

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

BULLETIN 1291

August 12, 1959

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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 1291

August 12, 1959

1. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS - PERMITTING THE CONSUMPTION OF SUCH BEVERAGES ON THE LICENSED PREMISES DURING SAID HOURS - FAILURE TO HAVE LICENSED PREMISES CLOSED DURING SAID HOURS, ALL IN VIOLATION OF A LOCAL ORDINANCE - HINDERING - PERMITTING FOUL AND FILTHY LANGUAGE IN AND UPON LICENSED PREMISES AND ASSAULTING ABC INVESTIGATORS - FAILURE TO HAVE COPY OF CURRENT LICENSE APPLICATION ON THE LICENSED PREMISES - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Johnnie's, Inc.
t/a C & M Inn
153 French Street
New Brunswick, N. J.

CONCLUSIONS

and

ORDER

Holder of Plenary Retail Consumption License C-17 (for the 1958-59 and 1959-60 licensing years), issued by the Board of Commissioners of the City of New Brunswick.

William J. Harding, Esq., Attorney for Defendant-licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On Sunday, April 26, 1959, between 3:00 A.M. and 3:20 A.M. you sold alcoholic beverages and had your place of business open for the sale of alcoholic beverages; in violation of Section 22 of an Ordinance adopted by the Board of Commissioners of the City of New Brunswick on February 7, 1939, as amended December 19, 1939.
- "2. On Sunday, April 26, 1959, between 3:00 A.M. and 3:20 A.M., you allowed, permitted and suffered the consumption of alcoholic beverages on your licensed premises; in violation of Section 22 of an Ordinance adopted by the Board of Commissioners of the City of New Brunswick on February 7, 1939, as amended December 19, 1939.
- "3. On Sunday, April 26, 1959, between 3:00 A.M. and 3:20 A.M., you failed to keep the bar on your licensed premises closed and you made sale, service and delivery of alcoholic beverages therefrom; in violation of Section 22 of an Ordinance adopted by the Board of Commissioners of the City of New Brunswick on February 7, 1939, as amended December 19, 1939.
- "4. On Sunday, April 26, 1959, between 3:20 A.M. and 3:45 A.M., you, through an agent, servant or employee and through other persons in your behalf failed to facilitate and hindered and delayed and caused the hindrance and delay of an investigation, inspection and examination at your licensed premises then and there being conducted by Investigators of the Division of Alcoholic Beverage Control of the Department of Law

and Public Safety of the State of New Jersey; in violation of R.S. 33:1-35.

- "5. On Sunday, April 26, 1959, between 3:25 A.M. and 3:45 A.M., you, through an agent, servant or employee, allowed, permitted and suffered foul, filthy and obscene language and a brawl, acts of violence, viz., assaults and batteries upon aforementioned Investigators, and disturbances, in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.
- "6. On Sunday, April 26, 1959, you conducted your licensed business without having a photostatic or other true copy of your application for your current license on your licensed premises available for inspection; in violation of Rule 16(b) of State Regulation No. 20."

At about 3:15 a. m. (Eastern Daylight Time) on Sunday, April 26, 1959, two ABC agents looked through a window in the front door of defendant's premises and observed many patrons consuming drinks and a bartender serving drinks at the bar. The local regulations provide that no plenary retail consumption licensee shall permit the sale of alcoholic beverages or have the place of business open on Sundays between 2 a.m. and 1 p.m.

At about 3:25 a.m. one of the agents placed his credentials against the window in the front door and called out "this is the ABC, open up that door," but the bartender, instead of admitting the agent, instructed the patrons to get rid of their drinks and cleaned up the bar. Shortly thereafter a patron left the premises through a side door and both agents entered through that door. The bartender (subsequently identified as Anthony Czarnecki) ignored the agents' requests to turn on additional lights. A few of the fourteen patrons then on the premises became boisterous and used vile and abusive language towards the agents and threatened them with bodily harm. One patron tore the badge of an agent from its folder and threw the badge at him and tossed the folder over the bar. Two of the patrons then began to push the agents around and tore one of the agent's clothing. While one of the agents was in a telephone booth phoning the police, another patron tried to grab the telephone receiver from his hands and to kick down the door of the booth. The foul and abusive language continued until the police arrived, with no attempt being made by the bartender to stop the abusive language or the assaults upon the agents. Three patrons were arrested on charges of being disorderly persons and each was subsequently fined \$50.00 and placed on probation after pleading guilty in a Magistrate's Court.

During the subsequent investigation the bartender was unable to furnish the agents with a true copy of defendant's license application.

In alleged mitigation defendant's attorney points out that Eastern Daylight Time became effective on the morning in question and alleges that defendant's agent had neglected to move the clock forward an hour. In any event, I can see no excuse for keeping the premises open and selling as late as 3:25 a.m. on the morning in question. The attorney alleges also that Charles Moglia (who is now president of defendant corporation and owner of 98% of its stock) was in no way connected with the corporation when the previous violations, hereinafter set forth, occurred.

The records of this Division show that defendant's license was suspended by the local issuing authorities for three days, effective January 2, 1955, for selling to women at a bar in violation of a local regulation, and for five days, effective February 26, 1956, on a similar

charge. However, since it does not appear that the present stockholders were involved in the previous violations, I conclude that the penalty herein should not be increased because of the prior record. Re Keller's Tavern & Grove, Inc., Bulletin 1245, Item 4. I shall suspend defendant's license for fifteen days on Charges 1, 2 and 3 (Re The Barracuda, Bulletin 1255, Item 6); for an additional thirty days on Charges 4 and 5 (Re Bacus, Bulletin 1280, Item 4), and for an additional ten days on Charge 6 (Re Venuto, Bulletin 1255, Item 2), making a total suspension of fifty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty days.

Accordingly, it is, on this 6th day of July, 1959,

ORDERED that plenary retail consumption license C-17 (for the 1959-60 licensing year), issued by the Board of Commissioners of the City of New Brunswick to Johnnie's, Inc., t/a C & M Inn, for premises 153 French Street, New Brunswick, be and the same is hereby suspended for a period of fifty (50) days, commencing at 2 a.m. Monday, July 13, 1959, and terminating at 2 a.m. Tuesday, September 1, 1959.

WILLIAM HOWE DAVIS
DIRECTOR.

2. DISCIPLINARY PROCEEDINGS - ORDER REDUCING SUSPENSION PREVIOUSLY IMPOSED FROM 50 TO 40 DAYS.

In the Matter of Disciplinary Proceedings against)

Johnnie's, Inc.)
t/a C & M Inn)
153 French-Street)
New Brunswick, N.J.)

AMENDED ORDER

Holder of Plenary Retail Consumption License C-17 (for the 1958-59 and 1959-60 licensing years), issued by the Board of Commissioners of the City of New Brunswick.)

William J. Harding, Esq., Attorney for Defendant-licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

On July 6, 1959, the Director entered an order suspending defendant's license for fifty days, effective from 2 a.m. July 13, 1959, to 2 a.m. September 1, 1959, after defendant pleaded non vult to six charges. The sixth charge alleged that on April 26, 1959, defendant did not have a true copy of its license application available for inspection on its licensed premises.

Subsequent to the entry of said order, Charles Moglia (president of defendant corporation) sent to the Director a letter wherein he stated that the bartender who was unable to furnish a copy of the application to the agents was a part-time employee who did not remember where the copy was kept. He further stated that, while he and the agents were at Police Headquarters on the evening of April 26, 1959, he notified one of the agents that there was a true copy of the application on the licensed premises and requested the agent to return to the premises to make a further check but that the agent failed to return although he had promised to do so. It appearing that the agent failed to return as requested, the Director has decided to reduce the suspension by ten days

(the penalty imposed on the sixth charge), leaving a net suspension of forty days. Cf. Re Clark, Bulletin 1247, Item 5.

Accordingly, it is, on this 4th day of August, 1959,

ORDERED that the order heretofore entered herein be amended to read as follows:

"ORDERED that plenary retail consumption license C-17 (for the 1959-60 licensing year), issued by the Board of Commissioners of the City of New Brunswick to Johnnie's, Inc., t/a C & M Inn, for premises 153 French Street, New Brunswick, be and the same is hereby suspended for a period of forty (40) days, commencing at 2 a.m. Monday, July 13, 1959, and terminating at 2 a. m. Saturday, August 22, 1959."

WILLIAM HOWE DAVIS
DIRECTOR

By: Edward J. Dorton
Deputy Director

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Norman S., Philip, Charles & Norman B. Kruvant
t/a Hotel Carlton Bar
22-24 E. Park Street
Newark 1, New Jersey

CONCLUSIONS

AND

ORDER

Holders of Plenary Retail Consumption License C-586, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Russell A. Riley, Esq., Attorney for Defendant-licensees.
William F. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they permitted on their licensed premises alcoholic beverages in bottles which bore labels that did not truly describe the contents, in violation of Rule 27 of State Regulation No. 20.

On Friday, February 27, 1959, an ABC agent making a routine inspection of defendants' licensed premises gauged 65 bottles of open stock and seized 8 bottles of various brands, the contents of which were found to be low in proof. An analysis of each bottle by the Division chemist shows that all the liquors are low in proof and that nearly all are low in solids, acids or both. The chemist expressed the opinion that this was due to dilution of the contents of the seized bottles.

Defendants' attorney has submitted a letter in which he contends by way of mitigation that the licensees and their agents take every precaution to prevent anyone from tampering with their open stock and that they have no knowledge of how the dilutions occurred. Nevertheless, a licensee is responsible when alcoholic beverages not truly labeled are found on his licensed premises. Cedar Restaurant & Cafe Co. v. Hock, 135 N.J.L. 156 (Sup. Ct. 1947).

Defendants herein have no prior adjudicated record. However, when the license was held by two of the partners herein, it was suspended for ten days by the Director, effective April 10, 1950, for a violation similar to that charged herein. Re Kruvant, Bulletin 872, Item 6. The minimum penalty for possessing on licensed premises 8 bottles of alcoholic beverages, the labels of which do not truly describe their contents, is thirty days. Re Romano, Bulletin 790, Item 4. In view of the prior similar violation by defendants' predecessors-in-interest which occurred more than five years ago but less than ten, I shall suspend defendants' license for thirty-five days. Re Weinstein, Bulletin 1121, Item 13. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 18th day of June, 1959,

ORDERED that Plenary Retail Consumption License C-586, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Norman S., Philip, Charles & Norman B. Kruvant, t/a Hotel Carlton Bar, for premises 22-24 E. Park Street, Newark, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m., Monday, June 29, 1959; and it is further

ORDERED that any renewal for the 1959-60 licensing year or transfer of said license shall be and remain under suspension until 2:00 a.m., Wednesday, July 29, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALES TO MINOR - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
John Gellner)	CONCLUSIONS
t/a Community Wine & Liquor Store)	AND
18 Witherspoon Street)	
Princeton, New Jersey)	ORDER
Holder of Plenary Retail Distribution License D-5, issued by the Mayor and Council of the Borough of Princeton)	

John Gellner, Defendant-licensee, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On March 13, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Lynn ---, age 19; in violation of Rule 1 of State Regulation No. 20."

On Friday, March 13, 1959, at about 8:40 p.m., two ABC agents observed Lynn --- (age 19) and his minor companion approach defendant's licensed premises. Lynn, emptyhanded, entered the same while his friend remained on the outside. Five minutes later Lynn was seen leaving the licensed premises and carrying a paper bag, which the agents subsequently

ascertained contained nine cans of beer. Both agents, together with the minors, returned to the premises and questioned John Gellner (the licensee) who verbally admitted selling the aforesaid alcoholic beverages to Lynn without requiring any written representation of his age.

Effective November 8, 1954, defendant's license was suspended by the local issuing authority for five days for sales to minors. The minimum penalty for a sale of alcoholic beverages to a 19-year-old minor is fifteen days. Re Domitrovitz, Bulletin 1268, Item 6. Because of the prior similar record which occurred within the past five years, I shall suspend defendant's license for twenty-five days. Re Casey & Jennings, Bulletin 1255, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 16th day of June, 1959,

ORDERED that plenary retail distribution license D-5 issued by the Mayor and Council of the Borough of Princeton to John Gellner, t/a Community Wine & Liquor Store, for premises 18 Witherspoon Street, Princeton, be and the same is hereby suspended for the balance of its term, effective at 9 a.m. Wednesday, June 24, 1959; and it is further

ORDERED that any renewal or transfer of said license shall be and remain under suspension until 9 a.m. Tuesday, July 14, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

- 5. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Joseph Dackow t/a Joe's Tavern Oxford-Karrville Road Mansfield Township PO Oxford, R.D., New Jersey Holder of Plenary Retail Consumption License C-6, issued by the Township Committee of Mansfield Township. -----)

CONCLUSIONS
AND
ORDER

Francis L. Thompson, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold, served and delivered alcoholic beverages to a minor and permitted consumption of alcoholic beverages by said minor in and upon his licensed premises, in violation of Rule 1 of State Regulation No. 20.

Acting upon information transmitted to this Division by a county detective, ABC agents obtained a signed, sworn statement from Michael --- age 18, in which he stated that at about 9:00 p.m. on March 10, 1959 he and another minor entered defendant's licensed premises; that while there he (Michael) purchased a glass of beer from the defendant which was con-

sumed on the premises and that he also purchased three pint bottles of Vodka for off-premises consumption.

Defendant has a prior adjudicated record. On October 9, 1946 the local issuing authority suspended his license for five days (operation of penalty suspended) for an "hours" violation. Inasmuch as the violation was dissimilar and occurred more than five years ago, I shall not take it into consideration in fixing the penalty herein. Re Trezn, Bulletin 1221, Item 3. I shall suspend defendant's license for the minimum period of fifteen days for sale to an 18-year-old minor. Re Andoli, Bulletin 1269, Item 8. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 22nd day of June 1959,

ORDERED that any renewal for the 1959-1960 licensing year or transfer of Plenary Retail Consumption License C-6, issued by the Township Committee of Mansfield Township to Joseph Dackow, t/a Joe's Tavern, for premises on Oxford-Karrville Road, Mansfield Township, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, July 6, 1959 and terminating at 2:00 a.m., Thursday, July 16, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA

In the Matter of Disciplinary Proceedings against
Alex L. Saldarini Post 453
Veterans of Foreign Wars of United States
522 - 38th Street
Union City, N. J.
Holder of Plenary Retail Consumption License C-1041, issued by the Director of the Division of Alcoholic Beverage Control.

CONCLUSIONS
AND
ORDER

Hahn & Musto, Esqs., by Frank G. Hahn, Esq., Attorneys for Defendant-licensee
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On February 15, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., James ---, age 19, and Paul ---, age 20, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

On Sunday, February 15, 1959, at about 10:40 p.m., two ABC agents who were in defendant's licensed premises, observed William Strauss (a bartender) serve two glasses of alcoholic beverages to Paul --- (age 20)

without requiring any written representation of his age or the age of his companion James --- (age 19) who was seated at a table and to whom Paul delivered one of said drinks. After observing Paul and James consume a portion of their drinks, the agents identified themselves to the minors who orally stated they were never questioned about their ages. Strauss stated he did not remember serving the minors.

By way of mitigation the attorneys for the defendant have submitted a statement which I have carefully read, together with the file in the case and the reports of the agents. I, however, do not find any extenuating circumstances in this case which would impel me to impose less than the established penalty in cases of this kind.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days (the minimum penalty for an unaggravated sale to a 19-year-old minor). Re Domitrovitz, Bulletin 1268, Item Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 24th day of June, 1959,

ORDERED that any renewal for the 1959-60 licensing year or transfer of plenary retail consumption license C-1041, issued by the Director of the Division of Alcoholic Beverage Control to Alex L. Saldarini Post 453, Veterans of Foreign Wars of the United States, for premises 522 - 38 Street, Union City, be and the same is hereby suspended for ten (10) days commencing at 3 a.m. Monday, July 6, 1959, and terminating at 3 a.m. Thursday, July 16, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against
Paul Schaffer
t/a Bijou Cafe
14 West Broadway
Paterson, New Jersey
Holder of Plenary Retail Consumption License C-319, issued by the Board of Alcoholic Beverage Control for the City of Paterson

CONCLUSIONS
AND
ORDER

Paul Schaffer, Defendant-licensee, Pro se
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he possessed in and upon his licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

On May 2, 1959, an ABC agent in the course of a routine inspection gauged all of defendant's open stock of assorted brands of liquor and seized a bottle of Cutty Sark Blended Scots Whisky 86 Proof which appeared to be low in proof. An analysis of the whiskey by the Division's chemist shows

it to be low in solids and acids and 22 proof short when compared with samples of the original product.

Defendant has no prior adjudicated record. I shall suspend his license for ten days (the minimum suspension for a violation of this character involving one bottle). Re Nani, Bulletin 1277, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 24th day of June, 1959,

ORDERED that plenary retail consumption license C-319, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Paul Schaffer, t/a Bijou Cafe, for premises 14 West Broadway, Paterson, be and the same is hereby suspended for the balance of its term, effective at 3 a.m. Monday, June 29, 1959; and it is further

ORDERED that any renewal for the 1959-60 licensing year or transfer of said license shall be and remain under suspension until 3 a.m. Saturday, July 4, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against
Hillside Lanes, Inc.
t/a Hillside Cocktail Lounge & Bar
1386 Liberty Avenue (corner Florence Avenue)
Hillside, New Jersey
Holder of Plenary Retail Consumption License C-3, issued by the Municipal Board of Alcoholic Beverage Control of the Township of Hillside, which license, during pendency of these proceedings, was transferred to
Hillside Bowling, Inc.
t/a Hillside Lanes
for the same premises.

CONCLUSIONS
AND
ORDER

Louis Ort, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it possessed on its licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On March 9, 1959, an ABC agent tested one hundred opened bottles on defendant's premises and seized eight bottles which appeared to be off in proof and color. Subsequent analysis by the Division's chemist disclosed that the contents of two of the seized bottles, when compared with samples of the genuine product of the labeled brand, were too low in proof

and too high in solids. At the time of the seizure Seymour Firstenberg (Secretary-Treasurer of defendant corporation) admitted that he had re-filled the two bottles with another brand of whiskey.

By way of mitigation, defendant's attorney has submitted a statement which I have examined together with the file in the case. I do not find any extenuating circumstances which would impel me to impose less than the established penalty in cases of this kind.

Defendant has no prior record. The minimum penalty in cases involving two bottles is fifteen days. Re Gertman, Bulletin 1276, Item 9. I shall suspend defendant's license for fifteen days, less five days for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 25th day of June 1959,

ORDERED that any renewal for the 1959-1960 licensing year or further transfer of Plenary Retail Consumption License C-3, issued by the Municipal Board of Alcoholic Beverage Control of the Township of Hillside to Hillside Lanes, Inc., t/a Hillside Cocktail Lounge & Bar, for premises 1386 Liberty Avenue (corner Florence Avenue), Hillside, and transferred to Hillside Bowling, Inc., t/a Hillside Lanes, for the same premises, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, July 13, 1959, and terminating at 2:00 a.m., Thursday, July 23, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

9. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

Auto. Susp. #169-)
In the Matter of a Petition by)
Joseph Sladek)
t/a West End Cafe)
27 W. Main Street)
Bound Brook, New Jersey)

On Petition
O R D E R

To lift the Statutory Automatic)
Suspension of Plenary Retail)
Consumption License C-4, issued)
by the Borough Council of the)
Borough of Bound Brook)

Trombadore & Trombadore, Esqs., by Jack Trombadore, Esq.
Attorneys for Petitioner.

BY THE DIRECTOR:

It appears from a petition filed herein that on June 19, 1959, Joseph W. Sladek was sentenced in the Somerset County Court to serve from one to two years in the State Prison, which sentence was immediately suspended and he was placed on probation for one year and fined \$250.00 after he was convicted of a charge alleging that he sold alcoholic beverages to minors, in violation of R.S. 33:1-77. Said conviction resulted in the automatic suspension of his license for the balance of its term. R.S. 33:1-31.1. The license has not been picked up because of the pendency of these proceedings. The petition requests the lifting of the automatic suspension.

From the records of this Division it appears that on May 18, 1959, the local issuing authority suspended petitioner's license for a net period of ten days effective from 2 a.m. May 31, 1959, to 2 a.m. June 10, 1959, after he pleaded non vult in disciplinary proceedings to a charge of selling alcoholic beverages to the same minors. The case involves the sale of alcoholic beverages to an 18-year-old minor and a 17-year-old minor. I am satisfied that the suspension imposed by the local issuing authority is adequate and, therefore, shall grant the requested relief.

Accordingly, it is, on this 25th day of June, 1959,

ORDERED that the statutory automatic suspension of plenary retail consumption C-4 be and the same is hereby lifted, and said license is restored to full force and operation effective immediately.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against
Dekay's, Inc.
t/a Dover Lanes
63 Bassett Highway
Dover, New Jersey
Holder of Plenary Retail Consumption License C-24 (for the 1958-59 and 1959-60 licensing years), issued by the Board of Aldermen of the Town of Dover.

CONCLUSIONS

AND

ORDER

Barr and Kaplus, Esqs., by Mac A. Kaplus, Esq., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it sold, served and delivered alcoholic beverages to a minor and permitted the consumption of such beverages by said minor in and upon its licensed premises, in violation of Rule 1 of State Regulation No. 20.

On May 9, 1959 at about 9:30 p.m., Robert Edwards (a bartender) sold and served a glass of beer to each of two young men who were seated at the bar. Thereafter the bartender served a second glass of beer to each of the young men. As the second drinks were being consumed, ABC agents, who had observed the sales, identified themselves and ascertained that one young man was 21 years of age but that the other young man (John ---) was only 18 years of age. The bartender verbally admitted that he had sold the beers to John --- without questioning him as to his age, but stated that on a previous visit John --- had exhibited an identification card which indicated that he was of full age. The minor denied that he had ever exhibited on defendant's premises any proof of his age. In any event, the bartender did not obtain any written representation from John that he was 21 years of age or over, as required by R.S. 33:1-77.

I have considered the alleged mitigating circumstances set forth in a letter received from defendant's attorney and do not find any extenuat-

ing circumstances in this case to impel me to impose less than the established penalty in cases of this kind.

Defendant has no prior adjudicated record. It appears that some of the officers or stockholders of defendant corporation have an interest in a corporation known as Murphy's Tavern, Inc., and that a license held by the latter corporation for premises known as 135 Mulberry Street, Newark, was suspended by the Municipal Board of Alcoholic Beverage Control of Newark for twenty days, effective March 15, 1954, for sale to an intoxicated person. However, since this dissimilar violation occurred more than five years ago, it will not be considered in fixing the penalty herein. I shall suspend defendant's license for fifteen days, the minimum penalty for sale to an 18-year-old minor. Re Accardi, Bulletin 1278, Item 10. Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 6th day of July 1959,

ORDERED that plenary retail consumption license C-24 for the 1959-60 licensing year, issued by the Board of Aldermen of the Town of Dover to Deekay's, Inc., t/a Dover Lanes, for premises 63 Bassett Highway, Dover, be and the same is hereby suspended for a period of ten (10) days, commencing at 1:00 a.m., Monday, July 13, 1959 and terminating at 1:00 a.m., Thursday, July 23, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)	
William H. Swick)	CONCLUSIONS
t/a Warren Liquor Store)	AND
421 South Main Street)	ORDER
Phillipsburg, New Jersey)	
Holder of Plenary Retail Distribution License D-1, issued by the Board of Commissioners of the Town of Phillipsburg.)	
-----)	

Howard W. Swick, Esq., Attorney for Defendant-licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20.

Acting upon information obtained from the Police Department of Madison Township, Middlesex County, ABC agents obtained signed, sworn statements from three minors wherein they said that on the evening of May 9, 1959, they drove to the vicinity of defendant's premises; that George --- (age 18), one of the minors, entered the premises and returned to the car with twenty-four 12-ounce cans of beer and that they consumed the contents of the major portion of said cans elsewhere before they were apprehended by the police. George --- then accompanied the agents to the premises and identified defendant as the person who had sold the beer to him.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days (the minimum penalty for sale to an 18-year-old minor). Re Seddon, Bulletin 1275, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 22nd day of June, 1959,

ORDERED that any renewal for the 1959-60 licensing year or transfer of plenary retail distribution license D-1, issued by the Board of Commissioners of the Town of Phillipsburg to William H. Swick, t/a Warren Liquor Store, for premises 421 South Main Street, Phillipsburg, be and the same is hereby suspended for ten (10) days, commencing at 9 a.m. Monday, July 6, 1959, and terminating at 9 a.m. Thursday, July 16, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS, IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
Brass Rail Liquors, Inc.
t/a Brass Rail Liquors, Inc.
20 Market Street
Camden, New Jersey
Holder of Plenary Retail Consumption License C-16 (for the 1958-59 and 1959-60 licensing years), issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

CONCLUSIONS

AND

ORDER

Defendant-licensee, by Stanley Sparkler, President.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On Tuesday, April 14, 1959, between the hours of 2:00 A. M. and 7:00 A. M., you sold, served and delivered and suffered and permitted the sale, service and delivery of alcoholic beverages upon your licensed premises; in violation of Section 5 of an ordinance adopted by the Board of Commissioners of the City of Camden on December 27, 1934."

The ordinance referred to in the charge herein prohibits the sale of alcoholic beverages between 2:00 a.m. and 7:00 a.m.

Between 6:25 and 6:35 on Tuesday morning, April 14, 1959, three ABC agents were in defendant's licensed premises and were served alcoholic beverages by Philip Sparkler, an officer of defendant corporation, acting as bartender.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days, the minimum penalty for an "hours" violation. Re Club Rainbow, Inc., Bulletin 1269, Item 4. Five days will

be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 7th day of July 1959,

ORDERED that Plenary Retail Consumption License C-16, issued for the 1959-60 licensing year by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Brass Rail Liquors, Inc., t/a Brass Rail Liquors, Inc., for premises 20 Market Street, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, July 20, 1959 and terminating at 2:00 a.m., Thursday, July 30, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - EMPLOYING MINOR WITHOUT EMPLOYMENT PERMIT - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Joseph Kara & Ernest J. Kara
Kasonbey's Lane and Spotswood Rd.
Monroe Township (Middlesex County)
PO Jamesburg, New Jersey

CONCLUSIONS

AND

ORDER

Holders of Plenary Retail Consumption License C-7 (for the 1958-59 and 1959-60 licensing years), issued by the Township Committee of the Township of Monroe.

Defendant-licensees, Pro se.

Dora P. Rothschild, Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have entered pleas of non vult to charges alleging that (1) they sold, served and delivered alcoholic beverages to two 20-year old minors and permitted the consumption of such beverages by said minors in and upon their licensed premises, in violation of Rule 1 of State Regulation No. 20, and (2) they permitted and suffered the employment of a minor in and upon their licensed premises, in violation of Rule 3 of State Regulation No. 13.

At 11:45 p.m., Saturday, May 2, 1959, ABC agents who were in defendant's licensed premises observed two apparent minors each being served at the bar a bottle of beer by William Conover, the bartender. When the youths had consumed a portion of their drinks, the agents identified themselves and, after ascertaining that the youths were Ben --- and Roosevelt both 20 years of age, seized for evidential purposes the unconsumed beer the bottles. Conover, in the presence of Joseph Kara (one of the license admitted serving the minors without requiring written representation of t. ages. At 12:20 a.m. the following morning, the agents interrogated members of the tavern orchestra and learned that one of them was James ---, age 20 who had been working without a special permit. Letters have been received from the members of the band in which they state that James --- was never member of the band but came to the tavern with a member on the evening in question and was asked to sit in with the band for a few numbers. James submitted a letter confirming that fact.

Defendants have no prior adjudicated record. I shall accept as true the statements of the band members and James ---. I shall suspend defendants' license for the minimum period of ten days for the violation set forth in Charge 1, (Re Top Hat Bar, Inc., Bulletin 1230, Item 8) with no additional suspension on Charge 2. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 8th day of July 1959,

ORDERED that Plenary Retail Consumption License C-7 for the 1959-60 licensing year, issued by the Township Committee of the Township of Monroe to Joseph Kara & Ernest J. Kara, t/a Hubby's Inn, for premises on Kasonbey's Lane and Spotswood Road, Monroe Township, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m., Monday, July 20, 1959 and terminating at 3:00 a.m., Saturday, July 25, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

14. AUTOMATIC SUSPENSION - SALE TO MINOR - SUSPENSION STAYED PENDING ACTION BY LOCAL ISSUING AUTHORITY IN DISCIPLINARY PROCEEDINGS.

Auto. Susp. #170)	
In the Matter of a Petition to)	
Lift the Automatic Suspension of)	On Petition
License C-85, issued by the Muni-)	
cipal Board of Alcoholic Beverage)	O R D E R
Control of the City of Clifton to)	
)	
Martin Kirchmayer, Jr.)	
t/a Kirchmayer's)	
2 Highland Ave.)	
Clifton, N. J.)	

BY THE DIRECTOR:

The petition herein discloses that on July 7, 1959, Martin Kirchmayer, Jr. was fined the sum of \$50 and costs after being adjudged guilty in a Municipal Court of the City of Clifton of a charge alleging that he sold alcoholic beverages to a minor, in violation of R. S. 33:1-77. Said conviction resulted in the automatic suspension of the license held by Martin Kirchmayer, Jr. R. S. 33:1-31.1. Because the Division was informed that the licensee intended to apply for a stay of said suspension, the license has not yet been picked up.

Disciplinary proceedings have not yet been instituted against the licensee because of the said sale of alcoholic beverages to a minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioner after the disciplinary proceedings have been decided. In fairness to petitioner I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Faessler, Bulletin 920, Item 15.

Accordingly, it is, on this 13th day of July 1959,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

WILLIAM HOWE DAVIS
DIRECTOR

15. ESTATE LICENSES - NEW APPLICATIONS FILED.

Allied Wine Company
t/a Italian Swiss Colony
Building 173, Marsh and Export Streets
Port Newark, New Jersey

Application filed August 6, 1959 for person-to-person transfer of Plenary Wholesale license W-13 from Italian Swiss Colony.

Allied Wine Company
t/a Italian Swiss Colony, Gambarelli & Davitto,
Petri Wineries, Mission Bell Wineries, La Paloma
Winery, Shewan-Jones, Cella Wineries, Argun
Wineries, Grey-Margo Vintners, Margo Wineries,
Adair Wineries
Building 173, Marsh and Export Streets
Newark, New Jersey

Application filed August 6, 1959 for person-to-person transfer of Plenary Winery License V-14 from Italian Swiss Colony (A Corporation), t/a La Paloma Winery, Gambarelli & Davitto, Shewan-Jones, Petri Wineries, Mission Bell Wineries, Cella Wineries, Argun Wineries, Grey-Margo Vintners, Margo Wineries and Adair Wineries.

Stewart Hill Co. Inc.
45-47 East Bigelow Street
Newark, New Jersey

Application filed August 6, 1959 for person-to-person transfer of Plenary Wholesale License W-45 from Stewart-Hill, Inc.


Director