer to the 2nd floor of 2 Washington Street; that at the time in question he had in his possession a delivery slip (Exhibit A-1 in evidence) bearing the name of Stevens to whom the beer was to be delivered; that there was no light in the hallway of the building; that he did not know whether he could make positive identification of the person to whom he delivered the alcoholic beverages; that he believes it was Joseph DeStefano; that he was not certain of the same; that 'It was very dark'; that 'I asked him how old he was, and he told me he was twenty-three or twenty-four and he appeared to be. And he paid me and that was it'; that he received \$16.10 in payment of the beer and that he was not given any gratuity.

"On cross-examination Kearns testified that he did not enter the Stevens apartment; that he handed the merchandise to an individual who opened the door leading into the Stevens apartment and who identified himself as Stevens; that he judged 'Stevens' to be an adult; that Stevens is not in the hearing room and that he made no identification of the recipient of the beer at the hearing below 'because Stevens wasn't there' and that 'I said it was difficult to identify him, and I still say it. It is difficult to identify him.'

"Joseph DeStefano testified that he is 25 years old; that he resides in Orange; that on April 20, 1963 he was apartment hunting in the area of 2 Washington Street, West Orange; that he observed Brian in the neighborhood; that he knew Brian by sight; that Brian asked him to accept, on his behalf, delivery of a package that would be brought to him on the 2nd floor of 2 Washington Street; that Brian gave him \$20 to pay for the merchandise and told him to keep the change and said 'I'll be right back'; that he went to 2nd floor aforesaid; that almost immediately thereafter Kearns (identified by DeStefano at the hearing) delivered the package to him on the landing of the 2nd floor; that he paid Kearns \$16.10 and kept \$3.90 for himself; that he left the beer on the landing where Kearns had placed it; that he departed from the premises immediately after Kearns; and that Brian reappeared simultaneously therewith.

"On cross-examination DeStefano testified that on or about July 1, 1963 (3 or 4 weeks before the Division's hearing on July 23, 1963) he visited a friend by the name of Lynch who is employed as a service station attendant in Orange; that on aforesaid date Lynch informed him of the charge pending herein; that prior thereto he had no knowledge of the same; that Lynch heard or knew 'that I was the one that was involved'; that Lynch had learned that he had accepted the delivery of the beer 'From the fellows around the neighborhood, I guess; that on or about June 24, 1963 Lynch had also questioned him with respect thereto; that he had informed Lynch that he had accepted the

delivery of the beer for Brian, and that on or about July 1, aforesaid, at the suggestion of Lynch, he went to the office of appellant's attorney whose name was also supplied to him by Lynch.

"On further cross-examination DeStefano testified that he did not enter the Stevens apartment; that he had remained standing in the dark hallway on the 2nd floor aforesaid for about 5 or 10 minutes waiting for Brian to return.

"On rebuttal, Brian denied that he knew or ever met DeStefano; denied he asked DeStefano to accept delivery of the beer for him and denied that he had given DeStefano \$20.

"This case presents a conflict between the testimony of the witnesses for the appellant and the witnesses for the respondent. I have carefully considered the evidence and oral arguments of counsel. I am not favorably impressed with the testimony of appellant's witnesses because of their inconsistent and conflicting statements. Kearns testified that he delivered the beer through an open door leading into Stevens' apartment. DeStefano testified that he received the beer from Kearns in the hallway on the 2nd floor of 2 Washington Street and that he did not enter the apartment.

"On direct examination DeStefano testified that he left the premises immediately after Kearns had delivered the alcoholic beverages and on cross-examination he testified that he waited in the hallway for about 5 or 10 minutes for Brian to return to take possession of the beer. In addition, Kearns admits that because of the darkness in the hallway he was unable to make positive identification of DeStefano as the person to whom he delivered the beer and that the individual who had identified himself as Stevens and to whom he allegedly delivered the beer was not in the hearing room.

"With respect to Brian's original statement to the police that he had received the beer at his home and not at 2 Washington Street aforesaid I am satisfied that he has satisfactorily accounted for the same, and that his testimony under oath accurately reflects what actually occurred. With respect to appellant's argument that he was not given a fair opportunity to present his full case at the hearing below, he has now been given such opportunity to be heard upon this appeal de novo.

"Based on the testimony of respondent's witnesses I find as a fact that on April 20, 1963 appellant did sell and deliver 3 1/2 cases of beer to Brian, a minor, age 19, in violation of Rule 1 of State Regulation No. 20. Under the circumstances I conclude that appellant has failed to sustain the burden of establishing that the action of the respondent was erroneous. (Rule 6 of State Regulation No. 15). I recommend, therefore, that an order be entered affirming respondent's action and dismissing the appeal and fixing the effective dates for the suspension imposed by respondent and stayed pending the determination of this appeal."

Written exceptions to the Hearer's Report were filed with me by the appellant pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the evidence, the argument of counsel with respect thereto presented at the hearing herein, and the exceptions of appellant, I concur in the findings and

conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 9th day of September 1963,

ORDERED that the action of respondent be and the same is hereby affirmed, and that the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the ten-day suspension heretofore imposed by respondent, and stayed during the pendency of this appeal, be restored and reinstated against the Plenary Retail Distribution License D-1, held by Florence Sica, t/a Phil's Liquor Center, for premises 56 Main Street, West Orange, to commence at 9 a.m. Monday, September 16, 1963, and to terminate at 9 a.m. Thursday, September 26, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

2. APPELLATE DECISIONS - HI WAY, INC. and PECK v. WOODBRIDGE AND ROSSI.

HI WAY, INC., A NEW JERSEY CORPORATION, AND PHILIP M. PECK, individually,)

Appellants,)

v.)

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WOODBRIDGE, AND ANGELO ROSSI,)

Respondents.)

ON APPEAL
ORDER

Sidney Birnbaum, Esq., Attorney for Appellants.
Stewart M. Hutt, Esq., Attorney for Respondent Township Committee.
Jacobson and Winter, Esqs., by Roland A. Winter, Esq., Attorneys
for Respondent Angelo Rossi.

BY THE ACTING DIRECTOR:

Appellants appeal from grant by respondent Township Committee on December 29, 1961, of application for a new plenary retail distribution license to respondent Angelo Rossi for premises 516 Inman Avenue, Colonia, Woodbridge Township.

Prior to the hearing of the appeal (deferred by reason of pending court action, now concluded), by letter of September 3, 1963, appellants' attorney advised me that the appeal was withdrawn. No reason appearing to the contrary, it is, on this 5th day of September 1963,

ORDERED that the appeal herein be and the same is hereby dismissed.

EMERSON A. TSCHUPP
ACTING DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CHARLES OLIVERI AND EMMA OLIVERI)
t/a C.O. CLUB)
Cor. Wood Ave. & Hwy. #130)
North Brunswick, RFD #4)
P.O. New Brunswick, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of North Brunswick.)

Russell Fleming, Esq., Attorney for Licensees.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensees plead non vult to charges alleging that (1) on Sunday, August 4, 1963 and Sunday, August 18, 1963, they made several sales of alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38 and (2) in their application for current license, falsely stated that they had no previous record of suspension of license, in violation of R.S. 33:1-25.

The previous record of suspension of license, concealed by the false answer in the license application, the subject of the second charge, is as follows:

(1) License of C.O. Club Inc., of which licensees were then stockholders and officers, suspended by the Director for ninety days effective October 26, 1950 for false statements in license application ("front"). Re C.O. Club, Inc., Bulletin 888, Item 4; Bulletin 899, Item 14.

(2) License of the present licensees, successors in interest of C.O. Club, Inc., suspended as follows:

(a) By the municipal issuing authority for seven days, effective September 24, 1956, for "hours" violation.

(b) By the municipal issuing authority for fourteen days, effective November 17, 1958, for "hours" violation.

(c) By the Director for twenty days, effective February 3, 1960, for sale to minors (Re Oliveri, Bulletin 1329, Item 4).

(d) By the municipal issuing authority for twenty-five days, effective March 20, 1960, for sale to minors.

The prior record of suspension in 1950 for similar violation disregarded because occurring more than ten years ago,

the license will be suspended on the first charge (considering the prior "hours" violations within the past five years and between five and ten years past) for thirty-five days (Re Cali, Bulletin 1525, Item 8), and on the second charge for ten days, (Re Hala Corporation, Bulletin 1525, Item 4), to which will be added ten days for the two prior suspensions of license for dissimilar violations within the past five years, (Re Garsky, Bulletin 1518, Item 7), making a total suspension of fifty-five days, with remission of five days for the plea entered, leaving a net suspension of fifty days.

Accordingly, it is, on this 4th day of September, 1963,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of North Brunswick to Charles Oliveri and Emma Oliveri, t/a C.O. Club, for premises Cor. Wood Ave. & Hwy. #130, North Brunswick, be and the same is hereby suspended for fifty (50) days, commencing at 2:00 a.m. Wednesday, September 11, 1963, and terminating at 2:00 a.m. Thursday, October 31, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

- 4. DISCIPLINARY PROCEEDINGS - SERVING ALCOHOLIC BEVERAGES OTHER THAN ORDERED - BOTTLING - ALCOHOLIC BEVERAGES NOT TRULY LABELED - FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ROBERT-ALAN HOTEL, INC.
t/a THE AFRICAN ROOM
111-113 Second Avenue
Asbury Park, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-11, issued by the City Council of the City of Asbury Park.

Stout and O'Hagan, Esqs., by Richard R. Stout, Esq., Attorneys for Licensee.

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

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on July 20 and 24-25, 1963, it served alcoholic beverages other than ordered, in violation of Rule 23 of State Regulation No. 20; (2) on the same dates it bottled alcoholic beverages, in violation of R.S. 33:1-78; (3) on July 25, 1963, 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, and (4) in its application for current license, falsely concealed its prior record of suspension of license, in violation of R.S. 33:1-25.

Reports of investigation disclose that, as to the first charge, orders from persons seated at tables for "name"

brand Scotch whisky mixed drinks were filled at the bar with "off" brand Scotch whisky; as to second charge, the licensee pre-mixed and bottled mixes containing the appropriate alcoholic beverage, lemon juice and sugar to facilitate service of Tom Collins, Vodka Collins, whiskey sours and daiquiris.

The previous record of suspension, the concealment of which is the subject of the fourth charge, consists of suspension of license by the municipal issuing authority for ten days effective October 8, 1962, for sale to minors.

The license will be suspended on the first charge for fifteen days (Re Shore Motel, Inc., Bulletin 1513, Item 3); on the second charge for five days (Cf. Re Frankie's Nomad Club, Inc., Bulletin 1481, Item 4); on the third charge for ten days (Re Kirchhoff, Bulletin 1526, Item 14), and on the fourth charge for ten days (Re Hala Corporation, Bulletin 1525, Item 4), to which will be added five days by reason of the record of suspension for previous dissimilar violation within the past five years (Re Brookside Tavern, Inc., Bulletin 1518, Item 6), or a total of forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days.

Accordingly, it is, on this 5th day of September 1963,

ORDERED that Plenary Retail Consumption License C-11, issued by the City Council of the City of Asbury Park to Robert-Alan Hotel, Inc., t/a The african room, for premises 111-113 Second Avenue, Asbury Park, be and the same is hereby suspended for forty (40) days, commencing at 3 a.m. Monday, September 9, 1963, and terminating at 3 a.m. Saturday, October 19, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

5. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1962 to JUNE 30, 1963 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		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	Fees Paid	Revoked Surrender	Expired		
Atlantic	485	\$ 207,593.26	73	\$ 27,525.00	28	\$ 2,845.00					1		585	\$ 237,963.2
Bergen	812	318,156.49	301	90,013.80	138	12,673.67	49	\$ 2,309.50	10	\$ 2,797.50		5	1305	425,950.9
Burlington	196	87,555.48	41	13,150.00	49	7,050.00	1	50.00					287	107,805.4
Camden	454	222,879.46	84	35,886.75	80	7,705.47			2	900.00		1	619	267,371.6
Cape May	139	78,800.00	12	4,500.00	18	2,200.00							169	85,500.0
Cumberland	79	40,217.12	15	4,200.00	32	4,250.00							126	48,667.1
Essex	1335	758,805.34	350	211,100.00	105	14,525.00	27	1,350.00	3	2,250.00	4	2	1814	988,030.3
Gloucester	109	38,763.42	15	3,820.00	23	2,050.00							147	44,633.4
Hudson	1498	679,038.93	298	122,400.00	82	9,272.89	63	2,700.00			2		1939	813,411.8
Hunterdon	79	28,240.00	12	5,810.00	10	1,100.00							101	35,150.0
Mercer	422	262,572.44	51	22,510.00	57	8,276.99			1	116.64		1	530	293,476.0
Middlesex	632	316,004.67	85	28,225.43	114	9,811.37	4	200.00					835	354,241.4
Monmouth	553	291,622.76	125	44,560.00	59	6,348.51	8	385.00	45	21,422.24		23	767	364,338.5
Morris	356	139,228.60	104	38,441.10	65	6,031.62	15	750.00	8	2,250.00		5	543	186,701.3
Ocean	196	107,555.18	50	21,566.00	36	4,079.07							282	133,200.2
Passaic	855	355,251.00	170	52,700.00	44	5,184.86	7	350.00					1076	413,485.80
Salem	50	19,542.46	8	1,600.00	19	1,600.00							77	22,742.40
Somerset	188	87,915.00	41	12,925.00	33	3,830.41							262	104,670.40
Sussex	165	46,406.46	21	4,235.00	11	645.00	1	50.00	2	450.00		1	199	51,786.40
Union	547	312,846.00	145	71,692.76	82	8,975.00	29	1,425.00			1		802	394,938.70
Warren	147	44,260.00	21	5,270.00	30	3,212.20			4	750.00		2	200	53,492.20
Totals	9297	\$4,443,254.07	2022	\$822,130.84	1115	121,667.06	204	9,569.50	75	30,936.38	8 *	40	12665	5,427,557.80

*1 C surrendered
 1 C revoked
 1 CB cancelled, 2 surrendered, 1 revoked
 2 DL surrendered

Emerson A. Tschupp
 Acting Director

September 23, 1963.

6. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ONE TWENTY EIGHT, INC.
t/a "CLOVER CLUB"
128 North New Road
Pleasantville, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-4, issued by the Common Council of the City of Pleasantville.

Licensee, by Samuel Bocelle, President, Pro se.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 14, 1963 it sold a pint of vodka to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license for similar violation by the Director (1) for ten days, effective March 25, 1957 (Re One Twenty-Eight, Inc., Bulletin 1165, Item 7) (2) for twenty-five days, effective April 16, 1962 (Re One Twenty Eight, Inc., Bulletin 1451, Item 4). In addition, the license then held for the same premises by Samuel and Paul Bocelle, principal stockholders of the corporate licensee, was suspended by the municipal issuing authority for five days, effective March 23, 1953 for sale in violation of State Regulation No. 38.

The prior record of suspension for dissimilar violation in 1953 disregarded because occurring more than five years ago, but the prior record of similar violation in 1962 within the past five years and in 1957 between five and ten years past considered, 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 Cramer, Bulletin 1493, Item 2.

Accordingly, it is, on this 9th day of September, 1963,

ORDERED that Plenary Retail Consumption License C-4, issued by the Common Council of the City of Pleasantville to One Twenty Eight, Inc., t/a "Clover Club", for premises 128 North New Road, Pleasantville, be and the same is hereby suspended for twenty-five (25) days, commencing at 1:00 a.m. Monday, September 16, 1963, and terminating at 1:00 a.m. Friday, October 11, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

7. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOLIC BEVERAGES (HOME BREW) - MOTOR VEHICLE AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure on)	CASE NO. 11,093
June 30, 1963 of a quantity of)	
alcoholic beverages and a Dodge)	
sedan on a public highway at 53)	ON HEARING
Rome Street, in the City of)	CONCLUSIONS
Newark, County of Essex and State)	AND ORDER
of New Jersey.)	

Rosa Lee Taylor, Pro se.

I. Edward Amada, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

This matter comes before me pursuant to Title 33, Chapter 1, Revised Statutes of New Jersey and State Regulation No. 28, to determine whether two one-half gallon jars of alcoholic beverages and a Dodge sedan, described in a schedule annexed hereto, and made part hereof, seized on June 30, 1963 at 53 Rome Street, Newark, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing, pursuant to R.S. 33:1-66, Rosa Lee Taylor, owner of the motor vehicle, appeared and sought the return of the seized vehicle. However, shortly after the commencement of her testimony, when she became aware of the fact that the charges required to be paid to this Division for the return of the vehicle would be in excess of the \$60.00 which she had paid as a purchase price therefor, she informed the Hearer that she desired to abandon her claim.

No one appeared to seek return of the seized alcoholic beverages.

The records of this Division, which were admitted into evidence at the hearing established that the alcoholic beverages described in Schedule "A", were "home brew" according to a statement given to police by Rosa Lee Taylor, and thus constituted unlawful property. Said alcoholic beverages were seized from the motor vehicle of which Miss Taylor was a passenger and were possessed with intent to be used in unlawful alcoholic beverage activity. Miss Taylor was therefore charged with the unlawful possession of illicit alcoholic beverages in violation of R.S. 33:1-50.

Such alcoholic beverages and the motor vehicle in which they were transported and found are subject to forfeiture. R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66.

Accordingly, it is DETERMINED and ORDERED that the seized property, more fully described in Schedule "A" attached hereto, constitutes unlawful property, and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66, and shall be sold at public sale for the use of the state in accordance with State Regulation No. 29 or retained for

the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Acting Director of the Division of Alcoholic Beverage Control.

Dated: September 6, 1963

EMERSON A. TSCHUPP
ACTING DIRECTOR

SCHEDULE "A"

- 2 - 1/2 gallon jars of illicit alcoholic beverages
- 1 - Dodge sedan, Serial No. 73698, N.Y. Registration 7487 BY.

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

In the Matter of Disciplinary Proceedings against)

LORETTA BREUNIG, EXECUTRIX OF)
THE ESTATE OF ROBERT BREUNIG)
t/a BREUNIG'S LIQUOR STORE AND BAR)
2804 Arctic Avenue)
Atlantic City, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-83, issued by the Board of Commissioners of the City of Atlantic City.)

Albert A. F. McGee, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 22, 1963, she sold 6 quart bottles of beer to a minor, age 19, 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 L and P Tavern, Inc., Bulletin 1519, Item 8.

Accordingly, it is, on this 9th day of September, 1963,

ORDERED that Plenary Retail Consumption License C-83, issued by the Board of Commissioners of the City of Atlantic City to Loretta Breunig, Executrix of the Estate of Robert Breunig, t/a Breunig's Liquor Store and Bar, for premises 2804 Arctic Avenue, Atlantic City, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m. Monday, September 16, 1963, and terminating at 7:00 a.m. Thursday, September 26, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JAMES ARCIERI-MICHAEL ARCIERI t/a ROYAL OAK INN Route #69 Hopewell Township P.O. RD Hopewell, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-9, issued by the Township Council of the Township of Hopewell.)

Licensees, by James Arcieri, Pro se. David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensees plead non vult to a charge alleging that on August 14, 1963, they sold drinks of alcoholic beverages to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Licensee James Arcieri has a previous record of suspension of license, then held by him for premises 59 Division Street, Somerville, by the municipal issuing authority for eighteen days, effective June 26, 1947 for possession of contraceptives. Licensees have a previous record of suspension of license by the Director for twenty-five days, effective February 26, 1962 for possession of "refills". Re Arcieri, Bulletin 1443, Item 2.

In fixing penalty, the prior record of dissimilar violation in 1947 will be disregarded because occurring more than five years ago. The license will be suspended for fifteen days, the minimum penalty for sale to a nineteen year old minor (Re L and P Tavern, Inc., Bulletin 1519, Item 8), to which will be added five days by reason of the previous 1962 record of suspension (cf. Re Brookside Tavern, Inc., Bulletin 1518, Item 6) making 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 3rd day of September, 1963,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Council of the Township of Hopewell to James Arcieri-Michael Arcieri, t/a Royal Oak Inn, for premises Route #69, Hopewell Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2:30 a.m. Tuesday, September 10, 1963, and terminating at 2:30 a.m. Wednesday, September 25, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

10. 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

YORK TAVERN, A CORPORATION
t/a YORK TAVERN
190 York Street
Jersey City 2, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-218, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Licensee, by Stephan A. Lukas, President, Pro se.
Harry D. Gross, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 14, 1963 it sold two quart bottles of beer for off-premises consumption during prohibited hours 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 Beckert, Bulletin 1526, Item 12.

Accordingly, it is, on this 9th day of September, 1963,

ORDERED that Plenary Retail Consumption License C-218, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to York Tavern, A Corporation, t/a York Tavern, for premises 190 York Street, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, September 16, 1963, and terminating at 2:00 a.m. Thursday, September 26, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ORDER TERMINATING SUSPENSION FOR BALANCE OF TERM UPON PROOF OF CORRECTION.

In the Matter of Disciplinary Proceedings against JOHN THEODORE SOLARSKI t/a OLDEN BAR 618-620 North Olden Avenue Trenton 7, N. J.

Holder of Plenary Retail Consumption License C-186, issued by the City Council of the City of Trenton; transferred during the pendency of these proceedings to

JAMES FENNELLI AND JOHN JOSEPH SOLARSKI t/a OLDEN BAR 618-620 North Olden Avenue Trenton 7, N. J.

ORDER

Joseph P. Merlino, Esq., Attorney for Licensees David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

On August 28, 1963, I entered an order suspending the license herein for the balance of its term, commencing September 4, 1963, with leave to the licensee or any bona fide transferee of the license to file petition establishing correction of the then unlawful situation (undisclosed interests of John Joseph Solarski and James Fennelli in the license) for lifting of the suspension on or after 2 a.m. Tuesday, September 24, 1963, after the license had been suspended for twenty days. Re Solarski, Bulletin 1528, Item 11.

It appearing from petition submitted by the licensees James Fennelli and John Joseph Solarski, to whom the license was transferred effective August 21, 1963, that the unlawful situation has been corrected, I shall grant the petition requesting termination of the suspension.

Accordingly, it is, on this 10th day of September 1963,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective 2 a.m. Tuesday, September 24, 1963.

EMERSON A. TSCHUPP ACTING DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ERNIE & LARRY'S, INC.
t/a JIM DOWLING'S
516 Bay Avenue
Point Pleasant Beach, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-5, issued by the Mayor and Borough Council of the Borough of Point Pleasant Beach

Licensee, by James E. Dowling, Jr., President, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.


BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 3, 1963 it sold six 6-packs of beer to a minor, age 20, in violation of Rule 1 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 Borkowski, Bulletin 1520, Item 9.

Accordingly, it is, on this 9th day of September, 1963,

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Borough Council of the Borough of Point Pleasant Beach to Ernie & Larry's, Inc., t/a Jim Dowling's, for premises 516 Bay Avenue, Point Pleasant Beach, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, September 16, 1963, and terminating at 2:00 a.m. Saturday, September 21, 1963.


Emerson A. Tschupp
Acting Director