

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

BULLETIN 1145

JANUARY 7, 1957.

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in regular and constant attendance in the licensed premises. The licensee's lack of knowledge cannot be excused, particularly where, as here, he absents himself from the licensed premises and for appreciable periods of time leaves the management of the licensed premises to another, thus substantially abandoning supervision over the licensed premises; nor can such lack of knowledge save him from the full impact of the merited penalty. I suggest, if the licensee values his license privileges, that he personally devote requisite time to the supervision and operation of his premises.

Under the circumstances appearing herein, I shall suspend defendant's license for a period of one hundred days (cf. Re Lloyd, Bulletin 1045, Item 7).

Accordingly, it is, on this 31st day of October, 1956,

ORDERED that Plenary Retail Consumption License C-108, issued by the Board of Commissioners of the City of Atlantic City to Louis Feldman, t/a New Torch Club, 1317 Memorial Ave. & 28 Hahn Ave., Atlantic City, be and the same is hereby suspended for a period of one hundred (100) days, commencing at 7:00 a.m. November 5, 1956, and terminating at 7:00 a.m. February 13, 1957.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - ALLOWING OBSCENE LANGUAGE AND CONDUCT ON LICENSED PREMISES - SALES TO MINORS - SALE TO INTOXICATED PERSONS - UNQUALIFIED EMPLOYEE - LICENSE SUSPENDED FOR 90 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
DOROTHY MOSCATO
T/a GRAND ALLEYS
1304 - 5th Street
North Bergen, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-33, issued by the Alcoholic Beverage Control Board of the Township of North Bergen.

Irving I. Vogelmann, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On July 11, 13, 14 and August 16, 1956, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance in that on July 11, 13 and 14, 1956 you allowed, permitted and suffered lewdness, immoral activity and foul, filthy and obscene language and conduct and unnecessary noise in and upon your licensed premises and had in your possession matter containing an indecent, filthy, lewd, lascivious and disgusting representation, viz., a certain rubber-like figure known as the 'Mermaid'; in that on August 16, 1956, you allowed, permitted and suffered in and upon your licensed premises and had in your possession matter containing an indecent, filthy, lewd, lascivious and disgusting

representation, viz., a certain picture, approximately 8" x 12" in size entitled 'Safety First'; and in that on all said dates otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20.

"2. You sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Isabel ---, age 16, on July 11, 13 and 14, 1956; Rosemary ---, age 18, and John ---, age 19, on July 13 and 14, 1956, and allowed, permitted and suffered the consumption of alcoholic beverages by all such persons in and upon your licensed premises on the above stated respective dates; in violation of Rule 1 of State Regulations No. 20.

"3. On July 13 and 14, 1956, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons actually or apparently intoxicated, viz., Peter --- and John ---, and allowed, permitted and suffered the consumption of such beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulations No. 20.

"4. On July 11, 13 and 14, 1956, you knowingly allowed, permitted and suffered a person under the age of twenty-one (21) years, viz., Frank ---, age 20, to sell, serve and solicit the sale of alcoholic beverages in and upon your licensed premises; in violation of Rule 2 of State Regulations No. 13."

The file herein discloses that ABC agents entered defendant's premises at about 8:00 p.m. on July 11, 1956, and again at about 10:30 p.m. on July 13, 1956. On their first visit they remained on the premises about three hours without identifying themselves, and on their second visit they remained on the premises until shortly after 1:20 a.m. on the following morning when they identified themselves to patrons and employees of defendant. On both of these visits the agents observed patrons performing a dance known as the "Fish" which, as performed by these patrons, was clearly indecent. During these dances other patrons made obscene and filthy remarks to the dancers. Shortly before the agents identified themselves on the morning of July 14, they observed Isabel ---, age 16, consuming beer from a glass which had been filled by Frank ---, age 20, who was acting as a bartender. They also observed Rosemary ---, age 18, taking a sip of beer from a glass held by a male patron and John ---, age 19, then apparently intoxicated, drinking several glasses of beer served by a bartender. The agents also observed Peter ---, an adult; slumped over a table. Subsequently Peter informed the agents that he was intoxicated when he entered and that he drank a glass of beer given to him by another patron on defendant's premises before "everything went blank." After the agents identified themselves, Isabel --- told them that she was of full age and showed them a false birth certificate indicating that the person named therein was born on August 20, 1934. Later she admitted she was 16 years of age. Defendant alleges that her agents depended upon the false certificate, but I cannot consider this a mitigating circumstance because it is difficult to believe that the 16-year-old minor appeared to be of full age. During the course

of their subsequent investigation the agents found an indecent figurine on the back bar. While other ABC agents were on the premises on August 16, 1956, they found an indecent picture behind the cash register on the back bar.

Defendant has no prior record. Under the circumstances of this case I shall suspend defendant's license for thirty days on Charge 1; for an additional thirty days on Charge 2 (Re Eaton Club 88, Bulletin 1108, Item 1); for an additional twenty days on Charge 3 (Re Fulton, Bulletin 1094, Item 5) and for an additional ten days on Charge 4 (Re Fays Wine & Liquor Co., Bulletin 1014, Item 7), making a total suspension of ninety days. Five days will be remitted for the plea, leaving a net suspension of eighty-five days.

Accordingly, it is, on this 15th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-33, issued by the Alcoholic Beverage Control Board of the Township of North Bergen to Dorothy Moscato, t/a Grand Alleys, for premises 1304 - 5th Street, North Bergen, be and the same is hereby suspended for eighty-five (85) days, commencing at 3:00 a.m. November 26, 1956, and terminating at 3:00 a.m. February 19, 1957.

WILLIAM HOWE DAVIS
Director.

- 3. DISCIPLINARY PROCEEDINGS - FALSE ANSWERS IN APPLICATION AS TO BENEFICIAL OWNER - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF A LICENSE - UNQUALIFIED EMPLOYEES - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO A TRANSFEREE TO APPLY TO LIFT AFTER EXPIRATION OF 90 DAYS.

In the Matter of Disciplinary Proceedings against)
 ANTHONY VERGA & MARIETTA RAPPISSE)
 T/a BUFFALO BAR & GRILL)
 235 Buffalo Avenue)
 Paterson, N. J.,)

CONCLUSIONS
AND ORDER

 Holders of Plenary Retail Consumption License C-173, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

 Louis P. Bertoni, Esq., Attorney for Defendant-licensees.
 William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

"1. In your application dated June 12, 1956, filed with the Board of Alcoholic Beverage Control for the City of Paterson, upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question 30, which asks: 'Has any individual...other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?', whereas in truth and fact John Rappise had such an interest in that he was co-owner with you of the licensed business; said false statement being in violation of R. S. 33:1-25.

"2. From about February 29, 1956 until the present time, you knowingly aided and abetted John Rappise to exercise, contrary to R. S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; thereby yourselves violating R. S. 33:1-52.

"3. From about February 29, 1956 to about August 23, 1956 you knowingly employed and had connected with you in a business capacity the aforesaid John Rappise, a person who had been convicted in the Bergen County Court on or about April 22, 1955 of a crime involving moral turpitude, viz., the crime of receiving stolen goods; in violation of Rule 1 of State Regulations No. 13.

"4. From about December 29, 1955 to February 29, 1956 you exercised the rights and privileges of the license held by Seymour Slater, Inc.; in violation of R. S. 33:1-26."

The file in this case discloses that on October 19, 1955, Seymour Slater, Inc. was the holder of Plenary Retail Consumption License C-173 and operated a tavern at 203 Market Street, Paterson. On or about October 15, 1955, John Rappise and Anthony Verga agreed to purchase the licensed business and in payment thereof further agreed to assume the obligations of a chattel mortgage against the fixtures. Effective December 30, 1955, the local issuing authority authorized a place-to-place transfer of the licensed business to 235 Buffalo Avenue, Paterson, as was contemplated by the parties in the aforesaid transaction. In the interim, John Rappise and Anthony Verga opened a checking account under the name of the Buffalo Bar and Grill doing business at 235 Buffalo Avenue for which premises they entered into a five-year written lease on November 30, 1955. Checks were drawn on this account by John Rappise and Anthony Verga to pay for renovating the Buffalo Avenue premises and to reduce the chattel mortgage. Anthony Verga's contribution to the business was \$1,700.00. Mr. and Mrs. Rappise's investment in the venture was \$1,400.00, \$590.00 of which was withdrawn from a joint savings account in the names of John or Marietta Rappise (wife of John Rappise), \$500.00 represented a personal loan obtained by John and \$300.00 was due him from a former employer. From December 31, 1955 to February 29, 1956, the licensed business was conducted at the new address by Anthony Verga and Marietta Rappise aforesaid under the privileges of the license issued to Seymour Slater, Inc.

Upon application filed January 11, 1956, Anthony Verga and Marietta Rappise obtained a transfer of the license to them as partners, t/a Buffalo Bar and Grill, effective February 29, 1956. On June 12, 1956, Anthony Verga and Marietta Rappise filed an application for a renewal of said license for the 1956-57 licensing period which was granted by the local issuing authority effective June 29, 1956. In both applications, the aforesaid individuals denied under oath that any other party had any interest in the licenses applied for or in the business to be conducted thereunder. However, it is quite clear from the aforesaid facts and the written statements in the file of Anthony Verga and Marietta Rappise that John Rappise had at least a one-fourth interest in the licensed business. I am also satisfied that Marietta Rappise not only acted for herself but also as a "front" for John Rappise, her husband. In addition, investigation in the instant case reveals that on April 24, 1955, John Rappise was sentenced on a criminal charge involving the element of moral turpitude and, hence, is

disqualified from being engaged in the liquor industry. R.S. 33:1-25. It is for the latter reasons, Anthony Verga sets forth in his statement of August 23, 1956 that John Rappise was not one of the applicants in the aforementioned applications. Furthermore, John Rappise and any partnership of which he is a member is barred by the aforesaid statutory provision from holding a retail liquor license. Cf. Re Balletta and Romano, Bulletin 827, Item 6.

An investigation on October 19, 1956 disclosed that, as a result of a fire, the licensed premises were then closed.

The illegal situation hereinabove set forth cannot continue. Considering all the facts and circumstances, I shall suspend the license for the balance of the term. I shall, however, permit the business to be sold and the license transferred to a duly qualified person. If such transfer is approved by the local issuing authority, the transferee may petition me for an order reinstating the license; provided, however, that the license remains under suspension for a period of ninety days. Re Monteyne, Bulletin 890, Item 3.

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

ORDERED that Plenary Retail Consumption License C-173, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Anthony Verga & Marietta Rappise, t/a Buffalo Bar & Grill, 235 Buffalo Avenue, Paterson, be and the same is hereby suspended for the balance of its term, effective 3:00 a.m. November 27, 1956; and it is further

ORDERED that if and when the license is transferred, subject to this suspension, by the local issuing authority, application may be made to me by the transferee to vacate the suspension herein imposed; provided, however, that in no event will the suspension be lifted until at least ninety days have elapsed from the effective date of the suspension herein imposed.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS -
PRIOR RECORD - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
JERRY SHEEHAN
T/a JERRY SHEEHAN'S
Beachway & Pineview Avenue
Keansburg, N. J.,
Holder of Plenary Retail Consumption License C-18, issued by the Borough Council of the Borough of Keansburg.

CONCLUSIONS
AND ORDER

A. Henry Giordano, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered alcoholic beverages to four

minors and permitted the consumption of such beverages by said minors in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents obtained signed sworn statements from Charles --- (age 17) and Thomas --- (age 18). Charles stated that at about 10:00 p.m., Saturday, May 19, 1956, he and Robert --- (age 18) visited defendant's licensed premises wherein a bartender, who made no inquiry as to their ages, served each of them two bottles of beer which they consumed. He further stated that they were admitted to the premises by a special officer after they presented a driver's license and a draft card belonging to adults. Thomas stated that at about 9:00 p.m. the same night, he and Joseph --- (age 20) visited defendant's licensed premises wherein each consumed four bottles of beer served to them by a bartender who made no inquiry as to their ages.

In attempted mitigation defendant, by his attorney, states that he did not wilfully commit the offense; that he employs a special officer to screen patrons; that on the night in question the tavern was crowded; and that he endeavors to do everything possible to comply with the Rules and Regulations. The fact remains, however, that defendant did not comply with the provisions of R. S. 33:1-77 which require that the licensee procure written representation by a patron respecting his age when there is any doubt that the patron is a minor.

Defendant has a prior adjudicated record. When he and Benjamin Andreach held a license, it was suspended for five days by the local issuing authority, effective April 3, 1944, for an "hours" violation; and, effective April 18, 1955 and October 22, 1955, defendant's license was suspended for five days and thirty days, respectively, by the same authority for sales to minors. The minimum penalty heretofore imposed for an unaggravated sale of alcoholic beverages to a seventeen-year-old minor was fifteen days. Re Gelfand, Bulletin 1102, Item 10. However, since January 16, 1956, the minimum penalty in such cases has been increased by five days. Re Increased Penalties, Bulletin 1095, Item 1. In view of the tender age of one of the minors, the number of minors involved and the fact that the instant infraction is the third similar occurrence within a five-year period, I shall suspend defendant's license for a period of sixty days. Cf. Re Woodlawn Bar & Grill, Inc., Bulletin 1060, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

Investigation discloses that defendant conducts his licensed business on a seasonal basis and that his premises are now closed. Thus, no effective penalty can be imposed at the present time. The effective dates for the suspension herein will be fixed by further order to be entered by me after the licensed premises shall have opened for business for the 1957 season. Cf. Re DeFreitas, Bulletin 1051, Item 5.

Accordingly, it is, on this 13th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-18, issued by the Borough Council of the Borough of Keansburg to Jerry Sheehan, t/a Jerry Sheehan's, Beachway & Pineview Avenue, Keansburg, be and the same is hereby suspended for a period of fifty-five (55) days, the time to be fixed by subsequent order as aforesaid.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - SALE IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - SALE AT OTHER THAN LICENSED PREMISES - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

JOHN P. ZLOTKOWSKI
566 Grand Street
Jersey City, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-107, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

John P. Zlotkowski, Defendant-licensee, Pro se.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On Sunday, July 29, 1956, at about 9:25 a.m., you conducted your licensed business; in violation of Section 4 of an ordinance adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950.

"2. On Sunday, July 29, 1956, at about 9:25 a.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., one pint bottle of Fleischmann's whiskey, at retail in its original container, for consumption off your licensed premises; in violation of Rule 1 of State Regulations No. 38.

"3. On Sunday, July 29, 1956, at about 9:25 a.m., you sold alcoholic beverages not pursuant to and within the terms of your plenary retail consumption license as defined by R. S. 33:1-12(1), contrary to R. S. 33:1-26 and R.S. 33:1-1(w), in that you accepted orders for and sold various kinds of alcoholic beverages at a place other than your licensed premises, viz., at an area in the rear of your licensed building, commonly known as the 'back yard'; in violation of R. S. 33:1-2."

The file herein discloses that at about 9:15 a.m. Sunday, July 29, 1956, a stranger sitting outside a building adjacent to defendant's licensed premises informed an ABC agent who approached him that he was there for the purpose of getting whiskey for people who wanted it. The agent gave him \$3.00 to get a pint of whiskey and the stranger, followed by the agent, proceeded through a hallway to a back yard from where he called the licensee to whom he made known his wants and who handed him a pint of liquor. The stranger returned to the hallway and gave the purchase to the agent who departed. Returning shortly thereafter with another agent, both requested the stranger to accompany them into the licensed premises wherein they identified themselves and obtained signed sworn statements from the licensee and the stranger admitting their participation in the violation.

Defendant has no prior adjudicated record. The stated arrangements to dispense alcoholic beverages during prohibited hours have all the attributes of an "old fashioned speak-easy." Under the circumstances I shall suspend defendant's license for thirty days, and remit five days for the plea entered herein, leaving a net suspension of twenty-five days (Re Julewicz, Bulletin 1034, Item 8).

Accordingly, it is, on this 7th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-107, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to John P. Zlotkowski, for premises 566 Grand Street, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. November 12, 1956, and terminating at 2:00 a.m. December 7, 1956.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

JOSEPH ROMANO)
T/a HOTEL ROMANO)
9-11 Seaview Avenue)
Long Branch, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Seasonal Retail Consump-)
tion License CS-10, issued by the)
Board of Commissioners of the City)
of Long Branch.)

Sidney Simandl, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded nolo contendere to a charge alleging that he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a minor and permitted the consumption of such alcoholic beverages by said minor in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

ABC agents were informed by the Long Branch Police Department that on July 8, 1956, after midnight, a group of boys who had been involved in an automobile accident told police officers that shortly before the accident, two of their number had obtained alcoholic beverages at a local tavern. Acting upon this information, ABC agents obtained a signed sworn statement dated August 11, 1956 from Robert ---, age 17. The agents had previously obtained signed sworn statements from six of the other boys.

The substance of these statements is that at about midnight these boys, eight in number, in a car, parked on the parking lot at defendant's licensed premises. Robert entered the tavern first and five of the other boys entered thereafter.

Three of these boys, who only drank soda, observed Robert being served a drink of whiskey and 7-Up. Robert states that he was served with two drinks of whiskey and 7-Up and that the bartender did not at any time question him as to his age. One of the other boys appears to have been served with a bottle of beer and a drink of "Seven and Seven" (Seagram's Seven Crown Whiskey and 7-Up) after this boy had produced an identification card upon the request of the bartender.

On July 14, 1956, Robert, accompanied by a local police officer and a county detective, identified defendant's licensed premises as the establishment where he had purchased the alcoholic beverages on July 7th and identified the bartender then on duty as the person who had sold him such beverages. On July 16th ABC agents interviewed Ralph Romano, son of the licensee, who was then acting as bartender. He told the agents that he was one of the persons tending bar on July 7th and had sold a bottle of beer to Robert that night and that he was on duty on July 14th when Robert identified him.

On July 26, 1956 the three boys who only drank soda directed ABC agents to defendant's licensed tavern. They identified the premises as the place where they had been on July 7th. They were uncertain whether Ralph Romano or Stanley Romano was the bartender who had served the aforementioned beverages to their group on the night in question. On August 11, 1956 Robert, at the request of ABC agents, again identified defendant's licensed premises as the place where he had purchased alcoholic beverages on the night of July 7th and Ralph Romano as the person who had sold him such beverages.

Defendant has no prior adjudicated record. The minimum suspension imposed for a sale of alcoholic beverages to a seven-year-old minor after January 16, 1956 is twenty days. Re O'Donnell, Bulletin 1131, Item 9. I shall suspend defendant's license for a period of twenty days of which five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Defendant held a seasonal retail consumption license for the period commencing May 1, 1956 and terminating November 1, 1956. Defendant's business thereunder is conducted on a seasonal basis and the premises are now closed. Thus, no effective penalty can be imposed at the present time. The effective dates for the suspension will be fixed by a further order which will be entered by me if any license is issued to this defendant or to any other person for the premises in question and after the licensed premises shall have been opened for business for the 1957 season.

Accordingly, it is, on this 5th day of November, 1956,

ORDERED that any retail consumption license hereafter issued by the Board of Commissioners of the City of Long Branch to Joseph Romano, t/a Hotel Romano, 9-11 Seaview Avenue, Long Branch, or any license issued to any other person for the same premises, be and the same is hereby suspended for a period of fifteen days, the time to be fixed by subsequent order as aforesaid.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS -
LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

AUGUST FOGLER, SR. & AUGUST P. FOGLER, JR.)

T/a AUGUST FOGLER CAFE)
84 Jefferson Street)
Paterson 2, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-243, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

-----)
Gelman & Gelman, Esqs., by Carl Gelman, Esq., Attorneys for Defendant-licensees.

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

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that on August 24, 1956 they sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to three minors and allowed, permitted and suffered said minors to consume such alcoholic beverages in and upon their licensed premises, in violation of Rule 1 of State Regulations No. 20.

On August 24, 1956 between 10:40 p.m. and about 11:00 p.m., while two ABC agents were in defendants' licensed premises to investigate a complaint that alcoholic beverages were being sold to minors, August P. Fogler, Jr. (one of the licensees) sold and served two drinks of Vodka and 7-Up to Marie --- (age 16); two drinks of bourbon whiskey and ginger ale to her companion, Cornelia --- (age 16); and a glass of beer and a small bottle ("nip") of beer to Thomas --- (age 17), an acquaintance of the girls. The minors drank their beverages on the premises. Fogler asked the girls if they were twenty-one and they told him they were. He asked them for some proof of that fact and they told him they had none. He did not ask Thomas his age because Fogler thought he was over twenty-one. Fogler did not ask any of the minors to sign any written representation of age.

The above facts are established by the reports of the ABC agents as to what they observed and by the signed sworn statements of the minors and August P. Fogler, Jr.

Defendants have no prior adjudicated record. Subsequent to January 16, 1956 the minimum penalty for a sale of alcoholic beverages to a sixteen-year-old minor, otherwise unaggravated, is twenty-five days, to which five days will be added because three minors were involved. Re Janbert, Inc., Bulletin 1119, Item 3. I shall suspend defendants' license for thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 29th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-243, issued by the Board of Alcoholic Beverage Control for the City of Paterson to August Fogler, Sr. & August P. Fogler, Jr., t/a

August Fogler Cafe, 84 Jefferson Street, Paterson, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. November 5, 1956, and terminating at 3:00 a.m. November 30, 1956.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
JESSIE PEEK)
T/a JESSIE'S TAVERN)
1 White Horse Pike)
Egg Harbor City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-5, issued by the)
Common Council of the City of Egg)
Harbor City.)

Jessie Peek, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on September 14, 1956, she sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to a minor and allowed, permitted and suffered said minor to consume such beverages in and upon her licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on Friday, September 14, 1956 at about 9:45 p.m., two ABC agents visited the licensed premises to investigate a complaint that alcoholic beverages were being sold to minors. Shortly after their arrival, the agents saw a young man drinking a glass of beer and within a couple of minutes thereafter order, pay for, and consume another glass. Later in the evening, the agents questioned this patron and learned that he was Richard --- (age 19). The minor then gave a sworn statement setting forth therein that on Friday aforesaid between 9:30 and 10:00 p.m., he was on the licensed premises; that he ordered and consumed three glasses of beer served to him by the bartender; and that he was not questioned by anyone about his age.

Defendant has a prior adjudicated record. Effective January 17, 1954, her license was suspended by the local issuing authority for a period of five days for a sale to a minor. Until recently, the usual penalty for a sale of alcoholic beverages to a minor nineteen years of age was a suspension of the license for ten days. Re Lane, Bulletin 1085, Item 10. However, on January 16, 1956, I announced that the penalty in such cases would be increased by five days. Since the violation herein was committed after said announcement and since the prior similar violation was committed during the past five years, I shall suspend defendant's license in this case for a period of twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 30th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-5, issued by the Common Council of the City of Egg Harbor City to Jessie Peek, t/a Jessie's Tavern, 1 White Horse Pike, Egg Harbor City, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 a.m. November 5, 1956, and terminating at 3:00 a.m. November 25, 1956.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

HUGO ZACHE
300 Bergenline Avenue
Union City, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-58, issued by the Board of Commissioners of the City of Union City.

Hugo Zache, Defendant-licensee, Pro se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

On September 26, 1956, an ABC agent making a routine inspection of defendant's licensed premises tested and gauged numerous open bottles of assorted brands of liquor, among which he found one 4/5 quart bottle labeled "Fleishmann's 90 Proof Preferred Blended Whiskey", the contents of which did not appear to be genuine as labeled. The agent seized the bottle and submitted it to the Division chemist for an analysis of its contents. The chemist's report shows such contents to be too low in solids and acids and short 14 proof when compared with samples of the genuine product.

Defendant has a prior adjudicated record. Effective February 9, 1942, his license was suspended for five days by the local issuing authority for an "hours" violation. Effective June 22, 1953, his license was suspended for fifteen days for another "hours" violation. The first dissimilar offense, having occurred more than five years ago, will not be considered in fixing penalty. Re O'Donnell, Bulletin 1131, Item 9. The minimum period of suspension for a "refill" violation is fifteen days. Re Anders, Bulletin 1135, Item 5. However, because of the prior dissimilar record within the five-year period, I shall suspend defendant's license for twenty days. Re Ferrante, Bulletin 1124, Item 13. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 31st day of October, 1956,

ORDERED that Plenary Retail Consumption License C-58, issued by the Board of Commissioners of the City of Union City to Hugo Zache, 300 Bergenline Avenue, Union City, be and the

same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. November 7, 1956, and terminating at 2:00 a.m. November 22, 1956.

WILLIAM HOWE DAVIS
Director.

10. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (OBSCENE PICTURE) - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN V. and LAURETTA E. FOLGER)
335 Avenue E)
Bayonne, N. J.,)

CONCLUSIONS
AND ORDER

-----)
Holders of Plenary Retail Consumption License C-104, issued by the Board of Commissioners of the City of Bayonne.)

Sidney Simandl, 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 September 13, 1956 and prior thereto, they permitted upon their licensed premises and had in their possession an obscene, indecent, filthy, lewd and lascivious picture, viz., a "calendar nude" so altered as to be suggestive and indecent, in violation of Rule 17 of State Regulations No. 20.

ABC agents were in defendants' licensed premises on various dates in August and on September 8, 1956 to investigate the conduct of such business. During these visits the agents observed a calendar taped to a mirror in the center of the back bar above the cash register. The picture on the calendar was that of a nude woman on which had been taped a silver coin which rendered the picture even more suggestive.

On September 13, 1956 after the termination of their investigation on other aspects of the business, ABC agents returned to the premises with instructions to remove such calendar. At this time, John V. Folger, one of the licensees, told the agents that he had obtained the calendar in February or March of 1956 and that it was continuously displayed thereafter except for a short period when the back bar was being renovated.

The exhibition on licensed premises of this type of picture so accentuated is not conducive to good morals and its display will not be tolerated.

Defendant has no prior adjudicated record. Under the circumstances, I shall suspend defendants' license for a period of ten days, the minimum suspension for a violation of this nature. Re Brown, Bulletin 1052, Item 11. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 1st day of November, 1956,

ORDERED that Plenary Retail Consumption License C-104, issued by the Board of Commissioners of the City of Bayonne to

John V. and Lauretta E. Folger, 335 Avenue E, Bayonne, be and the same is hereby suspended for a period of five (5) days, commencing at 6:00 a.m. November 12, 1956, and terminating at 6:00 a.m. November 17, 1956.

WILLIAM HOWE DAVIS
Director.

11. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LOUIS, ANGELO & HARRY POLATO)
T/a LOU'S TAVERN & LIQUOR STORE)
2115 Mt. Ephraim Avenue)
Camden, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-46, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

Anthony M. Lario, 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 they sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that at 7:30 p.m. on October 6, 1956, a minor (19 years of age) purchased a pint of Vodka from Angelo Polato (one of defendant-licensees) and again at approximately 8:00 p.m. on October 12, 1956, he purchased a case containing twelve quart-bottles of beer from Louis Polato (also one of defendant-licensees). The minor stated that on neither occasion was he questioned concerning his age.

It appears that when Louis Polato (one of the defendants herein) held a license in his individual name for premises 900 South Fourth Street, Camden, such license was suspended by the then State Commissioner for thirteen days, effective August 31, 1943, for serving women over the bar in violation of a local ordinance (Re Polato, Bulletin 582, Item 11). Inasmuch as said dissimilar suspension occurred more than five years ago, I shall not consider it in fixing the penalty to be imposed in the instant case. Until recently the minimum penalty for sale of alcoholic beverages to a nineteen-year-old minor was ten days (Re Timinski, Bulletin 1029, Item 4). However, on January 16, 1956, I announced that such penalty would be increased by five days (Re Increased Penalties, Bulletin 1095, Item 1). Since the violation in this case occurred after that announcement and was aggravated by the quantity of alcoholic beverages sold, I shall suspend defendants' license for a period of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days (Re Causton, Bulletin 1134, Item 10; Re Great Cove Park, a New Jersey Corp., Bulletin 1130, Item 3).

Accordingly, it is, on this 1st day of November, 1956,

ORDERED that Plenary Retail Consumption License C-46, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Louis, Angelo & Harry Polato, t/a Lou's Tavern & Liquor Store, for premises 2115 Mt. Ephraim Avenue, Camden, be and the same is hereby suspended for fifteen (15) days, commencing at 7:00 a.m. November 5, 1956, and terminating at 7:00 a.m. November 20, 1956.

WILLIAM HOWE DAVIS
Director.

12. STATE LICENSES - NEW APPLICATIONS FILED.

Hans Holterbosch Inc.

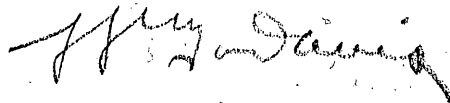
Section 72, Bronx Terminal Market
New York 51, N. Y.

Application filed December 20, 1956 for Limited Wholesale License.

Edward & Josephine Bernard

t/a Diamond Truck Rental
60 Union Avenue, Little Ferry, N.J.

Application filed December 27, 1956 for Transportation License.



William Howe Davis
Director.