

41 Sheffield St.
Jersey City, 5, N. J.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

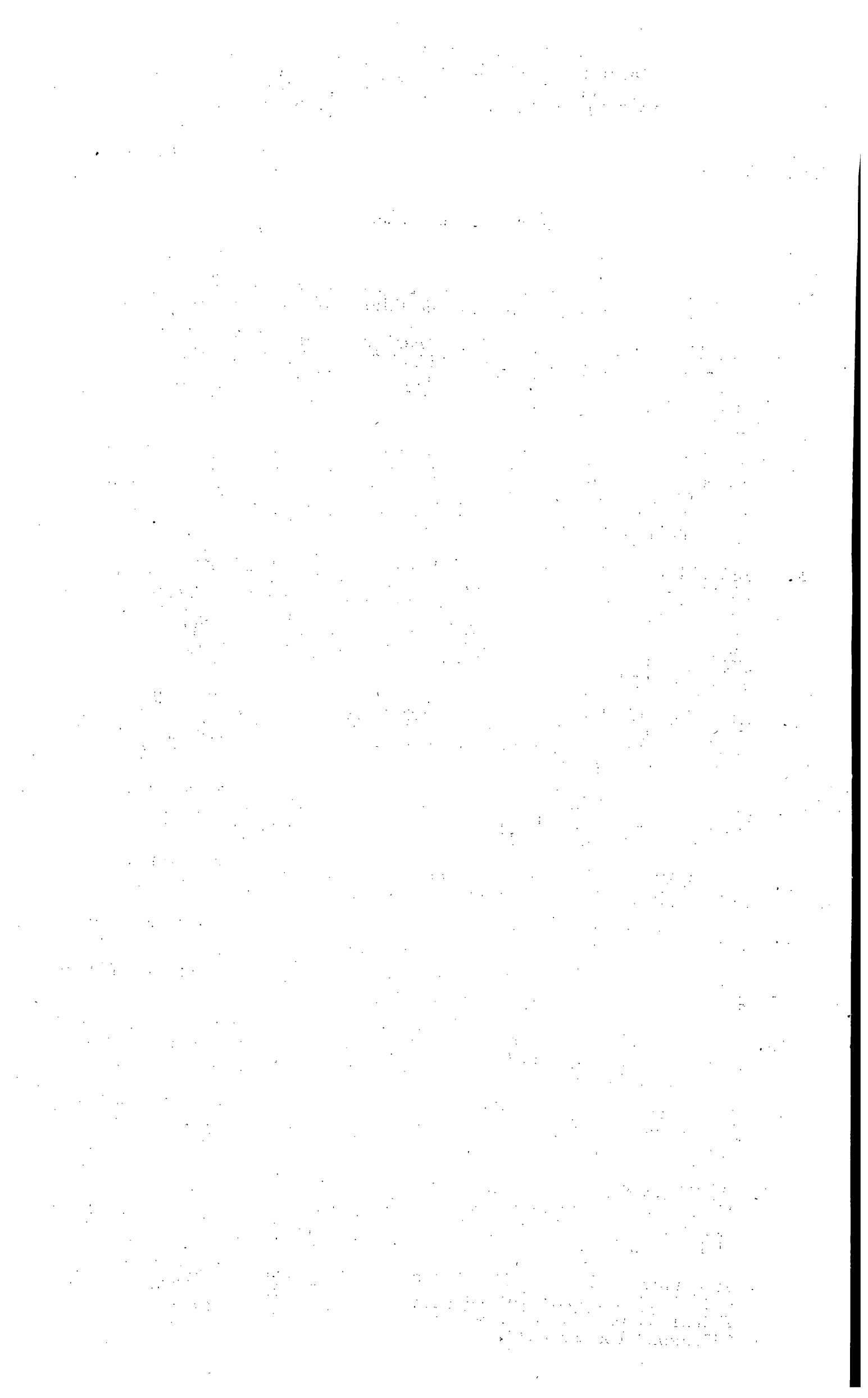
BULLETIN 948

NOVEMBER 24, 1952.

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 948

NOVEMBER 24, 1952.

1. ALIENS - HEREIN OF ALIEN NATIONALS OF POLAND - EFFECT OF
TERMINATION OF TREATY BETWEEN THE UNITED STATES AND POLAND.

TO ALL MUNICIPAL ISSUING AUTHORITIES AND ALL LICENSEES:

The New Jersey Alcoholic Beverage Law provides that no license of any class shall be issued to any individual who is not a citizen of the United States, and that no retail license shall be issued to any corporation (except for premises operated as a bona fide hotel or for a business conducted or to be conducted by the corporation, as a tenant, at any airport owned or operated by the federal, state, county or municipal government) where any owner, directly or indirectly, of more than 10% of the corporate stock is not a citizen of the United States. Revised Statutes 33:1-25.

The New Jersey Alcoholic Beverage Law further provides that no alien may be employed by or connected in any business capacity whatsoever with a licensee unless such alien has obtained an employment permit from the Director of the Division of Alcoholic Beverage Control. Revised Statutes 33:1-26.

It has been ruled that the foregoing provisions of the New Jersey Alcoholic Beverage Law are superseded in those instances where the United States has treaties with foreign countries guaranteeing the nationals of the foreign countries the same trade privileges as are enjoyed by United States citizens. Such a treaty between the United States and Poland was in existence at the time of Repeal, and by virtue thereof alien nationals of Poland were considered eligible for licenses and employment without permit where they qualified in all respects other than United States citizenship.

I have recently been informed by the Secretary of State of the United States that the treaty between the United States and Poland has been terminated. Such termination removes, of course, the basis for the previous rulings that alien nationals of Poland could hold alcoholic beverage licenses and could be employed by licensees without permit. Therefore, I have no alternative except to rule that, under the law, (a) no alcoholic beverage licenses of any kind may hereafter be issued, transferred or renewed to alien nationals of Poland, (b) no retail licenses may hereafter be issued, transferred or renewed to corporations where any alien national of Poland holds in excess of 10% of the corporate stock (except for bona fide hotels and at airports owned or operated as above), and (c) no alien national of Poland may be employed by any alcoholic beverage licensee without employment permit from this Division.

Where alien nationals of Poland now hold alcoholic beverage licenses or hold in excess of 10% of stock in corporations holding retail alcoholic beverage licenses, it would appear to me to be unduly harsh to revoke or cancel such outstanding licenses peremptorily. Thus, at this time, I do not intend to institute proceedings to revoke or cancel presently outstanding licenses merely on the ground that the holders thereof (or stockholders of corporate licensees) do not qualify because of their Polish nationality. This administrative policy will afford such licensees a fair opportunity to sell their businesses and transfer their licenses before the expiration date thereof, and thus avert a complete loss of their investments. Such licenses may not be renewed except to then duly qualified applicants.

It should be borne in mind that any transfer of a license, or transfer of stockholdings in a corporation holding a retail license, must be wholly bona fide, and that the transferee of either the license or the corporate stockholdings may not act as a "front" for a disqualified alien. If any such "front" situation is discovered, immediate proceedings will be instituted to suspend or revoke the license with the possibility of offenders also being subjected to criminal prosecution.

Licensees are advised that their continued employment of alien nationals of Poland without permit is cause for suspension or revocation of license. Therefore, licensees having alien nationals of Poland in their employ should notify them that they must immediately obtain employment permits from this Division. Forms of application for employment permits will be furnished upon request.

DOMINIC A. CAVICCHIA
Director.

Dated: November 13, 1952.

2. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION - SERVICE OF ALCOHOLIC BEVERAGES TO PERSON (LICENSEE) ACTUALLY OR APPARENTLY INTOXICATED - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FREDERICK MENZEL)
T/a FRED'S CAFE)
314-320 - 96th Street)
Stone Harbor, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Stone Harbor.)

John J. Clancy, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

- "1. On July 21, 1952, while an investigator of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety was making an inspection at your licensed premises, you hindered and delayed and failed to facilitate such inspection; in violation of R. S. 33:1-35.
- "2. On the occasion aforesaid you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person (viz., yourself) actually or apparently intoxicated and allowed, permitted and suffered the consumption of such beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulations No. 20."

The file herein discloses that on July 21, 1952, at about 1:55 p.m., an ABC agent entered defendant's premises to make a routine inspection. The agent identified himself to the bartender, who stated that he would "get the boss". About ten minutes later the licensee, who was under the influence of liquor, entered the premises. The agent identified himself to the licensee. The file further discloses that thereafter the licensee had several drinks of alcoholic beverages and verbally abused the agent, using profane language and exhibiting a defiant and contemptuous attitude. After coming over to a table where the agent was seated, the licensee created such a

disturbance that the agent was forced to telephone the State Police. After a police officer arrived, the licensee caused no further trouble.

In September of 1939 the local issuing authority suspended defendant's license for a period of one day on a charge of selling alcoholic beverages during prohibited hours. Because of the length of time which has elapsed, I shall not consider his prior record in fixing a period of suspension in this case. In Re Kelly, Bulletin 947, Item 1, I said that hindering "involves a type of violation which strikes at the very heart of enforcement and control". Where, as here, such hindering involves deliberate castigation and vilification of an enforcement agent, the minimum penalty should and will be a twenty-day suspension of the license. Therefore I shall suspend the license for twenty days on charge 1; and for an additional period of twenty days on charge 2 (cf. Re Bodner, Bulletin 864, Item 11). This makes a total suspension of forty days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 31st day of October, 1952,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Stone Harbor to Frederick Menzel, t/a Fred's Cafe, for premises 314-320 - 96th Street, Stone Harbor, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 2:00 a.m. November 10, 1952, and terminating at 2:00 a.m. December 15, 1952.

DOMINIC A. CAVICCHIA
Director.

- 3. DISCIPLINARY PROCEEDINGS - DELIVERY OF ALCOHOLIC BEVERAGES NOT ACCOMPANIED BY BONA FIDE INVOICES OR MANIFESTS - TRANSPORTING ALCOHOLIC BEVERAGES IN VEHICLES WITHOUT TRANSPORTATION INSIGNIA - SOLICITING FROM HOUSE TO HOUSE - ENTRY OF PLEA AFTER OPENING OF HEARING - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against)

JOHN B. SPINELLI)
210 Central Avenue)
East Newark, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-3, issued by the Mayor and Council of the Borough of East Newark.)

-----)
Russel E. Greco, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) he transported and delivered alcoholic beverages in vehicles without the driver thereof having in his possession bona fide invoices or manifests, in violation of Rule 3 of State Regulations No. 17; (2) he transported alcoholic beverages in vehicles without having transportation insignia affixed thereto, in violation of Rule 2 of State

Regulations No. 17; and (3) he solicited from house to house the purchase of alcoholic beverages by personal visits, and allowed, permitted and suffered such solicitation, in violation of Rule 3 of State Regulations No. 20.

An investigation by an ABC agent on August 19, 1952 disclosed that defendant violated the Rules and Regulations aforementioned on various days between July 1, 1952 and August 19, 1952. It appears that it was the practice to place cases of beer in defendant's motor vehicle. Thereafter, the operator of the vehicle would drive to the homes of customers, ask them if they desired any beer and, if they did, he would return to the truck to fill the orders. The driver would then make out delivery slips in duplicate, the original of which was given to the customer when the alcoholic beverages were delivered. Defendant stated that if a neighbor of one of his customers desired beer, although not previously ordered, delivery would be made from the motor vehicle. The delivery slips failed to specify accurately the customer's name, the brand name, and quantity of each item being delivered as required by Rule 3 of State Regulations No. 17. The defendant obtained a transportation insignia for the current licensing year but failed to attach it to the vehicle as required by Rule 2 of State Regulations No. 17.

The defendant has no prior adjudicated record. I shall, therefore, suspend his license on charges (1) and (2) for a period of fifteen days (Re Stanley Liquors Corp., Bulletin 920, Item 12), and on charge (3) for a period of ten days (Re Caggiano, Bulletin 928, Item 5), making a total suspension of twenty-five days. The non vult plea was not entered in these proceedings until after the hearing was opened. Therefore, the remission usually granted in cases where the plea is received sufficiently in advance of the hearing will not be allowed. Cf. Re Jagielski, Bulletin 593, Item 6; Re Yoches, Bulletin 855, Item 3; Re Sirvent, Bulletin 938, Item 8.

Accordingly, it is, on this 3rd day of November, 1952,

ORDERED that Plenary Retail Distribution License D-3, issued by the Mayor and Council of the Borough of East Newark to John B. Spinelli, 210 Central Avenue, East Newark, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 9:00 a.m. November 10, 1952, and terminating at 9:00 a.m. December 5, 1952.

DOMINIC A. CAVICCHIA
Director.

4. DISCIPLINARY PROCEEDINGS - PIN BALL MACHINE - FALSE ANSWER IN APPLICATION AS TO CONDUCT OF PROHIBITED MERCANTILE BUSINESS ON LICENSED PREMISES - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA - LICENSED PREMISES NOW CLOSED - ORDER OF SUSPENSION TO BE ENTERED WHEN LICENSEE RESUMES OPERATION - ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE CANCELLED DISMISSED.

In the Matter of Disciplinary)
 Proceedings against)

JOSEPH RISDEN)
 T/a RISDEN'S BAR & GRILL)
 906 Ocean Ave. between Atlantic)
 & New Jersey Aves.)
 Point Pleasant Beach)
 P. O. Point Pleasant, N. J.,)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consump-)
 tion License C-13, issued by the)
 Point Pleasant Beach Mayor and)
 Borough Council.)

 Rogers & Sim, Esqs., by Richard W. Sim, Esq., Attorneys for)
 Defendant-licensee.)
 William F. Wood, Esq., appearing for Division of Alcoholic)
 Beverage Control.)

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that he (1) allowed, permitted and suffered a bagatelle or pin ball machine in and upon his licensed premises, in violation of Rule 7 of State Regulations No. 20, and (2) falsely answered questions in his current license application, thereby evading and suppressing the material fact that he would conduct prohibited mercantile business on the licensed premises, in violation of R. S. 33:1-25.

At the same time the charges herein were served, defendant was ordered to show cause why his license should not be cancelled and declared null and void because it was improvidently issued in violation of R.S. 33:1-12(1) in that it was issued for premises in and upon which mercantile business other than the keeping of a hotel or restaurant or the retail sale of cigars, cigarettes and non-alcoholic beverages is carried on.

As to charge (1), the file discloses that, on August 25, 1952, an ABC agent engaged in a routine inspection of defendant's licensed premises observed an "Exhibit's Jeanie" bagatelle or pin ball machine in the front room of defendant's building all of which was licensed. The agent played the machine which was of the bumper type and found it to be in working order. According to the license application, the entire building constitutes the licensed premises. Defendant's son, in a sworn statement, stated that he manages his father's licensed premises and that, in making out the license application, he made a "mistake" in answering "yes" to question 7 which asks "Will the entire building constitute the licensed premises?" He further stated that he should have answered that question "no" and claimed that no alcoholic beverages had been sold in that room during the current season.

As to charge (2), the file discloses that in the same (front) room a wide variety of merchandise, such as sun glasses, candy and beach toys, were being offered for sale at retail. As above indicated, it is now claimed that this room was included in the licensed premises "through inadvertence". However, the licensee was warned,

by letter dated August 23, 1951, that the conduct of other mercantile business upon the licensed premises (including the sale of some of the articles hereinabove mentioned in the same room) was prohibited. Thus the claim of "inadvertence" is wholly without validity. However, the situation has been corrected by an amendment to the license application deleting this room from the licensed premises.

The licensee has a prior record. His license was suspended by the local issuing authority for ten days, effective May 15, 1943, for sale of alcoholic beverages to minors. Since that violation was dissimilar to those here involved and occurred more than five years ago, I shall disregard it in fixing the penalty herein. Re Fauble, Bulletin 891, Item 12. I shall suspend the license for ten days on charge (1), Re Hulse & Willis, Bulletin 927, Item 8, and for an additional twenty days on charge (2), Re D'Addetta, Bulletin 561, Item 10, making a total suspension of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

In view of the fact that a correction has been effected by the aforementioned diminution of the licensed premises, the cancellation proceeding which accompanied the charges herein is hereby dismissed. The licensee is cautioned that he must refrain from the conduct of prohibited mercantile business on his licensed premises. His failure to heed this warning may result in the loss of his license. Cf. Re D'Addetta, supra.

Defendant's premises are now closed for the season and, thus, no effective penalty can be imposed at the present time. The effective dates for the suspension will be fixed by further order which will be entered by me herein after the licensed premises shall have been opened for business in the Spring of 1953. Re Surf Colony Corp., Bulletin 919, Item 9.

Accordingly, it is, on this 5th day of November, 1952,

ORDERED that Plenary Retail Consumption License C-13, issued by the Point Pleasant Beach Mayor and Borough Council to Joseph Riden, t/a Riden's Bar & Grill, for premises 906 Ocean Ave. between Atlantic & New Jersey Aves., Point Pleasant Beach, be and the same is hereby suspended for a period of twenty-five (25) days, the time to be fixed by subsequent order as aforesaid.

DOMINIC A. CAVICCHIA
Director.

5. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - AGGRAVATING CIRCUMSTANCES - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA - LICENSED PREMISES NOW CLOSED - ORDER OF SUSPENSION TO BE ENTERED WHEN LICENSEE RESUMES OPERATION.

In the Matter of Disciplinary Proceedings against)

CARMELO PRIMICERI)
T/a HAMILTON HOTEL)
Bayview & Hamilton Avenues)
Seaside Heights, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-18, issued by the Mayor and Council of the Borough of Seaside Heights.

Leo J. Berg, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant has pleaded non vult to a charge alleging that he sold, served and delivered alcoholic beverages to three minors, and permitted the consumption of said alcoholic beverages by said minors upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file discloses that early Sunday morning, August 10, 1952, ABC agents observed the three minors in question, 19, 19 and 17 years of age, respectively, at a table in defendant's licensed premises, drinking beer poured from bottles which had been served to them by an employee of defendant.

The usual minimum penalty for sale and service of alcoholic beverages to a minor seventeen years of age is fifteen days. Re Warhol, Bulletin 914, Item 9. Because of the number of minors involved in the instant case, the penalty would normally be twenty days. Cf. Re Camarda, Bulletin 946, Item 3. Defendant, however, has a prior adjudicated record. Effective September 6, 1951, defendant's license was suspended for a net period of twenty-five days after he pleaded non vult to a charge alleging that he allowed, permitted and suffered lewdness and immoral activities on his licensed premises. Re Primiceri, Bulletin 916, Item 3. In view of the aggravating circumstances present in the instant case and the prior dissimilar record, I shall suspend defendant's license for a period of twenty-five days. Five days will be remitted because of the plea entered herein, leaving a net suspension of twenty days.

Defendant's premises are now closed for the season and, thus, no effective penalty can be imposed at the present time. The effective dates for the suspension will be fixed by further order which will be entered by me herein after the licensed premises shall have been opened for business in the Spring of 1953. Re Surf Colony Corp., Bulletin 919, Item 9.

Accordingly, it is, on this 6th day of November, 1952,

ORDERED that Plenary Retail Consumption License C-18, issued by the Mayor and Council of the Borough of Seaside Heights to Carmelo Primiceri, t/a Hamilton Hotel, for premises at Bayview & Hamilton Avenues, Seaside Heights, be and the same is hereby suspended for a period of twenty (20) days, the time to be fixed by subsequent order as aforesaid.

DOMINIC A. CAVICCHIA
Director.

6. DISCIPLINARY PROCEEDINGS - ILLEGAL SITUATION CORRECTED - PRIOR SUSPENSION FOR BALANCE OF TERM LIFTED UPON EXPIRATION OF 90 DAYS FROM EFFECTIVE DATE THEREOF.

In the Matter of Disciplinary Proceedings against)

HOLIDAY INN INC.)
414-434 State Highway 25)
Elizabeth, N. J.,)

ON PETITION
O R D E R

Holder of Plenary Retail Consumption License C-120 for the 1951-52)
and 1952-53 licensing years, issued)
by the Municipal Board of Alcoholic)
Beverage Control of the City of)
Elizabeth.)

Saul C. Schutzman, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

By order dated September 5, 1952, the license of Holiday Inn Inc. was suspended for the balance of its term, effective at 2:00 a.m. September 11, 1952, with leave to file a petition for relief upon correction of the illegal situation (i.e., a disqualified person was an officer of the corporation). In said order it was provided that, in no event, would relief be given prior to the expiration of ninety days from the date upon which the suspension became effective. See Bulletin 944, Item 1. The petition filed herein alleges that the illegal situation has been corrected and requests that a further order be entered permitting the licensee to resume operation under its license at the expiration of said ninety-day period.

It appears from the evidence adduced at the hearing on the petition that the illegal situation has been corrected, in that the disqualified person is no longer an officer of Holiday Inn Inc., and is not employed by or connected with said corporation in any business capacity whatsoever. Consequently, the aforementioned order of September 5, 1952 will be modified to prescribe the minimum suspension of ninety days provided for therein.

Accordingly, it is, on this 6th day of November, 1952,

ORDERED that Plenary Retail Consumption License C-120 issued for the 1952-53 licensing period by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Holiday Inn Inc., 414-434 State Highway 25, Elizabeth, be restored to full force and operation effective at 2:00 a.m. December 10, 1952. Until that time the suspension heretofore imposed shall remain in full force and effect.

DOMINIC A. CAVICCHIA
Director.

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

In the Matter of Disciplinary Proceedings against)

WILLIAM J. BRAZINSKI)
T/a SCRANTON BAR)
131 So. South Carolina Avenue)
Atlantic City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-100, issued by the Board of Commissioners of the City of Atlantic City.)
-----)

William J. Brazinski, Defendant-licensee, Pro Se.
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, served and delivered alcoholic beverages to a minor, and allowed, permitted and suffered the consumption of alcoholic beverages by said minor on his licensed premises in violation of Rule 1 of State Regulations No. 20.

The file discloses that, between 8:45 p.m. and 9:30 p.m. on September 23, 1952, the licensee sold and served two glasses of beer to a sailor twenty years of age without raising any question as to his age. The said minor paid ten cents for each glass of beer which he consumed while seated at the bar. When confronted with the minor, the licensee admitted the violation.

Since no aggravating circumstances appear and the licensee has no previous adjudicated record, I shall impose the usual ten-day suspension. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Stansky, Bulletin 928, Item 10.

Accordingly, it is, on this 3rd day of November, 1952,

ORDERED that Plenary Retail Consumption License C-100, issued by the Board of Commissioners of the City of Atlantic City to William J. Brazinski, t/a Scranton Bar, 131 So. South Carolina Avenue, Atlantic City, be and the same is hereby suspended for a period of five (5) days, commencing at 7:00 a.m. November 10, 1952, and terminating at 7:00 a.m. November 15, 1952.

DOMINIC A. CAVICCHIA
Director.

8. DISCIPLINARY PROCEEDINGS - SLOT MACHINES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LAKWOOD LODGE NO. 1432)
B.P.O. ELKS)
120 Madison Avenue)
Lakewood, N. J.,)

CONCLUSIONS AND ORDER

Holder of Club License CB-130, issued by the Director of the Division of Alcoholic Beverage Control.)
-----)

Edward M. Rothstein, 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 charge:

"On October 3, 1952, you possessed, allowed, permitted and suffered in and upon your licensed premises, six slot machines or devices in the nature of slot machines which might be used for the purpose of playing for money or other valuable thing; in violation of Rule 8 of State Regulations No. 20."

The file herein discloses that on October 3, 1952 an ABC agent found six slot machines on defendant's licensed premises, five of which were in working order.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of ten days. Re Toscani Post No. 120, American Legion, Bulletin 931, Item 12. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 3rd day of November, 1952,

ORDERED that Club License CB-130, issued by the Director of the Division of Alcoholic Beverage Control to Lakewood Lodge No. 1432, B.P.O. Elks, 120 Madison Avenue, Lakewood, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. November 10, 1952, and terminating at 2:00 a.m. November 15, 1952.

DOMINIC A. CAVICCHIA
Director.

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

In the Matter of Disciplinary Proceedings against)

RENATO R. CARABELLI)
T/a CARABELLI'S TAPROOM)
W/S Fort Dix Road)
Wrightstown, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Borough Council of the Borough of Wrightstown.)
-----)

Frank S. Stabile, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered alcoholic beverages to a minor, and allowed, permitted and suffered the consumption thereof by said minor on his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on Sunday evening, September 14, 1952, a soldier, eighteen years of age, in the company of two adult fellow-servicemen, was served and permitted to consume three or four glasses of beer. It further appears that no inquiry was made by the defendant with respect to the age of the minor.

The defendant admitted the sale and service of alcoholic beverages to the serviceman at the time in question. He attributed the commission of the violation to negligence on his part because of the number of patrons in the licensed premises at the time. I am not impressed with this explanation.

Defendant has no prior adjudicated record. In the absence of aggravating circumstances, I shall impose the minimum suspension for violations of this kind -- ten days. Re Crawley, Bulletin 876, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 3rd day of November, 1952,

ORDERED that Plenary Retail Consumption License C-2, issued by the Borough Council of the Borough of Wrightstown to Renato R. Carabelli, t/a Carabelli's Taproom, W/S Fort Dix Road, Wrightstown, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. November 10, 1952, and terminating at 2:00 a.m. November 15, 1952.

DOMINIC A. CAVICCHIA
Director.

10. DISCIPLINARY PROCEEDINGS - RETAILER OBTAINING ALCOHOLIC BEVERAGES FROM ANOTHER RETAILER - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against HUGHIE ROCKTOFF & JOSEPH PISACZYK T/a ROCKY'S TAVERN 132 Hudson Street Hoboken, N. J.,

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-162, issued by the Board of Commissioners of the City of Hoboken.

Hughie Rocktoff & Joseph Pisaczyk, Defendant-licensees, Pro Se. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they obtained alcoholic beverages from another retailer, in violation of Rule 15 of State Regulations No. 20.

The file discloses that, on Saturday, September 27, 1952, defendants purchased two one-half barrels of beer from a nearby retail licensee because of a shortage occasioned by the refusal of the drivers of brewery trucks to cross picket lines which had been set up by the local bartenders' union.

Throughout the investigation the licensees were wholly uncooperative. At first they denied having committed the violation but later, when confronted with uncontrovertible evidence, they admitted purchasing the beer from another retailer. However, they refused to identify the other retailer and gave conflicting statements as to how the beer was transported to their licensed premises.

Defendants have no previous adjudicated record. The usual penalty for a violation of this nature is a fifteen-day suspension of the license. Re Colonna Park, Inc., Bulletin 875, Item 4. However, I deem this case to be aggravated by the uncooperative attitude of the defendants and, therefore, I shall suspend the license for an additional five days. This makes a total suspension of twenty days. Five days will be remitted for the plea entered herein, making a net suspension of fifteen days.

Accordingly, it is, on this 3rd day of November, 1952,

ORDERED that Plenary Retail Consumption License C-162, issued by the Board of Commissioners of the City of Hoboken to Hughie Rocktoff & Joseph Pisaczyk, t/a Rocky's Tavern, 132 Hudson Street, Hoboken, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. November 10, 1952, and terminating at 2:00 a.m. November 25, 1952.

DOMINIC A. CAVICCHIA Director.

11. DISCIPLINARY PROCEEDINGS - ALLOWING OBSCENE LANGUAGE ON LICENSED PREMISES - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MORRIS DIAMONDSTEIN)
658 1/2 Elizabeth Avenue)
Elizabeth, N. J.,)

CONCLUSIONS AND ORDER

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

Sidney Simandl, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On Friday night, September 5, 1952, you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulations No. 20."

The file herein discloses that early on the evening of September 5, 1952, two ABC agents were in defendant's licensed premises and heard a male patron and a female patron using filthy and obscene language in the presence of the licensee. Although this continued over a period of time, the licensee made no effort to control the language of the patrons except that, at one time, he told the male patron "not to be so noisy".

In attempted mitigation defendant alleges that, since the violation occurred, he has prohibited the offending male patron from entering his premises. This action, while commendable, comes too late. Defendant also alleges that he was paying no attention to the language of the patrons because of a personal problem. While I sympathize with the licensee, I cannot accept this explanation as an excuse.

Defendant has a prior record. Effective January 26, 1948, the local issuing authority suspended his license for fifteen days after he had pleaded guilty to a charge of selling alcoholic beverages to an intoxicated person. The minimum penalty for a violation of the type here charged consists of a suspension for a period of ten days. However, the particular language permitted by the defendant herein was so obscene, sordid and loud as to warrant a suspension for a longer period. Cf. Re Arno, Bulletin 830, Item 1. Therefore, I shall suspend the license for a period of fifteen days. I shall add five days for defendant's prior record. This makes a total suspension of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 5th day of November, 1952,

ORDERED that Plenary Retail Consumption License C-52, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Morris Diamondstein, for premises 658 1/2 Elizabeth Avenue, Elizabeth, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. November 11, 1952, and terminating at 2:00 a.m. November 26, 1952.

DOMINIC A. CAVICCHIA
Director.

- 12. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR RECORD OF ONE PARTNER - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA - LICENSED PREMISES NOW CLOSED - ORDER OF SUSPENSION TO BE ENTERED WHEN LICENSEE RESUMES OPERATION.

In the Matter of Disciplinary Proceedings against
 WILLIAM A. STOCK & WILLIAM H. STOCK
 T/a RED TOP BAR AND PORCH Boardwalk and Porter Ave. East of the Boardwalk Seaside Park, N. J.,

CONCLUSIONS AND ORDER

 Holders of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Seaside Park.

William A. Stock & William H. Stock, Defendant-licensees, Pro Se.
 William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge, alleging that they sold, served and delivered alcoholic beverages to four minors and permitted the consumption of such beverages by the minors, in violation of Rule 1 of State Regulations No. 20.

On Thursday, August 14, 1952, four minors, one aged 18, one aged 19, and two aged 20, were sold, served, and permitted to consume a glass of alcoholic beverages on defendants' premises.

In the absence of a prior record, the violation committed herein would warrant a suspension of the license for fifteen days. Re Simkins, Bulletin 917, Item 6. However, effective September 5, 1944, a license then held by William A. Stock, one of the present licensees, was suspended for fifteen days by the local issuing authority for the sale of alcoholic beverages to minors. Ordinarily, a second violation of a similar character would warrant double the minimum suspension, but since more than five years have elapsed between the violation committed in 1944 and the violation charged herein, I shall suspend defendant-licensees' license for a period of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Defendants' premises are now closed for the season and, thus, no effective penalty can be imposed at the present time. The effective dates for the suspension will be fixed by further order which will be entered by me herein after the licensed premises shall have been opened for business in the Spring of 1953. Re Solomon, Bulletin 586, Item 2.

Accordingly, it is, on this 5th day of November, 1952,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Seaside Park to William A. Stock & William H. Stock, t/a Red Top Bar and Porch, Boardwalk and Porter Ave., East of the Boardwalk, Seaside Park, be and the same is hereby suspended for a period of fifteen (15) days, the time to be fixed by subsequent order as aforesaid.

DOMINIC A. CAVICCHIA
 Director.

13. DISCIPLINARY PROCEEDINGS - PLENARY WINERY LICENSEE ACCEPTING ORDINARY CHECKS IN PAYMENT OF DEFAULTED ACCOUNTS, IN VIOLATION OF RULE 2(c) OF STATE REGULATIONS NO. 39 - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary Proceedings against

INTERNATIONAL WINES, INC.
T/a ARDITO WINES CO., LARO WINERY,
BAY WINE CO., DeMAR WINE CO.,
UNION WINE CO., GLEN WINE CO.,
S. K. VINEYARDS CO., ROMA
BOTTLING CO. OF JERSEY CITY, N.J.,
LARO WINE CO. and GARDEN STATE
WINE CO., SACRAMENTAL WINE ASSO-
CIATION and DuBARRY WINE CO.,
161-167 First Street
Jersey City 2, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Winery License V-43,
issued by the Director of the Division
of Alcoholic Beverage Control.

Jack Solomon, 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 charge:

"On divers days between January 1, 1951 and July 18, 1952, you accepted ordinary checks as payment of 70 defaulted accounts of various New Jersey retail licensees; in violation of Rule 2(c) of State Regulations No. 39."

The file discloses that, for a period of approximately a year and a half, defendant has accepted ordinary checks from retailers in payment of defaulted accounts. This is specifically prohibited by Rule 2(c) of State Regulations No. 39. In his written statement defendant's office manager, who is also a director of the corporation, estimated that 98% of the accounts reported in default paid by ordinary checks but claimed that he did not know that such accounts were required to make payment by cash, certified check or money order.

Defendant's attorney has by letter requested my "understanding and favorable judgment" in this matter. His letter states in part:

"There was definitely no intention to violate the regulations or rules in any manner. The present management merely continued the practice of the former officers and employees of the corporation, followed since its inception, of accepting checks from defaulted licensees as payments, and was at no time cognizant of the fact that such procedure was contrary to any of the rules.


"Mr., in charge of the office for International Wines, Inc., cooperated fully with the department in its investigation and did not in any manner distort the situation. In fact, it was his action, which demonstrates his innocence in this matter, which brought this procedure to your attention. Upon receipt of a check from a defaulted account, he submitted the notice called for by rule 5(d) of State Regulations No. 39. When the check was returned, Mr. again put the dealer on default, setting forth the transaction. It is submitted that this was not the action of an organization or of individuals intentionally violating the regulations."

In effect, I am urged to take into account, in fixing the amount of penalty, defendant's ignorance of the violated rule. Of course, ignorance of the law is no defense. I am unable to reconcile defendant's familiarity with Rule 5(d) and its protracted ignorance of Rule 2(c), both in Regulations No. 39. However that may be, intention is not an element of the violation here charged. It suffices that the rule was violated. It is rudimentary that wholesalers should familiarize themselves with the "credit" regulation throughout, and see to it that the regulation is carried out. Continued violations of Rule 2(c), or of any other rule relating to the extension of credit, might well undermine the effective administration of the regulation itself.

Defendant has no prior adjudicated record. Under all the circumstances, and considering the plea entered herein, I shall suspend the license for a period of ten days.

Accordingly, it is, on this 3rd day of November, 1952,

ORDERED that Plenary Winery License V-43, issued by the Director of the Division of Alcoholic Beverage Control to International Wines, Inc., t/a Ardito Wines Co., Laro Winery, Bay Wine Co., DeMar Wine Co., Union Wine Co., Glen Wine Co., S. K. Vineyards Co., Roma Bottling Co. of Jersey City, N. J., Laro Wine Co. and Garden State Wine Co., Sacramental Wine Association and DuBarry Wine Co., for premises 161-167 First Street, Jersey City, be and the same is hereby suspended for a period of ten (10) days, commencing at 7:00 a.m. November 10, 1952, and terminating at 7:00 a.m. November 20, 1952.


Dominic A. Cavicchia
Director.