

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

Mr. Michelson

BULLETIN 1163

MAY 2, 1957.

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Lincoln Park) - SALES TO MINORS - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.
2. DISCIPLINARY PROCEEDINGS (Neptune Township) - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Woodbridge) - SALES TO MINORS - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Sayreville) - SALES TO MINORS - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Northfield) - SALES TO MINORS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Newark) - SALE BELOW MINIMUM CONSUMER RESALE PRICE - UNQUALIFIED EMPLOYEE (ALIEN) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
7. STATUTORY AUTOMATIC SUSPENSION (Rochelle Park) - LICENSE PREVIOUSLY SUSPENDED BY DIRECTOR - APPLICATION TO LIFT GRANTED.
8. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE DURING PROHIBITED HOURS IN VIOLATION OF STATE REGULATION NO. 38 - EMPLOYING BARTENDER WITHOUT IDENTIFICATION CARD REQUIRED BY LOCAL REGULATION - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Newark) - SALE FOR OFF-PREMISES CONSUMPTION IN OTHER THAN ORIGINAL CONTAINER - LICENSE SUSPENDED FOR 15 DAYS.
10. DISCIPLINARY PROCEEDINGS (Trenton) - SALE BELOW MINIMUM CONSUMER RESALE PRICE - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Newark) - GAMBLING - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (East Hanover Township) - SALES TO MINORS - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
13. STATE LICENSES - NEW APPLICATION FILED.

New Jersey State Library

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

BULLETIN 1163

MAY 2, 1957.

1. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE  
SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

JOSEPH RUSSO )  
T/a IDLE HOUR )  
Lincoln Blvd. at Kopp St. )  
Lincoln Park, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-3, issued by the )  
Mayor and Council of the Borough )  
of Lincoln Park. )

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

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to five minors on various specific dates in 1956, and allowed, permitted and suffered said minors to consume such beverages in and upon his licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that evidence of these various sales of alcoholic beverages to minors was developed as the result of contemporaneous but separate investigations by ABC agents. On December 14, 1956 two such agents, while in defendant's tavern, observed the licensee serve an adult with two bottles of beer and two glasses without inquiring for whom the beer was being purchased. Such adult, in turn, handed one bottle of beer to Perry --- (age 19) who consumed part of such alcoholic beverage. This incident was called to the attention of the licensee at the time it occurred and the licensee acknowledged that the facts were as stated.

Other ABC agents obtained signed sworn statements from four minors.

Michael ---, born July 27, 1940 (age 16), states that on the evening of July 27 and the early morning of July 28, 1956, on his sixteenth birthday, he was in defendant's tavern and was served bottles of beer by the licensee without being questioned as to his age or asked to sign any written representation thereof; that during a weekend in August 1956 he purchased from the licensee five quarts of Schaefer Beer to take out; that on October 13, 1956 he was at the tavern with two adults and Arthur --- (age 19?) and was served with beer; and that on November 23, 1956 he purchased twenty quarts of beer from the licensee who arranged for one of his employees to deliver the beer to Michael's car.

Arthur ---, born June 23, 1936 (age 20), states that he began to frequent the tavern steadily about May 1956 and was there about three times a week during the summer and mostly on weekends thereafter; that as to specific dates, he was there on October 13, 1956 with Michael and the two adults and the

licensee served him and Michael with two glasses of beer each and that Michael purchased five 2-quart containers of beer to take out; that on November 17 the licensee served him and his minor companion with about six glasses of beer which they drank; and that on December 2, 1956 he was at the licensed premises with "Jeannie" (age 17?) and two adults, and he drank seven or eight bottles of beer and "Jeannie" drank about five highballs which were served by the licensee without any inquiry as to age.

On December 15, Arthur directed ABC agents to the defendant's tavern and identified it as the place where he purchased beer on the above mentioned occasions. On December 17, Arthur and Michael accompanied ABC agents to defendant's premises and both identified Joseph Russo as the person who served them the beer on all of the aforesaid occasions. When so identified, Joseph Russo, the licensee, acknowledged that such was the fact and stated that the two minors started to frequent his tavern about July 1956 and that at that time he employed rock and roll entertainment and minors started to come in "droves".

Nora Jane --- (age 16) in her statement confirms Arthur's account that they were both in defendant's tavern on December 2 when Arthur drank beer and she drank four or five highballs served by the licensee without any inquiry as to their age or any request for a written representation thereof.

ABC agents interrogated Robert --- (age 18) who told them that he accompanied Michael to the licensed premises on two occasions but did not personally purchase any alcoholic beverages and that on one previous occasion in July 1956, the exact date of which he cannot remember, he was at defendant's tavern with an adult and drank draft beer.

In summary, it appears that Michael obtained alcoholic beverages at defendant's tavern on four occasions, Arthur on three occasions, Nora Jane (called Jeannie or Jean by Arthur) on one occasion and Perry on one occasion. Robert's account of his visits to defendant's tavern will not be calculated in fixing penalty because it is somewhat deficient in probative force. Cf. Re Bilansky, not yet reported in Bulletin.

Defendant has no prior adjudicated record. The minimum penalty for a sale of alcoholic beverages to a sixteen-year-old minor, subsequent to January 16, 1956, is twenty-five days. Re Schmoll, Bulletin 1123, Item 5. Considering that four minors are involved, the quantity of alcoholic beverages sold to and consumed by them, and the frequency with which two of such minors were in defendant's premises, I shall suspend defendant's license for forty days. Re Fox, Bulletin 1137, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 11th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-3, issued by the Mayor and Council of the Borough of Lincoln Park to Joseph Russo, t/a Idle Hour, Lincoln Blvd. at Kopp Street, Lincoln Park, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 2:00 a.m. March 18, 1957, and terminating at 2:00 a.m. April 22, 1957.

WILLIAM HOWE DAVIS  
Director.

2. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD -  
 LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
 Proceedings against )

TU-DOR TAVERN, INC.  
 T/a "TU-DOR TAVERN"  
 1513 Springwood Avenue  
 Neptune Township, N. J., )

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consump- )  
 tion License C-2, issued by the )  
 Township Committee of the Township )  
 of Neptune. )

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 Tu-Dor Tavern, Inc., Defendant-licensee, by Meyer Kurinsky,  
 Secretary-Treasurer.  
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on January 26, 1957 it sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a minor, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that Emilio M. ---, seventeen years of age and a member of the armed forces, while in defendant's licensed premises, was served and consumed six bottles of beer.

Defendant has a prior adjudicated record. Effective January 30, 1956 its license was suspended for five days for sale of alcoholic beverages to a minor. Re Tu-Dor Tavern, Inc., Bulletin 1100, Item 6. The minimum penalty for a sale of alcoholic beverages to a seventeen-year-old minor, otherwise unaggravated, is twenty days. Re O'Donnell, Bulletin 1131, Item 9. Since the prior similar violation was committed during the past five years, I shall suspend defendant's license in this case for thirty days. Cf. Re Peek, Bulletin 1145, Item 8. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 7th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Neptune to Tu-Dor Tavern, Inc., t/a "Tu-Dor Tavern", 1513 Springwood Avenue, Neptune Township, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. March 18, 1957, and terminating at 3:00 a.m. April 12, 1957.

WILLIAM HOWE DAVIS  
 Director.

3. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

PFEIFFER'S GROVE, INC.  
T/a PFEIFFER'S GROVE  
Coddington Ave. & Spa Spring Rd.  
Woodbridge  
PO Hopelawn, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-16, issued by the Township Committee of the Township of Woodbridge.

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A. H. Rosenblum, 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 four minors and permitted the consumption thereof by said minors, in violation of Rule 1 of State Regulation No. 20.

The facts disclosed as a result of an examination of the file in this case indicate that on Monday night, December 31, 1956, Robert --- (age 17), George W. --- (age 17), George F. --- (age 18) and Cornelius --- (age 18) were in defendant's licensed premises from about 8:50 p.m. until about 10:50 p.m., during which period of time each was served with and permitted to consume alcoholic beverages. During the time that the minors remained on defendant's licensed premises, three of them consumed several glasses of beer and several mixed drinks containing whiskey and the other minor consumed two bottles of beer. The ABC agents report that one of the 17-year-old minors is 6 feet 2 inches tall, weighs 200 pounds and appears to be about nineteen years of age. The agents also report that the other seventeen-year-old is over 6 feet tall, heavily built and appears to be of full age.

Defendant has no prior adjudicated record. In Re Butts, Bulletin 1098, Item 5, the facts are substantially similar to those herein and I suspended said defendant's license for twenty-five days. Because of the increased penalties imposed for sales of alcoholic beverages to minors subsequent to January 16, 1956, I would ordinarily increase the penalty by five days. However, because of the aforementioned mitigating circumstances as to both 17-year-old minors, I shall suspend defendant's license for twenty-five days. Re K and L Circle Inn, Inc., Bulletin 1162, Item 1, Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 6th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-16, issued by the Township Committee of the Township of Woodbridge to Pfeiffer's Grove, Inc., t/a Pfeiffer's Grove, Coddington Ave. & Spa Spring Rd., Woodbridge, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 a.m. March 19, 1957, and terminating at 3:00 a.m. April 8, 1957.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

LILLIAN B. MILLROY )  
T/a ROBERT E. LEE INN )  
Route 35, Morgan )  
Sayreville )  
PO RFD #1, South Amboy, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-16, issued by the Borough Council of the Borough of Sayreville. )  
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George G. Kress, 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 she sold, served and delivered alcoholic beverages to four minors and permitted the consumption thereof by said minors, in violation of Rule 1 of State Regulation No. 20.

The file in the instant case discloses that on Tuesday, January 1, 1957, George W. --- (age 17), George F. --- (age 18), Cornelius --- (age 18) and John --- (age 19) were in defendant's licensed premises from about 2:00 a.m. until about 3:00 a.m., during which period of time each was served with and permitted to consume alcoholic beverages. Three of the minors drank several glasses of beer apiece and the other minor had several mixed drinks containing whiskey. The ABC agents report that George W. --- is over 6 feet tall, heavily built and appears to be of full age.

Defendant has no prior adjudicated record. In Re Butts, Bulletin 1098, Item 5, the facts are substantially similar to those herein and I suspended said defendant's license for twenty-five days. Because of the increased penalties imposed for sales of alcoholic beverages to minors subsequent to January 16, 1956, I would ordinarily increase the penalty by five days. However, because of the aforementioned mitigating circumstances as to the 17-year-old minor, I shall suspend defendant's license for twenty-five days. Re K and L Circle Inn, Inc., Bulletin 1162, Item 1. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 6th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-16, issued by the Borough Council of the Borough of Sayreville to Lillian B. Millroy, t/a Robert E. Lee Inn, Route 35, Morgan, Sayreville, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 a.m. March 12, 1957, and terminating at 3:00 a.m. April 1, 1957.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary )  
Proceedings against )

RUGBY INN, INC. )

T/a RUGBY INN )

2015 Shore Road )

Northfield, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-1, issued by the )  
Common Council of the City of )  
Northfield. )  
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Paul M. Salsburg, 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 on January 26, 1957, it sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to three minors, and allowed, permitted and suffered the consumption of alcoholic beverages by said minors in and upon its licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file discloses that, acting upon information received from the Chief of Police of Pleasantville and the Chief of Police of Northfield, ABC agents obtained signed sworn statements from Edward --- (age 17), Richard --- (age 18) and James --- (age 19). In their statements the minors say that they entered defendant's licensed premises on January 26, 1957, at about 9:00 p.m. and sat at the bar where each was served with several glasses of beer by a bartender who did not question any of them as to their respective ages. They further say that they left the premises about 10:00 p.m.

Defendant has no prior adjudicated record. The minimum penalty for a sale, otherwise unaggravated, to a seventeen-year-old minor is twenty days, to which five days will be added because three minors were involved. Re Boscarell, Bulletin 1141, Item 11. I shall suspend defendant's license for twenty-five days. Five days will be remitted for the plea, leaving a net suspension of twenty days.

Accordingly, it is, on this 11th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-1, issued by the Common Council of the City of Northfield to Rugby Inn, Inc., t/a Rugby Inn, for premises 2015 Shore Road, Northfield, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. March 19, 1957, and terminating at 3:00 a.m. April 8, 1957.

WILLIAM HOWE DAVIS  
Director.

6. DISCIPLINARY PROCEEDINGS - SALE BELOW MINIMUM CONSUMER RESALE PRICE - UNQUALIFIED EMPLOYEE (ALIEN) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

T-BAR & GRILL, INC. )  
T/a "T-BAR" )  
257 Market Street )  
Newark 2, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-328, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Newark. )

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Defendant-licensee, by Ben W. Mak, President.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) it sold an alcoholic beverage at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulation No. 30, and (2) it employed an unqualified person on its licensed premises, in violation of Rule 6 of State Regulation No. 13.

The file herein discloses that on February 21, 1957, an ABC agent purchased from Nikolaus Myz, who was then tending bar in defendant's premises, a 4/5 pint ("tenth") bottle of Country Club Five Star Port Wine for thirty cents, whereas the currently effective minimum resale price of said item was thirty-two cents. After the agents identified themselves, Nikolaus Myz stated that he was born in Ukrania and was not a citizen of the United States; that he had been working on defendant's premises for about three weeks and had obtained no employment permit from the Director.

Defendant has no prior adjudicated record. I shall suspend its license for a period of ten days on Charge 1 (Re Friedman, Bulletin 1135, Item 7), and for an additional period of five days on Charge 2 (Re Cancro, Bulletin 538, Item 10). Five days will be remitted for the plea herein, leaving a net suspension of ten days.

Accordingly, it is, on this 6th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-328, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to T-Bar & Grill, Inc., t/a "T-Bar", for premises 257 Market Street, Newark, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. March 11, 1957, and terminating at 2:00 a.m. March 21, 1957.

WILLIAM HOWE DAVIS  
Director.



7. STATUTORY AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED  
BY DIRECTOR - APPLICATION TO LIFT GRANTED.

Auto. Susp. #133 )  
In the Matter of Disciplinary )  
Proceedings against )

JOHN W. CAMPBELL )  
T/a JACK'S TAVERN )  
150 Rochelle Avenue )  
Rochelle Park, N. J., )

ON PETITION  
O R D E R

Holder of Plenary Retail Consump- )  
tion License C-2, issued by the )  
Township Committee of the Township )  
of Rochelle Park. )

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Herbert F. Myers, Jr., Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from a verified petition filed herein that on January 25, 1957, John W. Campbell, petitioner, was sentenced to ninety days in a County Jail, which sentence was suspended and he was placed on probation for one year and fined the sum of \$150.00 by a Judge of the Bergen County Court, after he had pleaded guilty to an indictment for selling alcoholic beverages to a minor, in violation of R. S. 33:1-77. Said conviction resulted in the automatic suspension of his license for the balance of its term. R. S. 33:1-31.1. The petitioner requests the lifting of said suspension.

By order dated September 5, 1956, the Director suspended the license held by petitioner for twenty days after he had pleaded non vult in disciplinary proceedings to a charge alleging that he sold alcoholic beverages to the same minor. The suspension was effective from 3:00 a.m. September 11, 1956 to 3:00 a.m. October 1, 1956. Re Campbell, Bulletin 1133, Item 7.

Since the suspension heretofore imposed is adequate, the relief sought will be granted.

Accordingly, it is, on this 7th day of March, 1957,

ORDERED that the automatic suspension of Plenary Retail Consumption License C-2, held by John W. Campbell, t/a Jack's Tavern, for premises 150 Rochelle Avenue, Rochelle Park, be and the same is hereby lifted and said license is restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS  
Director.

8. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF STATE REGULATION NO. 38 - EMPLOYING BARTENDER WITHOUT IDENTIFICATION CARD REQUIRED BY LOCAL REGULATION - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

RUDY & JOE'S BAR, INC.  
T/a RUDY & JOE'S BAR )  
178 Griffith Street )  
Jersey City, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-365, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Jersey City. )

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Defendant-licensee, by Morris Prato, President.  
Dora P. Rothschild, appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) on Sunday, January 20, 1957, it sold alcoholic beverages in original containers for consumption off the licensed premises, in violation of Rule 1 of State Regulation No. 38, and (2) on said date it employed a bartender who had not been issued an identification card by the Department of Public Safety of Jersey City, in violation of a local ordinance.

The file herein discloses that on Sunday, January 20, 1957, two ABC agents entered defendants' premises about 1:40 p.m., and that shortly thereafter one of the agents asked Harold McCrystal, the bartender, for "six cans of beer to go." After the sale had been completed, both agents left the premises with the cans of beer but returned immediately and identified themselves to the bartender. The agents then asked Harold McCrystal to produce his permit from the Jersey City Liquor Bureau, and he informed the agents that he had no permit and that he had been employed on defendants' premises as bartender five days a week during the previous four weeks.

Defendant has no prior record. In attempted mitigation the president of defendant corporation has submitted a letter in which he says that McCrystal was not employed as a bartender but as a porter and clean-up man. However, the reports of the agents indicate that McCrystal was acting as bartender at the time one of the agents purchased the beer. I shall suspend defendants' license for fifteen days on Charge 1 (Re Kardasinetz, Bulletin 1141, Item 6) and for an additional period of five days on Charge 2 (cf. Re Freud & Pittala, Bulletin 1142, Item 9). Five days will be remitted for the plea, leaving a net suspension of fifteen days.

Accordingly, it is, on this 7th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-365, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Rudy & Joe's Bar, Inc., t/a Rudy & Joe's Bar, for premises 178 Griffith Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. March 18, 1957, and terminating at 2:00 a.m. April 2, 1957.

WILLIAM HOWE DAVIS  
Director.

9. DISCIPLINARY PROCEEDINGS - SALE FOR OFF-PREMISES CONSUMPTION  
IN OTHER THAN ORIGINAL CONTAINER - LICENSE SUSPENDED FOR 15  
DAYS.

In the Matter of Disciplinary )  
Proceedings against )

MARECH'S TAVERN (A Corp. of N. J.) )  
275 - 18th Avenue )  
Newark 3, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-441, issued by the Municipal )  
Board of Alcoholic Beverage Control of )  
the City of Newark. )  
-----)

Feld & Breitner, Esqs., by Joseph J. Breitner, Esq., Attorneys  
for Defendant-licensee.

Dora P. Rothschild, appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charge:

'On Thursday, July 5, 1956, at about 10:38 P.M.,  
you sold an alcoholic beverage, not pursuant to and  
within the terms of your license as defined by R. S.  
33:1-12(1), viz., one pint bottle of whiskey labeled  
"Lord Calvert Blended Whiskey" in other than its orig-  
inal container for consumption off the licensed  
premises in that you opened such container and thereby  
destroyed its original character and thereafter was  
taken off the licensed premises by the purchaser; in  
violation of R. S. 33:1-2.'

"An ABC agent (hereinafter referred to as Agent N) tes-  
tified that at 10:08 p.m. on July 5, 1956, he entered defendant's  
licensed premises while another agent (hereinafter referred to  
as Agent D) remained in a parked car across the street from the  
premises; that he took a seat at the bar, ordered a glass of  
beer and a 'few minutes later' ordered a glass of whiskey; that  
'at approximately 10:20 p.m.' a man came into the premises,  
ordered a pint of Fleischmann's whiskey from Harry Schlossberg  
(hereinafter referred to as Schlossberg), the bartender, who  
obtained the item from a shelf, broke the seal on the bottle,  
completed the sale thereof and the man then left the premises;  
that 'at approximately 10:32 another male came into the prem-  
ises and ordered a bottle of Gallo Wine, which appeared to me to  
be a quart. Schlossberg put this bottle into a bag, and the  
male then left the premises'; that at approximately 10:37 p.m.  
he (Agent N) ordered another glass of whiskey at which time he  
said to Schlossberg, 'Also give me a pint of Lord Calvert because  
I am getting ready to go'; that Schlossberg got the pint of  
whiskey, broke the seal on the bottle, and after paying therefor  
(Agent N) placed the bottle in his pocket and left the premises;  
that he immediately rejoined Agent D who was sitting in the car  
and thereafter both went into defendant's licensed premises;  
that Agent D identified himself to Schlossberg and informed him  
of the alleged violation; that Agent D then asked Schlossberg  
what time it was and he answered 'quarter to eleven', adding  
'What are you going to do? Hang me for a few minutes. If it  
had been later it would have been something different'; that

some of the patrons crowded around and it was suggested to Schlossberg that they use the back room in furtherance of the investigation; that as they entered the room, Schlossberg said, 'I know I sold after hours but we can straighten this out. We can make a deal'; that when he told Schlossberg that no deals were to be made, he (Schlossberg) remarked, 'I will say that he came in before ten o'clock and bought the bottle. I can get six witnesses to prove it'; and that at approximately 11:00 p.m., a short time after Schlossberg left the premises, both agents also left the establishment.

"Agent D, who had remained in the parked car, testified that the other agent left the car at 10:07 p.m. and he observed him cross the street and go into defendant's licensed premises; that as he sat in the car he saw men enter the premises and others leave; that at 'about 10:30 or a minute or two thereafter' he observed a man enter defendant's premises and at 'about 10:35' he observed what appeared to be the same male come out again 'with a crown package in his arms'; that at 10:40 p.m., Agent N came over to the car and as a result of a conversation, both went into defendant's licensed premises; that he approached a bartender who identified himself as Harry Schlossberg, and asked him what time it was; that Schlossberg looked at his wrist watch and said, 'quarter to eleven'; that he then looked at his wrist watch and that the time thereon was 'quarter to eleven too'; that he acquainted Schlossberg with the alleged violation and Schlossberg said, 'Well, yes, I sold it to him but I didn't know what time it was' and when he told Schlossberg that it was his duty to be cognizant of the time, Schlossberg asked whether he was going to be hung because of a few minutes; that when he declined to enter into a deal as suggested by Schlossberg, the latter stated he would say the bottle was sold before ten o'clock and that he would get six witnesses to testify to that effect.

"Schlossberg testified that he is the president of defendant corporate-licensee and on the night in question Agent N came into the premises at 'around 9:30', ordered a drink of whiskey and a glass of beer; that he had several drinks thereafter and on one occasion treated another patron to a drink; that all of this took place prior to 10:00 p.m.; that after finishing a third round of drinks, Agent N said, 'I've got to go. Give me a pint of Lord Calvert's'; that he (Schlossberg) sold the pint of whiskey to him and the agent placed it in his pocket and left the premises; that a half hour later Agent N and Agent D came into the premises; that he admitted he sold the bottle of whiskey to Agent N; that Agent D turned to Agent N and asked him 'What time did he sell?' to which Agent N responded '10:37'; that he (Schlossberg) laughed and said, 'It isn't 10:37 yet'; that Agent D looked at his watch and said, 'Well, if you say a half hour it must have been a minute or two after ten which makes it bad as an hour or two'; that he said to Agent D 'It was before ten o'clock'; and that after going into a side room he agreed to sign a statement if it stated therein that the sale was made before ten o'clock; that he did not sell alcoholic beverages for off-premises consumption to anyone during prohibited hours on the evening in question. Furthermore, he denied that he made any admissions to the agents that he sold during prohibited hours or did he make an offer to the agents to enter into a deal.

"Harry Terry testified that he was in defendant's establishment on the evening of July 5, 1956 at which time he observed Agent N in the premises; that he saw Agent N

purchase a bottle of liquor before ten o'clock but he did not see him leave the tavern; that he saw Agent N re-enter the licensed premises just as he (Terry) was leaving the place; that the reason he knew the bottle of liquor was purchased before 10:00 p.m. was because he was watching a program on television which ended at ten o'clock; that 'the only reason I paid attention to him because he was a stranger. I mostly know the other people, those behind me was boys I know, that we all meet there'; that he did not see Agent N buy anyone a drink as 'I wasn't paying attention to him'; and that he (Terry) left the premises at 10:30 p.m.

"Nathan Matthews testified that he is a director, stockholder and treasurer of defendant corporate-licensee; that on July 5, 1956 Schlossberg came to his home 'about five minutes, five, seven minutes before eleven' and that it takes 'about five minutes from the tavern to his home'.

"I have carefully examined all of the testimony presented herein and am satisfied that the testimony of the two agents is accurate and reliable. I am satisfied that the sale of the bottle of whiskey to Agent N was made after ten o'clock on the night in question. Furthermore, I believe that the statements attributed to Schlossberg when the agents confronted him with the alleged violation were made by him. The testimony of defendant's witnesses was unimpressive. I conclude that the evidence adduced herein clearly discloses that the defendant committed the violation alleged in the charge preferred herein. I recommend that the defendant be found guilty as charged. Cf. Re Langer and Bershaw, Bulletin 907, Item 5.

"Defendant has no prior adjudicated record. I recommend that its license be suspended for a period of fifteen days. Re Langer and Bershaw, supra."

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

After careful examination of the record in the instant case and after giving full consideration to the facts and circumstances appearing therein, I concur in the recommended conclusions in the Hearer's Report and adopt said report as my conclusions. Hence, I find the defendant guilty of the charge preferred herein. I shall suspend its license for a period of fifteen days.

Accordingly, it is, on this 7th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-441, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Marech's Tavern (A Corp. of N.J.), 275 - 18th Avenue, Newark, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. March 18, 1957, and terminating at 2:00 a.m. April 2, 1957.

WILLIAM HOWE DAVIS  
Director.

10. DISCIPLINARY PROCEEDINGS - SALE BELOW MINIMUM CONSUMER RESALE PRICE - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

FRANK BILANCIO )  
T/a BILANCIO DISTRIBUTING )  
COMPANY )  
62 Butler Street )  
Trenton 10, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution License D-23, issued by the Board of Commissioners of the City of Trenton. )

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Frank Bilancio, Defendant-licensee, Pro se.  
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold alcoholic beverages at less than the price listed in the Minimum Resale Price List then in effect, in violation of Rule 5 of State Regulation No. 30.

The file herein discloses that on December 28, 1956, an ABC agent entered defendant's licensed premises and purchased from the defendant one 4/5 quart (fifth) bottle of Seagram's Seven Crown whiskey and one 1/2 gallon bottle of Gallo Vintners Stock Zinfandel wine for \$4.45 and \$1.25, respectively. The minimum consumer ~~resale~~ prices then in effect for the items in question were \$4.49 and \$1.39, respectively.

Defendant has a prior adjudicated record. Effective August 15, 1949 his license was suspended for five days pursuant to his plea of non vult to a charge alleging delivery of alcoholic beverages without accompanying invoices or manifests. Re Bilancio, Bulletin 851, Item 2. In view of the fact that the prior record is dissimilar to the violation being considered in the instant case and occurred more than five years ago, I shall not consider it when fixing the penalty herein. Re Dwyer, Bulletin 1036, Item 5. I shall suspend defendant's license for ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Bregman, Bulletin 1128, Item 12.

Accordingly, it is, on this 11th day of March, 1957,

ORDERED that Plenary Retail Distribution License D-23, issued by the Board of Commissioners of the City of Trenton to Frank Bilancio, t/a Bilancio Distributing Company, 62 Butler Street, Trenton, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. March 18, 1957, and terminating at 9:00 a.m. March 23, 1957.

WILLIAM HOWE DAVIS  
Director.

11. 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 & MARGARET SMITH )  
T/a SMITH'S BAR & GRILL )  
667-669 Sanford Avenue )  
Newark 6, N. J., )

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consump- )  
tion License C-544, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Newark. )  
-----)

Louis & Margaret Smith, Defendant-licensees, by Louis Smith.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charge:

"On October 26, November 30 and December 7, 1956, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets as follows: on fighting contests on October 26 and November 30, 1956, on football games on October 26 and December 7, 1956 and basketball games on December 7, 1956; in violation of Rule 7 of State Regulation No. 20."

The file herein discloses that ABC agents were at defendants' licensed premises on October 26, November 30 and December 7, 1956 and on each occasion observed that Chris Trifiolis, one of the bartenders, made an extensive practice of accepting bets from patrons on the outcome of various boxing exhibitions and football and basketball games and also acted as stakeholder of some bets made directly between some patrons. The ABC agents placed bets with Trifiolis on the outcome of various contests on each of the above dates.

Defendants have a prior adjudicated record. Effective January 3, 1949, the then Commissioner of this Division suspended their license for ten days for a "refill" violation. Re Smith, Bulletin 827, Item 3. However, since this dissimilar violation occurred more than five years ago, it will not be considered in fixing the penalty herein. Re Polato, Bulletin 1145, Item 11. Although the bartender's conduct may not perhaps be characterized as commercialized gambling as such, and hence normally would result in the imposition of a fifteen-day penalty (Re Holinda and Whelan, Bulletin 1134, Item 11), the instant offense is aggravated by the number and frequency with which the bartender accepted such bets. I shall, therefore, impose a suspension of twenty days with five days remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 4th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-544, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Louis & Margaret Smith, t/a Smith's Bar & Grill, 667-669 Sanford Avenue, Newark, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. March 11, 1957, and terminating at 2:00 a.m. March 26, 1957.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary Proceedings against

DOMINICK ANGELOTTA

T/a RIDGEVIEW LOUNGE & RESTAURANT

Garden Street

East Hanover Township

PO RFD 1, Hanover, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of East Hanover Township.

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Dominick Angelotta, Defendant-licensee, Pro se.

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

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a minor, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that on Sunday, January 27, 1957, ABC agents observed the bartender employed by defendant serve a glass of beer to each of two youths who appeared to the agents to be minors. The agents identified themselves to the youths and when they were questioned as to their respective ages each insisted that he was twenty-one years of age. However, under further questioning, one of the youths admitted that he was eighteen years of age. Proof displayed by the other youth disclosed him to be twenty-two years of age.

Defendant, in attempted mitigation of penalty, contends that some time prior to the date in question and before service of beer to the minor, the latter displayed an automobile driver's license which showed the person named thereon to be twenty-one years of age. The minor in a statement given to the agents admitted this to be true and stated that he had borrowed said driver's license from a friend.

I might point out that one of the essential requisites necessary to establish a defense to a sale to a minor is a written representation as to his age, signed by the minor, as provided by law. See R. S. 33:1-77. The exhibiting of a driver's license, birth certificate, etc. is not a compliance with the statute and has been so held by this Division since the inception of the statute. See Re Roey, Bulletin 747, Item 3.

Defendant has no prior adjudicated record. The minimum suspension imposed for an unaggravated sale of alcoholic beverages to an eighteen-year-old minor after January 16, 1956 is fifteen days. Re Martin, Bulletin 1107, Item 9. In view of the particular circumstances that exist in the instant case, similar in most respects to cases hereinafter cited, I shall suspend defendant's license for ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re M. L. C. Corporation, Bulletin 1115, Item 3; Re Giordano, Bulletin 1087, Item 2; Re Wedemeyer, Bulletin 1050, Item 8.



Accordingly, it is, on this 11th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of East Hanover Township to Dominick Angelotta, t/a Ridgeview Lounge & Restaurant, Garden Street, East Hanover Township, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. March 18, 1957, and terminating at 2:00 a.m. March 23, 1957.

WILLIAM HOWE DAVIS  
Director.

13. STATE LICENSES - NEW APPLICATION FILED.

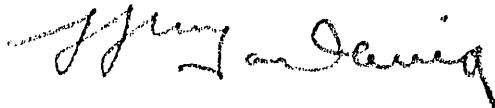
Harold Goldstein, Leon M. Goldstein and  
Simon H. Goldstein

T/a Bacon Liquor Co., Bacon Bottling Co. and Mother Goldstein  
Wine Co.

81 Homestead Ave.

Hartford, Connecticut.

Application filed April 29, 1957 for Transportation License.



William Howe Davis  
Director.