

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

August 23, 1968

BULLETIN 1807

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

August 23, 1963

BULLETIN 1807

1. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -
HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 70 DAYS.

In the Matter of Disciplinary
Proceedings against

Julia Guadagno
t/a Sea Going Tom's
154 Scotland Road
Orange, N.J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-46, issued by the Municipal
Board of Alcoholic Beverage Control
of the City of Orange.

James A. Palmieri, Esq., Attorney 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 September 11, 16 and 30, 1967, 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' on said dates of September 11 and 16, 1967, and on horse races on said dates of September 11 and 30, 1967; in violation of Rule 7 of State Regulation No. 20.
- "2. On September 11 and 16, 1967, 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; in violation of Rule 6 of State Regulation No. 20.
- "3. On October 6, 1967, you, directly or indirectly, failed, on demand, to produce, exhibit and surrender to Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey, and to make available to them for their inspection a photostatic or other true copy of application for your current license, as required by Rule 16 of State Regulation No. 20, and failed to facilitate, hindered, delayed and caused the hindrance and delay of an investigation and inspection then and there being made of your licensed business and premises by said Investigators; in violation of Rule 35 of State Regulation No. 20."

The Division offered the testimony of several ABC agents in substantiation of the charges.

Division Agent S (who possessed ample experience in gambling investigations, including horse race and numbers betting) gave the following account: Pursuant to specific assignment to investigate gambling activity in the licensed premises, accompanied by Agents M, R and G, he entered the licensed premises, characterized as a neighborhood tavern that caters to a luncheon trade, on September 11, 1967, at approximately 12:30 p.m. The agents positioned themselves at the far end of the bar opposite the telephone booth. A male referred to as Sam, and identified as Sisto Caliciotti (son-in-law of the licensee) was tending bar. Assisting Sam behind the bar was the licensee's husband, Thomas Guadagno, usually referred to as "Sea Going Tom." Upon entry the patronage consisted of approximately twenty-five males. This number decreased by ten or fifteen.

To the left of the agents, Agent S noted the presence of a group of "about four males, that had had their dinner and were talking, conversing about horses and races this date. One of these males was referred to as 'Dick'; the other male was referred to as 'Danny', his employer." The agents entered into the conversation. The questioning then disclosed the following:

"Q Where was the bartender Sam?

A The bartender was right opposite us. In fact, he was serving us beer. We had just entered when we heard the conversation.

Q Will you detail the conversation?

A The one male who was unidentified yelled out and said to Dick, 'Put another ten on Moon Trip for me.' Then Dick took a ten dollar bill from this male, and he proceeded behind us to the telephone booth and placed a call.

Q Did you determine what 'Moon Trip' was?

A Yes. 'Moon Trip' was a horse running in the 7th race this date.

Q When Dick accepted the ten dollars from the male patron where was Sam, the bartender?

A Sam was right opposite us at the bar."

Upon completion of the telephone call Dick returned to his position at the bar. Agent M stated that in his opinion a horse named Carteret (running in the same race) was a better horse. Danny agreed with M. At this point Sam yelled, "Don't call those bets in. Give them to me. I'll take them." M threw two dollar bills on the bar (which fell off the bar to the floor) and said, "give me a deuce on Carteret." Sam responded, "I am only kidding. I am no bookie" and he returned the agent's money.

Then Danny said, "Sh, keep it quiet. Don't let Sea Going hear you. He don't go for that stuff in here But if you got anything coming he'll give it to you. See Sam." At that time Sam was "right behind the bar."

S detailed the next occurrence as follows: "The same male when we first entered who placed \$10 on Moon Trip he again yelled up to Dick, 'Put another \$10 on Moon Trip for me.' Dick went to this male and picked up a \$10 bill and placed it in his pocket and went to the phone booth and placed a call and came

back and said, 'That guy got 50 bucks on that horse. He's nuts. He's crazy.'" The male who called out the bet was approximately five feet distant from Dick and approximately seven or eight feet distant from Agent S. Questioned as to who was behind the bar at that time, S responded, "Sea Going was at the near end of the bar taking care of the front, and Sam was taking care of the rear section." Sam was directly opposite Dick. S had no difficulty seeing or hearing the activity which he described.

When Agent M said to Dick, "I like Carteret. Give me a deuce across the board on Carteret in the 7th", Dick said, "Wait a minute. I got to write this down." He asked Sam for a piece of paper and a pencil and Sam handed Dick paper and pencil from the back bar. Dick went into the men's room followed by Agents S and G, made notations of the bets and soon rejoined the group at the bar.

Agent R asked Dick, "Does that man take numbers bets, too?" Upon receiving an affirmative response from Dick, R said, "Give me 363 for a dollar", S said "Give me 711 for a dollar", G played 318 for a dollar and M played 864 for a dollar. Dick took the money, went to the telephone booth, dialed a number and commenced talking. Sea Going Tom ran from his position at the bar, pushed Dick aside, disconnected the call and said, "Don't do that! What is the matter with you? Want to get me closed? I got twenty-five days for that. You don't know who is in here. Go across the street in the booth and call that stuff in." Later, when Sam was positioned in front of Dick and the agents, Dick said, "Listen. If you guys have anything coming see Sam in the morning; he'll give you the money."

Accompanied by M, S entered the licensed premises on September 16 at approximately 11 a.m. They positioned themselves at the "end of the bar near the front entrance." Sam was tending bar. R and G entered the tavern at noontime. S joined Dick who was positioned at the far end of the bar. Dick said, "What number did you play last week? I was worried. I thought you played 713. That number came out." S responded, "No, I didn't play 713. I played 711." Dick asked S, "You want something today?" After S responded affirmatively, Dick said, "Whatever you want, write it on duplicate paper so I can keep a record. This way I won't get confused, and when I go to the book the records will match."

S rejoined the other agents. Upon request, Sam furnished S with paper and pencil. He wrote several numbers bets on the bar, in duplicate, totaling four dollars. S went from the front end of the bar to the far end where Dick was seated and handed him a duplicate set of numbers and four dollars. Dick said, "If these three -- if your numbers come out see Sam. He'll take care of it." S rejoined his group, thanked Sam and said, "I played four numbers. I don't know if I'll be here Monday or not, but I'll be here Tuesday. Hold the money for me." The agents departed at 12:45 p.m.

Referring to September 30, Agent S testified that he entered the tavern with M at approximately 12 noon. They positioned themselves at the far end of the bar. Sea Going Tom and a male identified as James Fazio were tending bar. The patronage consisted of approximately ten males. After testifying that he noted Dick's presence in the tavern, the agent testified as follows:

"Q How did you become aware of him?

A Dick was standing in front with Danny. We went to the

far end of the bar but Dick recognized us. He yelled, we waved, and he came down, 'Handsome Boy! Handsome Boy!'

Q Did you recognize that name?

A It was a horse running that day. And M hollered, 'You're crazy. Dr. Fager is the horse today.' Dick said, 'You're crazy. I put fifty dollars on Handsome Boy.'

Q Where was Dick, where was M, and where were you in this exchange?

A Dick was at the near end of the bar when we entered, and we proceeded to the rear end of the bar. We had to walk practically the entire length to get from the front to the rear, and as he walked toward us with a colored male he hollered, 'Handsome Boy! Handsome Boy!' telling us we should play this horse, he had fifty dollars on it.

Q How far --

A He was hollering to us as he walked. He was yelling it coming towards us."

Dick then got in a huddle with the agents and said, "You know, you guys, I hope you ain't cops You know, Sam, Tommy's son-in-law, thinks you guys are cops. In fact, he thinks you are", indicating Agent S. Sea Going Tom was tending bar in that section. Continuing, Dick said, "He thinks you are cops, but I don't think you are. All right?" M then said, "Here, put a fin on the nose for me on Handsome Boy." Dick took the money and said, "You are in, buddy." The agents departed from the tavern with Dick at approximately 1 p.m.

On cross examination the agent admitted that at noon-time the patronage was heavy due to the luncheon trade and the bartenders would be busier than usual. Referring to September 11, the agent conceded that he did not know whether or not Sam heard Dick say, "If you guys have anything coming see Sam in the morning." Referring to September 16, neither Sea Going Tom nor Sam heard Dick and the agent discuss the question whether the agent had played the number 713 or the number 711 on the previous date.

The testimony of ABC Agent M, who accompanied Agent S on all the dates mentioned in the charges, was mainly corroborative of the testimony offered by S as to the matters essential to the disposition of the charges. In particular, referring to September 11, he testified that Sam was standing behind the bar opposite the group when the male patron said to Dick, "Could you put another \$10 on Moon Trip for me." Referring to September 30, Dick shouted "Handsome Boy, Handsome Boy" (the name of a race horse running that day) in a tone of voice so loud that everyone in the tavern should have heard him. Dick accepted the \$5 bet from M "right on the bar." The bets on the numbers 711, 864 318 and 363, each for one dollar, were written on the bar and the bartender Sam was in a position to observe the numbers writing.

Additionally M testified that on September 16 Sam was in a position to hear Dick request Agent S to write his numbers play in duplicate. Although the numbers play was written on the bar, he could not say that Sam observed the writing of the numbers.

Agent G testified that he participated in the investigation of the licensed premises on September 11, September 16 and October 6, 1967. It was stipulated that his testimony concerning

the occurrences of September 11 and September 16 would be similar to the testimony offered by Agents S and M.

On October 6, accompanied by Agent R and two uniformed policemen of the Orange Police Department G entered the tavern at approximately 6:15 p.m. in order to inspect the premises and examine the license application. Tending bar was a person known as "the sheriff" and as Jimmy. Sea Going Tom was seated in the rear of the room. The agents displayed their credentials and indentified themselves as ABC agents to Guadagno. R informed Guadagno that betting activities had been observed in the tavern, whereupon Guadagno denied the occurrence and, using an obscene word, told the agents to leave the premises. Guadagno rose from his chair, he was "upset" and "screaming." Upon being asked again for the license application, Guadagno told the agents, "Get out of my place, get out." Finally the agent offered the following testimony:

"Q How long were you in the establishment?

A Fifteen minutes.

Q During that time how was he conducting himself?

A He was jumping around, screaming, hollering and causing a disturbance on the premises. Everybody was looking at us, and they were standing up wanting to know what was happening.

Q Then what did you and the other agent do?

A Not wanting to cause a disturbance seeing that Mr. Guadagno would not cooperate with us along with the Orange Police, we departed the premises."

The agents were not furnished with the copy of the license application nor did they inspect the licensed premises.

On cross examination G testified that he directed his inquiries to Guadagno instead of the bartender because he had previously observed Guadagno acting in a managerial capacity and serving patrons.

It was stipulated that the testimony of Agent R (who assisted in the investigation on September 11, September 16 and October 6) would be cumulative.

In defense of the charges the licensee, Julia Guadagno, testified that she operated the licensed premises under the trade name Sea Going Tom's (which is the name by which her husband Thomas Guadagno is commonly known); that her son-in-law, Sisto Caliciotti (known as Sam or Samuel) is employed by her as the day-time bartender; that her husband "once in a while he goes in for a half-hour, an hour during lunch hour;" that she instructed her employees not to ever allow gambling in the tavern and she was not in the licensed premises on the dates alleged in the charges.

On Cross examination the licensee conceded that her husband participated in the management of the tavern business such as hiring and firing and gave instructions to her son-in-law.

Sisto P. Caliciotti (Sam) testified that he was the son-in-law of Thomas and Julia Guadagno. He had tended bar at the licensed premises for a number of years. He was constantly instructed by his father-in-law and mother-in-law not to allow or permit gambling in the tavern. When questioned as to whether or not he "heard and saw evidences of horse bets, being made and bets on numbers being placed in your presence" on September 11 or September 16, he replied:

"No, sir. The only numbers or horse bets or whatever they say they were that were ever placed in my place were by those four agents regardless of their names in the last since I have been there. They are the only numbers that were placed or tried to have been placed as they say, and I do not see them at one time write a number. They were writing on the bar, but whether they were writing numbers, I don't know. Whether they went in the bathroom to place a horse bet I don't know. As far as this Dick and Dan he says a colored man with horse slips or whatever he said, he might have had in his pocket at the time, I didn't see him. I didn't see them give a bet."

Caliciotti recalled that on September 11 at approximately 12:30 p.m., when the ABC agents first entered the tavern, he was behind the bar tending to the needs of more than forty patrons. A temporary waiter was serving the tables and occasionally assisting behind the bar. The witness heard no conversation between an unidentified male and Dick concerning a \$10 bet on Moon Trip and did not observe Dick going to the telephone. In order to serve the patrons he was constantly moving behind the bar. However, at approximately 1 p.m. "the place empties out" and at that time he heard one of the agents express an opinion that he liked Carteret better. The testimony then continued as follows:

"Q Did you hear anybody ask Dick, one of these agents, M particularly, if he could put \$2 across or on the nose on Carteret?

A That is the only part I heard and, kiddingly, -- I didn't think what I was saying -- probably I'll take the bet, not knowing like they claim, place bets with Dick. I never knew Dick was a bookie. He's been a gardener since I know him.

Q When you heard that part you said what?

A Kiddingly I said, 'I'll take the bet.'

Q Then what happened?

A One of them -- I don't know which fellow did -- one of them threw \$2 at me.

Q Where did it go?

A On the floor in front of me.

Q What did you do?

A I picked it up and gave it back to him. I says, 'I don't take no bets here.' I said, 'I was just kidding.' That is all. That is the most converstaion I ever had with them that I could remember."

At no time did Dick point him (Sam) out and say, "If you have anything coming, send one guy here in the morning and Sam will give it to you."

On Saturday, September 16, at noontime, the tavern was as busy as during the week. On that day he may have given S pencil and paper, but not for the purpose of writing numbers bets. He observed S writing on the pad on the bar; he did not observe what S was writing nor did S disclose what he was writing.

The witness admitted hearing Sea Going Tom tell Dick (while Dick was in the telephone booth), "If you have anything to do, to go across the street" and "Get out of my place, you know I don't allow it. We never did."

On cross examination the witness testified that Dick frequently discussed horses. He would tell Dick to cease the

discussion. He never observed Dick accept money or write anything down.

Thomas Guadagno (Sea Going Tom) testified that on September 11 he did not see Dick take any bets. He observed Agent S "walking up and down to two or three fellows and walking down to Dick and Vince Baloney." Vince (a part time employee) informed Guadagno that "this man gave Dick some money and tickets going to use your phone" and Guadagno "ran over there and grabbed him before he got to the phone and put him out, and I haven't seen him since." Guadagno then testified as follows:

"Q. You say you went over there and grabbed him. Where did you go? From the front of the bar?

A From the back of the bar to the front, and I grabbed Dick before he got to the phone, and I told him, 'Don't use my phone. If you want to use a phone they got a phone across the street and down the street.'"

On September 30 Jimmy was tending bar. When questioned as to whether or not he was helping behind the bar, the witness responded, "I go in every afternoon, look around, help a little; if I have nothing to do I stand outside." He denied seeing Dick in the tavern at all on September 30.

After testifying that the license is in his wife's name, that he turned over the business to his wife in 1960 and that he goes in and out of the tavern to "look after things" or just talk, Guadagno was asked, "Do you help out once in a while?" He replied, "I jump in and help out." He was not on the payroll, he did not consider himself an employee or a manager. He stated, "I just go in and help out half-hour, hour sometimes." He never saw or heard any gambling activity in the tavern.

Concerning the occurrence of October 6 he gave the following account: As he walked in the side door, S, two other ABC agents and two policemen from the Orange police force were in the tavern. S walked toward him and asked, "Can I see you a minute?" The testimony continued as follows:

"Q What did you say?

A I says, 'What do you want to see me about?' He says, 'We are agents. We want to see your license.' I says, 'What for?' He says, 'For allowing gambling.' I said, 'If there was any gambling going on here why didn't you lock them up? Why do you come now?' He says, 'We want to see your license.' I said, 'I got nothing to do with the license. That belongs to my wife.' I walked out and they walked out. That is all that was said."

He did not employ obscene language, nor did he say, "Get out of here."

On cross examination the witness, in essence, reiterated the testimony he offered on direct. He again asserted that on the evening of October 6 S was present with two other ABC agents and two local policemen and that S interrogated him concerning the license.

In rebuttal S testified that he did not accompany Agents R and G and the two policemen in the licensed premises on October 6 at 6:15 p.m. He had assigned the two agents to visit the licensed premises and awaited their return at the Orange police headquarters.

Thus, the essential issue presented for adjudication is factual.

During the course of the hearing the licensee moved to dismiss the charges preferred against her. I reserved decision thereon and recommend that the motion be denied.

Succinctly stated, the attorney for the licensee asserts that there is insufficient evidence to warrant a finding that the licensee allowed, permitted and suffered the violations.

It is a firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1960); Howard Tavern, Inc., v. Division of Alcoholic Beverage Control (App Div. 1962), not officially reported, reprinted in Bulletin 1491, Item 1.

In appraising the factual picture presented herein, the credibility of witnesses must be weighed. Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

I purposefully observed the demeanor of the witnesses as they testified and made a careful analysis and evaluation of their testimony.

ABC Agent S convincingly depicted a horse race bet on September 11 between an unidentified patron and a patron identified as Dick. At the time of the occurrence described, Sam (the bartender) was placed as being "right opposite us at the bar." Additionally, he depicted a horse race bet between Agent M and Dick, and the acceptance of a numbers bet by Dick from each of the agents.

The ABC agents presented a graphic picture of the numbers playing engaged in with Dick on the bar on September 16. The conversation that S had with the bartender clearly indicated that Sam was aware of that gambling activity.

Referring to the date of September 30, S's testimony clearly showed that M placed a horse race bet with Dick following a loud discussion of the merits of two horses.

Particularly referring to Charges 1 and 2, I observe that it is well established that a licensee cannot escape the consequences of the occurrence of incidents, such as hereinabove related, on the licensed premises. A licensee may not avoid his responsibility for conduct occurring on his premises by merely closing his eyes and ears. On the contrary, licensees or their agents or employees must use their eyes and ears, and use them effectively, to prevent the improper use of their premises. Bilowith v. Passaic, Bulletin 527, Item 3; Re Ehrlich, Bulletin 1441, Item 5; Re Club Tequila, Inc., Bulletin 1557, Item 1. Most certainly, the licensee "suffered" the aforesaid gambling activities to take place on the licensed premises. See Essex Holding Corp. v. Hock, 136 N.J.L. 28.

As to Charge 3, the agents who participated in that part of the investigation made their identities known to Thomas Guadagno. Guadagno's refusal to produce the license application on the two occasions he was requested to produce it and his request that the agents depart from the premises hindered and delayed the investigation. Furthermore, Guadagno's testimony that three ABC agents (including S) participated in the investigation on Friday evening, October 6 was not credible.

After considering and evaluating all of the evidence adduced herein, and the legal principles applicable thereto, I conclude that the Division has proved its case by clear and convincing testimony and by a fair preponderance of the credible evidence. I therefore recommend that the licensee be found guilty of the charges.

The licensee has no prior adjudicated record of suspension of license. I further recommend that the license be suspended on Charges 1 and 2 for sixty days (Re Reiker, Bulletin 1780, Item 4) and on Charge 3 for ten days (cf. Re Finan, Bulletin 1711, Item 6), making a total suspension of seventy days.

Conclusions and Order

Exceptions to the Hearer's report and argument with reference thereto were filed by the attorney for the licensee pursuant to Rule 6 of State Regulation No. 16.

I find that the exceptions have been either covered by the Hearer in his report or are without merit.

Having carefully considered the entire record herein, including the transcript of the testimony, the Hearer's report and the exceptions and arguments filed with reference thereto, I concur in the Hearer's findings and conclusions and adopt his recommendations.

Accordingly, it is on this 5th day of June, 1968,

ORDERED that Plenary Retail Consumption License C-46, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to Julia Guadagno, t/a Sea King Tom's, for

premises 154 Scotland Road, Orange, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1968, commencing/at 2:00 a.m. Wednesday, June 12, 1968; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 am Wednesday, August 21, 1968.

Joseph M. Keegan
Director

* By order dated June 11, 1968, the suspension was deferred to commence at 2:00 a.m. Wednesday, July 10, 1968 and to terminate at 2:00 a.m. Wednesday, September 18, 1968.

2. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1967 THROUGH JUNE 30, 1968

	1st Quarter July Aug.Sept	2nd Quarter Oct.Nov.Dec.	3rd Quarter Jan.Feb.March	4th Quarter Apr.May June	Total
ARRESTS:					
Total number of persons arrested	46	28	44	50	168
Licensees and employees	16	15	31	29	91
Bootleggers	29	13	13	21	76
ABC Agent impersonator	1	-	-	-	1
SEIZURES:					
Motor vehicles - cars	1	-	2	4	7
- trucks	-	1	1	1	3
Still - 50 gallons or under	1	1	-	1	3
Alcohol - gallons	-	-	35	64	99
Mash- gallons	-	320	-	-	320
Distilled alcoholic beverages - gallons	15.39	73.51	115.33	1.67	205.90
Wine - gallons	13.06	.47	409.27	5.79	428.59
Brewed malt alcoholic beverages - gallons	167.30	52.66	25.40	81.76	327.12
RETAIL LICENSEES:					
Premises inspected	1,676	1,988	2,378	2,375	8,417
Premises where alc. bevs. were gauged	1,432	1,658	1,903	1,980	6,973
Bottles gauged	22,834	25,709	28,758	30,617	107,918
Premises where violations were found	375	594	482	413	1,864
Violations found	499	508	665	559	2,231
Unqualified employees	162	97	170	116	545
No Form E-141-A on premises	224	344	291	256	1,115
Application copy not available	52	66	60	101	279
Other mercantile business	12	16	26	4	58
Disposal permit necessary	6	11	10	7	34
Prohibited signs	1	2	3	-	6
Improper beer taps	1	1	-	-	2
Other violations	41	80	105	75	301
STATE LICENSEES:					
Premises inspected	78	47	46	106	277
License applications investigated	30	17	26	61	134
COMPLAINTS:					
Complaints assigned for investigation	1,087	1,171	1,225	1,072	4,555
Investigations completed	1,086	1,176	1,381	1,257	4,900
Investigations pending	(273)	(318)	(269)	(660)	(660)
LABORATORY:					
Analyses made	80	224	452	272	1,028
Refills from licensed premises - bottles	32	161	316	155	664
Bottles from unlicensed premises	16	21	44	29	110
IDENTIFICATION:					
Criminal fingerprint identifications made	19	23	17	31	90
Persons fingerprinted for non-criminal purposes	1,443	813	924	1,464	4,674
Ident. contacts w/other enforcement agencies	980	578	588	984	3,130
MV identifications via N.J.State Police teletype	-	-	1	1	2
DISCIPLINARY PROCEEDINGS:					
Cases transmitted to municipalities	22	19	20	24	85
Violations involved	23	21	22	25	91
Sale during prohibited hours	13	11	9	13	46
Sale to minors	10	7	8	10	35
Failure to close prem. dur. proh. hours	-	1	2	1	4
Sale to non-members by clubs	-	2	1	-	3
Possessing chilled beer (DL lic.)	-	-	1	1	2
Cases instituted at Division	94	53*	111*	99*	357*
Violations involved	120	61	127	114	422
Possessing liquor not truly labeled	30	6	30	29	95
Permitting lottery acty. on premises	10	11	14	9	44
Sales to minors	8	7	7	21	43
Sales during prohibited hours	15	6	8	13	42
Beverage Tax Law non-compliance	3	14	18	5	40
Fraud in application	6	2	6	3	17
Permitting bookmaking on premises	9	1	3	2	15
Permitting misc. gambling on premises	4	4	2	5	15
Permitting immoral acty. on premises	4	-	7	2	13
Fraud and front	3	-	4	3	10
Permitting hostess acty. on premises	2	1	3	3	9
Unqualified employees	2	-	4	2	8
Hindering investigation	2	3	1	2	8
Permitting foul language on premises	3	1	1	1	6
Sale below filed price	-	2	3	1	6
Permitting lottery & bookmaking on premises	-	-	1	5	6
Retailer-to-retailer sales	3	-	-	-	5
Conducting business as a nuisance	3	-	-	1	4
Sales to intoxicated persons	3	-	-	-	3
Fail. to close prem. dur. proh. hours	-	2	-	1	3

*Includes four cancellation proceedings - license issued beyond limitation; license improvidently issued for premises at which sale of foodstuffs is not primary and principal business; for sale beyond scope of special alcohol permit, and license improvidently issued by reason of conviction of officer for crime involving moral turpitude.

	1st Quarter July Aug. Sept	2nd Quarter Oct. Nov. Dec.	3rd Quarter Jan. Feb. March	4th Quarter Apr. May June	Total
DISCIPLINARY PROCEEDINGS (CONTINUED)					
Cases instituted at Division (Continued)					
Sale outside scope of license	2	-	-	1	3
Fail. to file notice of chge in lic. appl.	2	-	1	-	3
Purchase from improper source	2	-	1	-	3
Possessing indecent matter	-	-	-	2	2
Single instance of other violations	4	1	2	3	10
Cases brought by Municipalities on own initiative and reported to Division	42	44	59	59	204
Violations involved	53	70	77	73	273
Sales to minors	23	27	33	34	117
Permitting brawl, etc. on premises	4	10	3	8	25
Sale during prohibited hours	5	3	8	7	23
Conducting business as a nuisance	5	3	6	6	20
Fail. to close prem. dur. proh. hours	2	2	9	2	15
Unqualified employees	2	2	1	3	8
Permitting bookmaking on premises	4	-	2	1	7
Permitting misc. gambling on premises	-	2	2	2	6
Hindering investigation	-	2	2	1	5
Acts of violence	-	-	-	5	5
Employment w/o I.D. cards (local reg.)	-	-	2	2	4
Permitting minors on prem. unaccomp. by parents or guardians (local reg.)	-	-	3	1	4
Fail. to afford view into prem. dur. proh. hrs.	1	2	1	-	4
Employee working while intoxicated	1	1	-	1	3
Permitting lottery activity on premises	2	-	1	-	3
Permitting immoral activity on premises	-	-	-	2	2
Permitting unlawful activity on premises	-	-	2	-	2
Single instance of other violations	4	5	2	4	15
HEARINGS HELD AT DIVISION:					
Number of hearings held	138	114	113	149	514
Appeals	25	17	16	11	69
Disciplinary proceedings	85	58	60	96	299
Eligibility	20	19	15	27	81
Repeals	4	5	3	6	18
Ex. Revocations	2	12	18	7	39
Applications for license	-	-	1	2	3
Order to show cause	2	-	-	-	2
Petitions	-	3	-	-	3
NEW LICENSES AND PERMITS ISSUED:					
Number issued	5,275	4,694	3,227	22,884	36,080
Permits	651	11	7	10	659
Licitors' permits	167	98	168	2,770	3,203
Employment permits	1,464	825	723	3,959	6,971
Spousal permits	183	172	169	165	689
Civil affair permits	1,382	1,238	1,039	1,216	4,875
Ne permits	44	716	7	3	770
Scellaneous permits	676	662	497	1,058	2,893
Ansif insignia	615	907	510	12,087	14,119
Ansif certificates	113	65	97	1,636	1,911
AMUSEMENT GAMES CONTROL:					
Permits issued	14	82	327	245	668
State Fair Licenses issued	190	-	-	13	203
Amuses inspected	1,117	13	2	381	1,513
Amuses where violations were found	36	1	-	90	127
Number of violations found	40	1	-	103	144
Enforcement files established	30	38	4	84	156
Disciplinary proceedings instituted	-	-	1	3	4
Violations involved	-	-	1	7	8
Redemption of prize for money	-	-	1	-	1
Operating controlled game	-	-	-	3	3
Deceptive practice	-	-	-	3	3
Hindering investigation	-	-	-	1	1

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

July 12, 1968

3. DISCIPLINARY PROCEEDINGS - GAMBLING (WAGERING) - FOUL LANGUAGE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Joseph J. Norato and Elizabeth
M. Norato
t/a J & E Bar
499 Centre Street
Trenton, N.J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption
License C-165, issued by the City
Council of the City of Trenton.

Licensees, by Joseph J. Norato, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that they permitted on the licensed premises (1) on April 20-21, 28 and May 3-4, 1968, gambling (pool games for money stakes), in violation of Rule 7 of State Regulation No. 20, and (2) on March 27 and April 28, 1968, foul language by patrons, in violation of Rule 5 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the municipal issuing authority for fifteen days effective April 6, 1964, for sale to minors and permitting minors to loiter on the licensed premises in violation of local regulations.

The license will be suspended on the first charge for fifteen days (Re Pete & Gene, Inc., Bulletin 1769, Item 6) and on the second charge for ten days (Re Kirby, Bulletin 1792, Item 1), to which will be added five days by reason of the record of suspension of license for dissimilar violation occurring within the past five years (Re Diesel Inn, Incorporated, Bulletin 1786, Item 6), or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 10th day of June 1968,

ORDERED that Plenary Retail Consumption License C-165, issued by the City Council of the City of Trenton to Joseph J. Norato and Elizabeth M. Norato, t/a J & E Bar, for premises 499 Centre Street, Trenton, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1968, commencing at 2 a.m. Monday, June 17, 1968, and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Friday, July 12, 1968.

Joseph M. Keegan
Director

4. DISQUALIFICATION REMOVAL PROCEEDINGS - CONTRIBUTING TO
DELINQUENCY OF CHILD - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application)
to Remove Disqualification be-
cause of a Conviction, Pursuant)
to R.S. 33:1-31.2)

CONCLUSIONS
AND ORDER

Case No. 2203
- - - - -)

BY THE DIRECTOR:

Petitioner's criminal record discloses that on February 13, 1959, he was convicted in the Hudson County Court of contributing to the delinquency of a child of the age of 15 years and, as a result thereof, was sentenced to serve six months in the county jail (suspended) and placed on probation for one year.

Since the crime of which petitioner was convicted involves the element of moral turpitude (Re Case No. 1109), he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25,26.

At the hearing held herein, petitioner, (33 years old) testified that he is married and living separate and apart from his wife and two minor children; that for the past seventeen years he has lived in the municipality where he presently resides; that between 1962 and 1964 he had been employed as a laborer; that for the past four years he has been working as a bartender and that until recently, when advised by the Division, he had no knowledge he was ineligible for employment by a licensee.

Petitioner further testified that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this State; and that ever since his conviction in 1959, he has not been convicted of any crime or arrested.

The Police Department of the municipality wherein the petitioner resides reports there are no complaints or investigations presently pending against the petitioner.

Petitioner produced three character witnesses (two housewives and a television repairman) who testified that they have known petitioner for more than five years last past and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

The only reservation I have in granting the relief sought herein, relates to the fact that the petitioner, although disqualified, worked on a licensed premises in this State. I am, however, favorably influenced by three factors -- (a) that petitioner's criminal record shows only one conviction which took place over nine years ago; (b) the testimony of his character witnesses; and (c) his sworn testimony that he was unaware of his ineligibility to be employed by a licensee. Knowledge of the law, moreover, is not a prerequisite to removal of disqualification in these proceedings. Re Case No. 1738, Bulletin 1510, Item 7.

Considering all of the aforesaid facts and circumstances, I am satisfied that the petitioner has conducted himself in a law-abiding manner for five years last past, and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 12th day of June 1968,

ORDERED that petitioner's statutory disqualification because of the conviction described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33: 1-31.2.

Joseph M. Keegan
Director

5. DISCIPLINARY PROCEEDINGS - GAMBLING (WAGERING) - LICENSE
SUSPENDED OFR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Snyder's Bar, Inc.
t/a Red's Bar)
197 Berlin Road)
Clementon, N.J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-8, issued by the Borough)
Council of the Borough of Clementon.)
- - - - -

Licensee, by Leonard J. Dussell, Sr., President, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 31, 1968, it permitted gambling, viz., the playing of a card game for money stakes on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Addas, Bulletin 1779, Item 8.

Accordingly, it is, on this 11th day of June 1968,

ORDERED that Plenary Retail Consumption License C-8, issued by the Borough Council of the Borough of Clementon to Snyder's Bar, Inc., t/a Red's Bar, for premises 197 Berlin Road, Clementon, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Tuesday, June 18, 1968, and terminating at 3 a.m. Friday, June 28, 1968.

Joseph M. Keegan
Director

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

In the Matter of Disciplinary
 Proceedings against

Howard Vogel
 12 Wadsworth Street
 Wallington, N.J.,

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption
 License C-43, issued by the Mayor
 and Council of the Borough of
 Wallington

 Theodore Cohen, Esq., Attorney for Licensee
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic
 Beverage Control

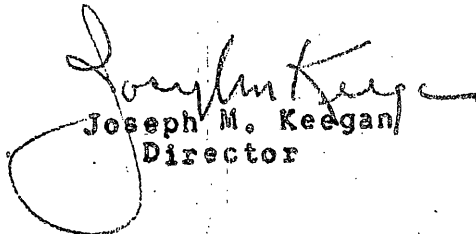
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
 April 2, 1968, he possessed 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.

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 Nick Nicholas, Inc.,
 Bulletin 1793, Item 16.

Accordingly, it is, on this 10th day of June 1968,

ORDERED that Plenary Retail Consumption License C-43,
 issued by the Mayor and Council of the Borough of Wallington to
 Howard Vogel, for premises 12 Wadsworth Street, Wallington, be
 and the same is hereby suspended for five (5) days, commencing
 at 3 a.m. Monday, June 17, 1968, and terminating at 3 a.m.
 Saturday, June 22, 1968,


 Joseph M. Keegan
 Director