

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

BULLETIN 1137

OCTOBER 31, 1956.

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

BULLETIN 1137

OCTOBER 31, 1956.

1. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 75 DAYS.

In the Matter of Disciplinary)
Proceedings against)
POLISH PEOPLES HOME, INC.)
1-3 Monroe Street) CONCLUSIONS
Passaic, N. J.,) AND ORDER
Holder of Plenary Retail Consump-)
tion License C-133 for the 1955-56)
and 1956-57 licensing years, issued)
by the Board of Commissioners of the)
City of Passaic.)

-----)
Manfield G. Amlicke, 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 it directly or indirectly sold, served and delivered alcoholic beverages to eleven minors and permitted the consumption of such beverages by said minors in and upon its licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents, acting upon information transmitted to this Division by the Passaic County Prosecutor's Office, obtained signed sworn statements from Geraldine --- (age 16), Joyce --- (age 17), Barbara A. --- (age 16) and Arleen --- (age 17), in which they state that on Saturday night, June 2, 1956, they attended a dance in defendant's licensed premises wherein they and Barbara P. --- (age 16), Judy --- (age 17), Amelia --- (age 17), Virginia --- (age 17), Lorraine --- (age 18) and Diana --- (age 18) consumed alcoholic beverages purchased by Joyce and Barbara P. from bartenders on the premises who made no inquiries as to their ages.

Barbara A. stated that she saw Joseph --- (age 19) carry a tray of beer from the bar to his table, at which he consumed several glasses of the beverage. Geraldine stated that she visited Joseph's table whereat she consumed another glass of beer. The kind and amount of the beverages consumed, as stated by Joyce and verified by the others whose statements were obtained, are as follows: Geraldine -- 3 glasses of beer; Barbara A. -- 1 glass of beer and a Tom Collins; Arleen -- a glass of beer and a Tom Collins; Judy -- a glass of beer and a Tom Collins; Amelia -- whiskey and soda; and each of the others 2 glasses of beer.

On June 23, 1956, Geraldine, Barbara A., Arleen, Joyce and Lorraine directed the agents to the licensed premises and pointed it out as the place wherein they and the other minors had consumed alcoholic beverages. None of the minors could identify the bartenders who served them on the night in question. Since it has been established that two of the minors purchased and the others consumed alcoholic beverages on the licensed premises, failure to identify the person or persons who made the sale or permitted and suffered the service and

delivery to the minors of such beverages is not fatal in disciplinary proceedings against the licensee. Re La Corte, Bulletin 469, Item 1; Re Dante, Bulletin 771, Item 9; Re Boardman, Inc., Bulletin 1100, Item 5; Re Kurinsky et al., Bulletin 1100, Item 7.

Defendant, by its attorney, alleges in mitigation that every precaution was taken to prevent such violations; that the directors (who were the bartenders on the night in question) did not serve any of the minors involved; that the hall was rented to Calvert A. C. for Saturday night dances; that a popular orchestra which had a juvenile following played at said dances; that the minors involved apparently were guests at the dance; and that the contract with Calvert A. C. has been terminated "most probably due to the charges made."

While I shall give consideration to the facts outlined by defendant's attorney, nevertheless I am convinced that the violations would never have occurred if the directors had exercised the supervision required of them. A grave and deplorable situation is presented when eleven minors (ranging in age from sixteen through eighteen years) are served and permitted to consume alcoholic beverages. If defendant sees fit to rent its licensed premises to outside groups, it cannot thereby be relieved of the responsibility imposed upon it of seeing that the lessees permit no violations to occur during their occupancy of the premises.

The seriousness of permitting minors of such tender age to imbibe alcoholic beverages, and the debasing consequences which often result therefrom, cannot be overemphasized. It warrants a penalty the severity of which should prove a likely deterrent for future similar violations.

Defendant has a prior record. Effective March 19, 1945, and again June 3, 1945, its license was suspended for seven and five days, respectively, by the local issuing authority for violations similar to that charged herein. However, since the aforesaid violations occurred more than ten years ago, they will not be considered in fixing the penalty herein. I shall suspend defendant's license for a period of seventy-five days.

Since it has been represented to me that many innocent persons and organizations have rented the licensed premises for weddings, card parties and other social affairs during the month of September, the effective date of the suspension herein will commence on October 1, 1956.

Accordingly, it is, on this 19th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-133, issued for the 1956-57 licensing year by the Board of Commissioners of the City of Passaic to Polish Peoples Home, Inc., 1-3 Monroe Street, Passaic, be and the same is hereby suspended for seventy-five (75) days, commencing at 3:00 a.m. October 1, 1956 and terminating at 3:00 a.m. December 15, 1956.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

NATHAN FOX and BETTY G. FOX)
T/a STAR BAR)
24 Main Street)
Asbury Park, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-55, issued by the City Council of the City of Asbury Park.)

Friedlander & DeVito, Esqs., by Robert Friedlander, Esq., Attorneys for Defendant-licensees.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that on July 20, 1956, they sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to five minors and allowed, permitted and suffered said minors to consume such beverages in and upon their licensed premises, in violation of Rule 1 of State Regulations No. 20.

Acting upon information received from the Magistrate of Ocean Township, ABC agents obtained five sworn statements, one dated July 26, 1956 from Robert H. --- (age 16), and the other four dated July 21, 1956 from Thomas --- (age 16), Robert T. --- (age 18), Frank --- (age 18) and Stanley --- (age 18). The statements of Robert T., Stanley and Robert H. disclose that they were at the licensed premises on Friday, July 20, 1956 from 10:00 p.m. to about midnight; that during these two hours, they each consumed between twelve and fifteen "nip" bottles of beer; that with the exception of the first three or four bottles obtained by Stanley through a patron, all the beer was served to them at the bar by the bartender; that each, in turn, would order and pay for a round of drinks; and that none of them was questioned about his age. The statements of Thomas and Frank disclose that they were at the licensed premises on July 20, 1956 between 11:00 p.m. and midnight; that Frank consumed a glass of wine and Thomas two "nip" bottles of beer; that the wine and one of the bottles of beer were served to them at the bar by the bartender; that neither one was questioned about his age.

On July 21, 1956, Thomas, Robert T., Frank and Stanley directed two ABC agents and a local police officer to the licensed premises and, in their presence, identified the same as the tavern where they were served the alcoholic beverages on the previous night and Kuno Schwarte as the bartender who served them.

On July 27, 1956, Robert H. made similar identifications of the tavern and Kuno Schwarte.

In a sworn statement dated July 21, 1956, Kuno Schwarte says that for the past four years he has been employed as a

bartender at the licensed premises; that on the night of July 20, 1956, he served Stanley, Robert T. and Frank each with five or six "hip" bottles of beer; that he had served beer to them on previous visits to the licensed premises and that he never questioned them about their ages because they appeared to him to be over twenty-one years of age.

On July 27, 1956, Kuno Schwarte, when confronted by Robert H., said he was unable to remember him because there were about sixty patrons on the licensed premises on the night of July 20, aforesaid.

The file discloses that on July 21, 1956 at about 1:00 a.m., the five minors were arrested for creating a disturbance in front of a tavern on Route #35, Ocean Township, when denied admission to the same.

The file in this case also discloses that by way of mitigation of penalty, the attorney for the licensees says that prior to October 1955, defendants never held a liquor license; that they are unfamiliar with this type of business; that they depended heavily upon Kuno Schwarte to operate the bar; that they know they are responsible for his acts; and that under these circumstances he feels a lighter than the usual penalty should be imposed.

I am not in accord with the view of defendants' counsel and do not find any extenuating circumstances in this case which would impel me to impose less than the established penalties in cases of this type.

Defendants have no prior adjudicated record. The minimum penalty for a sale of alcoholic beverages to a sixteen-year-old minor, subsequent to January 16, 1956, 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. Cf. Re Klecan and Oldstein, Bulletin 1017, Item 8. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 19th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-55, issued by the City Council of the City of Asbury Park to Nathan Fox and Betty G. Fox, t/a Star Bar, 24 Main Street, Asbury Park, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 3:00 a.m. October 1, 1956, and terminating at 3:00 a.m. November 5, 1956.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - SALE DURING PROHIBITED HOURS IN VIOLATION OF A LOCAL ORDINANCE - CONDUCTING BUSINESS AND PERMITTING PERSONS OTHER THAN THE LICENSEE AND EMPLOYEES ON LICENSED PREMISES DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - FAILURE TO HAVE LICENSED PREMISES CLOSED DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - ALLOWING OBSCENE LANGUAGE AND CONDUCT ON LICENSED PREMISES - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 50 DAYS.

In the Matter of Disciplinary Proceedings against)

DANIEL CZAPLICKI)
T/a DAN'S CORNER)
587 Ocean Avenue)
Jersey City, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-56 for the 1955-56 and 1956-57 licensing periods, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

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

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charges:

"1. On Saturday, January 21, 1956, between 1:50 A.M. and 2:00 A.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of three separate orders of alcoholic beverages, at retail, in their original containers for consumption off your licensed premises; in violation of Rule 1 of State Regulations No. 38.

"2. On Sunday, January 22, 1956, between 2:00 A. M. and 2:35 A.M., you conducted your licensed business; in violation of Section 4 of Ordinance No. K-1299 regulating the sale and distribution of alcoholic beverages by all those holding plenary retail consumption licenses in the City of Jersey City, adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950.

"3. On Sunday, January 22, 1956, between 2:00 A.M. and 2:35 A.M., you suffered and permitted persons except yourself and your actual employees and agents in and upon your licensed premises; in violation of Section 4 of Ordinance No. K-1299 regulating the sale and distribution of alcoholic beverages by all those holding plenary retail consumption licenses in the City of Jersey City, adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950.

"4. On Sunday, January 22, 1956, between 2:00 A.M. and 2:35 A.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 No. K-1299 regulating the sale and distribution of alcoholic beverages by all those holding plenary retail consumption licenses in the City of Jersey City, adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950.

"5. On Sunday, January 22, 1956, between 2:35 A.M. and 3:00 A.M., 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 Regulations No. 20.

"6. On Sunday, January 22, 1956, between 2:35 A.M. and 3:00 A.M., while investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety were conducting an investigation, inspection and examination at your licensed premises, you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation, inspection and examination; in violation of R. S. 33:1-35."

An ABC agent (referred to hereinafter as Agent "K") testified that at about 1:00 a.m. on Saturday, January 21, 1956, he and another agent (referred to hereinafter as Agent "D") entered defendant's licensed premises and took seats at the bar; that there were about twenty male patrons in the premises and that a bartender called "Pete" (subsequently identified as Peter Sullivan) and a waiter called "Steve" (subsequently identified as Stephen Karlick) were on duty at the time; that at 1:50 a.m. he (Agent "K") observed the bartender take two quart bottles of Piel's beer from a cooler located directly in front of the agents, place the beer in a paper bag and hand it over the bar to a patron; that after the patron finished drinking a glass of beer which had been served to him he paid the bartender for the two quarts of beer, picked up the bag containing the beer and left the premises; that he saw the bartender during his stay in the licensed premises sell bottled beer for off-premises consumption to two other patrons, the last sale being made just prior to the time the waiter was extinguishing the lights; that just before the agents left the premises he saw the waiter pick up a bag containing bottles of beer and proceed with the purchaser thereof through the rear door which led to the sitting room.

Agent "K" testified that about 1:15 a.m. on Sunday, January 22, 1956, he and Agent "D", who had accompanied him on the previous visit, again visited the defendant's licensed premises; that there were about ten male patrons present; that both "Pete" and "Steve", who were observed on the prior visit, were again on duty; that shortly after the agents arrived "Steve" went into the rear room and as he returned to the barroom with a man (subsequently identified as the defendant), he announced that it was the last call for the kitchen; that at about 1:35 a.m. the agents left the premises; that at 2:30 that same morning they again returned to the vicinity of the licensed premises at which time a man was observed coming out of the side door of defendant's establishment and shortly thereafter two more men were seen leaving the premises by the same door; that he peered through a lower portion of a window and observed that the barroom was empty; that he then went to the side door leading to the sitting room and through a space at the end of the drawn blinds saw the waiter coming from the barroom carrying a tray containing beer bottles and glasses and enter the lighted kitchen; that he tried the door and finding it unlocked both he and Agent "D" entered the sitting room and proceeded to the kitchen; that they made their identities known to the six persons assembled therein and immediately seized from a table two bottles and two glasses containing beer; that upon questioning the defendant about the people who were present in the kitchen, he was told that "This is my family"; that he then informed the defendant that it was 2:35 a.m. and showed him his

watch; that in response thereto the defendant stated "I'm not open after hours. You didn't see me sell any drinks. You didn't see any money around"; that the defendant accused the agents of trying to purchase beer during prohibited hours and directed filthy invectives and profane language at them (the repetition of which would serve no useful purpose); that the defendant made a lunge at Agent "D" and grabbed him by the coat, at the same time calling him filthy names; that the defendant continued this attitude for a considerable time and, suddenly, picked up a knife and held it in front of Agent "D's" stomach and said "You are lucky I don't stick you with this"; that the agent jumped back and told him to put down the knife and defendant then threw it on the counter; that the defendant exclaimed "I will break you. I got a lot of influence. I know a lot of big people. I will get you guys"; that upon questioning the persons present the agent ascertained that, in addition to defendant, his wife and the waiter, there were James Bennett (who said he was a friend), a woman (who said she was the wife of the former licensee) and the daughter of said woman; and that when Agent "K" told defendant that he was finished examining the license application, defendant said "Get the hell out of the place, you rotten ---."

The testimony of Agent "D", who accompanied Agent "K" to defendant's licensed premises, substantially corroborated the testimony of Agent "K" as to the occurrences on the mornings of January 21 and 22, 1956.

Extensive cross-examination of both agents by the attorney for the defendant failed to alter their version of the occurrences which they testified took place at the times in question.

Defendant testified that he became the owner of the licensed premises the day prior to January 21, 1956; that about 10:20 p.m. on January 21, 1956 he remembered the waiter coming to him and about ten minutes thereafter the bartender, stating that two fellows wanted to buy "canned beer"; that both employees told him they refused to sell to the two men and that he (the defendant) voiced his approval of their action; that although he only looked at the men on the second occasion, he "didn't know any of the patrons in the place * * *"; that about 2:00 a.m. on Sunday, January 22, 1956, he was standing in the kitchen when, as he described it, "I turned around and all of a sudden I hear a rumbling of a chair or something. I thought it was Steve. Like that. It was loud. All of a sudden Red (referring to Agent 'K') was there. He was the first to come in. It was that fellow (pointing to Agent 'K')"; that Agent "K" said "We are ABC men" and showed him his credentials; that he was frightened; that Agent "K" did not show him his watch (characterized Agent "K" as "a liar"); that he did not remember using any profane or filthy language whatsoever; and that he knew nothing about "a knife" which the agents had mentioned in their testimony, nor did he grab Agent "D" by the coat.

Peter Sullivan, the bartender, testified that at 10:30 p.m. on Saturday (January 21, 1956) Agent "K", while sitting at the bar with Agent "D", asked him for a "couple of cans of beer" to take out to the car where they had a "couple of girls" and that he told these men he could not sell it, "So they sat at the bar, I will say, to about 1 or 1:15 and they left." During cross-examination, Sullivan testified that the same man, at 11:15 p.m., again asked him for beer and, in response thereto, Sullivan said "No good. I couldn't give it to my own brother."

Stephen Karlick, the waiter employed by defendant, testified that "about 10:25--10:35" a.m. on Saturday, Agent "K" asked him for "canned beer to take out" and that he referred him to the bartender.

Stella Czaplicki, wife of defendant, testified that she became frightened when the ABC agents came into the kitchen but after they identified themselves "There was nothing to be excited about any more"; that she heard no profane language uttered by anyone; that the defendant did not touch either of the agents, nor did he brandish a knife at anyone. Further, she testified that the two bottles of beer found in the kitchen had been there since 11:00 p.m. the preceding night.

Mary Soriero, wife of the former licensee, testified that she became frightened when the agents entered the kitchen and that the two bottles of beer which were in the kitchen were there for "quite some time" prior to 2:00 a.m. on the morning in question; and that she heard no profanity other than defendant calling Agent "K" a "damn liar."

Both agents, called in rebuttal by the Division, testified that they were not in defendant's licensed premises on the evening of Saturday, January 21, 1956, but entered said premises at 1:15 on the morning of January 22, 1956.

I have carefully examined the entire record in this case and am satisfied that the testimony given by the ABC agents is accurate in every respect. Although Stephen Karlick, the waiter employed by defendant, was called as a witness, and according to the defendant was the person who at 11:00 p.m. on Saturday evening brought the two bottles of beer to the kitchen for the wives of the defendant and former licensee, respectively, his testimony is barren of any such fact. Furthermore, it is hard to believe the testimony of the bartender when accusing the agents of attempting to obtain cans of beer for off-premises consumption shortly after 10:00 p.m. on Saturday and after the agents gave as their reason for the purchase that they wanted it for girls in the parked car outside the premises, the men, nevertheless, remaining continuously in the licensed premises until 1:00 or 1:15 on Sunday morning.

There is no question but that the defendant became unduly excited when confronted by ABC agents when violating the local ordinance and Rules and Regulations of the Division of Alcoholic Beverage Control. The Hearer stated that defendant's general excitable and nervous temperament was made obvious at the within hearing while testifying when on several occasions he stood up and gesticulated, rambled unresponsively in answer to questions asked him, became at times argumentative, spoke in an excitable manner and referred to one of the agents as "a liar."

Defendant, the bartender and the waiter testified that a municipal detective was present when they alleged that the agent requested cans of beer for off-premises consumption, but such police officer was not produced by the defendant at the hearing herein.

Exceptions to the Hearer's Report were filed by the prosecuting attorney pursuant to Rule 6 of State Regulations No. 16, in which he contended that the recommended penalty with especial reference to Charge 6 was inadequate.

While normally a more severe penalty would be imposed for hindering (Charge 6), involving actual physical violence or threats thereof to agents of this Division, I am taking into consideration the Hearer's observation that the defendant seemed to be a person of "general excitable and nervous temperament" and shall not increase the penalty recommended. I am also taking into consideration the overall penalty of fifty days which should impress upon the defendant that such conduct on the part of licensees toward our agents will not be tolerated.

After careful examination of all the evidence presented in the instant case, I concur with the Hearer's findings that the defendant is guilty of the charges preferred against him.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of fifteen days because of the violation set forth in Charge 1 (Re Barkey's Bar & Grill, Inc., Bulletin 1119, Item 8) and for a period of fifteen days because of the violations set forth in Charges 2, 3 and 4 (Re Nevin's Bankers Club, Inc., Bulletin 942, Item 2). Since the conduct which forms the basis of Charge 5 is an integral part of Charge 6, I shall consider these two charges together and, since hindering involves deliberate castigation and vilification of enforcement agents, I shall impose an additional suspension of twenty days (Re Menzel, Bulletin 948, Item 2). This makes a total suspension of defendant's license of fifty days.

Accordingly, it is, on this 4th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-56 (for the 1956-57 licensing period), issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Daniel Czaplicki, t/a Dan's Corner, for premises 587 Ocean Avenue, Jersey City, be and the same is hereby suspended for fifty (50) days, commencing at 2:00 a.m. October 15, 1956, and terminating at 2:00 a.m. December 4, 1956.

WILLIAM HOWE DAVIS
Director.

- 4. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - SALES TO MINORS - EMPLOYMENT OF NON-RESIDENT WITHOUT REQUISITE EMPLOYMENT PERMIT - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MARIANTOINETTE VERENNA)
T/a THE CORONET)
62-64-66 Sitgreaves Street)
Phillipsburg, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-4 (for the 1955-56 and 1956-57 licensing years), issued by the Board of Commissioners of the Town of Phillipsburg.)

Ernest W. Russo, 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 Friday, April 6, 1956 at about 10:10 P.M. and on Sunday, April 15, 1956 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; in violation of Rule 1 of State Regulations No. 38.

"2. On Sunday, April 15, 1956, between 2:00 A.M. and 2:10 A.M., you sold, served, delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages and permitted the consumption of alcoholic beverages upon your licensed premises; in violation of Section 1 of an Ordinance adopted by the Board of Commissioners of the Town of Phillipsburg on June 8, 1949, as amended December 7, 1949.

"3. On Friday night, April 20, 1956, 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., Thomas ---, age 17, and Leonard ---, age 17, 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 Regulations No. 20.

"4. On Friday, April 20, 1956 and prior thereto, you knowingly employed on your licensed premises Philip J. Altieri, a non-resident of New Jersey, who had not obtained any requisite employment permit from the Director of the Division of Alcoholic Beverage Control; in violation of Rule 4 of State Regulations No. 13."

As to Charges 1 and 2: The file herein discloses that an ABC agent entered defendant's premises on April 6, 1956, at about 10:05 p.m. and thereafter observed Philip J. Altieri (the bartender) place two bottles of beer in a bag and hand the bag to a patron who took the bag from the premises. The agent did not apprehend the patron or disclose his identity to anyone on the premises. The same agent entered defendant's premises on Sunday, April 15, 1956, at about 12:30 a.m. Shortly before 2:00 a.m. the agent purchased from Joseph Colabella (another bartender) a glass of beer which he was permitted to consume until 2:10 a.m. Shortly after 2:00 a.m. the agent purchased two bottles of beer "to take home" and left the premises at about 2:10 a.m. with the bartender, to whom he did not disclose his identity.

As to Charge 3: The same agent and another ABC agent entered defendant's premises on April 20 at about 10:30 p.m. About 11:25 p.m. the agents observed Thomas --- (age 17) purchase a bottle of beer from Philip J. Altieri and, a few minutes later, observed Leonard --- (age 17) purchase a bottle of beer from the same bartender. At about 11:55 p.m. Thomas --- purchased another bottle of beer and a highball, which he immediately consumed, from the same bartender. Shortly thereafter the agents identified themselves to the minors and the bartender. They obtained statements from both minors in which each said that he had not been questioned as to his age when the sales were made.

As to Charge 4: In a statement obtained from Philip J. Altieri he admitted that he lived in Easton, Pa.; that on April 6, 1956, and April 20, 1956, he had been employed by defendant as a part-time bartender and that he did not then hold an employment permit.

I have considered the letter received from defendant's attorney setting forth alleged mitigating circumstances. I shall impose the minimum penalty on each charge herein.

Defendant has no prior record. I shall suspend defendant's license for twenty days on Charges 1 and 2 (Re Reimer, Bulletin 1075, Item 5); for an additional twenty days on Charge 3 (Re Alexander, Bulletin 1112, Item 10) and for an additional five days on Charge 4 (Re Eaton Club 88, Bulletin 1108, Item 1). Five days will be remitted for the plea herein, leaving a net suspension of forty days.

Accordingly, it is, on this 17th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-4 (for 1956-57 licensing year), issued by the Board of Commissioners of the Town of Phillipsburg to Mariantoinette Verenna, t/a The Coronet, for premises 62-64-66 Sitgreaves Street, Phillipsburg, be and the same is hereby suspended for forty (40) days, commencing at 1:00 a.m. September 26, 1956, and terminating at 1:00 a.m. November 5, 1956.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - EMPLOYMENT PERMITTEE ENGAGING IN CONDUCT PROHIBITED TO EMPLOYER - PERMIT SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary Proceedings against)

JOSEPH A. COLABELLA)
110 W. Nesquehoning Street)
Easton, Pa.,)

CONCLUSIONS
AND ORDER

Holder of Employment Permit No. 3572, issued by the Director of the Division of Alcoholic Beverage Control.)

Ernest W. Russo, Esq., Attorney for Defendant-permittee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On Sunday, April 15, 1956 you, holder of an employment permit for a person failing to qualify as to residence in the State of New Jersey, engaged in conduct prohibited to your employer, Mariantoinette Verenna, holder of a plenary retail consumption license for premises 62-64-66 Sitgreaves Street, Phillipsburg, N. J., as follows:

- (a) On Sunday, April 15, 1956, between 2:00 A.M. and 2:10 A.M., you, while employed as a bartender at the licensed premises of said Mariantoinette Verenna, sold, served, delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages and permitted the consumption of alcoholic beverages upon the licensed premises, thus participating and engaging in a violation of Section 1 of an Ordinance adopted by the Board of Commissioners of the Town of Phillipsburg on June 8, 1949, as amended December 7, 1949, with said Mariantoinette Verenna.

(b) On Sunday, April 15, 1956, at about 2:05 A.M., you, while employed as a bartender at the licensed premises of said Mariantoinette Verenna, sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages at retail in their original containers for consumption off the licensed premises thereby participating and engaging in a violation of Rule 1 of State Regulations No. 38 with said Mariantoinette Verenna;

all of which was in violation by you of Rule 9 of State Regulations No. 13."

The facts upon which the charge herein is based are set forth in Re Verenna (decided herewith).

Defendant has no prior record. I shall suspend his employment permit for fifteen days. Five days will be remitted for the plea, leaving a net suspension of ten days (Re Jotzat, Bulletin 944, Item 8).

Accordingly, it is, on this 17th day of September, 1956,

ORDERED that Employment Permit No. 3572, issued by the Director of the Division of Alcoholic Beverage Control to Joseph A. Colabella, 110 W. Nesquehoning Street, Easton, Pa., be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. October 6, 1956, and terminating at 9:00 a.m. October 16, 1956.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary Proceedings against
JOHN G. TRUM, JR.
T/a LYDIA'S TAVERN
Route #46
White Township
PO Belvidere RD, N. J.,
Holder of Plenary Retail Consumption License C-8, issued by the Township Committee of White Township.

CONCLUSIONS
AND ORDER

Hauck, Herrigel & Sutton, Esqs., by A. Warren Herrigel, Esq.,
Attorneys for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant, after previously entering a plea of not guilty, pleaded non vult at the hearing in the case to a charge alleging that he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a minor and permitted said minor to consume such beverages in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that, acting upon information received from the State Police, ABC agents, on May 29, 1956, obtained a signed sworn statement from George --- (age 19), wherein it appears that he visited defendant's licensed premises for the first time around the Christmas or New Year holidays of 1955, and that the last time he was there was about March 29th; that he was at the tavern during that period about twice a week, and most of the time drank beer although on some occasions he would merely have soda and a sandwich; that both the licensee and his wife served beer to him without ever questioning him as to age and without requesting him to sign any representation thereof.

George, accompanied by ABC agents, identified defendant's licensed premises as the establishment where he had obtained beer as aforesaid, and identified the licensee and his wife as the persons who had served him with such beer. At the time of such identification, the licensee verbally told the agents that he had seen George in the licensed premises and remembered serving him with beer on at least two occasions, the last such occasion being before Christmas 1955; that the first time he was in the place George told him he was twenty-two years of age but he did not ask George to sign any representation to such effect. The licensee's wife told the agents that she had served beer to George on one occasion prior to Christmas 1955, at which time he assured her he was twenty-two years of age; and that she did not ask him to sign any representation to that effect.

The circumstances disclosed establish that George was at the premises and was served beer there immediately prior to Christmas 1955 according to the licensee and his wife, and up to March 1956 according to the minor. In either event, the licensee is guilty as charged.

Defendant has no prior adjudicated record. Counsel for defendant, when entering the plea of non vult, set forth various alleged mitigating circumstances which in part are not in accord with the facts as reported by ABC agents and part are not pertinent. Although presented for the purpose of obtaining a remission for the entry of such plea, such circumstances do not disclose any reason to depart from the normal rule that nothing will be remitted for a non vult plea entered at the hearing of the case. Re The New Ciro's, Inc., Bulletin 994, Item 7. However, I shall give the licensee the benefit of the doubt and merely adjudge him guilty of the sales to the minor in December 1955, since there is no corroboration of the minor's statement concerning subsequent sales. Since that date precedes my announcement, on January 16, 1956, of increased penalties for sales to minors, I shall suspend defendant's license for a period of ten days, the usual penalty for sale of alcoholic beverages to a nineteen-year-old minor, prior to such announcement. Re Lane, Bulletin 1085, Item 10.

Accordingly, it is, on this 11th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of White Township to John G. Trum, Jr., t/a Lydia's Tavern, Route #46, White Township, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. September 17, 1956, and terminating at 2:00 a.m. September 27, 1956,

WILLIAM HOWE DAVIS
Director.

ACTIVITY REPORT FOR SEPTEMBER 1956

7. ARRESTS:		
Total number of persons arrested	- - - - -	34
Licensees and employees	- - - - - 8	
Bootleggers	- - - - - 26	
SEIZURES:		
Motor vehicles - cars	- - - - -	6
- trucks	- - - - -	1
Stills - 50 gallons or under	- - - - -	2
Mash - gallons	- - - - -	322.20
Distilled alcoholic beverages - gallons	- - - - -	181.90
Wine - gallons	- - - - -	7.40
Brewed malt alcoholic beverages - gallons	- - - - -	186.91
RETAIL LICENSEES:		
Premises inspected	- - - - -	523
Premises where alcoholic beverages were gauged	- - - - -	428
Bottles gauged	- - - - -	7,945
Premises where violations were found	- - - - -	43
Violations found	- - - - -	45
Type of violations found:		
Unqualified employees	- - - - - 9	Improper beer taps - - - - - 1
Other mercantile business	- - - - - 7	Application copy not available - - - - - 15
Regs. #38 sign not posted	- - - - - 6	Other violations - - - - - 7
STATE LICENSEES:		
Premises inspected	- - - - -	21
License applications investigated	- - - - -	8
COMPLAINTS:		
Complaints assigned for investigation	- - - - -	299
Investigations completed	- - - - -	312
Investigations pending	- - - - -	177
LABORATORY:		
Analyses made	- - - - -	198
Refills from licensed premises - bottles	- - - - -	7
Bottles from unlicensed premises	- - - - -	75
IDENTIFICATION BUREAU:		
Criminal fingerprint identifications made	- - - - -	31
Persons fingerprinted for non-criminal purposes	- - - - -	190
Identification contacts made with other enforcement agencies	- - - - -	142
Motor vehicle identifications via N. J. State Police teletype	- - - - -	2
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	- - - - -	10
Violations involved:		
Sale during prohibited hours	- - - - - 5	Service to women at a bar (local reg.) - - - - - 1
Sale to minors	- - - - - 3	Sale to non-members by club - - - - - 1
Failure to close premises during prohibited hours	- - - - - 3	Permitting lottery activity (sweepstakes tickets on premises) - - - - - 1
Cases instituted at division	- - - - -	23
Violations involved:		
Sale to minors	- - - - - 9	Exercising license privilege prior to transfer - - - - - 1
Permitting immoral activity on premises	- - - - - 3	Sale outside scope of license - - - - - 1
Conducting business as a nuisance	- - - - - 3	Permitting gambling (pool game) - - - - - 1
Sale during prohibited hours	- - - - - 2	Permitting hostesses on premises - - - - - 1
Fraud and front	- - - - - 2	Possessing illicit liquor - - - - - 1
Unqualified employees	- - - - - 2	Hindering investigation - - - - - 1
Permitting lottery activity (numbers, raffle tickets, baseball pool on prem.)	- - - - - 2	Permitting prostitutes on premises - - - - - 1
Permitting bookmaking on premises	- - - - - 2	Possessing indecent matter - - - - - 1
Cases brought by municipalities on own initiative and reported to Division	- - - - -	10
Violations involved:		
Sale to minors	- - - - - 4	Employing bartender w/o requisite identification card (local reg.) - - - - - 1
Sale during prohibited hours	- - - - - 1	Failure to close premises during prohibited hours - - - - - 1
Permitting brawls on premises	- - - - - 3	Service to women at a bar (local reg.) - - - - - 1
Sale outside scope of license	- - - - - 1	
Fraud in application	- - - - - 1	
Permitting lottery activity on premises	- - - - - 1	
HEARINGS HELD AT DIVISION:		
Total number of hearings held	- - - - -	39
Appeals	- - - - - 1	
Disciplinary proceedings	- - - - - 30	Seizures - - - - - 2
Eligibility	- - - - - 5	Applications for license - - - - - 1
STATE LICENSES AND PERMITS ISSUED:		
Total number issued	- - - - -	1,022
Licenses	- - - - - 1	Social affair permits - - - - - 354
Employment permits	- - - - - 179	Miscellaneous permits - - - - - 234
Solicitor's "	- - - - - 42	Transit insignia - - - - - 146
Disposal "	- - - - - 58	Transit certificates - - - - - 8

Dated: October 3, 1956

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - CHARGE ALLEGING SALES TO MINORS, DISMISSED.

In the Matter of Disciplinary Proceedings against)
)
 PIONEER TAVERN, INC.)
 T/a PIONEER TAVERN)
 42 Marconi Avenue)
 Woodbridge Township)
 PO Iselin, N. J.,)
)
 Holder of Plenary Retail Consumption License C-38, issued by the Township Committee of the Township of Woodbridge.)

CONCLUSIONS AND ORDER

 Adler & Mezey, Esqs., by Samuel M. Adler, Esq., Attorneys for Defendant-licensee.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to a charge alleging that, directly or indirectly, it sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20.

At the hearing herein the Division called two minors, John --- and Daniel ---, both of whom testified, in substance, that at about 8:00 p.m., April 20, 1956, they, accompanied by Thomas ---, age 20, and two other youths, drove to defendant's licensed premises to purchase fifteen cans of cold beer and parked "almost directly in front of the door"; that Thomas ---, now deceased, left the car and proceeded toward defendant's tavern and in about "8, 10 or 12 minutes" he returned and placed on the front flooring of the car a package which they later found contained fifteen cans of beer; that they did not see Thomas go into or come out of defendant's tavern; and that there are two or three taverns or liquor package stores "roughly about 2 1/2 blocks" from defendant's licensed premises. An ABC agent testified that he and another agent were directed to defendant's tavern by Daniel who pointed it out as the place where they had parked the car. Thomas' Birth Certificate which indicated that he was born on December 19, 1935 was received in evidence.

Four employees of defendant corporate-licensee testified that they were on duty on the licensed premises on the night of April 20, 1956; that there was no sale of fifteen cans of beer during their tour of duty, and when shown a photograph of Thomas, they testified that no person resembling him was served alcoholic beverages by them on the night alleged.

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

The charge herein is serious and the evidence in support thereof must be clear and convincing. While the evidence adduced by the Division gives rise to a suspicion that the minor in question purchased the alcoholic beverages in defendant's licensed premises, such suspicion is not a proper substitute for legal proof. The testimony of two of the Division's witnesses that they did not see the minor enter or leave defendant's premises,

and that there were two or three other licensed premises in the vicinity of defendant's establishment coupled with the positive and uncontradicted testimony of defendant's employees that they never saw said minor or served him or anyone else fifteen cans of beer on the night alleged preponderates in defendant's favor. Cf. Re Borstelmann, Bulletin 1127, Item 3.

Under the circumstances, I conclude that the Division has not sustained the burden of establishing defendant's guilt by a fair preponderance of the evidence and, hence, I shall dismiss the charge.

Accordingly, it is, on this 20th day of September, 1956,

ORDERED that the charge herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
Director.

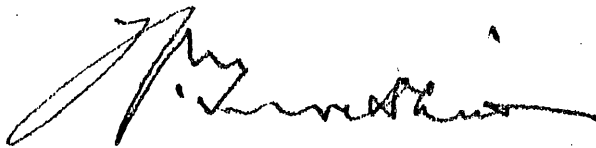
9. STATE LICENSES - NEW APPLICATIONS FILED.

Penn Yan Express, Inc.
Hwy. #17 & Prospect Ave.
Rochelle Park, N. J.

Application filed October 29, 1956 for additional warehouse on Transportation License T-77 at U. S. Route No. 1, New Brunswick, N. J.

Merchants' Wine & Liquor Company
Marlton Pike and Beacon Avenue
Pennsauken Township, N. J.

Application filed October 30, 1956 for place-to-place transfer of Plenary Wholesale License W-6 from 4576 Crescent Boulevard, Camden, N. J.



William Howe Davis
Director.