

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

BULLETIN 1357

October 24, 1960

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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 1357

October 24, 1960

1. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - PERMITTING OBSCENE LANGUAGE ON PREMISES - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against )

HAROLD E. RUSSELL AND KATHERINE RUSSELL )  
t/a CASTLE INN )  
Route 23 )  
Hardyston Township, )  
PO Hamburg, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Hardyston and transferred during the pendency of these proceedings to )

VERNON DALE LEWIS AND CLARENCE )  
AUGUSTUS LEWIS )  
t/a CASTLE INN )

for the same premises. )

-----  
Hommell & Hommell, Esqs., by Adrien B. Hommell, Esq., and Mackerley & Friedman, Esqs., by Peter Friedman, Esq., Attorneys for Defendant-licensees Russell.

Hommell & Hommell, Esqs., by Adrien B. Hommell, Esq., Attorneys for licensees Lewis.

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

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendants pleaded not guilty to the following charges:

- '1. On Friday night October 23, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly to a person actually or apparently intoxicated, and allowed, permitted and suffered the consumption of such beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.
- '2. On Friday night October 23, 1959, 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.'

"At the hearing held herein, the Division called as its witnesses two ABC agents, hereinafter referred to as Agent S and Agent F.

"Agent S testified that on Friday, October 23, 1959 at about 9:10 p.m., he and Agent F entered the defendants' licensed premises; that they took seats at the bar which was occupied by nine male patrons and was being tended by Katherine Russell (then co-licensee), John Russell and Frank Belcher; that at about 9:15 p.m. his attention was drawn to Charles who was seated at the bar directly opposite (a distance of 10 to 15 feet); that from this and closer areas he and Agent F kept Charles under observation from about 9:20 to about 10:55 p.m.; that on a number of occasions during this period he had seen Charles leave his seat at the bar, circle about the side of the bar and in the course of the same, stagger from side to side and indulge in obscene language; that Charles' 'face was flushed, his eyes were red and glassy, his speech was slurred, he spoke as if he had a thick tongue....and he would throw his arm around some of the patrons seated at that side and appeared to be hanging on for support'; that he had witnessed Charles consume five shots of whiskey and three bottles of beer served to him by Mr. Belcher and Mrs. Russell; that on two separate occasions he had heard Charles describe himself as being a little drunk, once to a male patron at the bar and the second time to Mr. Belcher, and that on both of these occasions had heard him express an indifference to his condition with foul language.

"Agent S further testified that at about 10:10 p.m., Belcher served Charles his third bottle of beer and shortly before 10:55 p.m. served him his fifth shot of whiskey; that at about 10:55 p.m., after observing Charles gulp down his last shot of whiskey, he identified himself to him, Mrs. Nancy Sliker, a female patron, and to Belcher; that he seized Charles' bottle of beer and directed him and Mrs. Sliker to a table in a sitting room (a distance of about 50 feet), and that while proceeding to the same he held Charles under the arm because his gait was unsteady.

"In addition, Agent S testified that Agent F joined him at the table with two patrons, Mrs. Carol Bigmountain and Robert Revay (companions of Mrs. Sliker); that shortly thereafter, Harold Russell, co-licensee, arrived at the premises; that he and Agent F identified themselves to Mr. Russell and informed him that Charles was apparently intoxicated; that Mr. Russell replied, 'Oh, he is not drunk. You have to know Billy. He has been a prisoner of war and he has been through a lot', and that shortly thereafter Mr. Russell stated, 'Whenever Billy gets this way, I usually put him in one of the cabins to sleep it off.'

"The testimony of Agent S also disclosed that Charles, while being interrogated, was uncooperative and indulged in foul language.

"On cross-examination, Agent S stated the licensed premises were dimly lighted; that Mr. Russell had requested that an examination of Charles be made by a physician in his (Agent S's) presence and offered to arrange for the same; that at about 11:50 p.m. when he and Agent F left the premises, there was no change in Charles' appearance of intoxication.

"Agent S also reaffirmed his direct testimony that he had requested Charles to write his name for the purpose of identification; that the first two writings were unsatisfactory and that, at the urging of Mr. Russell, Charles wrote his name legibly and that it was similar to the signature on his driver's license.

"Agent F substantially corroborated the testimony of Agent S.

"The licensee produced seven witnesses, Trooper Paul Tacke, Nancy Sliker, Carol Bigmountain, Robert Revay, John Edward Talmidge, Lucinda Killerlain and Harold Russell.

"Harold Russell, on behalf of the licensee, testified that on October 23, 1959 he entered the licensed premises shortly after 10:00 p.m.; that the agents informed him of the alleged violations; that he was present when the agents were questioning Charles and when the agents requested him to sign his name; that Charles did not use any vulgar or filthy language and that his speech was normal; that he had no difficulty in understanding what Charles was saying; that he had gone into the kitchen and called three different doctors to give Charles a test for sobriety; that the doctors refused to make the test unless a state trooper were present; that he then drove Charles to the State Police Headquarters at Sussex (a distance of about 2½ miles) and arrived there at about 11:30 p.m.; that he requested Troopers Tacke and Bertalan to give Charles a drunkometer test; that the troopers refused to give the test because there was no complaint lodged against him; that both he and Charles spoke with the troopers for about 30 minutes; that Charles showed no signs of intoxication at the licensed premises or at the police barracks. Russell further testified that he had no agreement to indemnify the present licensees in the event of a suspension of the license which had been transferred to them effective November 1, 1959.

"Paul Tacke (under subpoena) testifying for the defendants, stated that he is a member of the N. J. State Police; that on October 23 aforesaid between 11:30 and 11:45 p.m., Russell and Charles arrived at State Police Headquarters in Sussex where he was stationed; that Russell requested him to give Charles a drunkometer test; that the test could not be made because there was no complaint of intoxication against him; that he observed and spoke with Charles, whose speech appeared clear and normal; that Charles appeared to be sober; that there was nothing about his appearance, his eyes and face which showed any signs that he was under the influence of liquor; that he made no concentrated effort to determine whether or not Charles was intoxicated, and that Russell and Charles were at the station for about 20 minutes.

"Nancy Sliker (under subpoena) testified that for the past 1½ years she has been employed as a telephone operator; that she has been a patron of the licensed premises for about one year; that she has made weekly visits to the licensed premises on Friday nights; that on October 23 aforesaid between 9:30 and 10:00 p.m., she and a friend, Carol Bigmountain, entered the licensed premises and joined Robert Revay and John Talmidge at a table; that at about 10:15 p.m. she took a seat at the bar between Charles (whom she knew by sight) and a friend; that she observed nothing about the actions or language of Charles which attracted her attention; that at about 10:25 p.m., at the request of Agent S, she and Charles walked to a table (a distance of about 30 feet); that his gait was normal; that he did not stagger; that when they reached the table it was occupied by Agent F, Carol Bigmountain and Robert Revay; that she, Charles and the others were questioned by the agents for about 45 minutes; that Charles did not appear to be intoxicated and that his speech was normal; that he did not slur his words and that she had no trouble understanding him. Mrs. Sliker further testified that she and Charles live in the same town; that he takes his lunch in the same restaurant that she does; that he 'looked that night (October 23, 1959) just like he does every day', and that she did not hear him use any foul or vulgar language.

"Carol Bigmountain (under subpoena) was called as a witness, identified herself as a housewife and patron of the licensed premises for 1½ years and substantially corroborated the statements of Mrs. Sliker.

"Robert Revay (under subpoena) testified that he is a second-year student at Paterson State College; that at about 9:30 p.m. on

October 23, 1959 he and a colleague, Jack Talmidge, entered the licensed premises; that they sat at a table with Mrs. Sliker, Mrs. Bigmountain and two others; that about 10:30 p.m. Agent F identified himself to the group and led him and Mrs. Bigmountain to a table in another room where they were joined by Agent S, Charles and Mrs. Sliker. Revay further testified that Charles was questioned by Agents S and F; that Charles answered intelligently, his voice was clear, his speech was not thick or slurred; that his demeanor, speech and physical appearance showed no signs of intoxication and that the interrogation of Charles and the others lasted about 45 minutes. In addition, Revay testified he had observed Charles (in the company of Agent S and Mrs. Sliker) walk a few yards as he was approaching them at the table and that his gait was normal.

"John Talmidge (under subpoena) was called by the defendants and it was stipulated by the attorneys for the respective parties that his testimony would be the same as that of Robert Revay. In addition, Talmidge testified that he is a sophomore at Paterson State College; that he has patronized the licensed premises for the past two years; that after Mrs. Bigmountain and Revay were led away from his table by Agent F, he directed his attention to the bar to look for Mrs. Sliker; that he saw Agent S and Charles walking straight ahead for a distance of about 30 feet; that Charles' gait was steady; that he did not stagger and that he gave no appearance of being intoxicated.

"Lucinda Killerlain testified that on the night in question she worked as a waitress on the licensed premises; that at about the time the agents left the licensed premises, she observed Harold Russell and Charles walk into the kitchen, emerge therefrom within two or three minutes and leave by the front door (covering an area of about 36 feet); that Charles 'walked perfectly all right' and that he showed no signs of intoxication.

"After considering the evidence and the brief filed by the defendants' attorney, I conclude that, as the agent testified, Charles was kept under observation by the agent from 9:15 to 10:55 p.m. During said period his face was flushed, his eyes were red and glassy, his speech was slurred; that he moved about unsteadily; that he was served alcoholic beverages and that he had also indulged in obscene language. The testimony of the state trooper is not too convincing because he did not observe Charles until about one hour after the agents had identified themselves and after Charles had been driven a distance of about  $2\frac{1}{2}$  miles. With reference to the testimony of the defendants' other witnesses, that Charles did not appear to be intoxicated as opposed to the agents' description of his condition, I accept the agents' description of his condition and their conclusion, based upon his condition, that Charles was apparently intoxicated. I shall also accept as true the testimony of the agents that Charles indulged in obscene language while seated at the bar.

"Under all the circumstances, I conclude that the Division has sustained the burden of proof of defendants' guilt by a fair preponderance of the believable evidence and it is recommended, therefore, that defendants be found guilty as charged.

"Defendants have a prior adjudicated record. Effective April 27, 1959, when the license was held by the defendants, Harold E. Russell and Katherine Russell, it was suspended by the Director of this Division for fifteen days for sale to minors. Re Russell, Bulletin 1278, Item 12. It is further recommended that an order be entered suspending the defendants' license (now in the name of Vernon Dale Lewis and Clarence Augustus Lewis) for a period of twenty-five days, the minimum suspension for the violations set forth in the charges herein (Re Spillane, Bulletin 1259, Item 7),

to which should be added five days for the dissimilar violation within the past five years (Re Bazilus, Bulletin 1322, Item 5), making a total suspension of thirty days."

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

Having carefully considered the record herein, including the transcript of the proceedings, the memorandum filed with the Hearer by defendants' attorneys and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations. Hence, I find the defendants guilty as charged.

Accordingly, it is, on this 29th day of August 1960,

ORDERED That Plenary Retail Consumption License C-5, now held by Vernon Dale Lewis and Claire Lewis, t/a Castle Inn, for premises on Route 23, Hardyston Township, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m., Tuesday, September 6, 1960, and terminating at 2:00 a.m., Thursday, October 6, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

2. OBJECTIONS TO TRANSFER OF MUNICIPAL LICENSE BY THE DIRECTOR HELD TO BE WITHOUT MERIT.

In the Matter of Objections to the Transfer of Plenary Retail Consumption License C-12 from

JOSEPH N. FALBO, STATUTORY RECEIVER FOR GENTLEMAN JIM'S INC. t/a THE BLACK POODLE CLUB 5618 Bergenline Avenue West New York, N. J.

CONCLUSIONS

to

BARRETT CLUB, INC. t/a BARRETT COUNCIL NO. 1273, KNIGHTS OF COLUMBUS 111-113 - 60th Street West New York, N. J.

-----  
Cohen & Turtz, Esqs., by Theodore Cohen, Esq., Attorneys for the Applicant.  
Alexander A. Abramson, Esq., Attorney for Objectors.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an application filed by the Barrett Club, Inc., t/a Barrett Council No. 1273, Knights of Columbus, for a person-to-person and place-to-place transfer of a 1959-60 plenary retail consumption license from Joseph N. Falbo, Statutory Receiver for Gentleman Jim's, Inc., t/a The Black Poodle Club and from premises 5618 Bergenline Avenue to premises 111-113 - 60th Street, West New York. An application was also filed for renewal of the aforesaid license for the 1960-61 licensing period. The application was filed with the Director because the Mayor and two members of the local issuing authority are also members of the applicant club. R.S. 33:1-20. Annexed to the application for the license

is a resolution adopted on June 15, 1960 by the Board of Commissioners of the Town of West New York which provides as follows:

'WHEREAS, application has been made to the Director of the Division of Alcoholic Beverage Control to transfer to Barrett Club Inc., trading as Barrett Council No. 1273, Knights of Columbus, for premises located at 111-113 - 60th Street, West New York, New Jersey, the Plenary Retail Consumption License No. C12 heretofore issued by the Town of West New York to Gentleman Jim's Inc. trading as Black Poodle, for premises located at 5618 Bergenline Avenue, West New York, New Jersey, and which said license had heretofore been extended by the Town of West New York, subject to all of its terms and conditions, to Joseph Falbo, Esq., statutory receiver of Gentleman Jim's Inc.; and

'WHEREAS, Barrett Club Inc., trading as Barrett Council No. 1273, Knights of Columbus, has applied to the Director of the Division of Alcoholic Beverage Control for a Plenary Retail Consumption License for premises situated at 111-113 - 60 Street, West New York, New Jersey, for the period from July 1, 1960-June 30, 1961; and

'WHEREAS, under and pursuant to State Regulation No. 4 issued by the Division of Alcoholic Beverage Control, Department of Law and Public Safety, State of New Jersey, Rule No. 7, the Town of West New York is required to pass a resolution setting forth that the said town of West New York has no objection to the above mentioned transfer of the existing Plenary Retail Consumption License and the issuance of a Plenary Retail Consumption License for the period July 1, 1960-June 30, 1961, and that said Town of West New York consents thereto, and that said Town of West New York is not aware of any circumstances or provisions of law or local ordinances which would prohibit the aforesaid transfer and renewal of the aforesaid license; and

'WHEREAS, the Board of Commissioners of the Town of West New York, after due deliberation and consideration have determined that it is appropriate to consent to said transfer and said renewal;

'NOW, THEREFORE, be it resolved as follows:-

'The Town of West New York has no objection and does hereby consent to the transfer to Barrett Club Inc. trading as Barrett Council No. 1273, Knights of Columbus, for premises located at 111-113 - 60th Street, West New York, New Jersey, Plenary Retail Consumption License No. C 12 heretofore issued to Gentleman Jim's Inc., trading as Black Poodle, for premises located at 5618 Bergenline Avenue, West New York, New Jersey, and which said Plenary Retail Consumption License No. C 12 has heretofore been extended to Joseph Falbo, Esq., statutory receiver of Gentleman Jim's Inc.

'Be it further resolved, that the Town of West New York has no objection and therefore consents to the issuance of a Plenary Retail Consumption License to

Barrett Club Inc., trading as Barrett Council No. 1273, Knights of Columbus, for premises situated at 111-113 - 60th Street, West New York, New Jersey, for the period July 1, 1960-June 30, 1961.

'Be it further resolved, that the Town of West New York is not aware of any circumstances or provisions of law or local ordinances which would prohibit the transfer and the issuance of the license for the renewal period, all as hereinabove referred to.'

"The Department of Public Safety by letter dated June 3, 1960 advised this Division that the premises in question comply with all the laws and ordinances and also the rules and regulations of the West New York Police Department governing the safety of the Town. The Department of Health and the Fire Department, respectively, of the municipality have advised that they found the conditions respecting the licensed premises to be in good order and satisfactory to both departments. The applicant was incorporated on January 4, 1946 and it appears that it has held a club license since April 27, 1951.

"The West New York Tavern Owners Association filed objections to the transfer and the matter came on for hearing at this Division on June 30, 1960.

"Leo Faresich, holder of a plenary retail consumption license for premises at 159 - 60th Street, West New York, testified that his premises are about 150 or 200 feet from the proposed site. Furthermore, that there are several other liquor establishments within the area. He testified that because of the other liquor outlets being located in close proximity to the applicant's proposed place of business, he was of the opinion that there was no need or necessity for the transfer to applicant of such license.

"Gordon Penn, also the owner of a liquor establishment at 60-15 Park Avenue, West New York, testified that he was in agreement with the testimony of Faresich that there was no need for or convenience to be served by a plenary retail consumption license being issued to the applicant herein.

"Daniel F. Sullivan, vice-president of the applicant club, testified that the club has a membership of about 685 men and it has operated and will continue to operate on a limited basis such as it has been doing while the holder of a club license. He testified that he was of the opinion because of the heavy population in the area, that a need existed for the issuance of a plenary retail consumption license to the club.

"James Margiotta testified that he is the holder of a plenary retail consumption license issued for premises 60-03 Park Avenue, West New York, which is located a short distance from the applicant's premises. He testified that he was of the opinion that the transfer of the license in question to the premises of the applicant club would in no way be detrimental to any of the liquor licensees in the immediate area.

"I am satisfied after examining the testimony presented herein that insufficient reasons have been advanced by the objectors to warrant a recommendation to disapprove a transfer and renewal of the license in question. I am impressed with the fact that the local issuing authority took affirmative action regarding the application for transfer by its official resolution hereinbefore quoted in full. It not only stated it had no objection to the transfer of said license but consented thereto and that it was not aware of any circumstances or provision of the law or of any ordinance which would

prohibit the transfer of the license in question. In view of this, it is quite obvious that the local issuing authority would have approved the transfer of the license in question if the application therefor had been filed locally instead of with the State Director pursuant to R.S. 33:1-20. Considerable weight should be given to the municipal issuing authority's resolution of consent. Cf. Re The Columbian Association of Livingston, Bulletin 1221, Item 7.

"After considering all the evidence adduced herein, I recommend that the person-to-person and place-to-place transfer of the plenary Retail consumption license in question and also the renewal thereof be approved by the Director."

Written exceptions to the Hearer's Report and written argument with respect thereto were filed with me by the attorney for the objectors.

Having carefully considered the entire record herein, including the Hearer's Report, the exceptions and argument filed herein, I concur in the Hearer's findings and conclusions and adopt his recommendations.

I shall grant the person-to-person and place-to-place transfer in accordance with the application filed herein.

WILLIAM HOWE DAVIS  
DIRECTOR

Dated: August 25, 1960.

3.

ACTIVITY REPORT FOR AUGUST 1960

<b>ARRESTS:</b>		
Total number of persons arrested	-----	25
Licensees and employees	----- 16	
Bootleggers	----- 9	
<b>SEIZURES:</b>		
Motor vehicles - cars	-----	2
Stillts - 50 gallons or under	-----	2
Mash - gallons	-----	475.00
Distilled alcoholic beverages - gallons	-----	36.51
Brewed alcoholic beverages - gallons	-----	180.22
<b>RETAIL LICENSEES:</b>		
Premises inspected	-----	434
Premises where alcoholic beverages were gauged	-----	407
Bottles gauged	-----	7,224
Premises where violations were found	-----	46
Violations found	-----	61
Unqualified employees	----- 29	
Reg. #38 sign not posted	----- 9	Prohibited signs - - - - - 1
Application copy not available	----- 8	Other mercantile business - - - - - 1
Disposal permit necessary	----- 3	Other violations - - - - - 10
<b>STATE LICENSEES:</b>		
Premises inspected	-----	22
License applications investigated	-----	7
<b>COMPLAINTS:</b>		
Complaints assigned for investigation	-----	446
Investigations completed	-----	446
Investigations pending	-----	174
<b>LABORATORY:</b>		
Analyses made	-----	285
Refills from licensed premises - bottles	-----	36
Bottles from unlicensed premises	-----	71
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made	-----	12
Persons fingerprinted for non-criminal purposes	-----	270
Identification contacts made with other enforcement agencies	-----	217
Motor vehicle identifications via N. J. State Police teletype	-----	2
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities	-----	20
Violations involved	-----	21
Sale during prohibited hours	----- 10	Permitting females at bar (local reg.) 4
Sale to minors	----- 4	Sale to non-members by club - - - - - 3
Cases instituted at Division	-----	26
Violations involved	-----	32
Sale during prohibited hours	----- 6	Permitting lottery activity (numbers) - 1
Sale to minors	----- 6	Permitting hostess activity on prem. - 1
Sale below filed price	----- 3	Possessing contraceptives on prem. - 1
Permitting immoral activity on premises	----- 2	Sale to non-members by club - - - - - 1
Conducting business as a nuisance	----- 2	Failure to file tax reports within time 1
Sale to intoxicated persons	----- 2	Possessing liquor not truly labeled - 1
Failure to close premises during prohibited hours	----- 2	Permitting foul language on premises - 1
Permitting bookmaking on premises	----- 1	Permitting gambling (cards) on prem. - 1
Cases brought by municipalities on own initiative and reported to Division	-----	11
Violations involved	-----	13
Sale to minors	----- 8	Employee without requisite identification card (local reg.) - - - - - 1
Permitting brawl on premises	----- 1	Failure to provide constable to maintain law and order in violation of special condition - - - - - 1
Conducting business as a nuisance	----- 1	
Permitting persons of ill repute on prem.	----- 1	
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held	-----	46
Appeals	----- 9	
Disciplinary proceedings	----- 21	Seizures - - - - - 4
Eligibility	----- 7	Tax revocations - - - - - 5
<b>STATE LICENSES AND PERMITS ISSUED:</b>		
Total number issued	-----	1,309
Licenses	----- 11	
Solicitors' permits	----- 52	Wine permits - - - - - 2
Employment "	----- 286	Miscellaneous permits - - - - - 152
Disposal "	----- 28	Transit insignia - - - - - 264
Social affair "	----- 503	Transit certificates - - - - - 11
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued	----- 5	Investigative files established from 7/1/60 to 8/31/60 - - - - - 145
Premises inspected	----- 570	Disciplinary proceedings instituted at Division - - - - - 1
Premises where violations were found	----- 12	Violation involved: fraud and front- 1
Number of violations found	----- 12	
Investigative files established from 4/1/60 to 6/30/60	----- 55	

WILLIAM HOWE DAVIS  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: September 8, 1960

4. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1959 TO JUNE 30, 1960 AS REPORTED TO THE DIRECTOR  
OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

C L A S S I F I C A T I O N   O F  
L I C E N S E S

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surren- dered Expired	Number Licen- ses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	487	\$208,460.00	72	\$ 27,625.00	28	\$ 2,468.43					1	586	\$ 238,553.43
Bergen	814	308,795.97	301	88,167.00	123	11,192.76	52	\$ 2,446.50	10	\$ 2,760.41	8	1292	413,362.64
Burlington	186	81,980.14	41	12,885.00	48	6,672.33	1	50.00				276	101,587.47
Camden	453	221,970.00	82	35,165.00	77	7,432.93	2	750.00			1	613	265,317.93
Cape May	139	78,420.58	13	4,520.58	16	1,950.00						168	84,891.16
Cumberland	80	40,836.64	14	3,950.00	30	4,060.00						124	48,846.64
Essex	1346	759,912.74	350	209,892.00	107	14,665.01	28	1,400.00	3	2,250.00	1	1833	988,119.75
Gloucester	108	38,610.00	15	3,820.00	22	1,950.00						145	44,380.00
Hudson	1529	693,963.32	298	122,400.00	84	9,847.16	63	2,700.00			4	1970	828,910.48
Hunterdon	79	28,000.00	11	3,810.00	10	1,100.00						100	32,910.00
Mercer	422	259,537.28	51	21,500.00	57	8,150.00			1	106.92	2	529	289,294.20
Middlesex	631	311,620.89	80	25,721.58	103	8,926.76	4	200.00				818	346,469.23
Monmouth	555	290,423.75	122	43,070.00	48	5,398.32	10	435.00	52	24,065.68	29	758	363,392.75
Morris	357	134,165.58	100	33,850.00	57	5,159.76	18	895.96	8	2,287.50	5	535	176,358.80
Ocean	194	106,576.05	47	19,680.00	29	3,192.70						270	129,448.75
Passaic	867	356,355.00	167	51,430.00	43	5,225.00	8	375.00				1085	413,385.00
Salem	51	19,300.00	8	1,550.00	20	1,675.00						79	22,525.00
Somerset	188	85,200.00	41	12,595.00	28	3,250.00						257	101,045.00
Sussex	166	46,155.00	22	4,185.00	11	643.36	1	50.00	2	450.00	1	201	51,483.36
Union	550	306,089.46	144	66,940.00	77	8,648.02	29	1,425.00			1	799	383,102.48
Warren	149	44,547.12	21	5,320.00	28	3,100.00			4	675.48	2	200	53,642.60
Total	9351	\$4,420,919.52	2000	\$798,076.16	1046	\$114,707.54	216	\$10,727.46	80	\$32,595.99	55	12638	\$5,376,826.67

William Howe Davis  
Director

September 12, 1960

5. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against )

HENRY MARSHALL )  
 t/a NOVEL BAR & LIQUOR STORE )  
 152 E. State Street )  
 Trenton 8, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-103, issued by the Board of Commissioners of the City of Trenton. )

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 Robert W. Wolfe, Esq., Attorney for Defendant-licensee.  
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charge:

'On or about December 10, 1959 you sold, at retail, to W. J. Sutcliffe Co., East Rutherford, New Jersey, thirty-two (32) cases of alcoholic beverages at less than the prices thereof listed in the then currently effective Pamphlet of New Jersey Minimum Consumer Resale Prices of Alcoholic Beverages published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30.'

"At the hearing held herein the Division called as its witnesses two ABC agents, hereinafter referred to as Agent L and Agent B and Placed in evidence four exhibits: S-1, S-2, S-3 and S-4. S-1 consists of three instruments (taken from the files of the Division) to wit: (a) an application made by Walter J. Sutcliffe (on behalf of W. J. Sutcliffe Co.) for a permit to transport from defendant's licensed premises, 152 E. State Street, Trenton, to the office of W. J. Sutcliffe Co., located at the foot of Curry Avenue, East Rutherford, a quantity of alcoholic beverages as listed in an inventory attached to the application and being purchased by the applicant from the licensee; (b) an inventory listing 32 cases of assorted brands and sizes of liquor and (c) a permit dated December 10, 1959 authorizing aforesaid transportation. S-2 is an itemized statement (obtained by Agent L from the licensee at the licensed premises). This statement bears the caption 'Sutcliffe', sets forth 32 cases of liquor which correspond with the particular brands and sizes of those listed by applicant in aforementioned inventory and lists the selling price opposite each of said cases of liquor. The total sum of these prices, when computed, amounts to \$1,823.41. S-3 consists of three sheets of paper (obtained by Agent L from the licensee at the licensed premises) which lists 32 cases of assorted brands and sizes of liquor and which corresponds with those listed in Exhibits S-1 (b) (inventory) and S-2. In addition, S-3 sets forth the same prices as appear in S-2 for each of said cases of liquor and shows a total figure of \$1,823.41. S-4 consists of four photostatic copies of four checks, numbered 61891 to 61894, inclusive, drawn on the Bank of Nutley, each dated December 10, 1959, made by W. J. Sutcliffe Co. to the order of Novel Bar & Liquor Store, endorsed for deposit by the said payee and total \$1,823.41.

"Agent L testified that he was assigned to investigate an allegation that the licensee had on December 10, 1959 sold a quantity of alcoholic beverages to W. J. Sutcliffe below the prices listed in the minimum consumer resale price list then in effect; that on one of his visits to the defendant's licensed premises he found exhibits S-2 and S-3 among the records of the licensee; that the licensee had informed him that he had received the four checks in payment of the aforesaid 32 cases of liquor; that the minimum consumer listed resale price in effect on December 10, 1959 for the 32 cases of liquor was \$2,145.65, inclusive of the five per cent permissible discount; that he questioned the licensee about the checks and that 'Mr. Marshall gave us no answers. He couldn't explain the checks at all. He refused to give us answers.' On cross-examination Agent L testified that the licensee denied he sold the 32 cases of liquor below the minimum consumer resale price then in effect and that the licensee did not tell him he had received any cash in addition to the checks as part payment of the liquor in question.

"Agent B testified that on January 14, 1960 he and Agent L visited the licensee at his licensed premises; that he informed Mr. Marshall that he had interviewed Mr. Sutcliffe; that Mr. Sutcliffe stated that he had purchased the liquor listed on Exhibit S-2 from him (Mr. Marshall); that the purchase price was \$1,823.41; that he had paid for the same with four checks, totaling \$1,823.41; that no cash was involved in the transaction and that Mr. Sutcliffe had acknowledged in writing on Exhibit S-2 that he had received the liquor on December 10, 1959.

"On cross-examination Agent B testified that, in response to his questioning, the licensee stated that Mr. Sutcliffe did not owe him any money; that he denied he had sold any alcoholic beverages below the minimum consumer resale price; that he did not know and was uncertain whether he received any cash from Mr. Sutcliffe in addition to the four checks as part payment for the alcoholic beverages in question.

"At the close of the Division's case, counsel for the defendant moved to dismiss the charge on the ground that the evidence adduced by the Division was incompetent. I see no merit in this contention. It is quite clear that the Division has presented sufficient competent evidence to prove a prima facie case. I recommend that the motion be dismissed.

"Michael Toole, a witness for the defendant, testified that he has been a patron of the licensed premises for over 2½ years; that on December 10, 1959 he was at the defendant's licensed premises; that at the request of the licensee, he removed gallons of paint from Sutcliffe's station wagon, following which he and another fellow loaded 'that whiskey in the motor vehicle'; that he then re-entered the liquor store on the bar of which he observed a couple of checks and some cash (the number and amount of which he did not know); that Mr. Sutcliffe was there at the time and that he later delivered the paint to Mr. Sutcliffe.

"Henry Marshall, testifying on his own behalf, denied that on or about December 10, 1959 he had sold 32 cases of liquor below the minimum consumer listed resale price then in effect.

"I have carefully considered all the testimony adduced herein, together with the arguments of counsel and the exhibits, and find that, notwithstanding the defendant's contention that the Division's case was based entirely on hearsay evidence, the Division has amply sustained the charge herein by competent evidence. Under the circumstances, I conclude that the Division has sustained the burden of proof of defendant's guilt by a fair preponderance of the believable

evidence and it is recommended, therefore, that the defendant be found guilty as charged.

"Defendant has no prior adjudicated record. It is further recommended that, because of the large quantity of alcoholic beverages involved, an order be entered suspending the defendant's license for twenty-five days. Cf. Re McCarthy and Benham, Bulletin 1059, Item 4."

Written exceptions to the Hearer's Report and written argument as to said exceptions were filed with me by the attorney for defendant, pursuant to Rule 6 of State Regulation No. 16.

After carefully considering the testimony, exhibits, Hearer's Report, exceptions thereto and written argument, I concur in the Hearer's findings and shall adopt his recommendations. I find defendant guilty as charged.

Accordingly, it is, on this 25th day of August 1960,

ORDERED that Plenary Retail Consumption License C-103, issued by the Board of Commissioners of the City of Trenton to Henry Marshall, t/a Novel Bar & Liquor Store, for premises 152 E. State Street, Trenton, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, September 12, 1960, and terminating at 2 a.m. Friday, October 7, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

6. 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 )

CHARLES J. SARNO )  
3237-39 Hudson Blvd. )  
Jersey City 6, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-170, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

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

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold during prohibited hours an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Thursday, July 14, 1960, at about 10:50 p.m., ABC agents observed Charles Dreyer (who was tending bar at defendant's licensed premises) place a pint bottle of whiskey in a paper bag and deliver it to a patron who left the premises. The agents followed the said patron and, when outside the premises, made known their identity to him. The patron admitted the purchase of the bottle of whiskey, and returned to defendant's premises in the company of the agents.



twenty days.

Accordingly, it is, on this 24th day of August, 1960,

ORDERED that Plenary Retail Consumption License C-193, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Uptown Cafe, Inc., for premises 935 Willow Avenue, Hoboken, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Tuesday, September 6, 1960, and terminating at 2:00 a.m., Monday, September 26, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

EISENHOWERS MUSICAL BAR, INC. )  
t/a Eisenhowers Circle Inn )  
Second Traffic Circle Route 70, )  
Laurel & Union Streets )  
Lakehurst, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Lakehurst. )

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Defendant-licensee, by Donato D'Onofrio, 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 alcoholic beverages to a minor and permitted the consumption of such alcoholic beverages by said minor on its licensed premises, in violation of Rule 1 of State Regulation No. 20.

On Thursday, July 14, 1960, ABC agents while in defendant's licensed premises observed John S. Mizvesky, a bartender, serve a glass of beer to Michael ---, 18 years of age. After the minor consumed a portion of the beer, an agent seized the glass and spoke to Mizvesky and Carl Olivieri, another bartender, both of whom admitted service of beer during the evening to the minor without questioning him as to his age.

By way of mitigation, defendant has submitted a statement given by the minor in question wherein he stated that at the time of service of the alcoholic beverages to him he had in his possession a Navy ID Card falsely showing the age to be 21 years. There is nothing to indicate that such card was produced or shown to any bartender previous to service of beer to the minor. Under the circumstances, I do not find any extenuating circumstances in this case which would impel me to impose less than the minimum penalty in cases of this kind. Although our records disclose that a letter dated January 6, 1953 was sent to Donato D'Onofrio (the principal stockholder of defendant corporate-licensee) when he held the license in his individual name, and a letter dated February 27, 1957 was written to the defendant-corporation, which letters contained warnings against sale of alcoholic beverages to minors, I shall not, because of the lapse of time, take them into consideration when fixing the penalty herein.

Defendant has no prior adjudicated record. I shall suspend it license for fifteen days, the minimum penalty for sale of alcoholic beverages to an 18-year-old minor. Re Calia, Bulletin 1330, Item 6. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 29th day of August 1960,

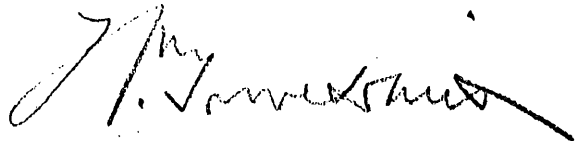
ORDERED that Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Lakehurst to Eisenhowers Musical Bar, Inc., t/a Eisenhowers Circle Inn, for premises Second Traffic Circle Route 70, Laurel & Union Streets, Lakehurst, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Tuesday, September 6, 1960, and terminating at 2:00 a.m., Friday, September 16, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

9. STATE LICENSES - NEW APPLICATION FILED.

George L. Schrade, Inc.  
178-180 South 12th Street  
Newark, New Jersey

Application filed October 17, 1960 for transfer of additional warehouse license from premises at 1115 Embury Avenue, Neptune, to premises at Railroad Avenue & Eleventh Avenue, Neptune, New Jersey.



William Howe Davis  
Director