

BULLETIN 1095

JANUARY 25, 1956.

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STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark 2, N. J.

BULLETIN 1095

JANUARY 25, 1956.

1. INCREASED PENALTIES - SALES TO MINORS - PERMITTING COMMERCIALIZED GAMBLING (BOOKMAKING AND NUMBERS WRITING) ON LICENSED PREMISES - WARNING TO LICENSEES.

It seems obvious that some of the penalties imposed in the past in cases involving (1) sale of alcoholic beverages to minors, including sales to minors of tender years, and (2) permitting commercialized gambling (bookmaking and numbers writing) upon licensed premises have not effectively deterred further violations of this kind. Stiffer penalties may produce the desired result.

Warning is hereby given that, from now on, the schedule of penalties presently imposed in first and subsequent offenses in these two types of cases will be increased by five days (irrespective of the plea entered), with the single exception of sales to minors 20 years of age, in which case the existing penalty policy will be followed.

Of course, the present policy of taking into account all aggravating circumstances in arriving at the proper penalty will continue to be followed.

Further warning is given that, if after a reasonable trial period these increased penalties do not bring the desired result, still heavier penalties may be expected.

WILLIAM HOWE DAVIS

Dated: January 16, 1956.

Director.

2. NOTICE OF PROPOSED AMENDMENT OF STATE REGULATIONS NO. 34 TO BECOME EFFECTIVE NOT LATER THAN APRIL 1, 1956.

TO ALL MANUFACTURERS AND WHOLESALERS OF ALCOHOLIC BEVERAGES (OTHER THAN MALT ALCOHOLIC BEVERAGES):

On August 12 and September 15, 1955 I issued statements in connection with the proposed amendment of Rule 7a of State Regulations No. 34. Since that time a complete revision of the entire State Regulations has been undertaken and is presently nearing completion.

In my release of September 15, 1955 I announced that I was considering an amendment to present Rule 7a of State Regulations No. 34 to provide for permissible "post-offs" between manufacturer and wholesaler by way of two alternative methods, i.e., either on (1) a depletion basis only, or (2) a purchase price reduction accompanied by a depletion credit, such depletion credit (when so coupled with a purchase price reduction) to be limited to and not to exceed the amount of actual sales to retailers out of inventory on hand at the beginning of the "post-off" month. I made it clear that this suggestion, if adopted, would eliminate "post-offs" between manufacturer and wholesaler on a purchase price reduction basis only.

After carefully considering this matter, I have decided to amend present Rule 7a of State Regulations No. 34 in the manner set forth in my said release of September 15, 1955.

Accordingly, any manufacturer or wholesaler planning "post-offs" to New Jersey wholesalers either in the month of

February or the month of March of the first quarter-annual period or in any month of any subsequent quarter-annual period should review the proposed "post-offs" in the light of the proposed new Regulations.

It is my present plan to promulgate the amended State Regulations No. 34, including an amendment of or substitute for present Rule 7a thereof, to be effective not later than April 1, 1956.

WILLIAM HOWE DAVIS  
Director.

Dated: January 16, 1956.

3. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY (PERMITTING MAKING ARRANGEMENTS ON LICENSED PREMISES FOR ILLICIT SEXUAL INTERCOURSE - SOLICITATION FOR PROSTITUTION - OBSCENE LANGUAGE) - CONDUCTING PLACE OF BUSINESS AS A NUISANCE - LICENSE SUSPENDED FOR 180 DAYS.

In the Matter of Disciplinary Proceedings against )

204 MULBERRY STREET CORPORATION )  
204 Mulberry Street )  
Newark 5, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-323, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Newark. )  
-----)

Mayer & Mayer, Esqs., by Abraham I. Mayer, Esq., Attorneys )  
for Defendant-licensee. )  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic )  
Beverage Control. )

BY THE DIRECTOR:

The following charges were preferred against the defendant:

"1. On May 18, June 15 and 16, 1955, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., solicitation for prostitution and the making of arrangements for illicit sexual intercourse; in violation of Rule 5 of State Regulations No. 20.

"2. On April 20, May 18, 26, June 4, 15 and 16, 1955, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises and your licensed place of business to be conducted in such manner as to become a nuisance in that you permitted unescorted females frequenting your premises to make overtures to male patrons for illicit sexual intercourse and to engage and participate in foul, filthy and obscene language and conduct and to solicit male patrons to purchase numerous drinks of alcoholic beverages for consumption by them and others and otherwise conducted your place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20."

The defendant originally entered a plea of not guilty to both charges. The matter proceeded to a hearing on August 4, 1955 and after an ABC agent testified on behalf of the Division, the case was continued to a later date. In the meantime, however, the defendant requested permission to withdraw its plea of not guilty to both charges and in place thereof to enter a plea of non vult. I shall grant defendant's request and the plea of non vult will be accepted in the matter.

The examination of the file herein discloses that at 9:00 p.m. on April 20, 1955 two ABC agents visited defendant's licensed premises; that a man called "Bob" was tending bar; that after the completion of a baseball game on television, a female patron asked one of the agents to buy a drink for her; that the agent acceded to her request; that thereafter the agents played shuffle alley with two female patrons and purchased divers drinks for them; that while at the bar a male customer became involved in an argument with the two females seated with the agents, as a result of which both the females and the male customer directed filthy and indecent language toward one another. The agents left the premises at 12 midnight.

The file further discloses that on May 18, 1955, at about 10:05 p.m., the same agents who had previously visited the defendant's premises, entered same and observed that "Bob" was again tending bar; that a female known as Sylvia who was seated on the shuffle alley opposite the bar and whom the agents had met on the previous visit, greeted them and then requested that they buy her a drink; that the agents engaged in conversation with Sylvia, during which the bartender related off-color stories to them; that Sylvia became unduly friendly with one of the agent's person and Bob, the bartender, laughed at the remarks Sylvia made with reference thereto; that Sylvia solicited the agents for immoral purposes and immediately thereafter she walked in the direction of the ladies' room but apparently left the premises as she did not return to the bar. The agents, in the meantime, conversed with the bartender concerning Sylvia and stayed around for a time, while he waited on other customers. They left the premises at 11:45 p. m.

The next visit by the agents was at 9:00 p.m. on May 26, 1955. "Bob" was tending bar and when the agents approached the shuffle alley, a female referred to as Sarah invited them to play with her. The file discloses that the agents played a few games with Sarah and while the three were seated at the bar, Sarah uttered vulgar remarks to a girl who the agents subsequently learned to be Theresa; that Theresa came over to the vicinity where the agents and Sarah were seated and while there, lifted her dress and exposed her private parts; that the agents called this display to the attention of the bartender but he just walked away; that at about 10:00 p.m. a fight started between a male and a female patron and the bartender separated them and the male was led from the premises by the other patrons; that the female who had participated in the brawl came over to where the agents and the two females aforementioned were seated and exclaimed in filthy language what she intended to do to the man who had engaged in the fracas with her; that the bartender was on the other side of the bar directly in front of the agents during the time. The agents left the premises at 10:45 p. m.

At 8:15 p.m. on June 4, 1955, one of the agents who had gone to the defendant's premises on all the previous occasions, in the company of another agent entered defendant's premises. "Bob" and a man called Bill were tending bar. The file discloses that Sarah greeted the agent who had visited the premises

previously and asked him to buy her a drink; that she called Bill, the bartender, and introduced the agent to him, remarking that he was going to buy her a drink; that she then became unduly friendly with the agent's person and at one time lifted her skirt above her waist and accompanied this indecent gesture with a filthy remark. The agents left the premises at 10:00 p. m.

The two original agents arrived at defendant's premises at 9:25 p.m. on June 15, 1955 and both entered the place at the same time. Bob was tending bar and Sarah and Theresa who were seated at the bar greeted the agents. The latter engaged in conversation with the bartender and one of the agents remarked that Sarah must be "mad" at him, as she remained in her seat and her expression toward him appeared to be very unfriendly. The agent at one time asked the bartender if "good looking" girls ever frequented the place and, in response thereto, the bartender said, "I don't tell any of them to come in. If they come, they come. If they don't, that's their business." The file discloses that a short time thereafter Theresa left the premises and Sarah called to the agents saying, "I'm gonna write you a note;" that she then walked over to the agents and handed one of them a cover torn from a magazine, wherein she had transformed in ink a picture of a female and that of a male into a pornographic display; that she asked for and received from the bartender a copy of a menu, upon which she sketched several indecent pictures; that the agents showed the drawings to Bob, the bartender, and he laughed about them; that as a result of conversation with the agents, Sarah telephoned Theresa to come over to the licensed premises and before she arrived, Sarah made arrangements with the agents for Theresa and herself to engage in sexual intercourse with them, at a cost of \$10.00 each, respectively; that after Theresa arrived at the premises, the agents purchased drinks which the females ordered from the bartender, who remained most of the time in the vicinity of the agents and the females; that the bartender made a jocular remark when Sarah on one occasion lifted her dress above her knees; that the agents made an appointment to meet the two females on the following night for the purpose of engaging in sexual intercourse. The agents left the premises at 11:35 p.m.

On June 16, 1955 at about 7:30 p.m., the two agents who had visited the defendant's premises on the previous occasions were accompanied by two other agents when they arrived in the vicinity of the premises. The two agents who had the appointment with the two females, entered the premises at 8:00 p.m. Upon their entry into the premises, the agents were immediately greeted by the two females in question and also by Bob who was again tending bar. The file discloses that the females took seats between the agents and ordered drinks for themselves but which the payment therefor was taken out of the agents' money lying on the bar; that one of the agents said to Sarah, "Are we all set, we don't even know where you are taking us"; that in response thereto, Sarah then said that the four were to go to her "place"; that when the females went to the ladies' room, one of the agents inquired of the bartender about the females and told him about their plans; that Bob smiled and answered, "I really don't know anything about those broads"; that the agent asked Bob if he had any contraceptives and he answered in the negative but added that "there's a drug store around the corner, you got a half hour yet before they close"; that while the agents played shuffle alley, they observed Bob speaking in hushed tones to the two females and as the agents approached them at the bar, Bob said to Sarah, "Be careful";

that thereafter, the agents went to Sarah's home and met the two females, who had arrived before them; that the females requested the money as agreed and the agents gave them bills, the numbers of which had previously been recorded. The two other agents, in the company of a local police officer, entered the apartment and the money which was given to the females was found on their person. The females were taken into custody by the police officer and brought to police headquarters. The two agents who had accompanied the females went to defendant's licensed premises, identified themselves to "Bob", the bartender. It was ascertained after interrogating "Bob" that his name is Robert Berkley and he stated he is the secretary and treasurer of defendant corporate-licensee. He declined to make any statement in regard to the matter.

I have carefully examined all of the records pertaining to the investigation that was held in the instant case. I am convinced that Robert Berkley knew that the females in question who frequented defendant's establishment were there to solicit males for immoral purposes. I am satisfied, however, that the females were not actually procured by any of the officers of defendant corporate-licensee or any of the employees, to engage in immoral conduct. I repeat here, as I have done in other matters, that where the evidence establishes that the defendant or his agents permitted solicitation for immoral purposes and the making of arrangements for illicit sexual intercourse on the licensed premises, the license is usually revoked. Re Merjack Corporation, Bulletin 998, Item 1, and cases cited therein. However, there are some mitigating circumstances appearing in this case which could warrant a somewhat lesser penalty. Re Huhn & Olsh, Bulletin 1011, Item 3; Re Burch, Bulletin 1022, Item 5. Under the circumstances in the case and taking into consideration that defendant has no prior adjudicated record, I shall suspend its license for a period of 180 days. Cf. Re Kurtz, Bulletin 1085, Item 1.

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

ORDERED that Plenary Retail Consumption License C-323, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to 204 Mulberry Street Corporation, for premises at 204 Mulberry Street, be and the same is hereby suspended for the balance of its term, effective at 7:00 a. m. January 16, 1956; and it is further

ORDERED that, if any license be granted to this licensee or to any other person for the premises in question for the 1956-57 licensing year, such license shall be under suspension until 7:00 a.m. July 14, 1956.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

JAMES A. KEELAN  
T/a KEELAN'S BAR & LIQUOR STORE  
3 Railroad Place  
Keansburg, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump-  
tion License C-27, issued by the  
Borough Council of the Borough of  
Keansburg.

-----)  
James A. Keelan, Defendant-licensee, Pro se.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that on October 29, 1955, he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, at his licensed premises to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that shortly after 6:00 p.m. on Saturday, October 29, 1955, Harold --- (age 17 years) purchased three bottles of wine at defendant's licensed premises. Harold --- then joined his two companions who were waiting outside of the licensed premises.

Defendant in attempted mitigation of penalty contends that neither he nor his employees have any recollection of the incident and if the sale described herein were made, it was an "honest mistake". I see no merit in defendant's explanation. The minor was only 17 years of age and, in the opinion of the ABC agent who made the investigation in the matter, the minor appeared to be no older than his true age. The defendant, in a written statement, conceded that to be a fact. Furthermore, the minor, in the presence of the defendant and the agent, identified the defendant as the person who made the sale in question.

Defendant has no prior adjudicated record. Since the minor involved was only seventeen years of age, I shall suspend defendant's license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Cf. Re Chessman, Bulletin 1082, Item 10; Re Avenel Recreation, Inc., Bulletin 1054, Item 12.

Accordingly, it is, on this 29th day of December, 1955,

ORDERED that Plenary Retail Consumption License C-27, issued by the Borough Council of the Borough of Keansburg to James A. Keelan, t/a Keelan's Bar & Liquor Store, 3 Railroad Place, Keansburg, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. January 9, 1956, and terminating at 2:00 a.m. January 19, 1956.

WILLIAM HOWE DAVIS  
Director.



5. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED  
FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

ABE BIRN )  
T/a ABE'S TAVERN )  
209 Clinton Place )  
Newark 8, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-696, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Newark. )

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Abe W. Wasserman, Esq., Attorney for Defendant-licensee.  
William F. Wood, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has 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.

The file herein discloses that on November 19, 1955, an ABC agent making a routine inspection of defendant's licensed premises observed Morris Kolber, a bartender, taking a bottle from the back bar and walking towards the end of the bar. He ordered the bartender to place the bottle on the bar. A preliminary test indicated that the contents of the bottle were off in color. The agent tested forty-two other open bottles and found them to be genuine as labeled. The agent seized the bottle which had been placed on the bar by the bartender. A report of the Division's chemist shows that the contents of the seized bottle were higher in proof and acids than the contents of a genuine bottle of the same brand. Defendant alleges that, contrary to his instructions, the bartender had poured the contents of another opened bottle into the seized bottle.

The defendant has no prior adjudicated record. I shall suspend his license for the minimum period of fifteen days, and remit five days for the plea entered herein, leaving a net suspension of ten days (Re Pacifico, Bulletin 1088, Item 7).

Accordingly, it is, on this 29th day of December, 1955,

ORDERED that Plenary Retail Consumption License C-696, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Abe Birn, t/a Abe's Tavern, for premises 209 Clinton Place, Newark, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. January 9, 1956, and terminating at 2:00 a.m. January 19, 1956.

WILLIAM HOWE DAVIS  
Director.

6. DISCIPLINARY PROCEEDINGS - GAMBLING - 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 POLSTER  
406 Broadway  
Newark 4, N. J.,

Holder of Plenary Retail Consump-  
tion License C-806, issued by the  
Municipal Board of Alcoholic  
Beverage Control of the City of  
Newark.

CONCLUSIONS  
AND ORDER

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Saul C. Schutzman, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to the following charge:

"On July 16, August 16, 22 and 25, 1955, you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets and baseball bets in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20."

The file herein discloses that, on the dates set forth in the above charge, ABC agents visited defendant's licensed premises and on each occasion observed a male called "Lefty" accept from various patrons slips of paper and money and audibly 'phone an undisclosed person, using such terms as "parley", "reverse", "win", "place" and "show." The agents on two of the dates aforesaid attempted to place a horse bet with "Lefty", who refused them remarking, "I can't take a bet from you. If you knew somebody, then it would be okay." The bartender (called "Bill") openly accepted bets on baseball games from various persons including the agents, one of whom, a winner, he paid off. When the agents asked "Bill" why "Lefty" refused to accept their horse bets, he replied, "He don't know you." On their last visit the agents identified themselves and seized from the back bar slips showing odds on baseball teams and baseball bets. They took a racing form from "Lefty." "Bill", who identified himself as the licensee's son, gave a written statement admitting that he accepted and paid off baseball bets, but denied knowledge of "Lefty's" activities. "Lefty" orally admitted his participation in horse-race betting and in "Bill's" presence stated that for a period of three months he had accepted in the licensed premises bets totaling \$50.00 to \$60.00 per day.

Defendant has a prior adjudicated record. Effective February 3, 1937, his license was suspended for thirty days by the issuing authority for possession of illicit liquor and, effective March 4, 1940, a suspension of twenty-five days was imposed by the same authority for sale to minors, gambling and a brawl on his premises. Since the prior violations occurred more than ten years ago, they will not be considered in fixing the penalty herein (Re Grembowiec, Bulletin 946, Item 4). I shall suspend defendant's license for a period of twenty days, and remit five days for the plea entered herein, leaving a net suspension of fifteen days (Re Conklin, Bulletin 1086, Item 4).

Accordingly, it is, on this 29th day of December, 1955,

ORDERED that Plenary Retail Consumption License C-806, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Louis Polster, for premises 406 Broadway, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. January 9, 1956, and terminating at 2:00 a.m. January 24, 1956.

WILLIAM HOWE DAVIS  
Director.

7. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

JENNIE TURLINSKI )  
Albany Ave. near Germantown Ave. )  
Egg Harbor Township )  
PO Box 182, Pleasantville, N.J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution )  
License D-2, issued by the Township )  
Committee of the Township of Egg )  
Harbor. )  
-----)

Paul M. Salsburg, Esq. and Irving A. Lilienfeld, Esq., Attorneys  
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 on September 17, 1955, she sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages in and upon her licensed premises to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that, acting upon information received from the Pleasantville Police Department, ABC agents obtained sworn statements from Albert --- (16 years of age), Orris --- (17 years of age) and Harry --- (16 years of age). In his statement Albert says that on September 17, 1955, Orris drove him to defendant's premises and that, while Orris remained in the car, Albert entered defendant's premises and purchased a bottle of wine from a man whom he later identified as Charles Turlinski (husband of the licensee); that he carried the bottle of wine from the premises, and that he and Orris consumed some of the wine elsewhere. Albert further says that, on the evening of the same day, Orris drove him and Harry to the same premises; that, while the other two remained in the car, Albert entered the premises at about 8:30 p.m. and purchased from the same man "a four pak, half quarts of Pabst Blue Ribbon Beer, and a six Pak of Piel's, regular sized cans of beer;" that he carried the beer from the licensed premises, and that he and the other two minors were consuming the beer elsewhere when they were apprehended by the Pleasantville Police. Albert admits that on both visits Charles Turlinski asked if he was twenty-one years of age, and that he replied in the affirmative but added that he did not have any identification with him. In any event, it is clear that the minor did not represent in writing that he was twenty-one years of age or over as required, among other things, by the provisions of R. S. 33:1-77.

Defendant has no prior record. In alleged mitigation defendant points out that Albert is the same minor who, when he was only fifteen years of age, was involved in disciplinary proceedings brought against two other licensees (see Re Bogatin, Bulletin 1060, Item 8; Re Burg, Bulletin 1060, Item 9). Without in any way condoning the actions of the minor, there is no reason to doubt the truth of his statements in this and the previous cases. I shall suspend defendant's license for twenty days (the minimum suspension in cases involving sale to a sixteen-year-old minor). Re Mrozowicz, Bulletin 1085, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 29th day of December, 1955,

ORDERED that Plenary Retail Distribution License D-2, issued by the Township Committee of the Township of Egg Harbor to Jennie Turlinski, for premises on Albany Ave. near Germantown Ave., Egg Harbor Township, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m. January 9, 1956, and terminating at 9:00 a.m. January 24, 1956.

WILLIAM HOWE DAVIS  
Director.

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

JOSEPH SORANNO )  
T/a RACEWAY TAVERN )  
N/S Horsehill Road, approximately )  
2600' East of Hanover Avenue )  
Hanover Township )  
PO Cedar Knolls, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Township Committee of Hanover Township. )  
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Scerbo, Porzio & Kennelly, Esqs., Attorneys for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that he sold, served and delivered alcoholic beverages to a minor, and permitted the consumption of such beverages by three 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 Donald --- (age 20), Oliver --- (age 19) and Thomas --- (age 20), concerning the sale to and consumption by Donald of alcoholic beverages in defendant's licensed premises, and the consumption of alcoholic beverages by the other two minors on defendant's licensed premises in the late evening hours of October 20, 1955.

The substance of Donald's statement is that on the evening of October 20, 1955, Oliver, in his car, with Donald and Thomas as passengers, parked the car on defendant-licensee's parking lot (part of the licensed premises). Donald entered the tavern at

11:00 p.m. or thereabouts while Oliver and Thomas remained in the car. Donald met an adult acquaintance at the bar and purchased and consumed a couple of drinks of whiskey and two or three glasses of beer served to him by the licensee. Donald then purchased four quart containers of beer from the licensee, left the premises and rejoined the other two minors. The three minors and the aforementioned adult, who also joined the group, consumed the beer. The licensee did not ask Donald his age before selling and serving him with the alcoholic beverages and did not ask Donald to sign any written representation as to his age. Donald had previously visited the tavern on two occasions when he was served with beer either by the licensee or his bartender.

The statements of the other two minors as well as the sworn signed statement of the aforementioned adult are in substantial accord with that of Donald in so far as they relate to the manner in which they participated in the consumption of alcoholic beverages herein involved.

ABC agents report that the defendant-licensee verbally admitted to them that he sold and served alcoholic beverages to Donald on the night in question and on a few previous occasions.

Defendant has no prior adjudicated record. Counsel for the licensee appeared before me to urge matters which he considers in mitigation of the violation. The facts herein indicate that suspension of the license for a period of fifteen days, the minimum penalty where three minors over the age of eighteen years are involved, appears to be appropriate in the case. I shall suspend the license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Tishler-Birn, Inc., Bulletin 1058, Item 7.

Accordingly, it is, on this 3rd day of January, 1956,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Hanover to Joseph Soranno, t/a Raceway Tavern, N/S Horsehill Road, approximately 2600' East of Hanover Avenue, Hanover Township, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. January 10, 1956, and terminating at 2:00 a.m. January 20, 1956.

WILLIAM HOWE DAVIS  
Director.

9. APPELLATE DECISIONS - THE FLORENCE METHODIST CHURCH ET ALS. v. FLORENCE TOWNSHIP AND CHRISTY (ON ORDER TO SHOW CAUSE).

THE FLORENCE METHODIST CHURCH,	)	
et als.,	)	
	)	
Appellants,	)	ON ORDER TO SHOW CAUSE
	)	CONCLUSIONS
-vs-	)	AND ORDER
	)	
TOWNSHIP COMMITTEE OF THE	)	
TOWNSHIP OF FLORENCE, and	)	
GERTRUDE CHRISTY,	)	
	)	
Respondents.	)	

-----)  
George Pellettieri, Esq., Attorney for Respondent Gertrude Christy.

Martin J. Queenan, Esq., Attorney for Respondent Township Committee.

Dimon, Haines and Bunting, Esqs., by John E. Dimon, Esq., Attorneys for Appellants.

BY THE DIRECTOR:

On July 7, 1955, I entered Conclusions and Order reversing the action of respondent Township Committee whereby it transferred a plenary retail consumption license (issued for the 1954-55 licensing year) from Charles G. Kovacs, Jr., to respondent Gertrude Christy, and from premises 20-22 Alden Avenue to premises No. 1 Front and Broad Streets, Florence Township. See Bulletin 1074, Item 2. An appeal from said order was filed in the Appellate Division of the Superior Court by respondents herein. On November 9, 1955, said Court affirmed my order. See Bulletin 1089, Item 1.

While the above proceedings were pending, respondent Gertrude Christy obtained from respondent Township Committee a renewal of her license for the 1955-56 licensing year. On November 21, 1955, I entered an order herein requiring respondents to show cause why the renewed license should not be cancelled and set aside pursuant to the provisions of Rule 13 of State Regulations No. 15, reading:

"When appeal is taken in any matter, any transfer or extension or renewal of any license involved therein shall be subject to the ultimate outcome of such appeal, unless otherwise ordered by the Director for proper cause."

Upon the adjourned return date of the order to show cause (December 19, 1955), the attorney for respondent Gertrude Christy appeared and stated that his client did not contest the rule to show cause but requested a reasonable time to dispose of the license to a qualified person. The attorney for appellants stated that his clients had no objection to the efforts of Mrs. Christy to recoup her investment, but opposed any further continuance of the licensed business by her. The attorney for respondent Township Committee has since advised me, in writing, that, because of the revenue involved, the Township Committee requests that the license shall not be cancelled.

In reaching my conclusions herein I have noted that the case involved the reversal of a transfer of a license and not the revocation or cancellation of a license. I have decided to

require the present holder of the license to discontinue business thereunder within thirty (30) days of the date of the order herein, and shall grant to a duly qualified person permission to file with the Township Committee an application, bearing written consent of the licensee, for a transfer of said license to himself and to other premises in the municipality, with the proviso that the Township Committee may, in its discretion, grant an application for transfer within ninety (90) days of the date of this order, and with the further proviso that the license shall be cancelled unless the transfer is granted within said period of time.

Accordingly, it is, on this 4th day of January, 1956,

ORDERED that Gertrude Christy shall discontinue, for the balance of its term, all operations under License No. C-7 issued to her by the Township Committee of the Township of Florence for premises No. 1 Front and Broad Streets, Florence Township, on or before 2:00 a.m. February 3, 1956; and it is further

ORDERED that said License No. C-7 be cancelled, effective 2:00 a.m. April 4, 1956, unless before said date said Township Committee shall, in its discretion, grant a transfer of said license to a qualified person for other premises, in which event said license shall be in full force and operation as soon as the transfer is endorsed on the face of the license certificate.

WILLIAM HOWE DAVIS  
Director.

10. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

IRENE DAKOS & JOSEPH DAKOS )  
325 Union Tpke. )  
Wharton, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-11, issued by the )  
Mayor and Council of the Borough )  
of Wharton. )

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Irving Youngelson, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to the following charge:

"On October 28, 1955, you engaged in and allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20."

The file herein discloses that on the afternoon of October 28, 1955, ABC agents entered defendants' premises and gave the sum of \$10.00 to Joseph Dakos, one of the licensees, to cover horse race bets. The agents wrote their bets on slips which had been handed to them by Joseph Dakos. The agents

returned to the licensed premises on October 31, 1955, at which time Joseph Dakos gave to one of the agents the sum of \$2.80, which was the payoff on one of the bets which had been previously placed with him. The agents did not identify themselves on either of the aforesaid visits. When they returned to the licensed premises on November 18, 1955 and identified themselves to the licensees, no evidence of betting was found on the licensed premises.

Defendants have no prior adjudicated record. I shall suspend their license for twenty days which is the minimum suspension in cases of this kind. Re Conklin, Bulletin 1086, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 3rd day of January, 1956,

ORDERED that Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Wharton to Irene Dakos and Joseph Dakos, 325 Union Tpke., Wharton, be and the same is hereby suspended for fifteen (15) days, commencing at 1:00 a.m. January 10, 1956, and terminating at 1:00 a.m. January 25, 1956.

WILLIAM HOWE DAVIS  
Director.

11. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA:

In the Matter of Disciplinary )  
Proceedings against )  
KELLER'S TAVERN AND GROVE, INC. )  
Camptown Road )  
Berkeley Heights, N. J., )  
Holder of Plenary Retail Consumption )  
License C-5, issued by the Township )  
Committee of the Township of )  
Berkeley Heights. )  
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CONCLUSIONS  
AND ORDER

Donald I. Bierman, 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 it sold, served and delivered alcoholic beverages to three minors and permitted the consumption of such beverages by said minors in and upon its licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents obtained signed sworn statements from Donald --- (age 20), Oliver --- (age 19), Thomas --- (age 20), and an adult companion concerning the sale to and consumption by these minors of alcoholic beverages in defendant's licensed premises in the late evening hours of October 20, 1955 and the early morning hours of October 21, 1955.

The substance of the above statements is that these three minors and the adult companion entered defendant's licensed premises at about midnight, October 20, 1955, and remained there between a half hour and an hour. During their stay, each of the



minors and the adult, in turn, ordered and were served with three or four rounds of beer, some in glasses and some in bottles. Donald was also served with four drinks of whiskey. The minors consumed these drinks of alcoholic beverages. The bartender who served them with such alcoholic beverages did not ask the age of any of the minors and did not ask any of the minors to sign any written representation as to his age. Donald stated that he and Thomas were at defendant's licensed premises on two previous occasions and were served with beer.

Thomas and the adult directed ABC agents to and identified defendant's licensed premises as the establishment where Thomas and the other two minors were served alcoholic beverages on October 20 and 21, 1955. Donald likewise directed ABC agents to and identified the premises and additionally identified Walter Cervas as the bartender who had served the alcoholic beverages to Thomas, Oliver and himself on those dates.

Defendant has no prior adjudicated record. Counsel for the licensee appeared before me to present factors which he considered should be taken into account when imposing penalty in the case. I have taken all of the circumstances into consideration and I shall suspend the license for a period of fifteen days, the minimum penalty where three minors over the age of eighteen years are involved. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.  
Re Tishler-Birn, Inc., Bulletin 1058, Item 7.

Accordingly, it is, on this 3rd day of January, 1956,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Berkeley Heights to Keller's Tavern and Grove, Inc., Camptown Road, Berkeley Heights, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. January 10, 1956, and terminating at 2:00 a.m. January 20, 1956.

WILLIAM HOWE DAVIS  
Director.

12. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

SANTA LUCIA RESTAURANT, INC. )  
198 Jefferson Street )  
Newark 5, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-645, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Newark. )

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Leo J. Berg, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

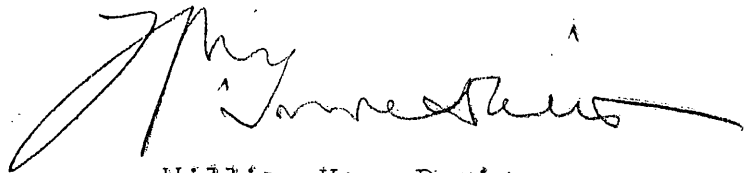
Defendant has pleaded non vult to a charge alleging that it sold, served and delivered alcoholic beverages to a minor and permitted the consumption of such beverages by said minor in and upon its licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that at about 9:30 p.m., Friday, December 9, 1955, ABC agents who were in defendant's licensed premises observed two apparent minors being served a coke and a bottle of beer by a waitress. When one of the youths had consumed a portion of the beer, the agents identified themselves and, upon learning that both patrons were minors, seized the unfinished bottle of beer for evidential purposes and obtained a signed sworn statement from Anthony ---, who had consumed the beer, stating that he was born on October 29, 1935 and was 20 years of age and that the waitress who had served him made no inquiry as to his age. He further stated that when he first visited defendant's premises "about 6 or 7 months ago" he was questioned as to his age by Peter Lordi, president of defendant corporate licensee, at which time he presented a driver's license which incorrectly set forth his date of birth as October 29, 1934. The agents obtained a signed sworn statement from the waitress admitting her participation in the violation.

Defendant has no prior adjudicated record. I shall suspend its license for the minimum period of ten days and remit five days for the plea entered herein, leaving a net suspension of five days. Re Rudberg, Bulletin 1083, Item 8.

Accordingly, it is, on this 9th day of January, 1956,

ORDERED that Plenary Retail Consumption License C-645, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Santa Lucia Restaurant, Inc., 198 Jefferson Street, Newark, be and the same is hereby suspended for a period of five (5) days, commencing at 7:00 a.m. January 16, 1956, and terminating at 7:00 a.m. January 21, 1956.



William Howe Davis  
Director.