

Carly
Ambrose

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N. J. 07102

BULLETIN 1839

March 4, 1969

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Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
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BULLETIN 1839

March 4, 1969

1. APPELLATE DECISIONS - GUGALA v. WALLINGTON

CAROLINE GUGALA AND JOHN)
GUGALA,)
Appellants,) ON APPEAL
v.) CONCLUSIONS
MAYOR AND COUNCIL OF THE) AND ORDER
BOROUGH OF WALLINGTON,)
Respondent.)

Lucianna, Federico & Sandow, Esqs., by Frank P. Lucianna, Esq.,
Attorneys for Appellants
Robert D. Gruen, Esq., by Morton R. Covitz, Esq., Attorney for
Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of the respondent Mayor and Council of the Borough of Wallington (hereinafter Council) whereby it suspended appellants' license for twenty-five days effective September 23, 1968, after finding appellants guilty in disciplinary proceedings of a charge alleging that on January 10, 1968, at about 12:15 p.m., Caroline Gugala (a partner of the licensed premises located at 171 Hathaway Street, Wallington) "did engage in and allow, permit or suffer in upon the licensed premises the conduct of a lottery commonly known as numbers lottery, in violation of Rule #6, Regulation 20, of the Division of Alcoholic Beverage Control."

Upon the filing of the appeal an order dated September 27, 1968, was entered by the Director staying the effect of the Council's order of suspension pending the determination of the appeal.

Appellants in their petition of appeal allege that the action of the Council was erroneous in that (a) there was no substantial evidence to support the charge and (b) "even if the alleged activity had occurred, it was NOT committed upon the 'licensed premises' as required by Rule 6, Regulation 20 of the Division of Alcoholic Beverage Control."

The answer of the Council admits the jurisdictional allegations and denies the substantive allegations. In separate defenses it states that it acted in accordance with the evidence adduced and the further remarkable defense that "there is a presumption of regularity as to the action by the Respondent, which assumption (sic) cannot be overcome by Appellants."

In its statement of grounds for its action it sets forth that the basis of its finding was that the appellants "allowed, permitted or suffered certain gambling activities to take place upon the licensed premises, including lottery tickets."

The appeal was submitted solely upon the transcript of the testimony below in accordance with Rule 8 of State Regulation No. 15.

The transcript of the testimony reflects that the Council produced as witnesses two police officers whose testimony may be summarized as follows: Pursuant to a search warrant which they obtained for premises at 171 Hathaway Street, Wallington, they raided the second floor apartment where the appellants reside, and which is located above the licensed premises. In a dresser drawer of the bedroom of the said apartment they found betting slips. The appellants were thereupon charged with possession of the said slips. These slips did not contain any dates; there was no indication to whom they belonged.

Caroline Gugala; one of the appellants herein, identified the application upon which the license for the licensed premises was issued. This application, which was admitted into evidence, specifies the premises to be licensed as 171 Hathaway Street, "first floor - cellar." She testified that the second floor apartment which was raided by the officers was not part of the licensed premises. She further denied that she ever engaged in or allowed, permitted or suffered the conduct of a lottery in and upon the licensed premises.

She did admit, however, that at some time prior to the date set forth in the said charge against her she was a bettor but she steadfastly denied that any lottery activity took place on the licensed premises on the date charged. Furthermore, she insisted that the lottery slips belonged to her mother-in-law; that she had no knowledge of them in her bedroom. Her testimony was corroborated substantially by her husband, who is the co-appellant herein. He insisted that his wife never took any bets and certainly was not engaged in any such activity on the date charged.

From the transcript of the testimony it is patent that the second floor apartment in which these betting slips were found does not constitute part of the licensed premises based upon the application submitted and approved. Cf. Essex County Retail Liquor Dealers Assn. v. Newark, 164 N.J. Super. 314 (1961). It is equally clear that there is no evidence in the record to indicate that the appellants engaged in or allowed, permitted or suffered in and upon the licensed premises the conduct of a lottery commonly known as numbers lottery as alleged.

Rule 6 of State Regulation No. 20, in its applicable part, provides as follows:

"No licensee shall engage in or allow, permit or suffer in or upon the licensed premises the conduct of any lottery, or any ticket or participation right in any lottery to be sold or offered for sale; nor shall any licensee possess, have custody of, or allow, permit or suffer any such ticket or participation right, in or upon the licensed premises" (Underscoring added.)

R. S. 33:1-1(k) defines "licensed premises" as "Any premises for which a license under this chapter is in force and effect."

In order to find the licensees guilty of the charge of violation of Rule 6 of State Regulation No. 20 there must be proof that such activity was actually going on or being conducted on the licensed premises. No conviction therefor may be broader than the charge upon which the appellants are confronted. DeBlasio v. Clifton, Bulletin 1593, Item 3; Jandoli v. Orange, Bulletin 233, Item 7. Also see Grouchy Oscar, Inc. v. Lodi, Bulletin 861, Item 10.

It is crystal clear from the evidence presented that the action of the Council cannot be sustained because there was no testimony offered to show that the alleged activity took place upon the licensed premises.

It is accordingly recommended that the action of the Council be reversed and that the charge herein be dismissed.

Conclusions and Order

No exceptions to the Hearer's report were filed by respondent pursuant to Rule 14 of State Regulation No. 15.

I have carefully considered the entire record herein. Although the testimony of Captain Edward Janieck of the Wallington Police Department contains a verbal admission by Caroline Gugala shortly after her arrest that she had been taking numbers bets "off and on for a few years" until she stopped "a couple of weeks ago", the only evidence linking such activity with the licensed premises is the following testimony of Captain Janieck concerning his colloquy with Mrs. Gugala:

- "Q Did you do any taking of the bets downstairs?
A Well, to please a customer I did it outside and inside and some were brought upstairs."

Under the circumstances, in the absence of more definite proof as to when and where the numbers slips (seized from the licensees' unlicensed living quarters) were accepted so as to connect them with the said uncorroborated verbal admission of one of the licensees, I am impelled by principles of fairness to conclude that insufficient evidence has been adduced to establish prohibited lottery activity on the licensed premises, as required by both the charge in question and Rule 6 of State Regulation No. 20, under which the charge was preferred. Consequently I concur in the Hearer's findings and conclusions and shall adopt his recommendation.

Accordingly, it is, on this 9th day of January 1969,

ORDERED that the action of the respondent Mayor and Council be and the same is hereby reversed, and the charge herein be and the same is hereby dismissed.

JOSEPH M. KEEGAN
DIRECTOR

2. DISCIPLINARY PROCEEDINGS -GAMBLING (FOOTBALL POOL BETS) - LOTTERY (FOOTBALL POOL TICKETS) - PRIOR DISSIMILAR RECORD OF EMPLOYEE PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

✓ GARWOOD HOUSE, INC.)
252 North Ave.)
Garwood, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Garwood.)

Licensee, by Mary J. Mone, President, Pro se
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to charges (1) and (2) alleging that on November 22 and 29, 1968 it permitted acceptance of football pool bets and possession of football pool tickets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

The football pool involved utilized weekly tickets listing eleven college and six professional football games, with point spread for each, in which pool the players might bet any amount and select from four to sixteen games, winning varying numbers of "points" ranging from ten to one thousand for picking all winners of the number selected.

Although the licensee has no previous record of suspension of license, the license then held for the same premises by Armond Mone (husband of Mary J. Mone, president and 98% stockholder of the licensee corporation, employed as a bartender on the licensed premises) was suspended by the municipal issuing authority for ten days effective January 10, 1966 and again for thirty days effective January 20, 1966, both for sale to minors.

I consider the acceptance of football pool bets such as these to be part of commercialized gambling activity, equivalent to the acceptance of horse race or numbers bets. Hence I shall suspend the license for sixty days (cf. Re Hayes, Bulletin 1726, Item 4), to which will be added ten days by reason of the prior record of two suspensions of license of Armond Mone (Re Saidik, Bulletin 1817, Item 7), for dissimilar violations within the past five years (Re Triple Lake Ranch, Inc., Bulletin 1831, Item 6), or a total of seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days.

Accordingly, it is, on this 8th day of January 1969,

ORDERED that Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Garwood to Garwood House, Inc., for premises 252 North Avenue, Garwood, be

and the same is hereby suspended for sixty-five (65) days, commencing at 2 a.m. Wednesday, January 15, 1969, and terminating at 2 a.m. Friday, March 21, 1969.

JOSEPH M. KEEGAN
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS AND FOOTBALL POOL BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SONNY'S EBONY LOUNGE (A CORP. OF N.J.))
137 Pacific Street)
Newark, N.J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-877, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Myron P. Maurer, Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between October 18 and 29, 1968, it variously permitted acceptance of numbers and football pool bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No.20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Awaramko, Bulletin 1803, Item 4.

Accordingly, it is, on this 8th day of January 1969,

ORDERED that Plenary Retail Consumption License C-877, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Sonny's Ebony Lounge (A Corp. of N.J.), for premises 137 Pacific Street, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Wednesday, January 15, 1969, and terminating at 2 a.m. Tuesday, March 11, 1969.

JOSEPH M. KEEGAN
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE AND NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

✓ SUMMER'S END LOUNGE, INC.)
853 Summer Ave.)
Newark, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption)
License C-748, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)

-----)
Angelo R. Bianchi, Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between September 17 and 26, 1968, it variously permitted acceptance of horse race and numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Bogon, Bulletin 1820, Item 2.

Accordingly, it is, on the 9th day of January 1969,

ORDERED that Plenary Retail Consumption License C-748, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Summer's End Lounge, Inc., for premises 853 Summer Avenue, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Thursday, January 16, 1969, and terminating at 2 a.m. Wednesday, March 12, 1969.

JOSEPH M. KEEGAN
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD OF CORPORATE STOCKHOLDER AND CORPORATION WITH COMMON STOCKHOLDER - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

✓ C & M CLUB, INC.)
521 Jersey Avenue)
Jersey City, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-453, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licensee, by Alfred Campbell, President, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, November 3, 1968, it sold a pint bottle of gin for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Although the licensee has no previous record of suspension of license, the license then held by Robert Moore (a fifty per cent. stockholder in the licensee corporation) for premises 76 Kearney Avenue, Jersey City, was suspended by the Director for ten days effective September 4, 1962, for possession of an alcoholic beverage not truly labeled and for twenty-five days effective January 10, 1966 for sale during prohibited hours in violation of local ordinance and State Regulation No. 38. In addition, the license then held by Old Homestead Tavern, Inc. for the Kearney Avenue premises, of which corporation Moore was president and forty per cent. stockholder, was suspended by the Director for twenty-five days effective October 10, 1960 for sale during prohibited hours in violation of local ordinance and State Regulation No. 38 and sale off the licensed premises. See Re Moore, Bulletin 1659, Item 4.

The prior record of suspension of license for dissimilar violation in 1962 more than five years ago disregarded, but considering the record of suspensions of license of Moore in 1966 and Old Homestead Tavern, Inc. in 1960 for similar violations, respectively within the past five years and more than five but less than ten years ago (Re 1014 Arctic Avenue, Inc., Bulletin 1790, Item 3; Re Tooley's Bar, Inc., Bulletin 1806, Item 6), the license will be suspended for thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days. Re Harris, Bulletin 1823, Item 4.

Accordingly, it is, on this 8th day of January 1969,
ORDERED that Plenary Retail Consumption License C-453,

issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to C & M Club, Inc., for premises 521 Jersey Avenue, Jersey City, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Wednesday, January 15, 1969, and terminating at 2 a.m. Friday, February 14, 1969.

JOSEPH M. KEEGAN
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - FOUL LANGUAGE - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
✓ ROCKY & JOE'S, INC.
307 Ocean Ave.
Jersey City, New Jersey,
Holder of Plenary Retail Consumption License C-47, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS
AND ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on December 7, 1968 it (1) sold twelve cans of beer to a minor, age 20, in violation of Rule 1 of State Regulation No. 20, and (2) permitted foul, filthy and obscene language by patrons directed to Division agents then conducting the investigation, in violation of Rule 5 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for ten days (Re Holly Distributors, Inc., Bulletin 1720, Item 7) and on the second charge for twenty-five days (Re Hoffman, Bulletin 1762, Item 5), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 8th day of January 1969,

ORDERED that Plenary Retail Consumption License C-47, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Rocky & Joe's, Inc., for premises 307 Ocean Avenue, Jersey City, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Wednesday, January 15, 1969, and terminating at 2 a.m. Friday, February 14, 1969.

JOSEPH M. KEEGAN
DIRECTOR

RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1968 THROUGH DECEMBER 31, 1968

7.	1st Quarter July, Aug., Sept.	2nd Quarter Oct., Nov., Dec.	Total
ARRESTS:			
Total number of persons arrested	43	54	97
Licensees and employees	25	23	48
Bootleggers	18	30	48
ABC Agent Impersonator	-	1	1
SEIZURES:			
Motor vehicles - cars	4	2	6
- trucks	-	1	1
Stills - 50 gallons or under	2	-	2
Alcohol - gallons	7.62	40.12	47.74
Mash - gallons	106.125	-	106.125
Distilled alcoholic beverages - gallons	38.51	402.25	440.76
Wine - gallons	34.88	340.13	375.01
Brewed malt alcoholic beverages - gallons	96.10	355.72	451.82
RETAIL LICENSEES:			
Premises inspected	2,183	2,507	4,690
Premises where alcoholic beverages were gauged	1,792	1,920	3,712
Bottles gauged	28,200	30,950	59,150
Premises where violations were found	471	548	1,019
Violations found	616	804	1,420
No Form E-141-A on premises	275	344	619
Unqualified employees	213	220	433
Application copy not available	47	83	130
Other mercantile business	4	-	4
Disposal permit necessary	13	10	23
Prohibited signs & practice	6	5	11
Other violations	68	142	210
STATE LICENSEES:			
Premises inspected	82	57	139
License applications investigated	25	21	46
COMPLAINTS:			
Complaints assigned for investigation	1,187	1,223	2,410
Investigations completed	1,205	1,259	2,464
Investigations pending	(227)	(230)	(230)
LABORATORY:			
Analyses made	211	363	574
Refills from licensed premises - bottles	112	213	325
Bottles from unlicensed premises	29	30	59
IDENTIFICATION:			
Criminal fingerprint identifications made	24	19	43
Persons fingerprinted for non-criminal purposes	1,417	1,002	2,419
Ident. contacts made w/other enforcement agencies	884	658	1,542
M.V. identifications made via State Police teletype	2	2	4
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	22	14	36
Violations involved	24	14	38
Sale during prohibited hours	12	5	17
Sale to minors	8	9	17
Failure to close premises during prohibited hours	2	-	2
Failure to afford view into premises during prohibited hours	1	-	1
Sale to non-member by club	1	-	1
Cases instituted at Division	95*	70*	165*
Violations involved	107	86	193
Sale to minors	17	10	27
Sale during prohibited hours	14	11	25
Possessing liquor not truly labeled	13	8	21
Permitting lottery activity on premises	13	7	20
Beverage Tax Law non-compliance	9	4	13
Fraud in application	5	4	9
Permitting lottery & bookmaking on premises	4	5	9
Permitting immoral activity on premises	3	5	8
Permitting gambling on premises	4	4	8
Unqualified employees	3	3	6
Failure to close premises during prohibited hours	3	2	5
Hindering investigation	3	2	5
Fraud and front	2	2	4
Retailer-to-retailer sales	4	-	4
Sale below filed price	1	3	4
Purchase from improper source	1	1	2
Permitting foul language on premises	1	1	2
Permitting hostess activity on premises	-	2	2
Permitting bookmaking on premises	2	-	2
Unauthorized transportation	-	2	2

*Includes six cancellation proceedings - licenses improvidently issued by reason of conviction of licensees and officers of licensees of crimes involving moral turpitude.

	1st Quarter		2nd Quarter		Total
	July,	Aug., Sept.	Oct., Nov.,	Dec.	
DISCIPLINARY PROCEEDINGS (CONTINUED)					
Cases Instituted at Division (Continued)					
Delivery w/o bona fide invoice	-		2		2
Permitting bookmaking & "50-50 Club" on premises	-		1		1
Permitting lottery, bookmaking & cards on premises	-		1		1
Single instance of other violations	5		6		11
Cases brought by municipalities on own initiative and reported to Division					
Violations involved	43		34**		77**
Sales to minors	51		38		89
Permitting brawl, etc. on premises	27		17		44
Sale during prohibited hours	2		7		9
Conducting business as a nuisance	7		2		9
Failure to close premises during prohibited hours	3		2		5
Permitting gambling on premises	3		1		4
Unqualified employees	-		3		3
Fraud and front	1		1		2
Single instance of other violations	1		1		2
	7		4		11
HEARINGS HELD AT DIVISION:					
Total number of hearings held	148		116		264
Appeals	22		21		43
Disciplinary proceedings	100		57		157
Eligibility	17		23		40
Seizures	4		5		9
Tax Revocations	2		10		12
Applications for License	3		-		3
STATE LICENSES AND PERMITS ISSUED:					
Total number issued	5,326		5,241		10,567
Licenses	633		7		640
Solicitors' permits	130		93		223
Employment permits	1,448		950		2,398
Disposal permits	213		198		411
Social affair permits	1,243		1,402		2,645
Wine permits	48		694		742
Miscellaneous permits	795		677		1,472
Transit insignia	705		801		1,506
Transit certificates	111		161		272
OFFICE OF AMUSEMENT GAMES CONTROL:					
Licenses issued	14		67		81
State Fair licenses	176		-		176
Premises inspected	1,265		-		1,265
Premises where violations were found	72		-		72
Number of violations found	96		-		96
Enforcement files established	86		55		141
Disciplinary proceedings instituted	1		-		1
Violations involved	2		-		2
Operating controlled game	1		-		1
Deceptive practice	1		-		1

JOSEPH M. KEEGAN,
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: January 14, 1969

**Includes one cancellation proceeding - license improvidently issued by Director.

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

✓ EDITH Q. FEENEY, INDIVIDUAL,)
ESTATE OF GEORGE B. FEENEY)
t/a Oak Grove Inn)
6th Road and 10th Street)
Buena Vista Township)
P. O. Newtonville, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-12 issued by the Township Committee of the Township of Buena Vista)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 22, 1968, she possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Dangler & Barraro, Bulletin 1831, Item 10.

Accordingly, it is, on this 6th day of January, 1969,

ORDERED that Plenary Retail Consumption License C-12, issued by the Township Committee of the Township of Buena Vista to Edith Q. Feeney, Individual, Estate of George B. Feeney, t/a Oak Grove Inn, for premises 6th Road and 10th Street, Buena Vista, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, January 13, 1969, and terminating at 3:00 a.m. Thursday, January 23, 1969.

JOSEPH M. KEEGAN
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

JOSEPH RICHLITSKY)
t/a The Cove)
139 East Hanover Street)
Trenton, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-193 issued by the City)
Council of the City of Trenton)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
September 30, 1968, he possessed alcoholic beverages in two bottles
bearing labels which did not truly describe their contents, in
violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
fifteen days, with remission of five days for the plea entered,
leaving a net suspension of ten days. Re McCoy, Bulletin 1817,
Item 6.

Accordingly, it is, on this 7th day of January, 1969,

ORDERED that Plenary Retail Consumption License C-193,
issued by the City Council of the City of Trenton to Joseph
Richlitsky, t/a The Cove, for premises 139 East Hanover Street,
Trenton, be and the same is hereby suspended for ten (10) days,
commencing at 2:00 a.m. Tuesday, January 14, 1969, and termi-
nating at 2:00 a.m. Friday, January 24, 1969.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)
)
 KABE, INC.)
 t/a Charlie's Bar & Grill)
 2105 Hwy 35, Ocean Township)
 P. O. Asbury Park, N. J.) CONCLUSIONS
) AND ORDER

Holder of Plenary Retail Consumption License C-6 issued by the Township Committee of the Township of Ocean, County of Monmouth)
)
 -----)

Frederic C. Ritger, Esq., Attorney for Licensee
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 23, 1968, it sold a drink of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license then held for premises West Park Avenue, Route 35, by the Director for fifteen days effective April 17, 1957, for sale to a minor. Re Kabe, Inc., Bulletin 1165, Items 4 and 5.

The prior record of suspension of license for similar violation occurring more than ten years ago disregarded, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Templeton, Bulletin 1825, Item 3.

Accordingly, it is, on this 7th day of January, 1969,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Ocean, Monmouth County, to Kabe, Inc., t/a Charlie's Bar & Grill, for premises 2105 Highway 35, Ocean Township, be and the same is hereby suspended for ten (10) days, commencing at 2:30 a.m. Tuesday, January 14, 1969, and terminating at 2:30 a.m. Friday, January 24, 1969.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

ANDRES RODRIQUES & ROMONA RODRIQUES)
t/a Andrea Tavern)
553 Jersey Avenue)
Jersey City, N. J.)

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-117 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City)

Licensees, by Andres Rodriques, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on October 29, 1968, they sold four bottles of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Alois, Bulletin 1825, Item 11.

Accordingly, it is, on this 7th day of January, 1969,

ORDERED that Plenary Retail Consumption License C-117, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Andres Rodriques and Ramona Rodriques, t/a Andrea Tavern, for premises 553 Jersey Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, January 14, 1969, and terminating at 2:00 a.m. Friday, January 24, 1969.

JOSEPH M. KEEGAN
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - FAILURE TO AFFORD INTERIOR VIEW - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ROCCO BUTTIGLIERI & MARIA BUTTIGLIERI)
105 Bowers St.)
Jersey City, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-482, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licensees, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non-vult to charges alleging that on Sunday, November 17, 1968, they (1) and (2) sold alcoholic beverages before noon and (3) failed to afford interior view of the licensed premises, both during prohibited hours, in violation of local ordinance.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Higgins, Bulletin 1598, Item 9.

Accordingly, it is, on this 9th day of January 1969,

ORDERED that Plenary Retail Consumption License C-482, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Rocco Buttiglieri & Maria Buttiglieri, for premises 105 Bowers Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Thursday, January 16, 1969, and terminating at 2 a.m. Friday, January 31, 1969.

JOSEPH M. KEEGAN
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against CASEY'S, INC. t/a Casey's 93-97 Beachway Keansburg, N. J.,

CONCLUSIONS AND ORDER

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

James F. McGovern, Jr., Esq., Attorney for Licensee Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 15, 1968 it sold a drink of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for ten days effective March 27, 1967 for similar violation. Re Casey's, Bulletin 1730, Item 9.

The prior record of suspension of license for similar violation within the past five years considered, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re D'Angelo, Bulletin 1804, Item 3.

Accordingly, it is, on this 9th day of January 1969,

ORDERED that Plenary Retail Consumption License C-2, issued by the Municipal Council of the Borough of Keansburg to Casey's, Inc., t/a Casey's, for premises 93-97 Beachway, Keansburg, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Thursday, January 16, 1969, and terminating at 2 a.m. Wednesday, February 5, 1969.

Handwritten signature of Joseph M. Keegan, Director