

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

February 2, 1962

BULLETIN 1432

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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.

February 2, 1962

ILLETIN 1432

APPELLATE DECISIONS - CUCCINELLO v. ELIZABETH.

JOSEPH CUCCINELLO AND AMELIA)
CUCCINELLO, t/a SKIPPY & JOE)
BAR & GRILL,)

Appellants,)

v.)

CITY COUNCIL OF THE CITY OF)
ELIZABETH,)

Respondent.

ON APPEAL
CONCLUSIONS
AND ORDER

Anthony D. Rinaldo, Esq., Attorney for Appellants.

John L. Ard, Esq., by Raymond A. Leahy, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of the respondent whereby it suspended appellants' license for twenty-five days, effective July 3, 1961, after appellants were adjudged guilty of a charge alleging that on February 20, 1961 they sold and delivered an alcoholic beverage at their licensed premises to James ---, age 16, in violation of Rule 1 of State Regulation No. 20. The licensed premises are located at 89-91 Elizabeth Avenue, Elizabeth.

"Upon the filing of the appeal, an order was entered on June 28, 1961, staying respondent's order of suspension until further order of the Director. R.S. 33:1-31.

"In their petition of appeal, appellants allege respondent's action was erroneous for the following reasons:

- a. There was not sufficient proof of the charges.
- b. The decision was contrary to the weight of the evidence.
- c. The Board erred in allowing hearsay and other improper evidence on the part of the complainant.
- d. The disciplinary action in suspending for twenty-five (25) days was unduly severe under the circumstances.

"Respondent, in its answer, denies the allegations.

"The attorneys for both parties agreed to submit the appeal upon the transcript of the testimony taken in the disciplinary proceedings heard by respondent on June 23, 1961. The procedure is authorized by Rule 8 of State Regulation No. 15.

"From the transcript of the testimony taken by respondent, it appears that at the hearing held on June 23, 1961, the attorney for appellants entered a plea of not guilty to the following charge:

"On February 20, 1961, you sold and delivered alcoholic beverages to James ---, a person under the age of twenty-one years, in your licensed premises; in violation of Rule 1 of State Regulation No. 20."

At the close of the hearing the respondent found appellants guilty on the charge and adopted a resolution suspending appellants' license for a period of twenty-five days, effective July 3, 1961.

"It appears from the transcript of testimony that respondent called as witnesses two local police officers and the minor, James ---.

"Officer Joseph J. Hennings testified that on February 20, 1961 at about 1:00 p.m., he took James into custody at the corner of First Avenue and Rankin Street; that he and his partner, Officer Sergo, found a .22 caliber rifle, a bottle of Calvert whiskey and a bottle of Hombre wine in James' possession and that he brought James to the police headquarters.

"On cross-examination, Officer Hennings testified that according to his written report, he arrested James at 3:01 p.m. on February 20th aforesaid, at which time James had revealed his source of the rifle, but refused to state where he had obtained the two bottles of alcoholic beverages, each of which was a pint bottle.

"James ---, (16 years old, as appears from his birth certificate introduced in evidence) testified that on February 20, 1961 at about 3:00 p.m., he was arrested by Officer Hennings; that at the time of his arrest he had a .22 caliber rifle, a bottle of Hombre wine and a bottle of Calvert whiskey in his possession; that the bottle of whiskey came from his home; that on February 20th aforesaid between 12 noon and 1:00 p.m., he had purchased the bottle of wine at the appellants' licensed premises from Joseph Cuccinello (co-licensee), whom he identified at the hearing; that in payment thereof he gave Mr. Cuccinello 50 cents; and that on two or three occasions prior thereto he had purchased alcoholic beverages at the licensed premises from Mr. Cuccinello.

"On cross-examination, James testified that he did not obtain the wine at his home; that there was no wine at his home; that neither Mr. Cuccinello nor the bartender ever ordered him out of the licensed premises; that neither refused to sell him alcoholic beverages; that he never threatened Mr. Cuccinello or the bartender; that he did not tell the bartender, 'I am going to get even with him (Mr. Cuccinello)'; that he did not give his age to Mr. Cuccinello or the bartender; that on previous visits to the licensed premises he had made similar purchases of wine from Mr. Cuccinello and Mrs. Cuccinello (co-licensee) and that on one occasion he was served beer at the bar.

"Detective Joseph Zsak testified that he questioned James at the police headquarters in the presence of two other police officers and Joseph Cuccinello, and that James identified Mr. Cuccinello as the person who, on February 20th aforesaid at about 1:00 p.m., had sold him the bottle of wine at the licensed premises.

"Joseph Cuccinello, after categorically denying that he had ever sold or served alcoholic beverages to James, continued to testify that on the morning of the day in question he was in the police court to lodge a complaint against an unruly patron who had been taken into custody at the licensed premises by the police on Saturday night, February 18, 1961; that he returned to the licensed premises on the date in question between 12 noon and 1:00 p.m., at which time the bartender was behind the bar and Mrs. Cuccinello was in the kitchen; that between 1:00 p.m. and 3:00 p.m., he was relaxing in his apartment above the licensed premises and that at 3:00 p.m., as was his custom, he

ame down to the kitchen to prepare dough for pies.

"Mr. Cuccinello further testified that he had ordered James from the licensed premises a number of times; that he had also threatened James with bodily harm if he ever returned to the licensed premises and that on one of his visits to the licensed premises, James, in the presence of Joseph Kowalczyk, a bartender, threatened to retaliate for being ejected from the premises.

"On cross-examination, Mr. Cuccinello reiterated the pertinent parts of his direct testimony and further testified that he had arrived in the police court on February 20th aforesaid at about 9:30 a.m.; that he had left the same about 12 noon or 12:30 p.m.; that on his way home he had stopped for a drink and that he had arrived at the licensed premises about 1:00 p.m. In response to a question by Mr. McGuire, a board member, Mr. Cuccinello stated, 'I got home around one, I walked in the kitchen. I asked my wife, I says, "How's everything, Skippy?" She says, "You go upstairs, come back at three, you make the dough".'

"Joseph Kowalczyk, appellants' bartender, testified that on Monday morning, February 20, 1961, he reported for work to enable Mr. Cuccinello to attend the police court hearing; that Mr. Cuccinello left the premises in the morning and returned to the same between 12:30 and 1:00 p.m.; that he (Joseph) remained behind the bar until about 2:30 or 3:00 p.m.; that Mrs. Cuccinello served food to the patrons in the barroom; that he was relieved by Mr. Cuccinello who came downstairs between 2:30 and 3:00 p.m.; that James had been in the premises about a week earlier; that he ordered him out of the premises; that 'I chased him out a couple of times'; that James threatened he would 'get even with me'; and that he had refused to serve James because he was a minor.

"On cross-examination, Kowalczyk testified that he was behind the bar continuously as aforesaid except for one or two occasions when he momentarily left the same; that Mr. Cuccinello, upon his return to the premises 'between 12 and 1', spoke with him for about five or ten minutes prior to going upstairs and that Mr. Cuccinello did not go behind the bar during their conversation.

"On re-direct examination, Kowalczyk testified that James was not in the premises during the aforesaid conversation between him and Mr. Cuccinello and that Mr. Cuccinello did not serve any patrons during said period.

"This case presents a conflict between the witnesses produced by the respondent and the witnesses called by the appellants. Bearing in mind the seriousness of the charge and that lack of corroboration of the testimony of a minor is not fatal in disciplinary proceedings, I have carefully examined all the evidence in the case, together with the exhibit (birth certificate) and the resolution of the Board. The hearing in this case was attended by eight members of the Board, five of whom voted for conviction and three were excused from voting. It is my opinion that the Board, before rendering its decision, carefully scrutinized the testimony and considered the demeanor of all the witnesses. I find as a fact that James, on the date of the alleged violation, was sixteen years of age. I find as a fact that, notwithstanding the exhaustive cross-examination, the testimony of the minor, James remained unshaken and, hence, I further find as a fact that on February 20, 1961, he purchased the alcoholic beverages in question from Joseph Cuccinello at the licensed premises. I do not believe appellants' testimony that the minor testified with spite and malice. I do not believe that the minor had been ordered out of the premises a number of times as testified by Cuccinello and Kowalczyk. Under the circumstances, the appellants' have failed to sustain the burden of establishing that the action of respondent was erroneous. Article 6 of State Regulation No. 15.

"With respect to appellants' contentions as hereinabove set forth in their petition of appeal, I find that there was ample competent evidence adduced at the hearing upon which the Board made its finding and that its decision was not contrary to the weight of the evidence. With respect to appellants' contention that the suspension was unduly severe, it has always been the policy of this Division to deny a reduction of a suspension imposed by the local issuing authority in disciplinary proceedings unless it has been adequately shown on appeal to have been so manifestly excessive to warrant a reduction thereof. Robinson et al. v. Newark, Bulletin 54, Item 2. The penalty imposed herein, in my opinion, does not appear to be unreasonable or unduly excessive in view of the fact that the minor was only 16 years of age, and there is no evidence of any improper motivation on the part of the respondent. Arpy, Inc. v. Fairview, Bulletin 1383, Item 1. I recommend, therefore, that an order be entered affirming respondent's action and dismissing the appeal, and fixing the effective dates for suspension imposed by respondent and stayed pending the entry of the order herein."

Pursuant to Rule 14 of State Regulation No. 15, exceptions to the Hearer's Report and written argument thereto were filed with me by the attorney for appellant, and answering argument was filed by the attorney for respondent.

Having carefully considered the record herein, the exhibits, the Hearer's Report, the exceptions and written argument thereto and the answering argument, I concur in the conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 19th day of December, 1961,

ORDERED that the action of respondent be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the twenty-five day suspension heretofore imposed by respondent and stayed during the pendency of this appeal be restored and reinstated against the license held by Joseph Cuccinello and Amelia Cuccinello, t/a Skippy & Joe Bar & Grill, for premises 89-91 Elizabeth Avenue, Elizabeth, to commence at 2:00 a.m., Monday, January 8, 1962, and to terminate at 2:00 a.m., Friday, February 2, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

DISCIPLINARY PROCEEDINGS - ORDER REIMPOSING SUSPENSION FOLLOWING
AFFIRMANCE OF DIRECTOR'S CONCLUSIONS AND ORDER BY APPELLATE DIVISION.

In the Matter of Disciplinary
Proceedings against

EFCHARIS CARELIS
t/a HOLLYWOOD CAFE
49-53 W. Broadway
Paterson 1, N. J.

ORDER

Holder of Plenary Retail Consumption
License C-268 (for the 1960-61
licensing period) and now holder of
Plenary Retail Consumption License
C-291 (for the 1961-62 licensing period),
Issued by the Board of Alcoholic Beverage
Control for the City of Paterson.

BY THE DIRECTOR:

On April 25, 1961, the license herein was suspended for a period
of 55 days. See Bulletin 1393, Item 2. Upon appeal, the Superior Court,
Appellate Division, stayed the suspension pending the outcome of the
appeal. The suspension has been sustained and may, therefore, now be
reimposed.

Accordingly, it is, on this 5th day of January 1962,

ORDERED that the said fifty-five (55) day suspension be and
the same is hereby reimposed against plenary retail consumption license
C-291, issued by the Board of Alcoholic Beverage Control for the City
of Paterson to Efcharis Carelis, t/a Hollywood Cafe, for premises 49-53
W. Broadway, Paterson, commencing at 3 a.m. Tuesday, January 16, 1962,
and terminating at 3 a.m. Monday, March 12, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

DISCIPLINARY PROCEEDINGS - ORDER AMENDING ORDER REIMPOSING SUSPENSION.

In the Matter of Disciplinary
Proceedings against

EFCHARIS CARELIS
t/a HOLLYWOOD CAFE
49-53 W. Broadway
Paterson 1, N. J.

AMENDED ORDER

Holder of Plenary Retail Consumption
License C-268, issued by the Board of
Alcoholic Beverage Control for the City
of Paterson.

BY THE DIRECTOR:

On January 5, 1962, I reimposed the 55 day suspension herein
(see Bulletin 1393, Item 2) after affirmance by the Superior Court,
Appellate Division. Bulletin 1432, Item 2. I am now advised that the
Paterson Board inadvertently certified the license herein as C-291
instead of its correct number, namely, C-268.

Accordingly, it is, on this 11th day of January 1962,

ORDERED that my order of January 5, 1962 be amended to read as follows:

"ORDERED that, the said fifty-five (55) day suspension be and the same is hereby reimposed against plenary retail consumption license C-268, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Efcharis Carelis, t/a Hollywood Cafe, for premises 49-53 W. Broadway, Paterson, commencing at 3 a.m. Tuesday, January 16, 1962, and terminating at 3 a.m. Monday, March 12, 1962."

WILLIAM HOWE DAVIS
DIRECTOR

4. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOL - ALCOHOL ORDERED FORFEITED - MOTOR VEHICLE ORDERED RETURNED TO INNOCENT LIENOR.

In the Matter of the Seizure)	Case No. 10,685
on October 4, 1961 of a quantity of)	
alcoholic beverages and a Ford sedan)	ON HEARING
at a motor vehicle station, Baker's)	CONCLUSIONS
Basin, Lawrence Township, Mercer)	AND ORDER
County and State of New Jersey.		

Turp & Coates, Esqs., by Henry G. P. Coates, Esq., appearing for the First National Bank of Hightstown, New Jersey.

I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, and State Regulation No. 28 to determine whether two pint bottles of alcohol and a Ford sedan, described in a schedule annexed hereto and marked Schedule "A", seized on October 4, 1961, at a motor vehicle station, Baker's Basin, Florence Township, constitute unlawful property and should be forfeited.

When the matter came on for hearing, pursuant to R.S. 33:1-66, an appearance was entered on behalf of the First National Bank of Hightstown, New Jersey, which sought recognition of its alleged claim on the said Ford sedan. No appearance was made on behalf of the registered owner of said motor vehicle and no one opposed forfeiture of the alcoholic beverages.

Reports of ABC agents and other documents in the file presented in evidence, with the consent of the claimant, disclose the following facts: On Tuesday, October 3, 1961 John Taylor, Jr., the registered owner of the said motor vehicle, accompanied by one James Roberson, drove the motor vehicle referred to, to a New Jersey Motor Vehicle Drivers Qualification Center at Baker's Basin, Lawrence Township, Mercer County, where he fraudulently attempted to secure a driver's license for the said James Roberson. The car bore New Jersey License Plates registered in the name of John Taylor, Jr. Upon detection Taylor fled and was apprehended on the following day. Search of the motor vehicle by the motor vehicle inspectors revealed two pint bottles of alcohol under the front seat of the car.

On October 4, 1961 the motor vehicle inspectors turned over the two bottles of alcohol to agents of this Division. Neither of the bottle

had affixed to them any stamps indicating payment of taxes. Thereupon ABC agents seized the two bottles of alcoholic beverages and the automobile.

John Taylor, Jr., was placed under arrest, charged with possession of illicit alcoholic beverages and transportation of alcoholic beverages without a license in violation of R.S. 33:1-50, and was arraigned in the Municipal Court of Lawrence Township. He signed a voluntary written statement wherein he admitted that he knowingly purchased a gallon of moonshine from an unidentified man and paid \$12.00 for the same. He further stated that he had been purchasing moonshine whiskey from this man for the past five years, and he placed the alcoholic beverages in the trunk of his automobile.

A sample of the contents of one of the bottles was analyzed by the Division chemist and his report shows that it is alcohol and water, fit for beverage purposes, and has an alcoholic content by volume of 36 percent.

The seized alcohol is illicit because of the absence of any tax stamps on them. R.S. 33:1-1(1); R.S. 33:1-88. Such illicit alcohol and the vehicle in which it was transported constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66.

The First National Bank of Hightstown, a banking corporation, has presented in evidence a photostatic copy of a chattel mortgage, dated August 18, 1961, secured by a promissory note of the same date, and signed by John Taylor, evidencing a loan to him of \$425.00 on the said motor vehicle.

It appears that Taylor purchased a motor vehicle on June 21, 1961 on a conditional sales contract which was then assigned to this claimant. The amount due and outstanding thereon was \$300.00. It further appears that on August 18, 1961 the amount of the loan was increased by this claimant because Taylor was required to make additional repairs to the said motor vehicle; thereupon he entered into this chattel mortgage and the original conditional sales contract was then cancelled.

A representative of the claimant testified that, when the application was received, an employment check was made which confirmed the information that Taylor had been employed as a crew manager in a migrant labor camp for at least three years prior to the date thereof and that his employer had been a customer of claimant bank for many years. It was determined that Taylor was, therefore, a satisfactory financial risk. The claimant was not aware of any unlawful activities on the part of Taylor and further testified that it is not part of its procedure to check with local police departments with respect to an applicant's background.

I am satisfied, from the evidence presented, that the claimant acted in good faith and did not know or have any reason to suspect that Taylor would be involved in the unlawful possession or transportation of illicit alcoholic beverages for which this motor vehicle would be used. Seizure Case No. 10,448, Bulletin 1383, Item 5. I shall, therefore, recognize the lien of the First National Bank of Hightstown, a corporation, upon the motor vehicle in question, to the extent of the balance due on the said chattel mortgage in the sum of \$226.94. It appears that the appraised retail value of the Ford sedan only slightly exceeds the amount of the lien claim and the costs of its seizure and storage. Such motor vehicle shall, therefore, be returned to the First National Bank of Hightstown, upon payment by claimant of costs of seizure and storage.

Accordingly, it is DETERMINED and ORDERED that if on or before the 29th day of December, 1961, the First National Bank of Hightstown, a corporation, pays the costs of the seizure and storage of the Ford sedan, more fully described in Schedule "A" annexed hereto, such motor vehicle will be returned to it; and it is further

DETERMINED and ORDERED that the balance of the seized property, more fully described in Schedule "A" annexed hereto, constitutes unlawful property, and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66, and that it be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS
DIRECTOR

December 19, 1961

SCHEDULE "A"

- 2 - pint bottles of illicit alcoholic beverages
- 1 - Ford sedan, Serial No. 31666, New Jersey
Registration FPK480.

5. DISCIPLINARY PROCEEDINGS - GAMBLING - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

CAMPBELL'S CAFE INC.
t/a CAMPBELL'S CAFE INC.
219 Broadway
Long Branch, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-34, issued by the Board of
Commissioners of the City of Long
Branch.

Warwick and Warwick, Esq., by W. Robert Warwick, Esq., Attorneys
for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charge:

"On October 20, 24, 25, 26 and 27, 1961 and on divers other days, you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20."

On October 20 and 24, 1961, ABC agent P entered defendant's licensed premises alone and, on each occasion, placed a horse race bet with the bartender called "Ken". "Ken" later turned over bet slips and money he had behind the bar, including the agent's, to a man called Mario, who arrived shortly thereafter.

On October 25 and 26, 1961, Agent P returned to the licensed premises, accompanied by Agent K. Shortly after they entered, Agent K,

On each occasion, observed Agent P hand "Ken" a slip of paper and money which "Ken" placed behind the bar. Agent K also observed the slips and money being turned over to Mario when he arrived.

On October 27, 1961, Agents P and K returned to the licensed premises and "Ken" accepted from Agent P six one-dollar bills, the serial numbers of which had been previously recorded, and a slip of paper containing three horse race bets. When Mario arrived and had collected the slips and money from "Ken", Agent K left the premises and, as prearranged, returned with two county detectives. The agents and detectives identified themselves and one of the detectives produced a search warrant and ordered Mario, who identified himself as Mario Apolitan, to empty his pockets. Mario complied and among the contents were found \$133.11 and numerous bet slips, including the marked money and bet slip received that day from Agent P. Both Mario and "Ken", who identified himself as Kennard Hildesheim, president of the corporate-licensee, have signed, sworn statements admitting their participation in the afore-said gambling activities.

Defendant has a prior adjudicated record. Effective March 21, 1960, its license was suspended for five days by this Division for a "refill" violation. Re Campbells Cafe, Inc., Bulletin 1334, Item 10. We shall suspend defendant's license for twenty-five days for the violation charged herein, to which will be added five days for the prior dissimilar violation which occurred within a five-year period, making a total suspension of thirty days. Re Witkowski, Bulletin 1405, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 20th day of December 1961,

ORDERED that Plenary Retail Consumption License C-34, issued by the Board of Commissioners of the City of Long Branch to Campbell's Cafe Inc., t/a Campbell's Cafe Inc., for premises 219 Broadway, Long Branch, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m., Monday, January 8, 1962 and terminating at 2:00 a.m., Friday, February 2, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

ACTIVITY REPORT FOR DECEMBER 1961

6.

ARRESTS:

Total number of persons arrested	- - - - -	24
Licensees and employees	- - - - - 15	
Bootleggers	- - - - - 9	

SEIZURES:

Motor vehicles - cars	- - - - -	1
- trucks	- - - - -	1
Distilled alcoholic beverages - gallons	- - - - -	251.491
Brewed malt alcoholic beverages - gallons	- - - - -	18.185
Wine - gallons	- - - - -	12.275

RETAIL LICENSEES:

Premises inspected	- - - - -	658
Premises where alcoholic beverages were gauged	- - - - -	645
Bottles gauged	- - - - -	10.334
Premises where violations were found	- - - - -	117
Violations found	- - - - -	122
Prohibited signs	- - - - - 6	Reg. #38 sign not posted - 46
Unqualified employees	- - - - - 17	Disposal permit necessary - 2
Improper beer taps	- - - - - 1	Application copy not available - 29
Other mercantile business	- - - - - 5	Other violations - 16

STATE LICENSEES:

Premises inspected	- - - - -	30
License applications investigated	- - - - -	5

COMPLAINTS:

Complaints assigned for investigation	- - - - -	400
Investigations completed	- - - - -	402
Investigations pending	- - - - -	155

LABORATORY:

Analyses made	- - - - -	235
Refills from licensed premises - bottles	- - - - -	44
Bottles from unlicensed premises	- - - - -	42

IDENTIFICATION:

Criminal fingerprint identifications made	- - - - -	12
Persons fingerprinted for non-criminal purposes	- - - - -	207
Identification contacts made with other enforcement agencies	- - - - -	148
Motor vehicle identifications via N. J. State Police teletype	- - - - -	5

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	- - - - -	12
Violations involved	- - - - -	14
Sale during prohibited hours	- - - - - 10	Permitting females at public bar (local reg.) - 1
Sale to minors	- - - - - 3	
Cases instituted at Division	- - - - -	22*
Violations involved	- - - - -	28
Beverage Tax Law non-compliance	- - - - - 2	Sale below filed price - 3
Possessing liquor not truly labeled	- - - - - 5	Permitting bookmaking on premises - 2
Sale during prohibited hours	- - - - - 5	Possessing contraceptives on premises - 1
Permitting lottery activity (numbers)	- - - - -	Fraud and front - 1
on premises	- - - - - 4	Fraud in application - 1
Sale to minors	- - - - - 1	Failure to close premises during prohibited hours - 1
Permitting foul language on premises	- - - - - 1	Failure to have copy of license application on premises - 1
*Includes one cancellation proceeding - license improvidently issued in violation of State Limitation Law		
Cases brought by municipalities on own initiative and reported to Division	- - - - -	18
Violations involved	- - - - -	21
Sale to minors	- - - - - 15	Employing bartender without identification card (local reg.) - 1
Permitting gambling (baseball bets) on premises	- - - - - 1	Conducting business as a nuisance - 2
Sale during prohibited hours	- - - - - 1	Permitting brawl on premises - 1

HEARINGS HELD AT DIVISION:

Total number of hearing held	- - - - -	45
Appeals	- - - - - 5	Seizures - 3
Disciplinary proceedings	- - - - - 31	Tax revocations - 1
Eligibility	- - - - - 5	

STATE LICENSES AND PERMITS ISSUED:

Total number issued	- - - - -	-1007
Licenses	- - - - - 3	Wine permits - 27
Solicitors' permits	- - - - - 23	Miscellaneous permits - 166
Employment permits	- - - - - 198	Transit insignia - 263
Disposal permits	- - - - - 73	Transit certificates - 4
Social affair permits	- - - - - 250	

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued	- - - - -	89
Enforcement files established	- - - - -	22

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

Dated: January 5, 1962

7. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1961 to DECEMBER 31, 1961 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 Revoked Expired	Number Licenses 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	485	\$ 207,410.00	72	\$ 27,225.00	28	\$ 2,495.00						585	\$ 237,130.00
Bergen	813	313,114.59	301	89,386.00	128	12,015.00	52	\$ 2,451.50	5	\$ 1,398.75	5	1294	418,365.84
Burlington	190	85,450.00	41	13,450.00	48	6,812.50	1	50.00				280	105,762.50
Camden	453	222,285.62	83	35,343.97	79	7,713.00			1	375.00	1	615	265,717.59
Cape May	136	77,200.00	12	4,500.00	18	2,150.00						166	83,850.00
Cumberland	79	40,250.00	15	4,200.00	30	4,060.00						124	48,510.00
Essex	1335	755,960.00	350	210,220.00	108	14,855.27	28	1,400.00	2	1,500.00	1	1822	983,935.27
Gloucester	108	38,610.00	15	3,820.00	23	2,050.00						146	44,480.00
Hudson	1509	685,240.00	298	122,400.00	84	10,037.26	63	2,700.00				1954	820,377.26
Hunterdon	79	28,100.00	11	3,810.00	10	1,100.00						100	33,010.00
Mercer	420	261,466.16	51	22,510.00	57	8,400.00			1	114.21	1	528	292,490.37
Middlesex	630	311,698.84	81	26,186.78	108	9,360.00	4	200.00				823	347,445.62
Monmouth	555	292,674.18	124	43,931.66	52	5,882.06	10	435.00	24	11,594.45	25	740	354,517.35
Morris	354	137,415.90	103	36,916.17	60	5,637.50	15	750.00	5	1,350.06	5	532	182,068.73
Ocean	194	103,566.29	49	21,180.00	30	3,500.00						273	128,246.29
Passaic	856	350,955.00	170	52,324.11	41	5,115.00	7	350.00				1074	408,744.11
Salem	50	19,560.00	8	1,640.00	19	1,600.00						77	22,800.00
Somerset	189	86,125.00	40	12,225.00	32	3,775.00						261	102,125.00
Sussex	166	46,705.00	21	4,215.00	11	645.00	1	50.00	1	225.00	1	199	51,840.00
Union	548	310,888.19	144	69,388.00	79	8,841.24	29	1,425.00				800	390,542.43
Warren	149	44,730.00	21	5,270.00	27	2,950.00			2	375.00	2	197	53,325.00
Total	9298	\$4,419,403.87	2010	\$810,141.69	1072	\$118,993.83	210	\$9,811.50	41	\$16,932.47	41	12590	\$5,375,283.36

William Howe Davis

8. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

ANTHONY MASTERS
t/a TWO TONE'S TAVERN
1252-1254 Paterson Plank Road
Secaucus, New J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-6, issued by the Town
Council of the Town of Secaucus.

Maurice Krivit, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On August 11, 1961, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers game'; in violation of Rule 7 of State Regulation No. 20.
- "2. On August 11, 1961, you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers game', to be sold and offered for sale in and upon your licensed premises, and you possessed, had custody of and allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

On August 4, 1961, an ABC agent, acting upon a specific complaint that gambling was taking place on the defendant's licensed premises, entered the premises and noted that there was a 13-run pool board located on the back wall of the rear room. He questioned Thomas Sigsworth (the bartender) who denied that gambling was taking place or that horse race bets were being accepted.

On August 11 the agent returned to the said premises and the defendant, upon request, unlocked a closet behind the bar. Therein were found two band-aid boxes, one of which contained \$17.50 in cash, the second box contained \$19 in cash and a "numbers slip" and an envelope containing \$100 in cash.

In a signed statement given to the agents defendant denied that he booked numbers and sought to explain that the money found in the envelope was used for loans to patrons and for the repayment of such loans, and the money in the other band-aid box is set aside for payment to a runner with whom he places bets for himself, for which bets he pays at the end of each week. I am not impressed by defendant's explanation, and I am satisfied that the facts herein support the charges.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty-five days, which is the minimum penalty in a case of this kind where a licensee or employee is involved in a gambling violation. Re Mauriello, Bulletin 1351, Item 7. Five days

will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 20th day of December 1961,

ORDERED that Plenary Retail Consumption License C-6, issued by the Town Council of the Town of Secaucus to Anthony Masters, t/a Two Tone's Tavern, for premises 1252-1254 Paterson Plank Road, Secaucus, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, January 9, 1962, and terminating at 2 a.m. Monday, January 29, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED -
LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
MARFRAN, INC.)
t/a HI-LITE TAVERN)
400-402 Mechanic Street)
Camden, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-122, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Camden.)

Cahill, Wilinski, Uliase & Mohrfeld, Esqs., by Robert Wilinski, Esq.,
Attorneys for Defendant-licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it possessed on its licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On October 11, 1961, an ABC agent tested defendant's open bottles of alcoholic beverages and seized five bottles for further tests by the Division chemist. Subsequent analysis by the chemist disclosed that the contents of the five bottles, when compared with the contents of genuine bottles of the same brands, varied substantially in solids and color.

Defendant has no prior record. I have considered the letter submitted by defendant's attorneys in attempted mitigation and find nothing therein which would warrant imposition of less than the usual penalty imposed in similar cases. I shall suspend defendant's license for twenty-five days, the minimum penalty in cases involving five bottles. Re Serra, Bulletin 1399, Item 6. Five days will be remitted for the plea, leaving a net suspension of twenty days.

Accordingly, it is, on this 28th day of December, 1961,

ORDERED that Plenary Retail Consumption License C-122, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Marfran, Inc., t/a Hi-Lite Tavern, for premises 400-402 Mechanic Street, Camden, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Tuesday, January 9, 1962, and terminating at 2:00 a.m., Monday, January 29, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

JAMES DE LELLIS & CONCETTA DE LELLIS
t/a RIDGE WINE & LIQUOR
419 Ridge Road
Lyndhurst, N. J.

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Distribution
License D-9, issued by the Board of
Commissioners of the Township of
Lyndhurst.

William F. Gallagher, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that on October 13, 1961, they sold, served and delivered and suffered the sale, service and delivery of alcoholic beverages to a 17-year-old minor, in violation of Rule 1 of State Regulation No. 20.

Acting upon information received from the Wood-Ridge police, ABC agents obtained sworn, written statements from Eugene --- (age 17) and Francis --- (age 18). Eugene stated that at 1 p.m. on October 13, 1961, he and Francis drove to defendants' licensed premises; that he alone entered the said premises where he purchased six one-pint bottles of wine from James DeLellis (one of the defendants herein) who did not question him concerning his age. The foregoing is substantially corroborated by Francis' statement.

Defendants have no prior adjudicated record. In alleged mitigation defendants' attorney contends that Eugene appears to be "at least 25 years of age." However, the agents who made the subsequent investigation relative to the matter report otherwise. Be that as it may, it is no defense to aver that a person appeared over twenty-one years, as it was the responsibility of the person serving the minor to obtain a written verification of age in accordance with the provisions of R.S. 33:1-77. I shall impose a penalty of twenty days, the minimum suspension involving a 17-year-old minor. Re Felzot, Bulletin 1377, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 28th day of December 1961,

ORDERED that Plenary Retail Distribution License D-9, issued by the Board of Commissioners of the Township of Lyndhurst to James DeLellis & Concetta DeLellis, t/a Ridge Wine & Liquor, for premises 419 Ridge Road, Lyndhurst, be and the same is hereby suspended for fifteen (15) days, commencing at 9 a.m. Monday, January 8, 1962, and terminating at 9 a.m. Tuesday, January 23, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED -
 LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
 Proceedings against

DI-DO, INC.
 49-51 Philadelphia Avenue
 Egg Harbor City, N. J.

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption
 License C-15, issued by the Common
 Council of the City of Egg Harbor.

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

BY THE DIRECTOR:

Defendant pleaded non vult to a charge that it possessed
 on its licensed premises an alcoholic beverage in a bottle bearing a
 label which did not truly describe its contents, in violation of Rule
 27 of State Regulation No. 20.

On August 30, 1961, an ABC agent tested defendant's open stock
 of liquor and seized a number of bottles for further tests by the
 Division's chemist. Subsequent analysis by the chemist disclosed that the
 contents of one of the seized 4/5 quart bottles labeled "Seagram's
 Seven Crown American Blended Whiskey, 86 Proof" varied substantially in
 solids, acids and proof when compared with the analysis of the contents
 of a genuine bottle of the same brand.

Defendant's record is clear except that, effective August 1,
 1960, its license was suspended by the local issuing authority for ten
 days for permitting a brawl. It appears that the present stockholders
 of defendant corporation took over the stock of the corporation about
 August 22, 1961. Under the circumstances, the penalty herein should
 not be increased because of the prior violation. Re Point Inn, Inc.,
 Bulletin 1361, Item 5. I shall suspend defendant's license for ten days,
 the minimum penalty imposed in cases where one bottle is involved.
Re McCloskey, Bulletin 1418, Item 7. Five days will be remitted for
 the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 20th day of December 1961,

ORDERED that Plenary Retail Consumption License C-15, issued
 by the Common Council of the City of Egg Harbor to Di-Do, Inc., for
 premises 49-51 Philadelphia Avenue, Egg Harbor City, be and the same is
 hereby suspended for five (5) days, commencing at 3 a.m. Monday, January
 8, 1962, and terminating at 3 a.m. Saturday, January 13, 1962.

WILLIAM HOWE DAVIS
 DIRECTOR

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
 LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

North Jersey Hotel Corporation)
 t/a Dutton Hotel & Motor Lodge)
 63-75 North Sussex Street)
 Dover, N. J.)

CONCLUSIONS

AND

Holder of Plenary Retail Consumption)
 License C-25, issued by the Board of)
 Aldermen of the Town of Dover.)

ORDER

Defendant-licensee, by H. A. R. Dutton, President.
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it
 possessed on its licensed premises an alcoholic beverage in a
 bottle bearing a label which did not truly describe its contents,
 in violation of Rule 27 of State Regulation No. 20.

On September 12, 1961, an ABC agent tested defendant's
 open bottles of alcoholic beverages and seized a number of bottles
 for further tests by the Division chemist. Subsequent analysis by
 the chemist disclosed that the contents of a 4/5 quart bottle
 labeled "White Label Dewar's Blended Scotch Whisky 86.8 Proof"
 varied in solids and acids and was off in color when compared with
 an analysis of a sample of the genuine product.

Defendant has no prior adjudicated record. I shall sus-
 pend its license for ten days, the minimum period where one
 bottle is involved. Re Pieretti, Bulletin 1400, Item 3. Five
 days will be remitted for the plea entered herein, leaving a net
 suspension of five days.

Accordingly, it is, on this 27th day of December 1961,

ORDERED that Plenary Retail Consumption License C-25,
 issued by the Board of Aldermen of the Town of Dover, to North
 Jersey Hotel Corporation, t/a Dutton Hotel & Motor Lodge, for
 premises 63-75 North Sussex Street, Dover, be and the same is
 hereby suspended for five (5) days, commencing at 1:00 a.m.,
 Monday, January 8, 1962 and terminating at 1:00 a.m., Saturday,
 January 13, 1962.



William Howe Davis
 Director