

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

Bulletin 1787

April 16, 1968

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

April 16, 1968

BULLETIN 1787

1. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE
SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary)
Proceedings against)

Charles F. Schuler)
t/a Schuler's Tavern)
525 Bayway)
Elizabeth, N. J.,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption)
License C-27, issued by the City)
Council of the City of Elizabeth.)

Lyons & Lyons, Esqs., by William T. Lyons, Esq., Attorneys
for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

- "1. On October 5, and 10, 1967, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery commonly known as the 'numbers game'; in violation of Rule 7 of State Regulation No. 20.
- "2. On October 5, and 10, 1967, you allowed, permitted and suffered tickets and participation rights in a lottery commonly known as the 'numbers game' to be sold and offered for sale in and upon your licensed premises and allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

Three Division agents participated in the investigation leading to the charges preferred in this matter.

Agent S, an experienced investigator with substantial experience in this Division in the investigation of gambling activities during the past twelve years, visited the licensed premises pursuant to a specific assignment. Upon entering the premises on October 5, 1967, at approximately 11:30 a.m., he noted that Joseph F. McGrath was the bartender then on duty and the licensee was working in the kitchen preparing sandwiches which he served to patrons at tables.

Shortly after he entered the premises he engaged in conversation with a male and was informed that this individual (later identified as Frederick Brummer) was engaged in writing numbers. Shortly thereafter Brummer approached two truck drivers and was seen writing certain notations on a pad and accepting several dollar bills from them. Brummer then approached several other males seated at a table and similarly made notations and accepted two one-dollar bills from them. The agent then placed a bet with Brummer on No. 303 for a thirty-cent combination and gave him a dollar bill. Brummer gave him ten cents in change, the number being played as a combination costing ninety cents. This transaction took place in the presence of the bartender and after Brummer left the premises, the agent told the bartender that he had just placed this number, whereupon McGrath stated "That's a good number bet."

The agent returned to the premises on October 10 at approximately 11:30 a.m., followed almost immediately by Inspector C and Agent L. McGrath was also on duty as a bartender on that date and the licensee was engaged in the same activity as hereinabove stated. Shortly after the agents entered the premises Brummer entered and was soon followed by a person later identified as Michael H. Maslowski. Brummer approached several truck drivers and again accepted money after making certain notations on a pad.

The agent then called Brummer over to him and placed several numbers. Brummer informed him that he had to go to the men's room to write the numbers down. At this point the agent told McGrath that he had placed several numbers with Brummer but explained that he wanted the slip back. Brummer was followed into the men's room by Agent C. Agent S then asked McGrath (the bartender), "Is Fred okay? I just played a few numbers with him for \$3." and the bartender replied, "It's good as gold. Don't worry about it. Fred's okay."

At this point Agent C returned to the bar and said, in the presence of the bartender, "I played that number that's in the men's room on the towel rack, 683, for a dollar." McGrath assured him that that was a good number, that "everybody plays it." Brummer then returned from the men's room and handed Maslowski a brown envelope. Thereupon Maslowski left the premises. The agent followed Maslowski and, at his request, Maslowski returned to the premises and the agents then identified themselves to the bartender and to the licensee.

Shortly after that local police arrived at the premises and placed Maslowski and Brummer under arrest. They emptied their pockets and the sum of \$162.05 was found on Maslowski, in which the four marked one-dollar bills which were used by the agents in this transaction were commingled. The number slips were also recovered from Brummer and were admitted into evidence herein.

At the confrontation the agent, in the presence of the licensee, asked McGrath, "Did I inform you a few minutes prior that I have placed number bets with Fred?" and he answered, "Yes, you did inform me that you were playing numbers with Fred" but McGrath claimed that he paid no attention to it.

Agent C entered the licensed premises on October 10, 1967, almost immediately following the entry by Agent S, and his testimony with respect to what transpired corroborated the testimony of Agent S as delineated hereinabove. He added that he was the one who followed Brummer into the men's room and noted that Brummer was transferring the numbers from his pad on to another white slip of paper. He placed a one-dollar bet on 683 and Brummer said to him, "'O.K., you are in. If you hit I'll leave it with Joe, the bartender. You know him; right?' I said, 'Yes. He is a good friend of mine.'" This transaction was identified by this agent as a one-dollar straight bet, known as a numbers play. He then repeated the conversation with the bartender as hereinabove related by Agent S.

Agent L participated in this investigation on October 10, 1967, and it was stipulated that his testimony would be the same as Agent C on direct examination. He added on cross examination that he personally did not place any bets and it was made clear that he could not corroborate the testimony of Agent C in so far as the transactions in the men's room were concerned.

Joseph F. McGrath, called as a witness on behalf of the licensee, categorically denied any knowledge of gambling activities or any conversation with the agents with respect to such activities. He insisted that he was too busy serving patrons to observe any of the alleged activities, and he did not know that either Brummer or Maslowski was affiliated in any way with the writing of numbers. On cross examination he admitted that Brummer is his neighbor and he has known him for forty-five years. He also knows that Maslowski has been a long-time patron of this establishment. He specifically denied that, when the local police officers entered the tavern at the time of confrontation, they had any conversation with him or that the agents had any conversation with him at that or any other time. He merely asked, "What is going on here" and, when he received no answer, he returned to his duties. He explained that he made no effort to find out what had transpired because he had to serve the patrons during this busy lunch hour.

Charles F. Schuler (the licensee), testifying in his own behalf, also categorically denied any knowledge of gambling activities or number writing by anyone on the licensed premises. The only thing that he knows is that Brummer and Maslowski were arrested on October 10 in his premises for these proscribed gambling activities and were fined in the local municipal court. On cross examination he admitted that McGrath is still employed at his premises; that he was not aware of any of the activities of Maslowski or Brummer, and that "I found that out after he Brummer was arrested that he was picking up bets and taking them in." He was then asked:

"Q On direct testimony you said on occasions you warned people about gambling in your place?

A I never warned anybody. If I caught them I put them out."

Charles O'Brien (a patron of this tavern) testified that he was in the licensed premises on October 10 and was seated between Agents C and S. He did not hear the bartender say to any of the agents that "Brummer was as good as gold." On cross examination he admitted that he was in a conversation with a friend of his and they were discussing union business at

the time. Finally he conceded that he could not state whether any bets were taken in the premises.

In the determination of this matter, which presents a sharp factual conflict in the testimony presented herein, we are guided by the well established principle that these proceedings are disciplinary and civil in nature and not criminal (Kravis v. Hock, 137 N.J.L. 252) and require proof by a preponderance of the competent and credible evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373, 378 (1956); Freud and Pittala v. Davis, etc., 64 N.J. Super 242 (App. Div. 1960); Howard Tavern, Inc. v. Division of Alcoholic Beverage Control (App. Div. 1962), not officially reported, reprinted in Bulletin 1491, Item 1.

In evaluating the testimony the Hearer must credit as much or as little as he finds reliable. 7 Wigmore, Evidence, sec. 2100 (3rd Ed. 1940); Greenleaf, Evidence, sec. 201. Evidence to be believed must not only proceed from the mouths of credible witnesses but must be credible in itself, and must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546; Galle v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

I have had an opportunity to observe the demeanor of the witnesses as they testified and my analysis and assessment of the testimony presented lead me to the unmistakable conviction that the truth lies in the version presented by the Division's agents. I find that their account of the activities on the dates in question is a credible, factual and true version. It must be remembered that these agents investigated these premises pursuant to a specific assignment, and there has been no suggestion by the licensee that they were improperly motivated or influenced, or that they entered into a dark conspiracy to inculcate the licensee.

On the other hand, the testimony of the bartender McGrath does violence to common experience and the probabilities in the circumstances. His unequivocal and vehement denial that any of the conversations as testified to by the agents took place is an affront to reason. What he is in effect saying is that the conversation to which the agents testified was made out of whole cloth and devoid of entire truth. The fact, however, is that betting did take place on the licensed premises; that Maslowski and Brummer were apprehended therein, charged by the local authorities with the said betting activities; and, in fact, the licensee himself admitted that he found out, after Brummer was arrested, that Brummer was picking up bets and taking them into the licensed premises. I find particularly unbelievable McGrath's testimony that, at the time of confrontation with the ABC agents, none of the agents said one single word to him. The only thing he concedes that the agent said was "Come here" in summoning him from behind the bar and then he remained silent. Nor was he interested in finding out why the police had arrested the two men. When the raid was taking place, this witness continued with his duties because he "was too busy; all I know, they were turning their pockets." He was then asked:

"Q Did you go over to find out what was happening?

A No. I was busy at the bar."

This seeming indifference on the part of McGrath, who was too busy tending to the patrons while the arrests were taking place, is incredible and inconsistent with normal human behavior. I am persuaded that McGrath knew of the activities of Brummer and Maslowski.

I am further persuaded that these betting activities were taking place at these premises regularly, and it is difficult to understand how the licensee was unaware of these activities. While there is no direct evidence to show his direct knowledge, his answer to the following question is circumstantially quite revealing:

- "Q On direct testimony you said on occasions you warned people about gambling in your place?
A I never warned anybody. If I caught them I put them out."

Moreover, regardless of his personal knowledge, it is a well established traditional and fundamental principle that a licensee is responsible for the misconduct of his employees and is fully responsible for their activities during their employment on licensed premises. Kravis v. Hock, supra; In re Schneider, 12 N.J. Super. 449; Re Paul's Cafe, Inc., Bulletin 1742, Item 2; Rule 33 of State Regulation No. 20. Thus the activity and the knowledge of the bartender McGrath become the knowledge and the responsibility of the licensee and do not depend upon his personal participation or knowledge. In fact, it has been held that a licensee is not relieved even if the employee violates his express instructions. Greenbrier, Inc. v. Hock, 14 N.J. Super. 39 (App. Div. 1951); F. & A. Distributing Co. v. Division of Alcoholic Beverage Control, 36 N.J. 34. Cf. Mazza v. Cavicchia, 28 N.J. Super. 280; 15 N.J. 498.

So far as the licensee is concerned, it is undisputed that he was on the premises on the dates in question and it seems reasonable to assume that he was aware of the activities therein. So far as McGrath is concerned, who the licensee says was the manager of these premises, he cannot disclaim responsibility by denying that he saw or heard anything and by merely closing his eyes and ears. It has been consistently held that licensees and their agents must use their eyes and ears, and use them effectively, to prevent the improper use of licensed premises. Re Ehrlich, Bulletin 1441, Item 5; Re Club Tequila, Inc., Bulletin 1557, Item 1.

From the evidence presented it is clear that the licensee permitted and "suffered" the aforementioned numbers writings and gambling to take place on his licensed premises. See Essex Holding Corp. v. Hock, 136 N.J.L. 28. As the court said in that case, at p. 31:

"Although the word 'suffer' may require a different interpretation in the case of a trespasser, it imposes responsibility on a licensee, regardless of knowledge, where there is a failure to prevent the prohibited conduct by those occupying the premises with his authority."

After carefully considering and evaluating all of the testimony herein, I am constrained to reach the ineluctable conclusion that this licensee allowed, permitted and suffered gambling on the licensed premises on the dates charged, i.e., the making and accepting of bets in a lottery, and that he allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the "numbers game", in and upon the licensed premises, as charged, in violation of Rules 6 and 7 of State Regulation No. 20. Thus I conclude that the Division

has established the truth of these charges by a fair preponderance of the believable evidence, indeed by substantial evidence, and recommend that he be found guilty of these charges.

Licensee has no prior adjudicated record. It is further recommended that an order be entered suspending the said license for sixty days. Re Brogel, Bulletin 1767, Item 4.

Conclusions and Order

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

Having carefully considered the entire record herein, including the transcript of the testimony, 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 19th day of February, 1968,

ORDERED that Plenary Retail Consumption License C-27, issued by the City Council of the City of Elizabeth to Charles F. Schuler, t/a Schuler's Tavern, for premises 525 Bayway, Elizabeth, be and the same is hereby suspended for sixty (60) days, commencing at 2:00 a. m. Monday, February 26, 1968, and terminating at 2:00 a. m. Friday, April 26, 1968.

Joseph M. Keegan
Director

2. SEIZURE - FORFEITURE PROCEEDINGS - UNLAWFUL TRANSPORTATION AND SALE OF ALCOHOLIC BEVERAGES - MOTOR VEHICLE AND ALCOHOLIC BEVERAGES ORDERED FORFEITED - CLAIM OF INNOCENT LIENOR RECOGNIZED.

In the Matter of the Seizure)	
on July 2, 1967 of a quantity)	
of alcoholic beverages, \$4.00)	Case No. 11, 931
in cash and an Oldsmobile hard-)	
top sedan parked on Ferry)	On Hearing
Street at Asbury Street in the)	
City of Trenton, County of Mercer)	CONCLUSIONS and ORDER
and State of New Jersey.)	
-----)	

Green & Lasky, Esqs., by Martin J. Cohen, Esq., appearing for
Commercial Credit Corporation.
I. Edward Amada, Esq., appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This matter came on for hearing pursuant to the provisions of R.S. 33:1-66 and State Regulation No. 28 to determine whether 21 containers of alcoholic beverages, an Oldsmobile vehicle, and \$4.00 in cash as set forth in an inventory hereinafter referred to, attached hereto and marked Schedule "A", seized on October 3, 1967 while parked on Ferry street at Asbury Street, Trenton, New Jersey, constitutes unlawful property

and should be forfeited.

When the matter came on for hearing pursuant to R.S. 33:1-66, David Mitchell appeared and sought the return of the said motor vehicle.

Commercial Credit Corporation, represented by counsel appeared and sought recognition of its lien upon the said motor vehicle. No one opposed the forfeiture of the seized alcoholic beverages.

The Division file, which was admitted into evidence with the consent of the claimants herein, contained the affidavit of mailing, affidavit of publication, chemists report certifying to the alcoholic content of the seized alcoholic beverages, the record of the "marked" money used by ABC agents, the four "marked" one-dollar bills and the inventory.

The facts as developed from the reports of ABC agents and other documents in the said file, reflect the following: On Sunday, July 2, 1967 at about 10:40 A.M., ABC agents observed the subject motor vehicle parked on Ferry and Asbury Streets in Trenton. The agents approached David Mitchell who was standing alongside the car, and requested a pint of gin. Mitchell informed them that the charge for that would be \$4.00 and he thereupon opened the trunk of the car, withdrew therefrom a pint bottle of Gordon's Distilled London Dry Gin, 90 proof and handed the same to the agent, receiving in payment four "marked" one-dollar bills. Shortly thereafter, local police arrived on the scene. The agents, thereupon, identified themselves to Mitchell and placed him under arrest for sale of alcoholic beverages without a license.

The agents recovered the four "marked" bills, seized the motor vehicle together with alcoholic beverages which were in the trunk of the car. The automobile bore a New Jersey license plate No. JDM-136 which was registered in the name of the said Mitchell. Mitchell was charged with the sale of alcoholic beverages contrary to R.S. 33:1-2 in violation of R.S. 33:1-50(a).

The records of this Division disclose that no license was issued to David Mitchell for the transportation or sale of alcoholic beverages. The seized alcoholic beverages are illicit because they were intended for unlawful sale. R.S. 33:1-1(i). Such illicit alcoholic beverages and the motor vehicle in which the same was found constitute unlawful property and are subject to forfeiture. R.S. 33:1-66(y); R.S. 33:1-2; R.S. 33:1-50; R.S. 33:1-66; Seizure Case No. 10,759, Bulletin 1469, Item 5; Seizure Case No. 11,164, Bulletin 1565, Item 5.

David Mitchell testified that he was unemployed at the date and time in question and "I was trying to make a dollar",.... "....but I wasn't trying to hurt nobody." He admitted that the motor vehicle was purchased by him on a conditional sales contract and that he was making payments thereon to the claimant, the Commercial Credit Corporation.

Since this claimant admits that he has unlawfully sold alcoholic beverages and that the alcoholic beverages, intended for unlawful sale, were found in the said motor vehicle, it is quite apparent that the said beverages and the motor vehicle in which they were transported and found constitute unlawful pro-

party and should be forfeited. Accordingly, I recommend that the claim of David Mitchell for the return of the motor vehicle be rejected. R.S. 33:1-1(x & y); R.S. 33:1-66; Seizure Case No. 11,164, supra.

James Festa, the Customer Service Representative of the Commercial Credit Corporation, testified that he supervised the account of David Mitchell after this claimant purchased a conditional sales contract from Drake Motors of Trenton, New Jersey covering the motor vehicle in question. The claimant made a background investigation of Mitchell which revealed that he has been employed as a union carpenter and had been so employed for various construction companies for several years. He is married and his wife is also employed as a house worker.

This claimant has had a prior experience with Mitchell and found him to be a satisfactory credit risk. The investigation further discloses that Mitchell had never been involved in any unlawful liquor activity. This witness further states that the approximate amount due to this claimant after allowance for insurance rebates would be \$1400.00. He estimates that the value of the car, if it is in good condition, is approximately \$800.00

Mitchell also testified with respect to his employment, family background and prior experience with this claimant and his testimony substantially corroborates the testimony given by the claimant's witness.

I am satisfied from the evidence presented that the claimant acted in good faith and did not know or have any reason to believe that David Mitchell was, or would be involved in the unlawful possession and sale of illicit alcoholic beverages for which this motor vehicle would be used. Seizure Case No. 11,765, Bulletin 1715, Item 7; Seizure Case No. 10,975, Bulletin 1507, Item 3.

I, therefore, recommend that the lien of the Commercial Credit Corporation upon the motor vehicle in question be recognized to the extent due on its conditional sales contract of a balance of \$1400.00. It appears that the appraised retail value of the said motor vehicle would not exceed the amount of the lien claim, the costs of seizure and storage.

It is, therefore, further recommended that the motor vehicle be released to the Commercial Credit Corporation upon payment by the claimant of the costs of seizure and storage of the said vehicle.

Conclusions and Order

No exceptions were filed to the Hearer's report pursuant to Rule 4 of State Regulation No. 28.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's report and I adopt them as my conclusions herein.

Accordingly, it is on this 19th day of February, 1968

DETERMINED and ORDERED that the claim of David Mitchell

for the return of the motor vehicle herein be and the same is hereby rejected; and it is further

DETERMINED and ORDER that the lien claim of the Commercial Credit Corporation upon the Oldsmobile automobile, more particularly set forth in the Schedule herein, be and the same is hereby recognized and that if, on or before the 4th day of March, 1968 the Commercial Credit Corporation pays the costs of the seizure and storage of the said Oldsmobile automobile, such motor vehicle will be returned to it; and it is further

DETERMINED and ORDERED that the alcoholic beverages seized herein constitute unlawful property, and the same be and are hereby forfeited in accordance with the provisions of R.S. 33:1-66, and that they be 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.

Joseph M. Keegan,
Director

SCHEDULE "A"

- 21 - containers of alcoholic beverages
- 1 - Oldsmobile hardtop, Serial No. 40734,
New Jersey Registration JDM-136.
\$4.00 - cash

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - HOSTESS ACTIVITY - AGGRAVATING CIRCUMSTANCES -
LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

2415 Pacific Corp.)
t/a Black Orchid Theatre Restaurant)
2415 Pacific Avenue)
Atlantic City, N. J.)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption)
License C-86 issued by the Board of)
Commissioners of the City of)
Atlantic City)

-----)

Licensee, by Geaton Montefusco, President, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on August 23, 1967, it possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20, and (2) on November 9, 1967, it permitted a female entertainer to accept drinks at the expense of a male patron, in violation of Rule 22 of State Regulation No. 20.

With respect to the second charge, reports of investigation disclose that on the date alleged, a female entertainer drank at the expense of a male patron splits (6.4 ounces) of one of the cheaper domestic champagnes (retailing at 75¢) at a charge of \$6 each.

Absent prior record, the license will be suspended on the first charge for twenty days (Re Boysen's Sunset Tavern, Inc., Bulletin 1766, Item 3) and on the second charge (deemed aggravated) for thirty days (Re Sabar, Inc., Bulletin 1729, Item 3), or a total of fifty days, with remission of five days for the plea entered, leaving a net suspension of forty-five days.

Accordingly, it is, on this 20th day of February, 1968,

ORDERED that Plenary Retail Consumption License C-86, issued by the Board of Commissioners of the City of Atlantic City to 2415 Pacific Corp., t/a Black Orchid Theatre Restaurant, for premises 2415 Pacific Avenue, Atlantic City, be and the same is hereby suspended for forty-five (45) days, commencing at 7:00 a.m. Tuesday, February 27, 1968, and terminating at 7:00 a.m. Friday, April 12, 1968.

Joseph M. Keegan
Director

4. 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)	
John Kicey)	
t/a Steve's Tavern)	
330 St. Paul's Avenue)	CONCLUSIONS
Jersey City, N. J.,)	AND
)	ORDER
Holder of Plenary Retail Consumption License C-243, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)	
-----)	

Francis P. Morley, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 10, 1968, he sold six cans of beer for off-premises consumption during hours prohibited by Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director for fifty-five days effective January 4, 1961, for purchase of stolen alcoholic beverages, and for twenty days effective June 5, 1962, for possession of alcoholic beverages not truly labeled. Re Kicey, Bulletin 1373, Item 6; Bulletin 1461, Item 3.

The prior record of suspensions of license for dissimilar violations occurring more than five years ago disregarded, 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 J-Three Lounge, Inc., Bulletin 1778, Item 1.

Accordingly, it is, on this 19th day of February 1968,

ORDERED that Plenary Retail Consumption License C-243, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to John Kicey, t/a Steve's Tavern, for premises 330 St. Paul's Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, February 26, 1968, and terminating at 2 a.m. Thursday, March 7, 1968.

Joseph M. Keegan
Director

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

In the Matter of Disciplinary)
Proceedings against)

James Irving Moriarty)
t/a Moriarty's Club 23)
23 Washington Street)
West Orange, N. J.)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption)
License C-28 issued by the Municipal)
Board of Alcoholic Beverage Control)
of the Town of West Orange.)
-----)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 4, 1967, it possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Miller, Bulletin 1760, Item 12.

Accordingly, it is, on this 19th day of February, 1968,

ORDERED that Plenary Retail Consumption License C-28, issued by the Municipal Board of Alcoholic Beverage Control of the Town of West Orange to James Irving Moriarty, t/a Moriarty's Club 23, for premises 23 Washington Street, West Orange, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a. m. Monday, February 26, 1968, and terminating at 2:00 a.m. Tuesday, March 12, 1968.

Joseph M. Keegan
Director

6. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR RECORD
DISREGARDED BECAUSE OF CHANGE OF STOCKHOLDERS - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Norwood Restaurant & Lounge, Inc.)
t/a Norwood Restaurant & Lounge)
171 South Main Street)
Lodi, New Jersey)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption)
License C-30 issued by the Municipal)
Council of the Borough of Lodi)

Richard M. Glassner, Esq., Attorney for Licensee.
Edward J. Sheils, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
December 1, 1967, it sold a drink of beer to a minor, age 18, in
violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license
by the Director for fifteen days effective March 10, 1966, for sale
to minors. Re Norwood Restaurant & Lounge, Inc., Bulletin 1668,
Item 6.

The prior record of suspension of license disregarded by
reason of intervening change of stockholders of the licensee corpora-
tion (Re Keller's Tavern & Grove, Inc., Bulletin 1767, Item 13),
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 1601 Arctic Corporation, Bulletin 1759, Item 10.

Accordingly, it is, on this 19th day of February, 1968,

ORDERED that Plenary Retail Consumption License C-30,
issued by the Municipal Council of the Borough of Lodi to Norwood
Restaurant & Lounge, Inc., t/a Norwood Restaurant & Lounge, for
premises 171 South Main Street, Lodi, be and the same is hereby
suspended for ten (10) days, commencing at 3:00 a. m. Monday,
February 26, 1968, and terminating at 3:00 a. m. Thursday, March 7,
1968.

Joseph M. Keegan
Director

7. DISCIPLINARY PROCEEDINGS - HOSTESS ACTIVITY - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Equitable Titles, Inc.
t/a Jockey Club
5-9 S. N. Carolina Avenue
Atlantic City N. J.

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption
License C-140 issued by the Board of
Commissioners of the City of Atlantic
City

H. Albert Hyett, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 27, 1967, it permitted female entertainers to drink at the expense of male patrons in violation of Rule 22 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Fantaco, Inc., Bulletin 1766, Item 2.

Accordingly, it is, on this 19th day of February, 1968,

ORDERED that Plenary Retail Consumption License C-140, issued by the Board of Commissioners of the City of Atlantic City to Equitable Titles, Inc., t/a Jockey Club, for premises 5-9 S. North Carolina Avenue, Atlantic City, be and the same is hereby suspended for fifteen (15) days, commencing at 7:00 a. m. Monday, February 26, 1968, and terminating at 7:00 a. m. Tuesday, March 12, 1968.

Joseph M. Keegan
Director

8. MORAL TURPITUDE - UNLAWFUL POSSESSION AND SALE OF ALCOHOLIC BEVERAGES - UNLAWFULLY HAVING ALCOHOLIC BEVERAGES IMPROPERLY SEALED - CONVICTION HELD NOT TO INVOLVE MORAL TURPITUDE.

Re: Eligibility Case No. 762

Applicant seeks a determination as to whether or not he is eligible to be associated with the alcoholic beverage industry in this State by reason of a conviction of a crime.

Applicant's criminal record discloses that on December 3, 1953, he pleaded guilty in another State to an indictment charging him with (1) unlawfully keeping and selling alcoholic beverages, (2) unlawfully possessing alcoholic beverages and (3) unlawfully having an alcoholic beverage in a container which had not been sealed as required by law and, as a result thereof, was given a suspended sentence. The alcoholic beverage referred to in the indictment was a pint of whiskey.

Since the three counts in the indictment related to a single transaction, the entry of the plea in the case will be considered as the entry of a plea for one offense for violating the provisions of the Liquor Control Act of that State. See Re Tomaro, Bulletin 908, Item 7.

At the hearing held herein, applicant (46 years old) testified that between November 1952, and February 1953, he operated a mobile diner on the grounds of a hospital where buildings were being erected; that his patronage consisted of the construction workers on the job; that on the day before Christmas of 1952, he served a drink of whiskey gratuitously to each of his customers; that a local detective was in the diner at the time; that he also gave the officer a drink; that a few days thereafter the detective returned to the diner and asked for another drink; that he reluctantly served him; that on February 19, 1953, the detective came into the diner; that at the urging of the detective he served him a drink of whiskey and, in payment thereof, accepted 60¢, following which the officer left the premises; that later in the day the detective returned to the diner and asked for another drink; that he refused to serve him and was placed under arrest.

Applicant further testified that, except as aforesaid, he did not engage in any unlawful liquor activities.

Possession or sale of alcoholic beverages in violation of the Alcoholic Beverage Law does not per se constitute a crime involving moral turpitude. Re Elig. No. 371, Bulletin 453, Item 6, and cases cited therein. In view of the fact that the evidence herein does not disclose any illicit activity on a large commercial scale, I do not believe applicant's conviction involved that element. Re Elig. No. 371, supra. Hence, it is recommended that applicant be advised that, in the opinion of the Director, he is not disqualified by statute because of said conviction from being associated with the alcoholic beverage industry in this State.

I. Edward Amada
Attorney

Approved:

JOSEPH M. KEEGAN
DIRECTOR

Dated: February 27, 1968

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

In the Matter of Disciplinary)
 Proceedings against)

HARLEM CAFE, INC.)
 t/a King Bar & Liquor Store)
 1201-1203 Baltic Avenue)
 Atlantic City, N. J.)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption)
 License C-144 issued by the Board of)
 Commissioners of the City of Atlantic)
 City.)

 Licensee, by Herman Solof, President, Pro se
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic
 Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 23, 1967, it possessed alcoholic beverages in eight bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days effective March 10, 1951, and again for fifteen days effective October 7, 1952, both for sale during prohibited hours, for twenty days effective January 4, 1959 for sale to a minor, and for ten days effective June 24, 1960 for permitting apparent homosexuals on the licensed premises, and by the Director for one hundred fifty days effective February 1, 1962 for permitting apparent homosexuals on the licensed premises. Re Harlem Cafe, Inc., Bulletin 1437, Item 3.

The prior record of suspensions of license for dissimilar violations occurring more than five years ago disregarded, the licensed will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Ringside, Inc., Bulletin 1738, Item 3.

Accordingly, it is, on this 26th day of February, 1968,

ORDERED that Plenary Retail Consumption License C-144, issued by the Board of Commissioners of the City of Atlantic City to Harlem Cafe, Inc., t/a King Bar & Liquor Store, for premises 1201-1203 Baltic Avenue, Atlantic City, be and the same is hereby suspended for twenty-five (25) days, commencing at 7:00 a.m. Monday, March 4, 1968, and terminating at 7:00 a.m. Friday, March 29, 1968.

JOSEPH M. KEEGAN
 DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
 LABELED - LICENSE SUSPENDED FOR 20 DAYS LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

Eagle Hotel & Tavern, Inc.)
 7 Paterson Avenue)
 Little Falls, N. J.)

CONCLUSIONS
 AND
 ORDER

Holder of Plenary Retail Consumption)
 License C-15 issued by the Township)
 Committee of the Township of)
 Little Falls)

Joseph D. Donato, Esq., Attorney for Licensee
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic
 Beverage Control

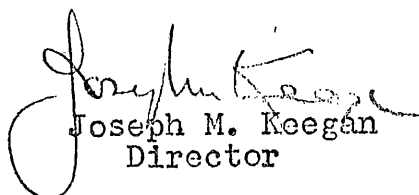
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
 September 27, 1967, it possessed alcoholic beverages in three
 bottles bearing labels which did not truly describe their contents,
 in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
 twenty days, with remission of five days for the plea entered,
 leaving a net suspension of fifteen days. Re Boysen's Sunset
Tavern, Inc., Bulletin 1766, Item 3.

Accordingly, it is, on this 26th day of February, 1968,

ORDERED that Plenary Retail Consumption License C-15,
 issued by the Township Committee of the Township of Little Falls
 to Eagle Hotel & Tavern, Inc. for premises 7 Paterson Avenue,
 Little Falls, be and the same is hereby suspended for fifteen (15)
 days, commencing at 2:00 a. m. Monday, March 4, 1968, and terminat-
 ing at 2:00 a. m. Tuesday, March 19, 1968.


 Joseph M. Keegan
 Director