

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

BULLETIN 1556

April 23, 1964

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

BULLETIN 1556

April 23, 1964

1. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE POOL AND
NUMBERS BETS) - FOUL LANGUAGE - SALE TO INTOXICATED PERSON -
POSSESSION OF CONTRACEPTIVES - LICENSE SUSPENDED FOR 65 DAYS.

In the Matter of Disciplinary
Proceedings against

CLUB DEL ROSE, CORPORATION
847 Elizabeth Ave.
Elizabeth, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-244, issued by the City
Council of the City of Elizabeth.

Barbieri & Esposito, Esqs., by Ronald F. Esposito, Esq., Attorneys
for Licensee.

David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage
Control.

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

"1. On June 1, 8, 26 and 29, 1963, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in two lotteries, one a so-called 'Daily Double' horse race pool on the aforesaid dates of June 1 and 8, 1963, and the other what is commonly known as the 'numbers game' on the aforesaid dates of June 26 and 29, 1963; in violation of Rule 7 of State Regulation No. 20.

"2. On June 1, 8, 26 and 29, 1963, you allowed, permitted and suffered tickets and participation rights in the aforementioned two lotteries, viz., 'Daily Double' horse race pool and 'numbers game', to be sold and offered for sale in and upon your licensed premises on the respective dates, as aforesaid, and on the aforementioned date of June 29, 1963, you possessed, had custody of and allowed, permitted and suffered tickets and participation rights in the 'numbers game' lottery in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.

"3. On June 26, 1963, you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.

"4. On June 26, 1963, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person actually or apparently intoxicated and allowed,

permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.

"5. On June 29, 1963, you possessed prophylactics against venereal disease and contraceptives and contraceptive devices in and upon your licensed premises; in violation of Rule 9 of State Regulation No. 20."

Agent D testified that at 1:35 p.m. June 1, 1963, he entered licensee's licensed premises, took a seat at the bar and ordered a glass of beer from the bartender subsequently identified as Edward Honecker, Jr. (hereinafter Honecker); that at 1:45 p.m. a man entered and distributed "brown envelopes approximately 3-1/2 to 4 inches by 2 inches" to various patrons who took out of each envelope a slip of white paper and, after paying \$2 therefor, read aloud numbers to the man while he wrote on a piece of paper. Honecker took two of the envelopes and, in compliance with his request, obtained one for Agent D, took \$2 of Agent D's money from the bar and gave it to the man in question. Honecker removed a slip of paper from Agent D's envelope and said "You have eight and eight." Thereafter Honecker explained the operation of the pool, to wit: "You go by the results in the New York News and use the daily doubles at Monmouth, and it is \$2 a bet good for the whole week, and if the daily double is the same number you have you get \$30. If you hit more than once a week you get \$30 each time you hit. If the daily double comes in you get \$30 regardless of what it pays at the track." Agent D left the premises at 2:20 p.m., returned again with Agent H on the early afternoon of June 8, 1963, and, when the man whom he had seen on his previous visit failed to come in, Agent D and Agent H each gave Honecker \$2 to place numbers bets for them.

On June 22, 1963, at about 1:30 p.m., Agents D and H visited the licensee's premises and, when they inquired about the person accepting numbers bets, Honecker said "Stick around. He didn't show up yet." The agents waited for a time and, as they left, each gave Honecker \$2 for "daily double" pool tickets, and he promised to take care of it. At 2:30 p.m. June 26, 1963, Agents D and H entered the licensee's premises and Honecker told them that he couldn't place the daily double pool numbers for the money which they had advanced on June 22. He stated that he would give back the \$4 later, whereupon Agent D requested that he use his \$2 for numbers bets. Agent H permitted Honecker to use \$1 for three numbers bets of 25¢ each and to keep 25¢ for the telephone call Honecker allegedly made. Honecker returned \$1 to Agent H.

On June 26 two females engaged in filthy and obscene language (the repetition of which would serve no useful purpose), as did a man seated with them. Honecker made no attempt to stop the indecent conversation and on one occasion uttered an obscene remark. The man with whom the females were seated walked to the men's room and, upon his return, said "I am drunk. Do you know it?" Thereafter Honecker served beer to him on three occasions. Agent D testified that the man's eyes were glassy, his speech was slurred and he staggered when walking to the men's room, and that in his opinion the man was intoxicated.

At about 1:30 p.m. on June 29, 1963, Agents D and H entered the licensee's premises and Honecker said that the man with whom he had placed the bets should be in the premises at 3 p.m. At 2:30 p.m., by prearrangement two local police detectives

came into the premises and took seats at the bar near where the agents were seated. Agent D asked Honecker if he could take care of bets for him and his fellow agent and handed him a slip of paper with numbers thereon written and some money. Honecker did not count the money but carefully examined the numbers written on the paper and stated that he would take care of it. Thereafter the detectives apprehended Honecker who produced the two slips of paper with the numbers written thereon and also seven one-dollar bills (the serial numbers of which had been previously recorded and verified by one of the detectives). Agent D, while checking the back bar, found a cigar box containing three contraceptives in a drawer.

The testimony of Agent H in substance corroborated that of Agent D as to what occurred in the licensed premises with the exception of the visit on June 1. Although both agents were cross examined at length by licensee's attorney, the testimony given by them remained virtually uncontradicted.

Licensee produced as witnesses Michael J. DeRose, president of the corporate licensee, and Honecker the bartender. DeRose testified that he had no knowledge that gambling activities took place on the licensed premises; that he was not present on June 26, 1963, when the females and the male aforementioned were there; that he knew the male to be a sailor and that in his opinion "he is a clown. As far as drinking, he likes to clown around, joking around, and as far as--mostly he would have 5 or 6 drinks and walk out, cross the street to Carries' for coffee, and comes back for 5 or 6 drinks and goes to work;" that he has never seen him intoxicated; that the contraceptives found in the drawer of the back bar were for his personal use; that at police headquarters, in answer to a question put to him by Detective McGuire, he recalled that Honecker admitted accepting numbers bets from the agents.

Honecker testified that, during the month of June 1963, he tended bar at the licensee's premises from "9 o'clock, 9 in the morning to 6 in the evening;" that Agents D and H came into the licensed premises on June 1, 8, 26 and 29, with the exception of June 1 when he believed that Agent D was alone; that he "placed a number bet for them they asked me to get. They gave me \$4 and asked if there was any chance of getting the daily double pool in. I said, 'If I happen to see this fellow I will try to get these \$2 daily double bets in for you;' that, when he was apprehended by police officers on June 29, he had two slips (one which he had in his pocket from a week before, and one that he had accepted from the agents on June 29). Honecker further testified that he remembered the time on June 26 when the sailor and the two girls were in the premises, and that "In reality, they were using profane language and so on and so forth but they were telling a joke, and incident that happened, took place. No one was mad at one another and so on and so forth. In fact, three of them were sitting, two girls -- in fact, Herman wasn't sitting, he was standing up all the time;" that in his opinion the man was not intoxicated; that two sailors came in and in "a couple of minutes" the three left; that, on the occasions in question, the agents asked him to place bets for them. Honecker further testified that he recalled when he purchased a ticket on a daily double pool from Jerry and also purchased one for Agent D at his request.

Licensee's attorney filed a memorandum at the conclusion of the hearing in the instant case wherein he contends that the agents planned and initiated gambling activities on the licensed premises and prevailed upon Honecker to accept money for the purpose

of placing numbers bets and participation rights in a "daily double" horse race pool. However, the testimony of Agent D and that of Honecker refutes this contention since on June 1 Agent D observed evidence of gambling occurring, i.e., a man distributing brown envelopes to patrons, at which time Honecker purchased a chance on the "Daily Double" pool for himself and another for Agent D to whom he explained the method of operation.

In State v. Rosenberg, 37 N.J. Super. 197, at p. 204, Judge Francis stated:

"Generally, it may be said that where a police officer 'envisages a crime, plans it, and activates its commission by one not theretofore intending its perpetration' for the purpose of providing a victim for prosecution, the defense is available. Sorrels v. United States, 287 U.S. 435, 53 S. Ct. 210, 77 L. Ed. 413 (1932); Butts v. United States, 273 F. 35 (8th Cir., 1921). However, a distinction must be recognized between the situation where the criminal intent or design originates in the mind of the officer for the purpose of luring or entrapping the accused into commission of the offense which otherwise he would not have committed, and where such intent has its inception in the mind of the accused and the officer acting in good faith in the pursuit of his duties merely furnishes opportunities or facilities for, or aids or encourages the accused in the commission of the offense.***"

However, it should be noted that Judge Jayne, in In the Matter of the Appeal of Sam Schneider, 12 N.J. Super. 449, remarked:

"We are dealing here with a purely disciplinary measure and its alleged infraction"

and that such measures are civil in nature and not criminal. Kravis v. Hock, 137 N.J.L. 252 (Sup.Ct. 1948).

On the question of entrapment, see also Highlander Hotel Corp. v. Division of Alcoholic Beverage Control, App.Div. 1963, not officially reported, reprinted in Bulletin 1533, Item 1, and Vogellus v. Division of Alcoholic Beverage Control, App.Div. 1963, not officially reported, reprinted in Bulletin 1537, Item 1.

Under the circumstances, I am satisfied from the evidence herein that the agents did not engage in trickery, persuasion or fraud to induce licensee's employee to commit an unlawful act. The agents' investigation was routine and merely afforded the employee an opportunity to commit the violation alleged. I am of the opinion that the affirmative defense of entrapment has not been proven by the licensee with reference to Charges 1 and 2.

As to Charge 3, it appears from the testimony of the agents, which I believe to be true, that the remarks of the two females and their male companion were obviously foul, filthy and obscene and that, instead of Honecker attempting to stop such conduct, he actively participated in it.

As to Charge 4, I believe the testimony of the agents wherein they described the actions and speech of the man in question, and am satisfied that he was intoxicated, although in this condition he was served alcoholic beverages by Honecker.

As to Charge 5, there is no dispute that the contraceptives mentioned in the charge were in a drawer in the licensed premises.

Under the circumstances herein, pursuant to the evidence adduced I find as a fact that the licensee is guilty of the five charges preferred herein. Thus I recommend that, in the absence of prior record, an order be entered suspending its license for twenty-five days on Charges 1 and 2 (cf. Re Sajdik, Bulletin 1527, Item 5); for ten days on Charge 3 (Re Manruff Corp., Bulletin 1547, Item 4); for twenty days on Charge 4 (Re Kriss and Ward, Bulletin 1538, Item 3), and for ten days on Charge 5 (Re Toleno and Nagren, Bulletin 1512, Item 2), making a total suspension of sixty-five days.

Conclusions and Order

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the record herein, including the transcript of the testimony, the argument set forth in the memorandum submitted by the attorneys for the licensee, the exhibits and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 25th day of February, 1964,

ORDERED that Plenary Retail Consumption License C-244, issued by the City Council of the City of Elizabeth to Club Del Rose, Corporation, for premises 847 Elizabeth Avenue, Elizabeth, be and the same is hereby suspended for sixty-five (65) days, commencing at 2:00 a.m. Tuesday, March 3, 1964, and terminating at 2:00 a.m. Thursday, May 7, 1964.

EMERSON A. TSCHUPP
ACTING DIRECTOR

2. DISCIPLINARY PROCEEDINGS - PERMITTING INDECENT ENTERTAINMENT
ON LICENSED PREMISES - PRIOR DISSIMILAR RECORD - LICENSE
SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

BEEF & BIRD, INC.
t/a BLACK ORCHID LOUNGE
2415 Pacific Avenue
Atlantic City, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-146, issued by the Board of
Commissioners of the City of
Atlantic City.

Blatt & Blatt, Esqs., by Martin L. Blatt, Esq., Attorneys for
Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging:

"On early Sunday morning, August 4, 1963, you
allowed, permitted and suffered lewdness, immoral activity
and foul, filthy and obscene language and conduct in and
upon your licensed premises, in that a female performed
for the entertainment of your patrons in a lewd, indecent
and immoral manner; in violation of Rule 5 of State
Regulation No. 20."

Reports of investigation disclose that the entertainment,
in the language of Re Jeanne's Enterprises, Inc., Bulletin 1422,
Item 2, consisted of unquestionably obscene, vulgar and disgusting
references to sex and sexual behavior. No purpose would be
served in repeating herein the language, expressions and comments
which punctuated the performance, except to state that the enter-
tainer used indecorous language to impart indecorous concepts
and her performance was geared on a pornographic level with
"dirt for dirt's sake".

Licensee has a previous record of suspension of license
by the Director for ten days, effective September 11, 1961, for
false statement in the license application. Re Beef & Bird, Inc.,
Bulletin 1415, Item 5.

The license will be suspended, as it was in Re Jeanne's
Enterprises, Inc., for sixty days (Re Sadrak, Bulletin 1451,
Item 8), to which will be added five days by reason of the
record of suspension for previous dissimilar violation within the
past five years (Re Vamos, Bulletin 1541, Item 5), or a total of
sixty-five days, with remission of five days for the plea entered,
leaving a net suspension of sixty days.

Accordingly, it is, on this 17th day of February,
1964,

ORDERED that Plenary Retail Consumption License C-146, issued by the Board of Commissioners of the City of Atlantic City to Beef & Bird, Inc., t/a Black Orchid Lounge, for premises 2415 Pacific Avenue, Atlantic City, be and the same is hereby suspended for sixty (60) days, commencing at 7:00 a.m. Thursday, February 20, 1964, and terminating at 7:00 a.m. Monday, April 20, 1964.

EMERSON A. TSCHUPP
ACTING DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR SIMILAR RECORD DISREGARDED BECAUSE OF CHANGE IN STOCKHOLDERS - PRIOR DISSIMILAR RECORD OF PRINCIPAL STOCKHOLDERS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

VIENNA CAFE (A Corp.)
12 Easton Avenue
New Brunswick, New Jersey

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-41, issued by the Board of
Commissioners of the City of New
Brunswick.

Rubin and Lerner, Esqs., by Frank J. Rubin, Esq., Attorneys
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 January 30, 1964, it sold drinks of alcoholic beverages to two minors, both age 18, in violation of Rule 1 of State Regulation No. 20.

Licensee-corporation has a previous record of suspension of license by the Director for fifteen days, effective June 7, 1960, for sale to a minor and unqualified employees (Re Vienna Cafe, Bulletin 1346, Item 3) and by the municipal issuing authority for five days, effective October 7, 1962, for sale to minors. However, the licensee-corporation acquired new stockholders and officers in May, 1963. In addition, the license then held by partners Vincent and Rose Rottenbacher (presently majority stockholders and officers of the licensee-corporation since May 1963) for premises 73-1/2 French Street, New Brunswick, was suspended by the municipal issuing authority for five days, effective October 20, 1957, for sale to minors.

The prior record of the licensee-corporation disregarded by reason of the intervening change of stockholders (Re C. & S. Tavern Corp., Bulletin 1549, Item 1) but considering the prior record of suspension of license of the individuals who are now the principal stockholders and officers of the licensee-corporation (Re Doc's Spa, Inc., Bulletin 1548, Item 4) for similar violation occurring more than five but less than ten years ago, the license will be suspended for twenty days (cf. Re Michael Perry, Inc., Bulletin 1537, Item 5), with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Taylor was charged with possession of untaxed alcohol and the operation of an unregistered still, in violation of R.S. 33:1-50 and R.S. 33:2-10, arraigned in the Pittsgrove Township Municipal Court and held in bail for action by the Salem County Grand Jury. Keen also was charged with possession and transportation of unlawful alcoholic beverages and possession of an unlawful still, in violation of R.S. 33:1-2 and R.S. 33:1-50.

On January 2, 1964 a sample of the contents of the alcohol was analyzed by the Division chemist, who reports that it is an alcoholic beverage, fit for beverage purposes when properly diluted. On the same day a sample of the corn-rye mash was analyzed by the Division chemist who reports it is a mash, fit for distillation of alcohol therefrom, and fit for beverage purposes.

The alcohol is illicit because it was manufactured illegally and without payment of tax on alcoholic beverages.

Such illicit still, appurtenant equipment, mash and alcohol seized on the premises, as well as the motor vehicle used in its transportation, constitute unlawful property and are subject to forfeiture; and the premises are subject to padlocking. R.S. 33:1-1(i) and (y); R.S. 33:1-2; R.S. 33:1-66; R.S. 33:2-2, 5, 10.

James L. Point, appearing on behalf of the property owner, testified that he is a real estate broker, associated with the Salem Farms Corp. which is the rental and managing agent for John M. Seabrook, the owner of the said property. He gave the following narrative: One George Taylor came to his office on two occasions for the purpose of renting the property which was then vacant, the last occasion being in September 1963. He stated that he was in the business of cutting timber and that he desired to have the property rented to one Harry Smith who was one of his employees. The property was thereupon rented as of October 1, 1963. Taylor also informed this witness that Smith had a family and that the family would move into the premises in about 3 weeks.

The first time he met Smith was on the following month and he appeared to be a "personable" individual. Smith paid the rent in the sum of \$40.00 for the months of November and December but the December rent was paid to an employee of the rental agent at his office.

The premises are located in a wooded area and Point visited the premises on 2 occasions prior to the subject raid. On one occasion he noted that there were dishes on the kitchen table and did not notice any evidence of still parts. However, he did not inspect the interior of the premises nor did he go into the basement. He noted that on his second visit the premises appeared to be in "good condition" and had been "tidied up on the outside". There was nothing in the appearance of the building to suggest to him any illegal liquor activity.

The witness admitted that he did not know either Taylor or Smith prior to this transaction, and with respect to Smith (who later turned out to be Keen), Taylor assured him that he was a reliable employee and needed a place to live in this area.

There is no evidence here to indicate that the landlord or his agent knew, or had any reason to believe that there was any illegal liquor activity in these premises or that there was a

still thereon. The witness' demeanor on the stand appeared to be forthright and credible; his testimony suggests that he did not supervise the property as closely as might have been desirable.

However, I am satisfied that the claimant acted in good faith. Under these circumstances, padlocking will be waived. Cf. Seizure Case No. 10,499, Bulletin 1399, Item 7; Seizure Case No. 10,235, Bulletin 1347, Item 4; Bulletin 1126, Item 10.

Accordingly, it is DETERMINED and ORDERED that the Studebaker sedan, more particularly described in a schedule 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 that it be offered for sale at public sale pursuant to State Regulation No. 29, and sold by the Director of the Division of Alcoholic Beverage Control if a bid satisfactory to him is obtained; and it is further

DETERMINED and ORDERED that the balance of 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 R.S. 33:2-5, and retained for the use of hospitals and State, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control; and it is further

DETERMINED and ORDERED that padlocking of the subject premises is hereby waived.

EMERSON A. TSCHUPP
ACTING DIRECTOR

Dated: February 21, 1964

SCHEDULE "A"

- 5 - copper drums
- 6 - 1 gallon glass jugs of whiskey
- 15 - feet of 1/2" copper coil
- 1 - piston pump
- 1 - Studebaker sedan, Serial No. G6 51844, N.J. Registration GUY 676.

6. DISCIPLINARY PROCEEDINGS - FALSE STATEMENTS IN APPLICATION FOR LICENSE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO LIFT AFTER 25 DAYS UPON PROOF OF CORRECTION.

In the Matter of Disciplinary
Proceedings against

GOLIA, INC.

t/a ARMANDO'S PLAYPEN

439-441 South Broad Street

Trenton 9, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-143, issued by the City
Council of the City of Trenton.

Van Riper & Belmont, Esqs., by Adrian I. Karp, Esq., Attorneys
for Licensee.

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

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges alleging that in its current application for license, it falsely stated (1) that Emilio P. Guidotti, vice-president, director and 33% stockholder, was a resident of New Jersey, whereas, in fact, he was a resident of Pennsylvania and (2) that the owner of the licensed premises was George Perlman Co., whereas, in truth and fact, the owners were Renee Buzzi and Helen Argenti, both in violation of R.S. 33:1-25.

Licensee has a previous record of suspension of license by the Director for ten days, effective August 31, 1963, for serving alcoholic beverages other than ordered (Re Golia, Inc., Bulletin 1530, Item 6) and by the municipal issuing authority for seven days, effective September 23, 1963, for permitting a minor to loiter on the licensed premises.

The established minimum penalty on the first charge is suspension of license for ten days (Re Cappolla, Bulletin 1480, Item 8) and on the second charge for ten days (cf. Re Pennsy Wine & Liquor Co., Bulletin 1260, Item 3), to which is added ten days by reason of the record of suspension of license for two previous dissimilar violations within the past five years (Re Jockey Club, Inc., Bulletin 1543, Item 2), on a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Since to date no correction of the unlawful situation has been accomplished, 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 the lifting of the suspension whenever the unlawful situation has been corrected but in no event sooner than twenty-five days after commencement of the suspension herein.

Accordingly, it is, on this 2d day of March, 1964,

ORDERED that Plenary Retail Consumption License C-143, issued by the City Council of the City of Trenton to Golia, Inc., t/a Armando's Playpen, for premises 439-441 South Broad Street, Trenton, be and the same is hereby suspended for the balance of its term, effective 2:00 a.m. Thursday, March 5, 1964, 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 2:00 a.m. Monday, March 30, 1964.

EMERSON A. TSCHUPP
ACTING DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CHARLES J. SCHACHEL, SR.
t/a SCHACHEL'S PRESIDENT GRILL
1 Roosevelt Boulevard
Sayreville
PO Parlin, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-31, issued by the Mayor and Borough Council of the Borough of Sayreville.)

Robert W. Wolfe, 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 January 24, 1964, he sold a quart bottle of beer to a minor, age 17, in violation of Rule 1 of State Regulation No. 20, and not guilty to a charge alleging that the sale was made for off-premises consumption at about 10:40 p.m. during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

At the hearing, the Division's principal witness, a police officer of another municipality, on whose written report the second charge was based, testified that his report, indicating that the sale occurred at the time alleged, was in error and that, in fact, the sale occurred prior to 10:00 p.m. Accordingly, the attorney for the Division moved that the second charge be nolle prossed, which motion is granted.

Absent prior record, the license will be suspended on the first charge for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.
Re Falciani, Bulletin 1533, Item 7.

Accordingly, it is, on this 2d day of March, 1964,

ORDERED that Plenary Retail Consumption License C-31, issued by the Mayor and Borough Council of the Borough of Sayreville to Charles J. Schachel, Sr., t/a Schachel's President Grill, for

premises 1 Roosevelt Boulevard, Sayreville, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. Monday, March 9, 1964, and terminating at 3:00 a.m. Tuesday, March 24, 1964.

EMERSON A. TSCHUPP
ACTING DIRECTOR

8. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp. #242

In the Matter of a Petition to Lift)	
the Automatic suspension of Plenary)	
Retail Consumption License C-35, issued)	
by the Board of Commissioners of the)	ON PETITION
Township of Lyndhurst to)	SUPPLEMENTAL
)	ORDER
PATSY MONTAGNA)	
t/a PADDY'S BAR & GRILL)	
507 Valley Brook Ave.)	
Lyndhurst, N. J.)	

Anthony C. Meola, Esq., Attorney for Petitioner

BY THE ACTING DIRECTOR:

On February 11, 1964, an order was entered temporarily staying statutory automatic suspension of license of petitioner pending determination of disciplinary proceedings against the licensee.

It now appears from supplemental petition filed herein that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for fifteen days commencing at 2:00 a.m. February 21, 1964, and terminating at 7:00 a.m. March 7, 1964, after plea of non vult to a charge alleging sale of alcoholic beverages to the same minors, which sales were the subject of the previous criminal conviction. It appearing that the suspension is adequate, I shall lift the automatic suspension in anticipation of the service of the currently effective municipal suspension. Re Hillman, Bulletin 1512, Item 5.

Accordingly, it is, on this 25th day of February, 1964,

ORDERED that the statutory automatic suspension of said license C-35 be and the same is hereby lifted, effective 7:00 a.m. Saturday, March 7, 1964.

EMERSON A. TSCHUPP
ACTING DIRECTOR

9. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp. #241)	
In the Matter of a Petition to Lift)	
the Automatic Suspension of Plenary)	
Retail Distribution License D-2,)	
Issued by the Municipal Board of)	
Alcoholic Beverage Control of the)	
City of Clifton to)	ON PETITION
)	SUPPLEMENTAL
MICHAEL & ANNA LUCHEJKO)	ORDER
t/a SWIZZLE STICK)	
137-139 Third Street)	
Clifton, N. J.)	

 Joseph M. Keegan, Esq., Attorney for Petitioners.

BY THE ACTING DIRECTOR:

On January 24, 1964, an order was entered temporarily staying statutory automatic suspension of license of petitioners pending determination of disciplinary proceedings against the licensees.

It now appears from supplemental petition filed herein that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for ten days commencing at 10:00 p.m. March 2, 1964, and terminating at 10:00 p.m. March 12, 1964, after finding of guilt of a charge alleging sale of alcoholic beverages to the same minor, which sale was the subject of the previous criminal conviction. It appearing that the suspension is adequate, I shall lift the automatic suspension in anticipation of the service of the currently effective municipal suspension. Re Hillman, Bulletin 1512, Item 5.

Accordingly, it is, on this 28th day of February, 1964,

ORDERED that the statutory automatic suspension of said license D-2 be and the same is hereby lifted, effective 10:00 p.m. Thursday, March 12, 1964.

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

JOSEPH F. BUN
t/a BON'S TAVERN
286 Manhattan Avenue
Jersey City, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-472, 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 ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that
on February 14, 1964, he made several sales of alcoholic
beverages in original containers 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 Stein, Bulletin 1547,
Item 12.

Accordingly, it is, on this 24th day of February, 1964,

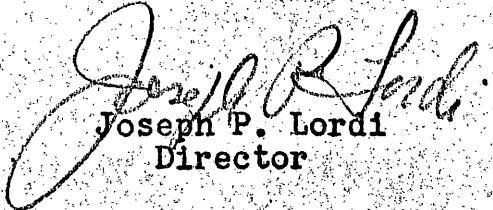
ORDERED that Plenary Retail Consumption License C-472,
issued by the Municipal Board of Alcoholic Beverage Control of the
City of Jersey City to Joseph F. Bun, t/a Bon's Tavern, for
premises 286 Manhattan Avenue, Jersey City, be and the same is
hereby suspended for ten (10) days, commencing at 2:00 a.m.
Monday, March 2, 1964, and terminating at 2:00 a.m. Thursday,
March 12, 1964.

EMERSON A. TSCHUPP
ACTING DIRECTOR

11. STATE LICENSES - NEW APPLICATION FILED.

Fine Wines Unlimited (A Corp.)
1089 Hudson Street
Union, N. J.

Application filed April 17, 1964 for Wine Wholesale License.


Joseph P. Lordi
Director

New Jersey State Library