

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

Mrs. Dora P. Rothschi

BULLETIN 1194

OCTOBER 28, 1957.

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DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
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BULLETIN 1194

OCTOBER 28, 1957.

1. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS -  
SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 -  
PRIOR RECORD - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR  
PLEA.

In the Matter of Disciplinary )  
Proceedings against )

WILLIAM MONAHAN )  
T/a WILLIAM MONAHAN )  
37 Ridge Road )  
Lyndhurst, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-14, issued by the )  
Board of Commissioners of the )  
Township of Lyndhurst. )

-----  
William Monahan, Defendant-licensee, Pro se.  
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. You sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., David J. ---, age 17, and Daniel F. X. ---, age 18, on June 22, 1957, and Herbert R. ---, age 18, on July 10, 1957, and allowed, permitted and suffered the consumption of alcoholic beverages by said David J. --- and Daniel F. X. ---, in and upon your licensed premises on June 22, 1957; in violation of Rule 1 of State Regulation No. 20.

"2. On Wednesday, July 10, 1957, at about 11:00 p.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, viz., 24 - 12 ounce cans (1 case) of beer, at retail, in their original containers for consumption off your licensed premises and allowed, permitted and suffered the removal of such beverages from your licensed premises; in violation of Rule 1 of State Regulation No. 38."

The file herein discloses that between 9:30 p.m. and 10:30 p.m. on June 22, 1957, David --- and Daniel ---, age 17 and 18 years, respectively, were served and consumed one or two glasses of beer on the defendant's premises and purchased three cases (each containing 24 - 12-oz. cans) of beer and a quart of gin for off-premises consumption. The file further discloses that at about 11:00 p.m. on July 10, 1957, Herbert ---, age 17 years, purchased a case (24 - 12-oz. cans) of beer for off-premises consumption. Service and sale of the aforementioned quantities of alcoholic beverages were made by a bartender employed by defendant. The bartender did not question the aforesaid minors at any time regarding their respective ages.

Defendant has a prior adjudicated record. On three occasions, his license was suspended by the local issuing

authority to wit: effective December 8, 1936 for two days for sale to minors; effective May 11, 1942 for three days for a local "hours" violation and effective June 13, 1955 for ten days for a sale of alcoholic beverages in original containers for off-premises consumption on a Sunday, in violation of Rule 1 of State Regulation No. 38. In addition thereto, his license was suspended by the State Director for thirty days, effective July 23, 1951 for (a) gambling and bookmaking and (b) possession of contraceptives (Re Monahan, Bulletin 913, Item 3) and for ten days, effective January 16, 1956 for mislabeled beer taps (Re Monahan, Bulletin 1097, Item 8).

The minimum penalty for a sale, otherwise unaggravated, to a seventeen-year-old minor is twenty days, to which five days would be added because three minors were involved (Re Rugby Inn, Inc., Bulletin 1163, Item 5). The minimum penalty for a violation of Rule 1 of State Regulation No. 38 is fifteen days (Re Solazzo, Bulletin 1176, Item 10). Under the circumstances appearing in the present case and considering that the sales to the minors were aggravated by the quantity of alcoholic beverages sold to them and furthermore, taking into consideration the past record of the defendant, especially within the past five years, I shall suspend defendant's license for sixty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 16th day of September, 1957,

ORDERED that Plenary Retail Consumption License C-14, issued by the Board of Commissioners of the Township of Lyndhurst to William Monahan, t/a William Monahan, for premises at 37 Ridge Road, Lyndhurst, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. September 24, 1957 and terminating at 2:00 a.m. November 18, 1957.

WILLIAM HOWE DAVIS  
Director.

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (MAKING ARRANGEMENTS FOR ILLICIT SEXUAL INTERCOURSE - OBSCENE LANGUAGE AND CONDUCT) - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

HELEN WIELICZKA and ANGELA HANCHAR  
T/a AMERICAN BAR & GRILL  
8809 River Road  
North Bergen, N. J.,

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consumption License C-45, issued by the Alcoholic Beverage Control Board of the Township of North Bergen.

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Alfred E. Shultz, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

"1. On the night of August 10 and early morning of August 11, 1957, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., the making of overtures and arrangements by a female patron for illicit sexual intercourse; in violation of Rule 5 of State Regulation No. 20.

"2. On the occasions aforesaid, you allowed, permitted and suffered foul, filthy and obscene language and conduct in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.

"3. On Sunday, August 11, 1957, at about 2:15 a.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, viz., 12 12-ounce cans of beer, at retail, in their original containers for consumption off your licensed premises and allowed, permitted and suffered the removal of such beverages from your licensed premises; in violation of Rule 1 of State Regulation No. 38."

The file herein discloses that on Saturday, August 10, 1957 at about 10:45 p.m., two ABC agents entered defendants' licensed premises and took seats at the bar which was being tended by Angela Hanchar, one of the licensees, who was acting as the barmaid. Seated at the bar was a female named Peggy, a boy about eight years of age and five males, one of whom was known as Earle. Upon taking their seats, the agents heard a heated argument between Peggy and Earle which was ignited by a male patron (a mutual friend) who openly accused Earle of being angry with Peggy because she refused to submit to an act of perversion which he suggested to her. For a period of about two hours, Peggy and Earle continuously hurled the vilest epithets at each other and interspersed the same with the use of other foul, filthy and revolting language. As other patrons would enter the premises, the aforesaid "friend" would openly repeat Earle's alleged vulgar accusation. Peggy and Earle would then resume their filthy exchanges as aforesaid and became the laughing stock of the patrons. At no time did the licensee make any serious attempt to stop this argument. At about midnight, Peggy, while dancing with a male patron, lifted her dress to her waist but dropped the same at the request of the licensee.

At about 1:00 a.m. a male by the name of Mike entered the premises and joined Peggy and Earle in a conversation at the bar. Earle then approached the agents and informed them that Mike was arranging to leave the premises with Peggy to have sexual intercourse with her. The agents repeated this conversation to the licensee and asked her what sort of a person Peggy was. The licensee shrugged her shoulders and said that this is a tough neighborhood and that she had seen worse than Peggy.

At about this time Peggy went to the ladies' room into which she was followed by Mike and Earle as a prank to torment her. Peggy, however, in vehement but vulgar terms was soon heard screaming that they get out. Within a few minutes she returned to the bar followed shortly by Mike and Earle who were laughing and appeared to have enjoyed their intrusion. Peggy then expressed her displeasure with Mike and Earle by letting loose another indecent tirade. She continued to say that she would not go out with Mike and Earle but preferred the company of the agents because they were gentlemen. The agents thereupon invited Peggy to have a drink and then

openly asked her if she would engage in sexual intercourse with them. Peggy replied that "she would sleep" with one of them. When the agents questioned her about being paid for her services, she replied "No", that she just liked the agent and then asked him if he had any beer in his room. The agent thereupon bought twelve 12-ounce cans of beer from the licensee who placed them in two brown paper bags and accepted \$2.40 in payment thereof. At the time of this purchase, 2:15 a.m., the agent informed the licensee he wanted the beer for Peggy who was going to spend the night with him at his home. The agents, together with Peggy, left the premises, returned in a few minutes, identified themselves to Angela Hanchar, aforesaid, and informed her of the violations. The licensee admitted the sale of the twelve cans of beer and further stated Peggy was a new patron who started to visit the premises about a week or so ago. Peggy identified herself and gave her age as 53.

By way of mitigation the attorney for the licensees submitted a statement asking that I deal leniently with them. In this statement he sets forth, among other things, that Peggy is about 55 or 60 years of age and the violations charged herein took place on Peggy's second visit to the premises. I have read the statement and carefully examined the file.

I find that the history of the licensed premises does not reflect that prostitutes used the same as a haven or a place where they were permitted to ply their trade.

I also give little credence to Earle's statement to the agents that Mike was making arrangements with Peggy to have sexual intercourse with her. It appears that these patrons indulged in loose and reckless conversation. It was, however, sufficient basis for the agents to determine for themselves whether the licensees, under the circumstances, were permitting illicit arrangements to be made on the premises. Peggy's readiness to enter into an arrangement for sexual intercourse with the agent appears to be the result of a decision made on the spur of the moment. What impelled her action is difficult to say. It might have been made in a moment of weakness resulting from taking a few extra drinks or to show her resentment towards Mike and Earle for the abuse they heaped upon her or to retaliate for the same. It definitely was not for pecuniary gain. It seems to me that this case does not fall in the category of those in which penalties of 180 days heretofore were imposed on licensees for permitting and suffering solicitation for prostitution. I am, however, satisfied that the licensees did permit and suffer an arrangement to be made ostensibly for sexual intercourse.

Defendants have no prior adjudicated record. Considering all the facts and circumstances in this case, I shall suspend their license for sixty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 18th day of September, 1957,

ORDERED that Plenary Retail Consumption License C-45, issued by the Alcoholic Beverage Control Board of the Township of North Bergen to Helen Wieliczka and Angela Hanchar, t/a American Bar & Grill, for premises at 8809 River Road, North Bergen, be and the same is hereby suspended for a period of fifty-five (55) days, commencing at 3:00 a.m. September 26, 1957 and terminating at 3:00 a.m. November 20, 1957.

WILLIAM HOWE DAVIS  
Director.

3. DISCIPLINARY PROCEEDINGS - FAILURE TO KEEP LICENSED PREMISES CLOSED DURING PROHIBITED HOURS AND FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW IN VIOLATION OF LOCAL ORDINANCES - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
 Proceedings against )

PAWLOWSKI'S TAVERN, INC. )  
 T/a PAWLOWSKI'S TAVERN )  
 245 Monmouth Street )  
 Jersey City, N. J., )

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consump- )  
 tion License C-466, issued by the )  
 Municipal Board of Alcoholic )  
 Beverage Control of the City of )  
 Jersey City. )  
 ----- )

James F. McGovern, Jr., Esq., Attorney for Defendant-licensee.  
 Edward F. Ambrose, Esq., appearing for the Division of  
 Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On Sunday, June 16, 1957, at about 12:45 p.m., you conducted your licensed business; in violation of Section 4 of Ordinance K-1299 adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950.

"2. On Sunday, June 16, 1957, at about 12:45 p.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 such beverages from your licensed premises; in violation of Rule 1 of State Regulation No. 38.

"3. On Sunday, June 16, 1957, at about 12:45 p.m., you failed to remove all shades, screens and other obstacles so as to permit a clear view of the bar inside your licensed premises; in violation of Section 4 of Ordinance K-1299 adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950."

An examination of the file herein discloses that at 12:45 p.m. on Sunday, June 16, 1957, an ABC agent purchased in defendant's premises six twelve-ounce cans of beer from Frank Pawlowski, an officer of the corporate-defendant. Two other men had entered the premises with this agent at 12:38 p.m. As the agent left the premises with the beer he was met outside the door by another agent who attempted to gain entrance to the premises by knocking at the door. Frank Pawlowski opened the door and after both agents entered, they identified themselves to him and confronted him with the violation. At first, Frank Pawlowski denied the sale but thereafter admitted the violation. The blinds in the premises were drawn so that inside of the premises could not be seen.

Defendant has a prior adjudicated record. Effective March 15, 1955 its license was suspended for ten days for a violation of Rule 1 of State Regulation No. 38. Re Pawlowski's Tavern Inc., Bulletin 1055, Item 5. The minimum penalty in the absence of a prior record and of aggravating circumstances for the violation committed herein is thirty-five days. Cf. Re Bednarko's, Inc., Bulletin 1179, Item 4. In view of the fact that defendant has a record of a similar violation, namely, violation of Rule 1 of State Regulation No. 38, within the past five years, I shall suspend its license for forty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty days.

Accordingly, it is, on this 25th day of September, 1957,

ORDERED that Plenary Retail Consumption License C-466, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Pawlowski's Tavern, Inc., t/a Pawlowski's Tavern, for premises at 245 Monmouth Street, Jersey City, be and the same is hereby suspended for a period of forty (40) days, commencing at 2:00 a.m. October 3, 1957 and terminating at 2:00 a.m. November 12, 1957.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS -- PRIOR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

EMIL ZIPF & ANNA ZIPF )  
T/a OLD HEIDELBERG )  
235 Paterson Avenue )  
East Rutherford, N. J., )

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consump- )  
tion License C-13, issued by the )  
Borough Council of the Borough of )  
East Rutherford. )

-----)  
Donohue & Donohue, Esqs., by Joseph F. Donohue, Esq., Attorneys  
for Defendant-licensees.

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

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

"1. On or about July 5, 1957 and on divers days prior thereto and particularly on or about March 17, April 9, 11 and June 29, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., David J. ---, age 17, and Daniel F. X. ---, age 18, 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.

"2. On June 28, 1957, 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., Peter Kent ---, age 16; in violation of Rule 1 of State Regulation No. 20."

The file herein discloses that on March 17, April 9, 11 and either on June 29 or July 5, 1957, the licensees or their employee, respectively, sold and served on each occasion divers glasses of beer to David ---, 17 years of age and Daniel ---, 18 years of age. Furthermore, the file discloses that on June 28, 1957 Peter ---, age 16 years, purchased for off-premises consumption twelve 12-ounce cans of beer at defendants' licensed premises. Thereafter, police officers observed Peter and some of his companions seated in an automobile consuming some of the beer that had been obtained at defendants' licensed premises.

Defendants have a prior adjudicated record. Effective February 28, 1955 defendants' license was suspended for forty-five days for sale of alcoholic beverages to minors. Re Zipf, Bulletin 1053, Item 3. The minimum penalty for the sale of alcoholic beverages to a 16-year-old minor is twenty-five days. Re Campbell, Bulletin 1133, Item 7. In view of the number of minors involved and because of the similar past record of defendants, occurring within the past five years, I shall suspend their license for a period 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 16th day of September, 1957,

ORDERED that Plenary Retail Consumption License C-13, issued by the Borough Council of the Borough of East Rutherford to Emil Zipf & Anna Zipf, t/a Old Heidelberg, for premises at 235 Paterson Avenue, East Rutherford, be and the same is hereby suspended for thirty-five (35) days, commencing at 2:00 a.m. September 23, 1957 and terminating at 2:00 a.m. October 28, 1957.

WILLIAM HOWE DAVIS  
Director.

5. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS -  
LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

CHARLES A. BECKAS & MARGARET BEKAEZ )  
S.W. Cor. Hurffville Road & Good )  
Intent Road. )

CONCLUSIONS  
AND ORDER

Deptford Township, PO RD Blackwood, N.J., )

Holders of Plenary Retail Consumption )  
License C-10, issued by the Township )  
Committee of Deptford Township. )

-----)  
Charles A. Beckas and Margaret Bekaez, Defendant-licensees,  
Pro se.

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

BY THE DIRECTOR:

Defendants pleaded non vult to the following charge:



"You sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Andona ---, age 17, and Detta ---, age 18, on the night of Saturday, August 3 and during the early morning of Sunday, August 4, 1957, and to Norma ---, age 16, Andona ---, age 17, Detta ---, age 18, Robert ---, age 19, James ---, age 20, and Earl H. ---, age 20, on the night of Sunday, August 4 and during the early morning of Monday, August 5, 1957, and you allowed, permitted and suffered the consumption of alcoholic beverages by such persons on such respective dates in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

Acting on information received from the Barrington Police Department, ABC agents obtained sworn, written statements from Earl H. ---, age 20, dated August 6, 1957, Andona ---, age 17, dated August 7, 1957, Detta ---, age 18, dated August 7, 1957, Robert ---, age 19, dated August 7, 1957, Norma ---, age 16, dated August 9, 1957 and an oral statement from James ---, age 20 on August 7, 1957. From these statements it appears that Andona and Detta were on the licensed premises on Saturday night, August 3, 1957, from about 10:45 p.m. to 1:30 the next morning during which time Andona was served and consumed eight glasses of beer at fifteen cents per glass and Detta two mixed drinks at forty cents each; that on Sunday night, August 4, 1957 at about 10:00 p.m. they returned with Norma to the licensed premises where they stayed until midnight and Norma remained until about two o'clock the next morning; that Robert, James and Earl were on the licensed premises intermittently from about 9:00 p.m. on Sunday, August 4, 1957 to two o'clock the next morning and joined the aforesaid three female minors seated at a table; that during this period of time Andona consumed six glasses of beer, Earl, fifteen glasses of beer, Robert, four glasses of beer and James an unknown quantity of beer. The statements disclose further that a waitress served some of the alcoholic beverages to all of the aforesaid minors while they were seated at the table; that a bartender also served some of the alcoholic beverages to the three male minors at the bar; that at no time did anyone on the premises ask any of the minors to sign a statement declaring his or her age to be twenty-one years or over.

On August 7, 1957, all the minors except Norma directed two ABC agents to the licensed premises and the three male minors identified Harry Hoffmeister as the bartender who served them the beer on the night of August 4, 1957. On August 15, 1957, the three female minors identified Elizabeth Carson as the waitress who served them the alcoholic beverages on the nights of August 3 and August 4, 1957.

Defendants have no prior adjudicated record. The minimum penalty for a sale of alcoholic beverages to a sixteen-year-old minor is twenty-five days. Re Schmoll, Bulletin 1123, Item 5. Considering the number of minors involved and the quantity of alcoholic beverages sold to and consumed by them, I shall suspend defendants' license for forty days. Re Fox, Bulletin 1137, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 25th day of September, 1957,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of Deptford Township to Charles A. Beckas & Margaret Bekaez, S. W. Cor. Hurffville Road & Good Intent Road, Deptford Township, PO RD Blackwood, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 2:00 a.m. October 3, 1957, and terminating at 2:00 a.m. November 7, 1957.

WILLIAM HOWE DAVIS  
Director.

6. DISCIPLINARY PROCEEDINGS - CHARGES ALLEGING SALES TO MINORS - DISMISSED.

In the Matter of Disciplinary  
Proceedings against

ANTHONY & MARTHA TRUCHEL  
T/a HILL TOP INN  
S/e Corner Marne Highway &  
Mt. Laurel Rd.  
Hainesport, N. J.,

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consump-  
tion License C-3 for the 1956-57  
licensing year, issued by the Township  
Committee of the Township of Hainesport;  
and renewed for the 1957-58 licensing  
year to:

MARTHA TRUCHEL  
T/a HILL TOP INN

for the same premises.

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In the Matter of Disciplinary  
Proceedings against

BIRDSALL A. HORNER  
S/s South Pemberton Rd.  
Pemberton Township, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-9 for the 1956-57 licensing  
year, issued by the Township Committee  
of Pemberton Township; and renewed for  
the 1957-58 licensing year as:

BIRDSALL A. HORNER  
T/a CEDAR CREST TAVERN

for the same premises.

-----  
Cahill and Wilinski, Esqs., by Robert Wilinski, Esq., Attorneys  
for Defendant-licensees Anthony & Martha Truchel.  
Herman Belopolsky, Esq., Attorney for Defendant-licensee  
Birdsall A. Horner.  
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"In separate proceedings instituted against the  
above licensees, pleas of not guilty were entered to charges  
alleging, in the first case, the sale of alcoholic beverages  
to Brooks --- and Aniello ---, both nineteen years of age; in

the second case, alleging the sale of an alcoholic beverage to the said Brooks; and alleging in both cases that each of said minors was permitted to consume such beverages in and upon the respective licensed premises.

"At the hearings held herein, Brooks, Aniello and Ronald (an adult) testified that they visited both licensed premises on Wednesday night, April 24, 1957; that Brooks and Aniello were each served three glasses of beer in Truchel's establishment by an elderly bartender who made no inquiry as to their age and that later in the evening Brooks was served a glass of beer in Horner's tavern by a male who requested the trio to produce proof of age but relied upon the identification shown to him by Ronald. The testimony discloses that approximately one month thereafter the two minors and Ronald, accompanied ABC agents to both licensed premises and identified, in the first, Anthony Truchel as the person who served the minors. In the second, they failed to identify the bartender who served Brooks, but identified Mrs. Ethel Wells (daughter of the licensee) as one of the persons who was behind the bar.

"Martha Truchel testified that she and her husband Anthony Truchel (since deceased) operated the tavern; that on the night in question she alone tended bar and that she had never seen the three youths who testified until they came to the tavern with the agents.

"Mrs. Wells testified that she is manager of Horner's tavern; that on the date alleged, which was the second night after the licensee herein acquired the business, no male tended bar; that Kenneth Claypoole and Mary Potts were her bartenders; that Claypoole worked every night except Wednesday night when Mary Potts substituted for him; that she was present on the night in question and that the three youths were not on the premises. She presented the licensee's payroll book which confirmed her testimony as to the employees and their hours of employment.

"Mary Potts testified that she alone was tending bar on the night alleged; that although Claypoole was on the premises he did not assist her at any time; and that the three youths were not served by her or anyone else on the licensed premises.

"Claypoole testified that he is the night bartender but tended bar during the day on the date alleged; that after completing his duties he went home to dinner and later returned to the licensed premises to receive a jacket emblematic of the dart game team of which he was a member; that Mary Potts was the only person who tended bar that evening; and that he never saw the three youths until the day they came into the premises with the agents.

"Leroy Horne (a patron) testified that he frequented Horner's tavern regularly; that he was present on the night in question and also on the day the youths came in with the agents, which was the first time he had ever seen them; and that he and Claypoole were present at the time alleged to receive their dart team jackets. His testimony corroborated that of Horner's other witnesses as to the person who was tending bar.

"Having carefully considered the record herein, I find that Brooks testified on direct examination that a man and a woman were behind the bar in Horner's tavern, and on cross-examination he testified that two men and a woman were behind the bar. I find, further, that Ronald, who testified he had

visited Horner's licensed premises when it was under different management, was the finger man who directed the agents there. I find, further, that the testimony of Martha Truchel and that of Horner's witnesses was straightforward and highly credible and I conclude that the Division has failed to establish the guilt of the defendants in each case by a fair preponderance of the believable evidence. I, therefore, recommend that the charge in each case be dismissed."

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

After carefully considering the facts and circumstances in each case, I concur in and adopt the findings and recommended conclusions of the Hearer. Hence, I shall dismiss the charges.

Accordingly, it is, on this 11th day of September, 1957,

ORDERED that the charge in each of the above cases be and the same is hereby dismissed.

WILLIAM HOWE DAVIS  
Director.

7. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING EFFECTIVE DATES OF SUSPENSION.

In the Matter of Disciplinary )  
Proceedings against )

OLYMPIC, INC., )  
125 Essex Street )  
Maywood, N. J., )

ON PETITION  
O R D E R

Holder of Plenary Retail Consump- )  
tion License C-4 (for the 1956-57 and )  
1957-58 licensing years), issued by )  
the Borough Council of the Borough of )  
Maywood. )

-----  
Louis Santorf, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

An order having been entered herein on September 10, 1957, suspending defendant's license for thirty days commencing at 2:00 a.m. September 17, 1957, and terminating at 2:00 a.m. October 17, 1957; and

It appearing from a verified petition filed herein that, prior to the entry of said order, arrangements had been made with various bowling leagues for the use of the bowling alleys on defendant's premises during the evenings of various days during the present and coming weeks and that programs had been arranged and tickets sold to hundreds of individuals for these events; and

It thus appearing to my satisfaction that numerous persons would be inconvenienced by the suspension of the license beginning this evening,

It is, on this 17th day of September, 1957,

ORDERED that the suspension of thirty days heretofore imposed, instead of commencing at 2:00 a.m. September 17, 1957, shall, in lieu thereof, commence at 2:00 a.m. September 24, 1957, and terminate at 2:00 a.m. October 24, 1957.

WILLIAM HOWE DAVIS  
Director.

8. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF  
STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS,  
LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

HENRY HENSCH )  
238 New York Avenue )  
Jersey City 7, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distri- )  
bution License D-80, issued by )  
the Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Jersey City. )  
-----)

Henry Hensch, Defendant-licensee, Pro se.  
Dora P. Rothschild, appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that  
on Sunday, August 4, 1957, he sold alcoholic beverages in  
original containers for off-premises consumption, in violation  
of Rule 1 of State Regulation No. 38.

The file herein discloses that on Sunday, August 4,  
1957, at about 3:35 p.m., while the licensee was on the  
licensed premises, his clerk (Ernest Bradow) sold three twelve-  
ounce cans of Rheingold Extra Dry Lager Beer to an ABC agent.  
The agent and a fellow-agent who joined him in the street after  
purchasing the beer returned to the premises and identified  
themselves to the licensee and his clerk who admitted making  
the aforesaid illegal sale.

The defendant has no prior adjudicated record. I  
shall suspend his license for fifteen days (Re Eckstein, Bul-  
letin 1160, Item 5). Five days will be remitted for the plea  
entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 12th day of September,  
1957,

ORDERED that Plenary Retail Distribution License D-80,  
issued by the Municipal Board of Alcoholic Beverage Control of  
the City of Jersey City to Henry Hensch, for premises 238 New  
York Avenue, Jersey City, be and the same is hereby suspended  
for ten (10) days, commencing at 9:00 a.m. September 23, 1957,  
and terminating at 9:00 a.m. October 3, 1957.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary )  
Proceedings against )

EGG HARBOR BOWLING CENTER )  
(A Corporation) )  
16-20 Philadelphia Avenue )  
Egg Harbor City, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-18, issued by the )  
Common Council of the City of )  
Egg Harbor City. )

-----  
Defendant-licensee, by John J. Sinon, President.  
David S. Piltzer, Esq., appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

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

Acting upon information received from the Pleasant-  
ville Police Department, ABC agents obtained a signed, written  
statement from AM/3 Thomas ---, U. S. Navy, wherein he says  
that he is nineteen years of age and that, on the afternoon  
of August 22, 1957, he drove to defendant's licensed premises  
wherein he purchased a six-can pack of beer from John J. Sinon,  
President of defendant corporation. In his statement Thomas  
further says that he had purchased alcoholic beverages on pre-  
vious occasions in defendant's premises and had never been  
questioned by any employee or agent of defendant corporation  
as to his age. The ABC agents accompanied Thomas to the  
licensed premises and Thomas identified John J. Sinon as the  
person who had sold the beer to him. Mr. Sinon admitted to  
the agents that he had sold the beer to Thomas on August 22nd,  
but claimed that Thomas had previously exhibited to him an "ID"  
card indicating that he was over the age of twenty-one. This  
is denied by the minor and, in any event, it clearly appears  
that the minor never represented in writing that he was twenty-  
one years of age or over as required by R. S. 33:1-77.

Defendant has no prior adjudicated record. The minimum  
penalty for sale to a nineteen-year-old minor is fifteen days  
(Re Brudzinski, Bulletin 1164, Item 11). Under the circum-  
stances, I shall suspend defendant's license for fifteen days.  
Five days will be remitted for the plea entered herein, leaving  
a net suspension of ten days.

Accordingly, it is, on this 16th day of September, 1957,

ORDERED that Plenary Retail Consumption License C-18,  
issued by the Common Council of the City of Egg Harbor City to  
Egg Harbor Bowling Center (A Corporation), for premises 16-20  
Philadelphia Avenue, Egg Harbor City, be and the same is hereby  
suspended for ten (10) days, commencing at 3:00 a.m. September  
23, 1957 and terminating at 3:00 a.m. October 3, 1957.

WILLIAM HOWE DAVIS  
Director.

10. DISCIPLINARY PROCEEDINGS - SALE FOR OFF-PREMISES CONSUMPTION IN OTHER THAN ORIGINAL CONTAINER - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against )

DAVID KOZLOW )  
T/a DAVE'S GLASS BAR )  
568 McChesney Street )  
Orange, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump-  
tion License C-56, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Orange. )  
-----)

David Kozlow, Defendant-licensee, Pro se.  
Dora P. Rothschild, appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that on Sunday, July 21, 1957, he sold for off-premises consumption a pint bottle of "Seagram's Ancient Bottle Golden Distilled Dry Gin" in other than its original container, in violation of R. S. 33:1-2.

The file herein discloses that at about 1:45 p. m. on the above date an ABC agent, at the defendant's licensed premises, asked Lewis Hauris (the bartender) for a pint of Seagram's gin to take out. Hauris took a pint bottle of the gin from the back bar, broke the seal, handed the bottle to the agent, and accepted payment therefor. The agent, in the presence of the bartender, placed the bottle of gin in his pocket, left the premises and returned immediately with a fellow agent who had been stationed outside the premises. Both agents disclosed their identity and called the violation to the attention of the bartender and the licensee, who was also present.

Defendant has a prior record. Effective June 12, 1948, his license was suspended by the local issuing authorities for thirty days for a sale to minors. This dissimilar violation, occurring over five years ago, will not be considered in fixing penalty herein. Re Parker Wines & Liquors, Bulletin 1172, Item 4. I shall suspend defendant's license for fifteen days (Re Marech's Tavern, Bulletin 1163, Item 9). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 16th day of September, 1957,

ORDERED that Plenary Retail Consumption License C-56, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to David Kozlow, t/a Dave's Glass Bar, for premises 568 McChesney Street, Orange, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. September 23, 1957 and terminating at 2:00 a.m. October 3, 1957.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary )  
Proceedings against )

EARL N. ARMSTRONG & NELLIE T. )  
ARMSTRONG )  
T/a TOM'S TAVERN )  
North Side of Marne Highway )  
Mt. Laurel Township )  
PO Masonville, N. J., )

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consump- )  
tion License C-5, issued by the )  
Township Committee of the Township )  
of Mt. Laurel. )

-----)  
Cahill and Wilinski, Esqs., by William T. Cahill, Esq.,  
Attorneys for Defendant-licensees.  
David S. Piltzer, Esq., appearing for the 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 two minors and permitted the consumption of such beverages by said minors, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that ABC agents obtained signed sworn statements from U. S. Airman Orville ---, age 17 and Airman David ---, age 19, wherein they state that they visited defendants' licensed premises in the early morning of July 2, 1957 and therein were served alcoholic beverages without producing any proof of age. Orville stated that he was served a glass of whiskey and soda, but didn't know who served him. David stated that he was served one bottle of beer by a female. Both minors stated that these drinks were purchased by an adult companion. The minors directed the agents to the licensed premises and identified it as the place where they had been served and Earl Armstrong (one of the licensees) then stated that he could not remember having seen the minors before. He admitted that he employed a part-time barmaid, who, he said, was on vacation. The agents report that each minor appears much older than his actual age.

Defendants have no prior adjudicated record. Ordinarily, I would suspend defendants' license for twenty days (Re Benshe Corporation, Bulletin 1127, Item 7). However, under the circumstances of this case, I shall suspend defendants' license for fifteen days and remit five days for the plea, leaving a net suspension of ten days (Re Golden Moon Cafe, Inc., Bulletin 1191, Item 5).

Accordingly, it is, on this 19th day of September, 1957,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Mt. Laurel to Earl N. Armstrong & Nellie T. Armstrong, t/a Tom's Tavern, for premises on North Side of Marne Highway, Mt. Laurel Township, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. October 1, 1957, and terminating at 3:00 a.m. October 11, 1957.

WILLIAM HOWE DAVIS  
Director.



## 12. STATE LICENSES - NEW APPLICATION FILED.

John S. Geiger's Sons, Inc.

83 Hartford St., Newark, N. J.

Application filed October 22, 1957 for additional warehouse  
on Transportation License T-47 at 72 Roanoke Ave., Newark, N.J.WILLIAM HOWE DAVIS  
Director.13. AUTOMATIC SUSPENSION - SELLING ALCOHOLIC BEVERAGES TO MINORS -  
LICENSE PREVIOUSLY SUSPENDED BY LOCAL ISSUING AUTHORITY -  
APPLICATION TO LIFT GRANTED.

Auto. Susp. #141

In the Matter of a Petition by )

MANUEL FREITAS )

T/a ATHENIA WINE &amp; LIQUOR )

634 VanHouten Avenue )

Clifton, N. J., )

ON PETITION  
O R D E RTo Lift the Statutory Automatic )  
Suspension of Plenary Retail Distri- )  
bution License D-31, issued by the )  
Board of Alcoholic Beverage Control )  
of the City of Clifton. )  
----- )

Norman E. Darmstatter, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

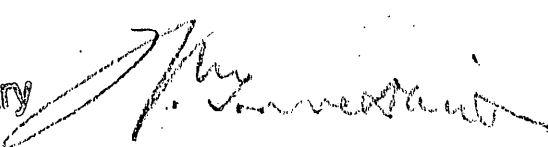
It appears from a verified petition filed herein that on September 9, 1957, Manuel Freitas (the licensee) was fined the sum of \$50.00 and costs after he had been found guilty in the Magistrate's Court of the City of Clifton of a charge alleging that he sold alcoholic beverages to a minor, in violation of R. S. 33:1-77. Said conviction resulted in the automatic suspension of his license for the balance of its term. R. S. 33:1-31.1. The petition requests the lifting of the automatic suspension.

From the records of the Division it appears that on August 28, 1957, the local issuing authority suspended petitioner's license for ten days (less five for the plea) after he had pleaded guilty in disciplinary proceedings on a charge of selling alcoholic beverages to the same minor. This suspension became effective at 9:00 a.m. September 9, 1957, and will expire at 9:00 a.m. September 14, 1957. The disciplinary proceedings were instituted by the local issuing authority on its own initiative, and the file discloses that there were mitigating circumstances in the case. I am satisfied, therefore, that the suspension imposed was adequate and shall grant the requested relief effective at the termination of the suspension presently in effect.

Accordingly, it is, on this 12th day of September, 1957,

ORDERED that the statutory automatic suspension referred to herein will be lifted effective at 9:00 a.m. September 14, 1957, at which time the petitioner's license will be restored to full force and operation. Until that time the suspension remains in effect.

New Jersey State Library

  
William Howe Davis  
Director.