

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

BULLETIN 1580

September 24, 1964

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

BULLETIN 1580

September 24, 1964

1. STATE REGULATIONS - REGULATION NO. 20 - NEW RULE 2A PROMULGATED.

NOTICE TO ALL RETAIL LICENSEES:

In order to reinforce law enforcement authorities who may order closing of licensed business during a period of a public emergency, such as a riot, insurrection, hurricane, flood, etc., or an investigation of the commission of a crime, I have promulgated a new rule pursuant to power conferred by R.S. 33:1-39. Any licensee who fails to comply with a closing order in such circumstances will, under the new rule, subject his license to suspension or revocation.

The new rule, Rule 2A of State Regulation No. 20 is effective August 24, 1964 and is hereby promulgated as follows:

"Rule 2A. No licensee shall, sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, at retail, or allow, permit or suffer the consumption of any alcoholic beverage on the licensed premises, or allow, permit or suffer the retail licensed premises to be open, during any period for which any duly constituted state, county or municipal law enforcement authority, because of a public emergency or investigation of crime, has ordered the licensed premises to be closed, unless excepted by such authority to permit continuing conduct of business other than the sale of alcoholic beverages."

JOSEPH P. LORDI
DIRECTOR

Promulgated Monday, August 24, 1964.

Effective Monday, August 24, 1964.

Filed with the Secretary of State (N.J.) Monday, August 24, 1964.

2. APPELLATE DECISIONS - GLOUCESTER TOWNSHIP LICENSED BEVERAGE ASSOCIATION and SOUTH JERSEY RETAIL LIQUOR STORES ASSOCIATION v. GLOUCESTER TOWNSHIP and MATTEO.

GLOUCESTER TOWNSHIP LICENSED)	
BEVERAGE ASSOCIATION, and)	
SOUTH JERSEY RETAIL LIQUOR)	
STORES ASSOCIATION,)	
)	
Appellants,)	ON APPEAL
)	ORDER
v.)	
)	
TOWNSHIP COMMITTEE OF THE)	
TOWNSHIP OF GLOUCESTER, and)	
GEORGE W. MATTEO, SR.,)	
)	
Respondents.		

Richman, Berry & Ferren, Esqs., by Grover C. Richman, Jr., Esq.,
Attorneys for Appellant.

Vincent L. Gallaher, Esq., Attorney for Respondent Township
Committee.

Simon, Jaffe & Denstman, Esqs., by Sidney S. Jaffe, Esq., Attorneys
for Respondent George W. Matteo, Sr.

BY THE DIRECTOR:

Appellants appeal from the grant by respondent Township Committee of the Township of Gloucester of a plenary retail distribution license to respondent George W. Matteo, Sr., for premises to be situated at Evesham Road, Plate 3A, Block 53A, Lot 17, Gloucester Township, Glendora.

Prior to the hearing on appeal, by letter dated July 9, 1964, the attorneys for appellants advised me that all attorneys for the respective parties had consented to the dismissal of the within appeal. No reason appearing to the contrary,

It is, on this 28th day of July, 1964,

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

JOSEPH P. LORDI
DIRECTOR

3. APPELLATE DECISIONS - MONMOUTH COUNTY RETAIL LIQUOR STORES ASSOCIATION, ET ALS. v. MIDDLETOWN and MIDDLETOWN ENTERPRISES, INC.

APPELLATE DECISIONS - BAYSHORE TAVERN OWNERS ASSOCIATION ET AL. v. MIDDLETOWN AND MIDDLETOWN ENTERPRISES, INC.

MONMOUTH COUNTY RETAIL LIQUOR
STORES ASSOCIATION, ET ALS.,

Appellants,

v.

TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF MIDDLETOWN, and MIDDLETOWN
ENTERPRISES, INC., t/a JUNCTION
LIQUORS,

Respondents.

BAYSHORE TAVERN OWNERS ASSN.
and LANGFORDS TAVERN, INC.,

Appellants,

v.

TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF MIDDLETOWN, and MIDDLETOWN ENTERPRISES,
INC., t/a JUNCTION LIQUORS,

Respondents.

Samuel Moskowitz, Esq., and Samuel J. Davidson, Esq., Attorneys
for Appellants Monmouth County etc. et als.

Edward A. Costigan, Esq., Attorney for Appellants Bayshore
Tavern Owners Assn. et al.

Vincent C. DeMaio, Esq., Attorney for Respondent Township
Committee.

James F. McGovern, Jr., Esq., Attorney for Respondent
Middletown Enterprises, Inc.

BY THE DIRECTOR:

Respondent Middletown Enterprises, Inc. having complied
with the recommendation in my Conclusions and Order entered
herein June 17, 1964, and having submitted to this Division for
approval a revised plan showing the interior arrangement of the
premises to be licensed, and good cause appearing therefor,

It is, on this 30th day of July 1964,

ORDERED that said revised plan be and the same is hereby
approved.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY
(PROSTITUTION) - SALE IN VIOLATION OF STATE REGULATION NO. 38 -
FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR DISSIMILAR
RECORD - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary)
Proceedings against)

ANNA LEMONGELLI)
t/a CLUB CARMEN)
28 Columbia Street)
Newark, N. J.)

Holder of Plenary Retail Consumption)
License C-771, issued by the Municipal)
Board of Alcoholic Beverage Control)
of the City of Newark, and transferred)
during the pendency of these proceedings)
to)

CONCLUSIONS
AND ORDER

RALPH LEMONGELLI)
t/a CLUB CARMEN,)

for the same premises.)

Foley & Manzione, Esqs., by Joseph A. Manzione, Esq., Attorneys
for Licensee.

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

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

"1. On Wednesday night April 22 and early Thursday morning April 23, 1964, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., the making of overtures and arrangements for acts of illicit sexual intercourse; in violation of Rule 5 of State Regulation No. 20.

"2. On Sunday, April 19, 1964 at about 12:30 a.m. and again on Thursday, April 23, 1964, at about 12:30 a.m., you allowed, permitted and suffered the removal from your licensed premises of an alcoholic beverage in an opened container, viz., an opened pint bottle of Seagram's Seven Crown Blended Whiskey; in violation of Rule 1 of State Regulation No. 38.

"3. In your application filed with the Municipal Board of Alcoholic Beverage Control of the City of Newark, dated June 18, 1963, and upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question No. 41 which asks: 'Have you or has any person mentioned in this application ever had any interest, directly or indirectly, in any alcoholic beverage license or permit in New Jersey or any other state which was surrendered, suspended, revoked or cancelled?... If so, state details with respect to each surrender, suspension, revocation or cancellation.', whereas

in truth and fact plenary retail consumption license held by you for these same premises for the 1962-63 period had been suspended by the Director of Alcoholic Beverage Control for five (5) days, effective April 22, 1963 on charge of possessing an alcoholic beverage in a bottle not truly labeled; said false answer, statement, evasion and suppression being in violation of R.S. 33:1-25."

Four ABC agents participated in an investigation of the licensed premises pursuant to a specific assignment to investigate alleged after-hours sales of alcoholic beverages for off-the-premises consumption and alleged solicitation for prostitution on said premises.

The testimony of the agents relating to all three charges may be briefly summarized as follows: On Saturday evening April 18, 1964, and continuing into the early morning of April 19, 1964, ABC agents visited the said premises and were there from 11:20 p.m. on April 18 until 12:45 a.m. April 19. They observed numerous package goods sales being made by the bartender (later identified as Ralph Lemongelli). At 12:30 a.m. Agent C purchased a pint bottle of Seagram's Seven from the bartender and paid \$3.50 for it. Lemongelli took the bottle from behind the bar, broke the seal and handed it over to Agent C.

The agent then asked him "What about the broads?" and he was assured "Come back, I'll have something for you." The agent informed the bartender that the bottle that he had purchased was for off-the-premises consumption, and they then departed the premises. Said bottle was admitted into evidence, together with the Division chemist's report certifying to its alcoholic contents.

The agents then returned to the premises on April 22 at 9:15 p.m. Three of the agents entered the premises and one remained on the outside at a point of observation. Ralph Lemongelli was tending bar and there were approximately twelve patrons in the tavern. Shortly after their arrival a female (later identified as Grace Gee) entered the premises accompanied by two males whom she later identified as her "brothers." She seated herself at the bar and the bartender remarked to one of the agents that she was "okay." The agent purchased drinks for her and, in the course of their conversation, she indicated that she was unable to have any sexual relations with him because she had "woman problems at that time of the month." Then she volunteered to phone a friend of hers who would be available for sexual relations with these agents. She made the said call. About fifteen minutes thereafter a female entered the tavern and introduced herself as Louella Parker. After the agents purchased some drinks for her, she finally made arrangements with one of the agents to engage in sexual intercourse with him for \$20 which would include the price of her room. She informed them that she had an apartment in Newark and she would take them to that apartment. Agent S then turned to the bartender, who was standing nearby, and informed him of the arrangements that had been made.

At 12:30 a.m., during this particular transaction, Agent C purchased a pint bottle of Seagram's Seven from this bartender specifically for off-the-premises consumption. The bartender took the bottle, cracked the seal and received payment therefor, whereupon Agent C immediately left the premises. The bartender then volunteered to call a cab for Agent S, after being advised of the arrangements with Louella. Upon the arrival of the cab, Agent S left with Louella and proceeded to her apartment.

On the trip to the apartment Agent S turned over to Louella \$20 in marked bills, the serial numbers of which had been previously recorded. Shortly after their arrival at the apartment the other agents, accompanied by Newark police officers, entered the said apartment and found Louella in the nude and Agent S partly disrobed. The marked money was thereupon produced from Louella's pocketbook and she admitted that she had solicited Agent S in the subject licensed premises.

In the company of the ABC agents and Newark Police, Miss Parker was taken to a Newark police station where she was questioned with respect to the activities of that evening. She refused, however, to execute a written statement. She was charged with soliciting for prostitution, in violation of 2A:170-52, and was held in bail for arraignment in the Newark municipal court. The agents thereupon returned to the tavern in the company of Newark police and questioned the bartender. He, similarly, refused to give a written statement in the absence of his attorney.

On cross examination it was developed that this tavern had an integrated patronage of whites, negroes and Puerto Ricans, and that the agents were dressed in attire usually worn by people on this particular economic level. It was also shown that they had purchased many drinks for the patrons and for a girl named Cathy who was employed as a waitress.

Further examination of Agent S with respect to his conversations with Grace established that her actions were voluntary with respect to introducing Louella to these agents. She had complained that she herself was not only physically incapacitated but had recently suffered certain burns and injuries. Agent S was then asked the following questions:

"Q You said nothing or did nothing to suggest that you might want to have sexual relations with this woman?

A I did not suggest.

Q Yet one of your purposes for being there that night was to uncover activity of that nature. Is that correct?

A But not to suggest or put in in their minds.

Q This is one of your purposes of being there that evening?

A to observe such acts."

And further:

"Q And then after she volunteered herself to you without any solicitation on your part and since she was not able to take care of you herself, she volunteered, is that right, to make a phone call?

A Volunteered, she did it.

Q She volunteered?

A To make a phone call, yes, sir.

Q Get you somebody who would be able to Is that right?

A She would bring a girl friend of hers down.

Q And did you say, 'Fine, make the phone call'?

A I didn't say nothing at all...."

With further reference to this conversation Agent C added, in his testimony, that the bartender overheard the conversation and remarked "that Louella was a nice-looking girl. 'Wait until you see her.'" This conversation took place in the bartender's presence and, when he heard that Agent S had offered her \$20, he remarked "Well, it's guys like that that spoil these broads because she's only worth a five dollar bill." The testimony of the other agents was corroborative of the testimony hereinabove summarized.

Further, with respect to the sale of the alcoholic beverages for off-the-premises consumption on April 22, Agent O was asked the following questions:

"Q And Mr. Lemongelli denied selling this liquor. Is that right?

A He issued no statements to us at all. He refused to give a written statement. He refused to make any marks of identification of the bottle I showed him.

Q He generally denied having sold it?

A Yes, sir."

He was then asked on redirect:

"Q Did he deny it?

A Not verbally; no, sir. He made no remark at all pertaining to the sale. He refused to answer anything.

Q You mean he neither affirmed nor denied?

A Neither affirmed nor denied.

Q What about the alleged prostitution, his attitude on that?

A He didn't care to discuss the matter until he spoke to an attorney."

The licensee produced Grace Gee and Ralph Lemongelli (the bartender) as her witnesses. Miss Gee testified that Agent S purchased drinks for her and she told him that "Me and my brothers are mental patients and I was home on trial visit from the United States V.A. Hospital. My brother was home from Trenton State Institution." She further stated that, when one of the agents asked her about the possibility of having sexual relations, she informed them that she has a boy friend and that she would not be interested. She did thereupon make a telephone call to her sister for the purpose of having her sister come down to the tavern. However, her sister was "tired", so she then

called Louella Parker and urged her to come down to these premises. She categorically denied that she told the agents that she could not have relations with them because of any physical infirmity and, in fact, that she insisted that she had not had a menstrual period until "just recently." She also denied that she heard any conversation between the agents and the bartender regarding solicitations for prostitution.

Ralph Lemongelli, testifying on behalf of the licensee, stated that he is the husband of Anna Lemongelli (the licensee herein) and was employed as manager and bartender on the dates in question; that on April 19 he had a bartender named Robert Barenti who assisted him. He stated that one of the agents urged him to sell him a bottle of Seagram's Seven but he hesitated to do so because he realized it was after hours. However, the agent assured him that they were friends and that they intended to return at a later time. With that he continued "'All right, I'll take a chance but I don't want to get in no trouble' so with that I went to the closet, unlocked the closet because we keep all pints and half pints under key and lock. With that I unlocked the closet and I give him a Seagram's 7."

"Q And how did you give this bottle to him?

A This bottle of whiskey, nobody seen me give it to him. The opening in the back of the bar, it was slipped under the bar and I handed it to him."

The witness further stated that on April 22 the agents returned and at that time there were approximately fourteen or fifteen patrons in addition to the three agents. He denied that he had heard any conversation between the agents and Louella Parker who arrived at the premises later that evening. He specifically denied that he had anything to do with any arrangements for illicit sexual intercourse between the agents and Miss Parker. There is no testimony offered, however, with respect to the prior conversations with the agents or the alleged sale of alcoholic beverages for off-the-premises consumption on April 22 by any of the witnesses for the licensee.

With respect to the first charge, as indeed in consideration of the other two charges, it might be well to restate the general principles which guide us in our determination of these matters. These proceedings are civil and not criminal in nature, and decisions herein are based upon a fair preponderance of the credible evidence. Kravis v. Hock, 135 N.J.L. 259 (Sup. Ct. 1947). The trier of facts may accept in whole or reject in whole, or may accept in part or reject in part, the testimony of a witness. I must determine the credibility of a witness and act accordingly. 98 C.J.S. at p. 321; Re Ritchie's Inc. Bulletin 1426, Item 1. The reasonableness or probability of a witness' testimony bears on his credibility. 98 C.J.S. at p. 340, and cases cited therein.

The testimony with respect to the first charge presents a sharp conflict because of the general denial by the bartender produced on behalf of the licensee, and it is therefore necessary to weigh the testimony of the four ABC agents within their context as against the testimony of the two witnesses produced by the licensee. Based upon credibility in the light of reasonableness and common experience, I am satisfied that the ABC agents' testimony portrays a true picture of the evidence which took place on the date in question. Agent S was examined and cross examined in extenso with respect to the details during his visit to the

premises on Wednesday night April 22 and early Thursday morning April 23, 1964, and it was stipulated that his testimony would be corroborated in similar detail by the other agents. The bartender does not deny (except generally) that Agent S discussed on a prior occasion the possibility of having females available for sexual intercourse; that on this occasion Louella Parker came into the premises and had a discussion with the agent; that an arrangement was actually made with her at a price set by her of \$20 to engage in sexual relations at her apartment, and that in fact the transaction was thus consummated.

The bartender did not specifically deny that he cynically observed that Miss Parker's price was too high; that he actually called a cab after these arrangements were concluded. He further admits that, when the agents returned some time after they had left the premises and questioned him about Miss Parker, he neither admitted nor denied that such activity had taken place or that he was aware or had participated therein.

I am decidedly unimpressed with his denial because it seems clear, on the basis of ordinary human experience, that had this incident not occurred on these licensed premises the normal behavior of the bartender would have been to vigorously deny and indeed refute such alleged activities. It seems most incredible, furthermore, on the basis of the evidence presented, that this witness does not know what was happening during that evening in view of the conversations that he had with the agents during a rather long stay that evening at the premises.

Under the circumstances it is not an adequate or convincing argument that the licensee's witness did not know what was going on and was unaware of Miss Parker's conduct on the premises. It is the duty of agents, servants or employees of the licensee to use their eyes and their ears in pursuance of their relegated duty. Bilowith v. Passaic, Bulletin 527, Item 3. A licensee has the highest degree of responsibility to his fellow citizens, and is under a duty not only to regulate his own personal conduct (which includes that of his employees) in a manner consistent with the license which he has received, but also to control the acts and conduct of patrons who visit her premises.

I believe the testimony of the agents that the licensee, through her agents or employees, allowed, permitted and suffered lewdness and immoral activity on her licensed premises, namely, the making of overtures and arrangements for acts of illicit sexual intercourse.

Counsel for the licensee has raised the defense of entrapment with respect to both the first and second charges in the following language:

"Mr. Lemongelli on the stand admitted he sold liquor illegally that night, but he says that these agents, through their conduct and so forth, brought this violation about, that they lured, induced, entrapped and ensnared them into this and I think there is ample testimony on the first charge, the making of overtures and arrangements for acts of soliciting sexual intercourse by independent witnesses presented here that Mr. Lemongelli had nothing to do with this and anything in that direction, overtures, came from the officers themselves", citing State v. Rosenberg, 37 N.J. Super. 197; State v. Dougherty, 88 N.J.L. 209.

My examination of the testimony, however, convinces me that there was no evidence of entrapment by the ABC agents, nor did they implant these ideas in the mind of the bartender. It is clear as crystal that the agents merely sat by and waited and, when the bartender showed the inclination, they merely afforded him the opportunity to continue. Thus, for example, when this matter was originally discussed with the bartender on the prior occasion, the bartender told the agent "Okay, you come back next time, I'll have a good one for you."

It will be recalled, from the excerpt which I have cited hereinabove, that, when the agents returned on the second occasion, namely, the date charged herein, there was some conversation with respect to a female patron, and the bartender in the course of that conversation stated "She's okay." By this he obviously meant that this girl was available for sexual intercourse. In State v. Rosenberg, supra, the court, adopting the definition of entrapment in Sorrels v. United States, 287 U.S. 435, 53 S. Ct. 210 said:

"Generally, it may be said that where a police officer 'envisages a crime, plans it, and activates its commission by one not theretofore intending its perpetration' for the purpose of providing a victim for prosecution, the defense is available. *** However, a distinction must be recognized between the situation where the criminal intent or design originates in the mind of the officer for the purpose of luring or entrapping the accused into commission of the offense which otherwise he would not have committed, and where such intent has its inception in the mind of the accused and the officer acting in good faith in the pursuit of his duties merely furnishes opportunities or facilities for, or aids or encourages the accused in the commission of the offense." (37 N.J. Super., at p. 204)

The defense of entrapment is normally a question for the jury -- here, the Hearer. I have found no evidence from which it could be inferred that the ABC agents practiced any trickery, persuasion or fraud in order to induce the bartender or to entrap him. The agents, merely in good faith and in the pursuit of their duties, merely furnished the opportunity for the commission of these offenses. Cf. Re Highlander Hotel Corp., Bulletin 1475, Item 1, aff'd Highlander Hotel Corp. v. Div. of Alcoholic Beverage Control (not officially reported; reprinted in Bulletin 1533, Item 1); Vogellus v. Div. of Alcoholic Beverage Control (App.Div. 1963) (not officially reported; reprinted in Bulletin 1537, Item 1). See also Re Vogellus, Bulletin 1519, Item 1.

With respect to the second charge, the bartender admitted that he sold alcoholic beverages to the ABC agent on April 19, 1964, and also failed to deny that alcoholic beverages for off-the-premises consumption were sold on April 23, 1964. In view of the clear and forthright testimony of the agents on this charge, and the admissions as hereinabove set forth, it is clear that the proof on this charge has been established by a fair preponderance of the credible testimony. I therefore recommend that licensee be found guilty of the said charge.

With respect to the third charge, Anna Lemongelli testified that, when she filled out the application form, she omitted setting forth the fact that her license had been suspended for five days effective April 22, 1963, for an alleged

"refill" charge because "it didn't occur to me at the time that I was filing." She also admitted that she falsely stated "no" in answer to Question 41 which refers to any prior suspensions in disciplinary proceedings. In view of her clear admission that that question was falsely answered because "it didn't occur to me at the time that I was filing," it is abundantly clear that a similar recommendation of guilty must be made on this charge.

I am satisfied, therefore, that the Division has established the truth of all three charges by the fair preponderance of the believable evidence and, indeed, by substantial evidence, and I recommend that the licensee be adjudged guilty of the said three charges preferred herein.

Licensee has a prior adjudicated record. Her license was suspended by this Division for five days effective April 22, 1963, on a "refill" charge (Bulletin 1512, Item 13). I therefore recommend that the licensee's license be suspended for sixty days on Charge 1 (Re C. & S. Tavern Corp., Bulletin 1549, Item 1); for fifteen days on the second charge (Re Scola, Bulletin 1565, Item 11), and for ten days on the third charge (Re Pastrana's Bar, Inc., Bulletin 1565, Item 6), to which should be added five days for the record of suspension for dissimilar violation occurring within the past five years (Re Vamos, Bulletin 1541, Item 5), making a total suspension of ninety days.

Conclusions and Order

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

Having carefully considered the transcript of the proceedings, the exhibits introduced into evidence, the oral arguments of counsel at the conclusion of said hearing and the Hearer's Report, together with my comments hereinafter set forth, I concur in the findings and conclusions of the Hearer, and adopt them as my conclusions herein. Hence I shall enter an order as recommended.

The Hearer makes reference to the testimony of the bartender Ralph Lemongelli as follows:

"He (Lemongelli) further admits that, when the agents returned some time after they had left the premises and questioned him about Miss Parker, he neither admitted nor denied that such activity had taken place or that he was aware or had participated therein."

My examination of Lemongelli's testimony does not disclose that he made such admission but, rather, that his testimony was silent with respect thereto. Thus he did not refute the agent's testimony concerning the said conversation as detailed in the Hearer's Report.

The attorney for the licensee has made a request, by letter, that I "review the report as soon as possible, particularly with regard to the severity of the penalty recommended by the Hearer." My examination of the facts and circumstances herein leads me to the inescapable conclusion that there are no mitigating circumstances which would warrant a lesser penalty than that recommended, which is consistent with that imposed in similar cases.

I shall suspend licensee's license for a period of ninety days.

The license herein was transferred to Ralph Lemongelli (husband of Anna Lemongelli) on May 26, 1964.

Accordingly, it is, on this 3rd day of August 1964,

ORDERED that Plenary Retail Consumption License C-771, issued for the 1964-65 licensing year by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Ralph Lemongelli, t/a Club Carmen, for premises 28 Columbia Street, Newark, be and the same is hereby suspended for ninety (90) days, commencing at 2 a.m. Wednesday, August 12, 1964, and terminating at 2 a.m. Tuesday, November 10, 1964.

JOSEPH P. LORDI
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - NUISANCE (APPARENT HOMOSEXUALS) - SERVING ALCOHOLIC BEVERAGES OTHER THAN ORDERED - LICENSE SUSPENDED FOR 75 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
STEVE N. LORDI)	
t/a SKIPPY'S HIDEAWAY)	CONCLUSIONS
97-99 Edison Place)	AND ORDER
Newark, N. J.)	
Holder of Plenary Retail Consumption License C-617, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)	

Louis R. Cerefice, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on October 12-13, 20, 25-26 and November 1-2, 1963, he (1) conducted the licensed place of business as a nuisance, viz., permitting apparent male homosexuals on the licensed premises, in violation of Rule 5 of State Regulation No. 20, and (2) served alcoholic beverages other than ordered, in violation of Rule 23 of State Regulation No. 20.

Reports of investigation disclose that, on the dates mentioned, the licensed premises was patronized by large numbers of apparent male homosexuals, i.e., on October 12-13 95% of a total male patronage of 110, on October 20 90% of a total of 150, on October 25-26 75% of a total of 75, and on November 1-2 90% of a total of 75; total female patronage on these dates ranging from one to four.

Additionally, the reports disclose that customarily orders for mixed drinks of a name brand whiskey were filled by using a cheaper brand.

Absent prior record, on the basis of the facts appearing (simple congregation of a relatively large number of apparent

homosexuals), the license will be suspended on the first charge for sixty days (Re Murphy's Tavern, Inc., Bulletin 1563, Item 4), and on the second charge for fifteen days (Re Robert-Alan Hotel, Inc., Bulletin 1532, Item 4), or a total of seventy-five days, with remission of five days for the plea entered, leaving a net suspension of seventy days.

Accordingly, it is, on this 27th day of July, 1964,

ORDERED that Plenary Retail Consumption License C-617, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Steve N. Lordi, t/a Skippy's hideaway, for premises 97-99 Edison Place, Newark, be and the same is hereby suspended for seventy (70) days, commencing at 2 a.m. Monday, August 3, 1964, and terminating at 2 a.m. Monday, October 12, 1964.

JOSEPH P. LORDI
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

SAMUEL M. TARLOWE)
912-920 Bergen Avenue)
Jersey City, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-175, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Jersey City.)

Russell H. Hulsizer, 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 June 27, 1964, he sold a bottle of beer to each of two minors, fifteen and sixteen years of age respectively, in violation of Rule 1 of State Regulation No. 20.

Although licensee has no previous record, it appears that he owns 98% of the stock of Green Star Inc., holder of a plenary retail consumption license for premises 108-118 Chestnut Street, Roselle, the license of which was suspended by the local issuing authority for eight days effective July 3, 1960, for sale to a minor, and again said license was suspended for ten days, by the Director, effective June 15, 1964, for possessing a pin ball machine on the licensed premises (Re Green Star, Inc., Bulletin 1567, Item 10).

I shall suspend the license for thirty-five days for sale of alcoholic beverages to the two minors, fifteen and sixteen years of age respectively (Re Loveland & Anderson, Bulletin 1127, Item 2), to which will be added ten days for the similar violation occurring within five years (Re Freedman, Bulletin 1436, Item 4), plus an additional five days for the dissimilar violation occurring within five years (Re Vamos, Bulletin 1541, Item 5), making a total of fifty days. Five days

will be remitted for the plea entered, leaving a net suspension of forty-five days.

Accordingly, it is, on this 28th day of July 1964,

ORDERED that Plenary Retail Consumption License C-175, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Samuel M. Tarlowe, for premises 912-920 Bergen Avenue, Jersey City, be and the same is hereby suspended for forty-five (45) days, commencing at 2 a.m. Tuesday, August 4, 1964, and terminating at 2 a.m. Friday, September 18, 1964.

JOSEPH P. LORDI
DIRECTOR

7. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp. #251)	
In the Matter of a Petition to Lift)	
the Automatic Suspension of Plenary)	
Retail Consumption License C-11,)	ON PETITION
issued by the Borough Council of)	ORDER
the Borough of Oakland to)	
GERDA ROTHER)	
120 West Oakland Avenue)	
Oakland, N. J.)	

A. Edward Hook, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on July 6, 1964, petitioner was fined \$250 and \$5 costs in the Oakland Municipal Court after being found guilty of a charge of sale of alcoholic beverages to two minors on June 6, 1964, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for five days effective 12:01 a.m. July 27, 1964, after a confessional plea to a charge in disciplinary proceedings alleging the same sale to a minor. Hence I shall lift the automatic suspension in anticipation of the service of the currently effective municipal suspension. Re Van Jura, Bulletin 1562, Item 7.

Accordingly, it is, on this 30th day of July 1964,

ORDERED that the statutory automatic suspension of said license C-11 be and the same is hereby lifted, effective 12:01 a.m. Saturday, August 1, 1964.

JOSEPH P. LORDI
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - POSSESSION OF PIN-BALL MACHINES -
PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS
5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

UNION NEWS NEW JERSEY SERVICE CORP.,
t/a "AMERICANA LANES"
Northwest side of Delsea Drive
south of Cooper Street
Deptford Township
PO Box 293, RD Westville, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-9, issued by the Township
Committee of Deptford Township.

Licensee, by William J. Bliss, Secretary and General Counsel.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
May 18, 1964, it permitted two pin ball machines on its licensed
premises, in violation of Rule 7 of State Regulation No. 20.

Licensee has a prior record of suspension of license
by the Director for fifteen days effective February 9, 1960,
for a "refill" violation. Re The Union News Co., Bulletin 1326,
Item 12.

The license will be suspended for ten days (Re Stadium
Cocktail Lounge, Inc., Bulletin 1558, Item 7), and for an
additional five days for the dissimilar record occurring within
five years (Re Vamos, Bulletin 1541, Item 5), making a total
suspension of fifteen days, less five days remission for the
plea entered, leaving a net suspension of ten days.

Accordingly, it is, on this 3rd day of August, 1964,

ORDERED that Plenary Retail Consumption License C-9,
issued by the Township Committee of Deptford Township to Union
News New Jersey Service Corp., t/a "Americana Lanes," for premises
Northwest side of Delsea Drive south of Cooper Street,
Deptford Township, be and the same is hereby suspended for ten
(10) days, commencing at 2 a.m. Monday, August 10, 1964, and
terminating at 2 a.m. Thursday, August 20, 1964.

JOSEPH P. LORDI
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

JOHN M. CRISAFULLI and MARIE R.
CRISAFULLI, t/a BEVERAGES LIMITED
606-608 Adams Street
Hoboken, New Jersey

CONCLUSIONS
AND ORDER

Holders of State Beverage Distributor's
License SBD-73, issued by the Director
of the Division of Alcoholic Beverage
Control.

Lillian Forman-Neubauer, Esq., Attorney for Licensees.
Morton B. Zemel, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on
June 19, 1964, they sold twenty-four 12-ounce cans of beer
below filed price, in violation of Rule 5 of State Regulation
No. 30.

Absent prior record, the license will be suspended for
ten days, with remission of five days for the plea entered,
leaving a net suspension of five days. Re Urban, Bulletin 1563,
Item 11.

Accordingly, it is, on this 3rd day of August 1964,

ORDERED that State Beverage Distributor's License
SBD-73, issued by the Director of the Division of Alcoholic
Beverage Control to John M. Crisafulli and Marie R. Crisafulli,
t/a Beverages Limited, for premises 606-608 Adams Street,
Hoboken, be and the same is hereby suspended for five (5) days,
commencing at 9 a.m. Monday, August 10, 1964, and terminating
at 9 a.m. Saturday, August 15, 1964.

JOSEPH P. LORDI
DIRECTOR

10. STATE LICENSES - NEW APPLICATION FILED.

Stewart Hill Co., Inc.
45-53 East Bigelow Street
Newark, N. J.

Application filed September 15, 1964 for place-to-place
transfer of Plenary Wholesale License W-45 from
45-47 East Bigelow Street, Newark, N. J.


Joseph P. Lordi
Director