

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

December 16, 1963

BULLETIN 1540

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
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1. DISCIPLINARY PROCEEDINGS - PROCUREMENT FOR PROSTITUTION - NUISANCE - SALE TO INTOXICATED PERSONS - FOUL LANGUAGE - GAMBLING (WAGERING) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE DURING PROHIBITED HOURS - FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR SIMILAR RECORD - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against

RALPH CAPRIO
t/a RALPHS
381 South Orange Avenue
Newark 3, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-603, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Samuel Raffaelo, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges dated April 15, 1963, as follows (S-6396):

"1. On March 13-14, 20-21, 23-24, 27-28 and 30-31, 1963, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you, through a person employed as a bartender on your licensed premises made offers to male patrons and customers on your licensed premises to procure and did procure a female to engage in acts of illicit sexual intercourse and acts of perverted sexual relations with said male patrons and customers and participated in and allowed, permitted and suffered the making of overtures and arrangements, in and upon your licensed premises, by said female with male patrons and customers for acts of illicit sexual intercourse and acts of perverted sexual relations, as aforesaid; in violation of Rule 5 of State Regulation No. 20.

"2. On the occasions aforesaid, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises; allowed, permitted and suffered a person employed as a bartender on your licensed premises to make offers, overtures and arrangements with male patrons and customers to procure females to engage with them in acts of illicit sexual intercourse and acts of perverted sexual relations;

allowed, permitted and suffered the sale and service to and the consumption of alcoholic beverages by persons actually or apparently intoxicated in and upon your licensed premises; and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20."

Licensee also pleads non vult to additional charges dated September 12, 1963, preferred while the previous charges were pending hearing, as follows (S-6504):

"1. On Thursday night August 15 into early morning hours of Friday, August 16, and during early morning hours of Thursday, August 22, 1963, you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.

"2. On Thursday night August 15 into early morning hours of Friday, August 16, and on Friday night, August 16 into early morning hours of August 17, 1963, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the playing of a pool game for stakes of money; in violation of Rule 7 of State Regulation No. 20.

"3. During early morning hours of Thursday, August 22, 1963, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons actually or apparently intoxicated 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.

"4. On Friday, August 16, 1963, at about 11:45 p.m. and on Thursday, August 22, 1963, at about 2:05 a.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, at retail, in their original containers for consumption off your licensed premises and allowed, permitted and suffered the removal of said alcoholic beverages in their original containers from your licensed premises; in violation of Rule 1 of State Regulation No. 38.

"5. On Thursday, August 22, 1963, between 2:00 a.m. and 2:05 a.m., you sold, served, delivered and allowed, permitted and suffered the sale; service and delivery of alcoholic beverages in and upon your licensed premises; in violation of Section 3:1(a) of the Revised Ordinances of the City of Newark, adopted October 15, 1952, as amended December 5, 1956.

"6. On Thursday, August 22, 1963, between 2:00 a.m. and 2:10 a.m., you failed to have your entire licensed premises closed; in violation of Section 3:1(b) of the Revised Ordinances of the City of Newark, adopted October 15, 1952, as amended December 5, 1956.

"7. In your application filed with the Municipal Board of Alcoholic Beverage Control of the City of Newark, dated May 31, 1963, and upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question No. 41 which asks: 'Have you or has any other person mentioned in this application ever had any interest, directly or indirectly, in any alcoholic beverage license or permit in New Jersey or any other state which was surrendered, suspended, revoked or cancelled?', whereas in truth and fact plenary retail consumption license held by you for these same premises, effective July 1, 1962 for the 1962-63 period, was suspended by the Municipal Board of Alcoholic Beverage Control of the City of Newark for ten (10) days commencing October 29, 1962 for violation of Rule 1 of State Regulation No. 38; said false answer, statement, evasion and suppression being in violation of R.S. 33:1-25."

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days, effective October 29, 1962, for local "hours" violation, the subject of of the seventh charge above.

The number and variety of the charges, the seriousness of the March violations, and their aggravated nature as indicated by the agents' reports of investigation considered, as well as the prior record of the licensee and the occurrence of the various violations in August while the proceeding with respect to the March violations was still pending, it is obvious that the only proper penalty is outright revocation of the license even in view of the non-vult plea. Cf. Re Monkey Club, Inc., Bulletin 1511, Item 1; Re Tabatneck, Bulletin 1463, Item 1.

Accordingly, it is on this 22d day of October, 1963,

ORDERED that Plenary Retail Consumption License C-603, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Ralph Caprio, t/a Ralphs, for premises 381 South Orange Avenue, Newark, be and the same is hereby revoked, effective immediately.

EMERSON A. TSCHUPP
ACTING DIRECTOR

2. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

JOHN-TOM, INC.)
t/a JACK KENNEDY'S)
700 Emory Street)
Asbury Park, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-45, issued by the City)
Council of the City of Asbury Park.)

Saul C. Schutzman, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on
September 10, 1963, it possessed alcoholic beverages in eleven
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 forty days, with remission of five days for the plea entered,
leaving a net suspension of thirty-five days. Cf. Re Triple T,
Inc., Bulletin 1427, Item 5; Re Al Melito, Inc., Bulletin 1413,
Item 5.

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

ORDERED that Plenary Retail Consumption License C-45,
issued by the City Council of the City of Asbury Park to
John-Tom, Inc., t/a Jack Kennedy's, for premises 700 Emory
Street, Asbury Park, be and the same is hereby suspended for
thirty-five (35) days, commencing at 3:00 a.m. Monday, November
11, 1963, and terminating at 3:00 a.m. Monday, December 16, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ANTONI RUMIANOWSKI and JOHN RUMIANOWSKI t/a MAY-JON'S CAFE 627 North Olden Avenue Trenton 9, N. J.

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-108, issued by the City Council of the City of Trenton.

Licensees, by John Rumianowski, Pro se. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensees plead non vult to charges alleging that (1) and (2) on July 8, 12 and 19 and August 2, 6 and 14, 1963, they permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20, and (3) on July 27 and August 10 and 13, 1963, they sold two cases and a 6-pack of beer below filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record, the license will be suspended on the first and second charges for twenty-five days (Re Russo, Bulletin 1528, Item 7) and on the third charge for ten days (Re Garsky, Bulletin 1518, Item 7), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

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

ORDERED that Plenary Retail Consumption License C-108, issued by the City Council of the City of Trenton to Antoni Rumianowski and John Rumianowski, t/a May-Jon's Cafe, for premises 627 North Olden Avenue, Trenton, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Monday, November 11, 1963, and terminating at 2:00 a.m. Wednesday, December 11, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR
30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
SPORTS BAR & GRILL, INC.)
4012-14 Hudson Blvd.)
Union City, N. J.)
Holder of Plenary Retail Consumption)
License C-13, issued by the Board of)
Commissioners of the City of Union)
City.)

CONCLUSIONS
AND ORDER

Krivit & Krivit, Esqs., by Maurice M. Krivit, Esq., Attorneys
for Licensee
David S. Piltzer, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 23, 1963, it possessed alcoholic beverages in six 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 Director for thirty-five days effective July 5, 1956, for "hours" violation, possession of lottery tickets and possession of indecent matter, and for sixty days effective January 28, 1957, for possession of "refills". Re Sports Bar & Grill, Inc., Bulletin 1124, Item 2; Bulletin 1156, Item 5.

The prior record of suspension for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for twenty-five days, the minimum in cases involving six bottles (Re Stanley Laurence Associates, Inc., Bulletin 1508, Item 6), to which will be added five days for the record of suspension for similar violation occurring more than five but less than ten years ago (Re McClain & McCann, Bulletin 1427, Item 6), or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 16th day of October 1963,

ORDERED that Plenary Retail Consumption License C-13, issued by the Board of Commissioners of the City of Union City to Sports Bar & Grill, Inc., for premises 4012-14 Hudson Blvd., Union City, be and the same is hereby suspended for twenty-five (25) days, commencing at 3 a.m. Monday, October 21, 1963, and terminating at 3 a.m. Friday, November 15, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

5. DISCIPLINARY PROCEEDINGS - ORDER TEMINATING SUSPENSION FOR BALANCE OF TERM UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against)

JUNE KATHRYN CARLTON t/a CARLTON'S INN 1292 E. State Street Trenton 9, N. J.)

Holder of Plenary Retail Consumption License C-2, issued by the City Council of the City of Trenton and transferred during the pendency of these proceedings to)

ORDER

JUNE KATHRYN CARLTON and GEORGE CARLTON t/a CARLTON'S INN 1292 E. State Street Trenton 9, N. J.)

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

BY THE ACTING DIRECTOR:

On September 23, 1963, I entered an order suspending the license herein for the balance of its term, commencing September 30, 1963, with leave to the licensee or any bona fide transferee of the license to file petition establishing correction of the then unlawful situation (undisclosed interest of George Carlton in the license) for lifting of the suspension on or after 2:00 a.m. Friday, October 25, 1963, after the license had been suspended for twenty-five days. Re Carlton, Bulletin 1535, Item 5.

It appearing from petition sibmitted by the licensees June Kathryn Carlton and George Carlton, to whom the license was transferred effective October 25, 1963, that the unlawful situation has been corrected, I shall grant the petition requesting termination of the suspension.

Accordingly, it is, on this 28th day of October, 1963,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective 2:00 a.m. Tuesday, October 29, 1963.

EMERSON A. TSCHUPP ACTING DIRECTOR

6. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -
LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

CARL TURSO AND JOSEPH TURSO
400 Adams Street
Hoboken, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)
)

Holders of Plenary Retail Consumption License C-176, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.

Milton, Keane & DeBona, Esqs., by Joseph Keane, Esq., Attorneys for Licensees.

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

BY THE ACTING DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on May 23, 1963, they permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the municipal issuing authority for ten days, effective March 24, 1958, for "hours" violation.

The prior dissimilar record of suspension disregarded because occurring more than five years prior to the instant violation, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Russo, Bulletin 1528, Item 7.

Accordingly, it is, on this 23d day of October, 1963,

ORDERED that Plenary Retail Consumption License C-176, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Carl Turso and Joseph Turso for premises 400 Adams Street, Hoboken, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, October 29, 1963, and terminating at 2:00 a.m. Monday, November 18, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

ACTIVITY REPORT FOR OCTOBER 1963

7.

ARRESTS:			
Total number of persons arrested	-----		23
Licensees and employees	14		
Bootleggers	9		
SEIZURES:			
Motor vehicles - fishing boats	-----		3
Distilled alcoholic beverages - gallons	-----		7,306
Wine - gallons	-----		2,375
Brewed malt alcoholic beverages - gallons	-----		28,402
RETAIL LICENSEES:			
Premises inspected	-----		1,189
Premises where alcoholic beverages were gauged	-----		481
Bottles gauged	-----		6,912
Premises where violations were found	-----		127
Violations found	-----		151
Unqualified employees	45	Other mercantile business	5
Reg. #58 Sign not posted	34	Disposal permit necessary	4
Application copy not available	24	Improper beer taps	1
Prohibited signs	7	Other violations	31
STATE LICENSEES:			
Premises inspected	-----		25
License applications investigated	-----		3
COMPLAINTS:			
Complaints assigned for investigation	-----		381
Investigations completed	-----		410
Investigations pending	-----		147
LABORATORY:			
Analyses made	-----		132
Refills from licensed premises - bottles	-----		59
Bottles from unlicensed premises	-----		12
IDENTIFICATION:			
Criminal fingerprint identifications made	-----		8
Persons fingerprinted for non-criminal purposes	-----		284
Identification contacts made with other enforcement agencies	-----		204
Motor vehicle identifications via N.J. State Police teletype	-----		1
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	-----		11
Violations involved	-----		11
Sale to minors	7	Sale during prohibited hours	4
Cases instituted at Division	-----		24*
Violations involved	-----		34
Possessing liquor not truly labeled	7	Retailer-to-retailer sale	1
Permitting lottery activity (numbers)	-----	Fraud and front	1
on premises	5	Unqualified employee	1
Sale during prohibited hours	3	Delivery w/o bona fide invoice	1
Sale below filed price	3	Possessing indecent matter	1
Sale to minors	2	Possessing contraceptives on premises	1
Hindering investigation	2	Fraud in application	1
Permitting bookmaking on premises	2	Failure to keep true books of account	1
Purchase from improper source	1	Sale to intoxicated person	1
Cases brought by municipalities on own initiative and reported to Division	-----		23
Violations involved	-----		25
Sale to minors	11	Permitting minor unaccomp. by parent or guardian on premises (local reg.)	1
Permitting brawls on premises	6	Permitting gambling on premises	1
Hindering investigation	2	Unqualified employee	1
Sale to intoxicated person	1	Permitting lottery activity on prem.	31
Failure to have copy of license application on premises	1		
HEARINGS HELD AT DIVISION:			
Total number of hearings held	-----		45
Appeals	6	Eligibility	13
Disciplinary proceedings	25	Seizures	1
STATE LICENSES AND PERMITS ISSUED:			
Total number issued	-----		1,846
Licenses	2	Social affair permits	528
Solicitors' permits	45	Miscellaneous permits	140
Employment permits	263	Transit insignia	238
Disposal permits	81	Transit certificates	16
Wine permits	533		
OFFICE OF AMUSEMENT GAMES CONTROL:			
Enforcement files established	53		

EMERSON A. TSCHUPP
 Acting Director of Alcoholic Beverage Control
 Acting Commissioner of Amusement Games Control

Dated: November 6, 1963

*Includes one cancellation proceeding - license improvidently issued to club not bona fide.

8. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings against)

PETER RUOCCO)
t/a JUDGE'S FOUR O'CLOCK CLUB)
13 Clark Street)
Paterson 1, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-289, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

Martin Verp, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

At the hearing held herein licensee entered a "technical plea of not guilty" to a charge alleging that on August 24, 1963, at 2:55 a.m. he permitted removal of six cans of beer from the licensed premises in violation of Rule 1 of State Regulation No. 38, waived the necessity of any hearing and consented to the Director's reference to the agents' reports to ascertain the facts, reserving the right to address argument to the legality of the charge and to make statement in mitigation of any penalty to be imposed.

Reports of investigation disclose that at the time and on the date charged, agents saw a patron whisper across the bar to the bartender who then went to the rear room where the licensee was, then came back behind the bar, took a 6-pack of beer from the cooler and put it into a bag and on a shelf in the barroom. At this time the agents were asked to leave by the licensee because it was closing time. Outside the premises, the agents saw the patron leave carrying the bag, stopped him and all returned to the tavern where the licensee readily admitted that the patron had taken the 6-pack out but claimed that the patron was taking it to his (the patron's) home for the personal use of the licensee.

Even assuming that the beer was intended for the personal consumption of the licensee as claimed, its removal from the licensed premises during prohibited hours falls clearly within the interdiction of the applicable regulation. Re Dublin House, Inc., Bulletin 1296, Item 3. And that the regulation applies to conduct by a licensee personally (not the case here since the removal was by another person allegedly in behalf of the licensee) in view of its prohibition that licensees shall not "allow, permit or suffer" the removal, see In Re Schneider, 12 N.J. Super 449, 457 holding that:

"It would be fantastic to suppose that a licensee who himself personally disobeys the regulation does not 'allow, permit and suffer' the occurrence of the violation."

Argument of counsel as to the alleged inconsistency of the language of the several rules of State Regulation No.

38 with the title thereof has been considered and determined as without merit.

I find the licensee guilty as charged.

Absent prior record and considering the matters alleged in mitigation, the license will be suspended for fifteen days, the minimum period imposed in similar unaggravated first offense cases. Cf. Re York Tavern, A Corporation, Bulletin 1532, Item 10.

Accordingly, it is, on this 22d day of October, 1963,

ORDERED that Plenary Retail Consumption License C-289, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Peter Ruocco, t/a Judge's Four o'clock Club, for premises 13 Clark Street, Paterson, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. Tuesday, October 29, 1963, and terminating at 3:00 a.m. Wednesday, November 13, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

9. DISQUALIFICATION REMOVAL PROCEEDINGS - MAIL THEFT - FORGING U. S. TREASURER'S CHECKS - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application)
to Remove Disqualification because)
of a Conviction, Pursuant to)
R.S. 33:1-31.2.)

CONCLUSIONS
AND ORDER

Case No. 1781

BY THE ACTING DIRECTOR:

Petitioner's criminal record discloses that on August 13, 1935 he received a suspended sentence in another state on a charge of unlawful entry and that on July 27, 1939, following convictions in a federal court on charges of mail theft and forging U.S. Treasurer's checks, he was sentenced to serve three years in a federal penitentiary and placed on probation for five years to commence at the expiration of his prison term. Petitioner was released from confinement on October 8, 1941.

Since the crimes of which the petitioner was convicted on July 27, 1939 involved the element of moral turpitude, he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

In view of this, it is unnecessary to determine whether or not petitioner's conviction on August 13, 1935, outlined above, involves that element.

At the hearing held herein, petitioner (51 years old) testified that he is married and living with his wife and three children; that for the past nine to ten years he has resided at his present address; that he has recently filed an application with this Division for an employment permit in which he disclosed his aforesaid convictions; that he is presently employed as a waiter on licensed premises in this state and that prior thereto he worked as a bartender and waiter on licensed premises in

another state for about seven months and as a warehouse foreman for about six years.

Petitioner further testified that he is asking for the removal of his disqualification to be free to continue his present employment and that ever since his release from prison on October 8, 1941 he has not been convicted of any crime or arrested.

The Police Department of the municipality wherein petitioner resides reports that there are no complaints or investigations presently pending against the petitioner.

The petitioner produced three character witnesses (a security guard, a registered nurse and a waiter) who testified that they have known petitioner for more than five years last past, and that in their opinion he is now an honest, law-abiding person with a good reputation.

Considering all of the aforesaid facts and circumstances, I am satisfied that the petitioner has conducted himself in a law-abiding manner for five years last past, and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 14th day of October, 1963,

ORDERED that petitioner's statutory disqualification because of the convictions described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

EMERSON A. TSCHUPP
ACTING DIRECTOR

10. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp.#235)	
In the Matter of the Automatic)	
Suspension of Plenary Retail)	
Consumption License C-3, issued by)	
the Township Committee of the)	ORDER
Township of Mansfield to)	
)	
GEORGE NEULS)	
t/a RIVERVIEW INN)	
s/s Route #24)	
Mansfield Township)	
PO Port Murray R.D., N. J.)	

BY THE ACTING DIRECTOR:

On October 11, 1963, the licensee was given a ninety-day suspended sentence, placed on probation for one year and fined \$200 in the Warren County Court after plea of guilty to a charge alleging that he had sold alcoholic beverages to a minor on June 20, 1963, 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.

By order dated September 10, 1963, I suspended the license for twenty days, effective September 17, 1963, after the

licensee pleaded non vult in disciplinary proceedings to a charge alleging that he sold alcoholic beverages to the same minor. Re Neuls, Bulletin 1533, Item 5. Under the circumstances, I shall, upon my own motion, enter an order lifting the statutory automatic suspension, effective immediately. Re Liebert, Bulletin 1486, Item 7.

Accordingly, it is, on this 17th day of October, 1963,

ORDERED that the statutory automatic suspension of said license C-3 be and the same is hereby lifted, and said license is restored to full force and operation, effective immediately.

EMERSON A. TSCHUPP
ACTING DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

WHITE POODLE, INC.)
339 Plane Street)
Newark 1, New Jersey)

ORDER

Holder of Plenary Retail Consumption License C-534, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Samuel Raffaello, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

On September 3, 1963, I entered an order suspending the license herein for the balance of its term, commencing September 9, 1963, with leave to the licensee or any bona fide transferee of the license to file petition establishing correction of the then unlawful situation (undisclosed interests of Ralph Brienza, Michael A. Contino and Charles Caruso in the license) for lifting of the suspension on or after October 4, 1963. (Re White Poodle, Inc., Bulletin 1530, Item 4).

It appearing from petition submitted by the licensee that the unlawful situation has been corrected by stock transfer to Matthew James Ross, Salvatore Bartone and Roger W. Bobbitt and that there are no undisclosed beneficial owners of the licensed business, I shall grant the petition requesting termination of the suspension.

Accordingly, it is, on this 17th day of October, 1963,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective 2:00 a.m. Friday, October 18, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings against)

Fraietta, Inc.)
t/a Orlando Cafe)
308 Orlando Avenue)
Gloucester City, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-14, issued by the Common Council of the City of Gloucester City.)

Caulfield & Zamal, Esqs., by Martin F. Caulfield, Esq., Attorneys for Licensee
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"Licensee pleaded not guilty to the following charge:

'On June 20, 1963, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Francis ---, age 18, and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.'

"To substantiate the charge the Division produced Francis ---, Ralph --- and ABC Agent J.

"Succinctly stated, their testimony shows that on Thursday evening, June 20, 1963, Francis and Ralph (both 18 years of age) drove to the licensee's premises and parked in the rear of the building. Francis entered the barroom, which is located in the cellar in the rear, and purchased from the bartender, who required no proof of his age, a can of beer which he consumed on the premises and a six-pack of beer for off-premises consumption. Rejoining his companion, he placed the six pack in his car and proceeded to a drive-in theater where both consumed all but one can of the beverage, keeping the empty cans in the car. As they traveled homeward they were stopped by a police officer of the Woodbury Police Department who, ascertaining their ages and observing the beer cans, conducted them to police headquarters.

"On June 26th Agent J, acting upon information transmitted to the Division by the aforesaid Police Department, questioned the minors at their homes and was directed by them to the licensed premises which they identified as the place where the beer was obtained. Francis failed to identify Roland Swain (the bartender on duty on the date alleged) or any of the corporation's officers as the person who had served him.

"Anthony Fraietta, secretary and treasurer of the corporate

licensee, testified that the corporation had taken over the licensed business on April 5, 1963, and that his wife (also an officer of the corporation) tends bar during the day and that Roland Swain (an employee) relieves her at 6 p.m.; that he serves bottled beer to his customers at the bar and canned beer for off-premises consumption; that on the evening of the date alleged he and his wife were present in the tavern, and that he didn't see Francis at that time or at any other time prior to his appearance on the premises with the agent.

"Having carefully considered the evidence adduced herein, I find that the minor Francis was served an alcoholic beverage which he consumed on the licensed premises; that therein he purchased a six-pack of canned beer for off-premises consumption, and that none of the licensee's agents required written representation as to his age. Those facts having been established to my satisfaction, and because the minor's failure to identify the person who made the sales, service and delivery of the alcoholic beverages to him is not fatal in disciplinary proceedings against the licensee (Re Lagomarsino, Bulletin 1495, Item 1, and cases cited therein), I conclude that the Division has established the truth of the charge by a fair preponderance of the believable evidence. I recommend, therefore, that the licensee be adjudged guilty as charged.

"Since the licensee has no prior adjudicated record, I further recommend that its license be suspended for fifteen days (the minimum penalty imposed for a sale of alcoholic beverages to an 18-year-old minor). Re Poznak, Bulletin 1527, Item 11."

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

Having carefully considered the record herein, including the transcript of the testimony, the summation of the licensee's attorney and the Hearer's Report, I concur in the findings and conclusion of the Hearer and adopt his recommendation.

Accordingly, it is, on this 13th day of November 1963,

ORDERED that Plenary Retail Consumption License C-14, issued by the Common Council of the City of Gloucester City to Fraietta, Inc., t/a Orlando Cafe, for premises 308 Orlando Avenue, Gloucester City, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Wednesday, November 20, 1963, and terminating at 2 a.m. Thursday, December 5, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR.

13. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 THE OLD HOMESTEAD, INC.)
 t/a THE HAMILTON BAR)
 Northeast Corner of Landis Ave.)
 & Garton Rd.)
 Deerfield Township)
 PO RD #2, Bridgeton, N. J.)
)
 Holder of Plenary Retail Consumption License C-5, issued by the Township Committee of Deerfield Township.)

CONCLUSIONS AND ORDER

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

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 28-29, 1963, it sold drinks of alcoholic beverages to two minors, age 19 and 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Frank's Bar & Grill, Inc., Bulletin 1510, Item 11.

Accordingly, it is, on this 21st day of October 1963,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of Deerfield Township to The Old Homestead, Inc., t/a The Hamilton Bar, for premises at Northeast Corner of Landis Avenue & Garton Road, Deerfield Township, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, October 28, 1963, and terminating at 2 a.m. Thursday, November 7, 1963.


 Emerson A. Tschupp,
 Acting Director.