

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

December 21, 1959

BULLETIN 1312

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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.

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BULLETIN 1312

1 NEW LEGISLATION - AMENDMENT OF TRANSIT INSIGNIA SECTION OF THE
REVISED STATUTES, 33:1-28.

Assembly Bill No. 397 (1959) was approved by the Governor on November 30, 1959 and thereupon became Chapter 174 of the Laws of 1959, effective immediately. The Act amends Revised Statutes, 33:1-28 by increasing the fee for transit insignia, issued by the State Director, from \$4.00 to \$8.00.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: November 30, 1959

2. SOLICITORS - EMPLOYMENT BY ANY LICENSEE PROHIBITED DURING SUSPENSION OR AFTER REVOCATION OR CANCELLATION OF SOLICITOR'S PERMIT.

To all Manufacturers, Wholesalers and Solicitors:

It has come to my attention that during the period of suspension of a solicitor's permit, it has been customary practice for manufacturers and wholesalers to continue in employment, in some capacity not requiring the holding of a solicitor's permit, those of their solicitors whose permits have been suspended.

Obviously, such practice defeats the purpose of the suspension since the solicitor suffers substantially no penalty in that his loss of commissions during the suspension period is offset, wholly or in substantial part, by the receipt of salary or wages paid him in his non-soliciting temporary employment.

Accordingly, pursuant to power conferred by R. S. 33:1-39, it is hereby specially ruled that during the period of suspension of a solicitor's permit (or following its revocation or cancellation) in any disciplinary proceeding hereafter instituted, no licensee may employ or have connected with him in any business capacity whatsoever, directly or indirectly, or pay or reimburse by way of commission, salary, bonus, gift or other thing of value in any manner whatsoever before, during or after the period of suspension, or before or after its revocation or cancellation, any solicitor whose permit has been suspended, revoked or cancelled, other than normal commission or compensation earned and paid in accordance with then currently effective contract of employment with respect to sales made pursuant to solicitor's permit in full force and effect.

In short, the frustration of an order of suspension, revocation or cancellation of solicitor's permit by the continuance in employment of the offending solicitor, by means however devious, will not be tolerated.

Wise licensees, who hope to continue in business without suspension or revocation of their licenses, and who expect renewal of their licenses, will be guided accordingly.

DATED:
December 1, 1959

WILLIAM HOWE DAVIS
DIRECTOR

3. CLUB LICENSEES - WARNING RE SALE FOR CONSUMPTION OFF LICENSED PREMISES.

To all Club Licensees:

With the approach of the holiday season, it is possible that some club licensees may be tempted to sell alcoholic beverages in original containers to their members for off-premises consumption for Christmas gifts, Christmas parties, etc.

Of course, such sales are prohibited by Rule 9 of State Regulation No. 7, which provides:

"No club licensee shall sell, serve or deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverage except for consumption on the licensed premises."

As all licensees should be well aware, violation of any of the rules of the state regulation is cause for suspension or revocation

of license. Accordingly, club licensees will be well advised to adhere most strictly to the limitations of their licenses, i.e., the authorization of sale of alcoholic beverages only to their bona fide members and bona fide guests of such members and then only for on-premises consumption.

DATED: December 9, 1959

WILLIAM HOWE DAVIS
DIRECTOR

4. APPELLATE DECISIONS - MEYER'S TAVERN v. NEWARK - ORDER

Meyer's Tavern (a corporation),)	
Appellant,)	
v.)	On Appeal
Municipal Board of Alcoholic)	O R D E R
Beverage Control of the City)	
of Newark,)	
Respondent.)	

BY THE DIRECTOR:

On February 26, 1959, I affirmed the 60-day suspension imposed against appellant's license by the respondent. See Bulletin 1271, Item 2. Stay of the suspension was ordered by the Court upon appellant's appeal to the Superior Court, Appellate Division. The Court has recently affirmed my decision and entered its Mandate on Affirmance and the suspension may thus be now reimposed.

Accordingly, it is, on this 26th day of October, 1959,

ORDERED that the 60 day suspension imposed by respondent against the license held by appellant for premises 294 Belmont Avenue, Newark, be and the same is hereby reimposed, commencing at 7 a.m. Monday, November 2, 1959, and terminating at 7 a.m. Friday, January 1, 1960.

WILLIAM HOWE DAVIS
DIRECTOR.

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED -
MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary
Proceedings against

Frank F. Novak
306 Smith Street
Perth Amboy, New Jersey

Holder of Plenary Retail Consumption
License C-110, for the 1958-59 and
1959-60 licensing years, issued by
the Board of Commissioners of the
City of Perth Amboy.

-----)

CONCLUSIONS

AND

ORDER

Defendant-licensee, Pro se.

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

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to a charge alleging that he possessed on his licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20

"Evidence has been submitted which establishes that on May 15, 1959, an ABC agent, when testing defendant's open stock of alcoholic beverages, seized some bottles which appeared to be off in color.

"The Division chemist testified that his analysis disclosed that the contents of four of these bottles, listed in the charge, varied substantially in solids from the contents of genuine bottles of the three different brands involved.

"Defendant stated that he had been in the hospital for three weeks due to a heart ailment, convalesced at his home for another seven weeks and May 15th was the first day that he was at the premises; that he purchased the tavern about a year and a half ago and it was his first experience in the business and he operated it to the best of his knowledge and his wife and brother-in-law were in charge during his illness; that he had not refilled the bottles and, in his words, 'It is so surprising to me a thing like that had happened to me because all my life, so help me, gentlemen, I led a clean life and I don't intend to do anything wrong at this age of 60'. He was emotionally upset at the impact on his reputation if found guilty of the charge.

"Defendant does not present any contention that the contents of the bottles were other than those testified to by the Division chemist. The licensee is responsible when alcoholic beverages not truly labeled are found on his licensed premises, irrespective of whether or not he is aware of their presence. Cedar Restaurant & Cafe Co. v. Hock, 135 N.J.L. 156 (Sup. Ct. 1947); Re Kruvant, Bulletin 1291, Item 3. I therefore recommend a finding that the licensee is guilty of the charge. The facts to which defendant testified might well have been presented by a letter if he had pleaded non vult to the charge.

"In the matter of penalty, where a licensee is found guilty in a refill case, the penalty is not usually affected or influenced by excuses or explanations offered by the licensee. However, there have been

instances where mitigating circumstances were given consideration in those type of cases. Re R. H. Terrell Lodge No. 661, I.B.P.O.E. of W., Bulletin 1222, Item 4; Re Pasch, Bulletin 936, Item 12, and cases cited therein. In the instant case, considering the licensee's age, illness, absence of previous experience in the liquor industry and apparently unblemished character, and without departing from the general policy governing the penalty for four-bottle refill cases illustrated by Re Sanderlin, Bulletin 1286, Item 10, I recommend, under the circumstances of the instant case, that defendant's license be suspended for a period of ten days."

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

Having carefully considered the facts and circumstances herein, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 22nd day of October 1959,

ORDERED that Plenary Retail Consumption License C-110 issued by the Board of Commissioners of the City of Perth Amboy to Frank F. Novak, for premises 306 Smith Street, Perth Amboy, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, November 2, 1959 and terminating at 2:00 a.m., Thursday, November 12, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

6. STATE BEVERAGE DISTRIBUTOR'S LICENSE - OBJECTIONS TO ISSUANCE HELD TO BE WITHOUT MERIT.

In the Matter of Objections to)
the Issuance of a State Beverage)
Distributor's License to)

CONCLUSIONS

John Lutz)
t/a Lutz Beverage Company)
12 Ludlow Street)
Jersey City, New Jersey)

-----)
John W. Yengo, Esq., Attorney for Applicant
Samuel Moskowitz, Esq., Attorney for Objectors, Hudson-Bergen
County Retail Liquor Stores Association, et al.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"On July 8, 1959, John Lutz, t/a Lutz Beverage Company, filed an application for a State Beverage Distributor's license for premises at 12 Ludlow Street, Jersey City. A written objection to the issuance of the license was filed and a hearing duly held thereon.

"At the hearing the attorney for the objectors alleged that there was no public need or necessity for an additional State Beverage Distributor's license in the area wherein applicant intends to operate.

"From the evidence given herein it appears that during the 1958-59 licensing year a State Beverage Distributor's license was held by Maresca Beverage Co. for premises at 514 Central Avenue, Jersey City. Max J. Mareiniss was appointed as Assignee for the benefit of creditors of Maresca and consented to transfer of said license to the applicant herein. Applicant advertised his application and no objections were

filed to the granting of said transfer. However, before all requirements were completed, said license expired by its terms on June 30, 1959, and for that reason it was necessary to deny the pending application for transfer. Applicant thereafter filed an application for a new license on July 8, 1959.

"At the hearing herein applicant testified that he rents the premises at 12 Ludlow Street; that he intends to serve customers residing in Hudson County; that he has had no previous experience in the alcoholic beverage business; that he has operated a milk route for many years, and that he intends to dispose of his milk route if the pending application is granted.

"Four persons who hold or are interested in corporations holding plenary retail distribution licenses in the Greenville section (wherein 12 Ludlow Street is located) testified that they believe there is no need for an additional license in that section of the City. There was introduced into evidence a map indicating that there are a large number of consumption and distribution licenses in the Greenville section. It further appears that the Maresca license was issued for premises in the northerly part of Jersey City, about three or four miles from Ludlow Street, and that Maresca served customers in Hudson County.

"A State Beverage Distributor may sell unchilled beer in original containers only, in quantities of not less than 144 fluid ounces, to licensed retailers and to consumers. The privileges of the license are State-wide.

"State Beverage Distributor licensees offer little, if any, competition (except in rare cases) to retail distribution and consumption licensees even in the same area in which distribution and consumption licensees are located. State Beverage Distributor licensees deliver throughout the State and, as a rule, do not conduct a retail business (over the counter) of any substance.

"After considering all the evidence, I conclude that, under all the circumstances of this case, the objections are without merit and, therefore, recommend that the pending application be granted, if and when all requirements have been completed. Re Walkiewicz, Bulletin 1172, Item 5."

Written exceptions to the Hearer's Report and written objections thereto were filed by the attorney representing the objectors and written answering argument was filed by the attorney for applicant. After carefully considering the testimony, the Hearer's Report, exceptions and written arguments, I agree with the conclusions of the Hearer and adopt them as my conclusions herein. I shall grant the application for the license provided there has been full compliance with all necessary prerequisites pertaining thereto.

WILLIAM HOWE DAVIS,
DIRECTOR.

Dated: October 22, 1959

7. DISCIPLINARY PROCEEDINGS - OBSCENE LANGUAGE - LICENSEE INTOXICATED WHILE WORKING AS BARTENDER - SALE TO MINOR- LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary
Proceedings against

Frances Primiterra
89 Garden Street
Hoboken, New Jersey

Holder of Plenary Retail Consumption
License C-221 for the 1958-59 licensing
year and C-147 for the 1959-60 licensing
year, issued by the Municipal Board of
Alcoholic Beverage Control of the City
of Hoboken.

CONCLUSIONS

AND

ORDER

Mischel & Liebman, Esqs., by Joseph G. Liebman, Esq., Attorneys
for Defendant-licensee.
David S. Plitzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charges:

- '1. On Saturday night, June 6 and early Sunday morning, June 7, 1959, you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.
- '2. On Saturday night, June 6 and early Sunday morning, June 7, 1959, you worked, viz., as a bartender, in and upon your licensed premises while actually or apparently intoxicated; in violation of Rule 24 of State Regulation No. 20.
- '3. During the early morning hours of Sunday, June 7, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Barbara ---, age 19, and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.'

"Two ABC agents called as witnesses on behalf of the Division testified substantially as follows: They entered defendant's licensed premises at about 11:40 p.m. on June 6, 1959. The licensee was tending bar and was in the midst of an argument with her husband who was seated outside the bar some distance from her. When the agents ordered beer, she told them that she was drunk and in a nasty mood and they need not stay if they so desired. She swayed from side to side when walking, her hair was disheveled, her eyes glassy and she seemed quite excited. While serving the beer to the agents she spoke to her husband in a loud voice exclaiming that she was not of loose morals or a tramp, but she

was going to be such if that was his desire; that he could kiss her posterior and drop dead. She further exclaimed to noone in particular that she could usually drink three drinks and that tomorrow she might be sorry. She made numerous foul or filthy remarks on a number of occasions

"On two occasions she accepted drinks from patrons exclaiming to her husband: 'This is the way you want me to do business. This is the way I'm going to do it. But I don't have to listen to you.' She then began to cry uncontrollably, leaning on the bar. At about 12:15 a.m., Barbara --- entered and was served a total of three glasses of beer by the licensee. About 1:20 a.m., after the third glass of beer was served, the agents identified themselves and obtained a birth certificate from Barbara which set forth June 10, 1936 as the ostensible date of her birth. The licensee stated that Barbara had exhibited the certificate to her on a previous date when Barbara was in the premises with her husband. Barbara testified that she was born on June 10, 1939 and explained that, with her consent, a girl friend had altered the date of birth on the certificate for the purpose of pretending that she was of an older age. Barbara further testified that she was served with three beers on defendant's licensed premises on June 6 (four days before her 20th birthday). It appears from the agents' testimony that they were at the licensed premises in the latter part of May 1959 but did not observe any misconduct.

"The licensee frankly acknowledges that the facts above set forth relating to the sale of beer to Barbara and the falsified birth certificate are correct. With respect to the other charges, her defense is that she was under a severe emotional strain due to domestic discord with her husband, although she denies the specific statements attributed to her, but modifies that denial by her admission that she was upset at the time and has no clear recollection of what occurred. Her husband testified that she objected to his suggestion that she sell the establishment or at least close on the evening in question and, hence, he did not work behind the bar although his wife had been on duty since 8:00 a.m. that day.

"In my opinion, the agents' version of what occurred is accurate and establishes the guilt of the defendant of all charges, and I recommend a finding to that effect.

"Insofar as penalty, it appears that the apparent or actual intoxication of the licensee while on duty, as well as the language she used, is all attributable to the emotional strain she was under as a result of her quarrel with her husband. The words she used were obscene in the sense that they are unseemly in a properly conducted tavern even under the conditions that prevailed. The use of such language will not be countenanced on licensed premises. However, the licensee apparently tried to discourage patrons from remaining in the premises while arguing with her husband by suggesting to such patrons that they leave the premises if they were disturbed by her conduct. To that extent the entire affair involved husband and wife and not the persons in the premises. Although the usual penalty for permitting obscene language is suspension of the license for ten days (Re Lafayette Bar, Inc., Bulletin 1282, Item 6); for working as a bartender while actually or apparently intoxicated is twenty days (Re Menzel, Bulletin 948, Item 2; Re Hoffman, Bulletin 1076, Item 2), and for sale to a 19-year-old minor is fifteen days (Re Jackson, Bulletin 1298, Item 9), under the special circumstances which exist in the instant case, I recommend that defendant's license be suspended for a period of thirty days."

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

After carefully considering the facts and circumstances herein, I concur in the findings and conclusions of the hearer and adopt his recommendation.

Accordingly, it is, on the 26th day of October 1959,

ORDERED that Plenary Retail Consumption License C-147, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Frances Primiterra, for premises 89 Garden Street, Hoboken, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m., Monday, November 2, 1959 and terminating at 2:00 a.m., Wednesday, December 2, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

8. STATE BEVERAGE DISTRIBUTOR'S LICENSE - OBJECTIONS TO TRANSFER HELD TO BE WITHOUT MERIT - TRANSFER TO BE GRANTED IF APPLICANT DISCONTINUES OTHER RETAIL BUSINESS ON ITS PREMISES.

In the Matter of Objections to the)	
Transfer of State Beverage Distributor's)	
License SBD-152 from)	
)	CONCLUSIONS
Beer Depot, Inc.)	
93 East 21st Street)	
Bayonne, N. J.,)	
)	
to)	
)	
M. Sinisi & Sons, Inc.)	
251 Montgomery Street)	
Bloomfield, N. J.)	

Joseph A. D'Alessio, Esq., Attorney for Applicant
George B. Welle, Esq., Attorney for Objector Town of Bloomfield
Leonard Brass, Esq., Attorney for Objector Essex County Retail Liquor
Stores Association
Thomas A. Byrne, Executive Secretary, Appearing for Objector New
Jersey Tavern Owners, Inc.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Written objections to the transfer of the license having been filed, a hearing was duly held thereon.

"On behalf of the Town of Bloomfield, there was introduced into evidence a copy of a resolution adopted by the Town Council on August 3, 1959, urging the Director to deny the application because the Town 'is adequately supplied with alcoholic beverage licenses and the granting of another license will exceed the maximum number heretofore fixed by Ordinance.' The letter of objection filed by the Essex County Retail Liquor Stores Association alleges, in substance, that there is no need for the transfer of the license because twenty-four limited retail distribution licenses have been issued in Bloomfield. New Jersey Tavern Owners Inc. filed a brief wherein it is contended that there is no need for the transfer of the license because, in addition to the licenses mentioned above, thirty-two plenary retail consumption and thirteen plenary retail distribution licenses have been issued in Bloomfield and the same objector presented petitions signed by about two hundred residents, in which petitions it is alleged that the existing licensed retail establishments are sufficient to supply the needs of the residents of Bloomfield.

"From the testimony herein it appears that the majority stockholder of Beer Depot, Inc. recently died and that said corporation has consented to the transfer of its license to M. Sinisi & Sons, Inc., which owns a one-story brick-and-cement building, with a floor area of 6,500 sq. feet, at 251 Montgomery Street, Bloomfield. It further appears that Beer Depot, Inc. never sold to consumers but sold only to 'taverns and package store licensees' and that it had about one hundred accounts, located principally in Hudson County or Passaic County. Michael Sinisi, Jr. (President of applicant corporation) testified that, if the transfer is granted, his corporation intends to continue the transferor's business 'plus the customers I get.' He further testified that his corporation now sells ice and soda to taverns and package stores and that it does not intend to sell beer to consumers. He agreed to accept the transfer subject to the condition that no sales of alcoholic beverages to consumers are to be permitted under the license.

"In considering the objections herein it must be borne in mind that the privileges of a State Beverage Distributor's license are statewide and, thus, the question of public necessity and convenience cannot be determined on the narrow basis of the single municipality in which the prospective licensee would have his principal office or warehouse. Re Variety Beers and Soda Distributors, Inc., Bulletin 1000, Item 2. Moreover, a municipal ordinance limiting the number of retail licenses in the municipality does not apply to State Beverage Distributors' licenses, which are issued and transferred by the Director.

"In view of the fact that applicant has consented to accept a transfer subject to the above mentioned condition, I would, ordinarily, recommend that the objections be held to be without merit and that the application for transfer be granted subject to said condition. However, applicant for some time past has engaged in the business of selling ice, coal and fuel oil at the building to which it seeks the transfer, and since April 1959 has engaged in the business of selling soda at said building. It also permits six different companies to store their trucks in said building. R. S. 33:1-11(2c) provides, among other things, that a State Beverage Distributor's license 'shall not be issued for premises in or upon which any retail business, except the sale of malt alcoholic beverages and non-alcoholic beverages, is carried on.' Applicant's attorney has indicated that his client intends to discontinue the storing of trucks for other companies if the transfer is granted. Further consideration of the section of the Act cited above leads me to conclude that the transfer may not be granted unless applicant also discontinues the business of selling ice, coal and fuel oil at the premises sought to be licensed. I recommend, therefore, that applicant be granted a reasonable time within which it may notify the Director, in writing, that it intends to discontinue the sale of ice, coal and fuel oil and the storing of trucks for others in its building at 251 Montgomery Street. If such notice is received, I recommend that the application be granted, subject to the condition that no sales of alcoholic beverages to consumers are to be permitted under the license, if and when the Director is satisfied that applicant has complied with said notice. If such notice is not received within the time fixed by the Director, I recommend that the application be denied."

Written exceptions to the Hearer's Report and written argument with respect thereto were filed with me on behalf of New Jersey Tavern Owners, Inc., an objector. There is no merit to the contention that the granting of the application herein would be contrary to the ruling in Re Bruno, Bulletin 1055, Item 9, wherein an application for transfer was denied. The cited case is clearly distinguishable from the present case wherein applicant has voluntarily agreed to accept a transfer, subject to the condition that no sales of alcoholic beverages to consumers

are to be permitted under the license. So far as retail licensees are concerned, the municipality wherein a State Beverage Distributor licensee operates his business subject to such a condition is immaterial.

After carefully considering all the circumstances, I adopt the conclusions of the Hearer as my conclusions herein. If the applicant notifies me, prior to January 1, 1960, that it has discontinued all retail business, except the sale of non-alcoholic beverages at its proposed licensed premises, I shall grant the application for transfer subject to the aforesaid condition and provided that the application is in proper form; otherwise, I shall deny the pending application.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: October 22, 1959

9. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

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CONCLUSIONS

and

ORDER

Garden State Tavern, Inc.
4705 Bergenline Ave.,
Union City, New Jersey,

Holder of Plenary Retail Consumption
License C-74, issued by the Board of
Commissioners of the City of Union
City.

Defendant-licensee, by Henry Bontemps, President
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Defendant pleaded guilty to the following charge:

"On September 4 and 9, 1959, you 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 Regulation No. 20."

On the afternoon of September 4, 1959, an ABC agent in defendant's premises handed Henry Bontemps (who was tending bar) the sum of six dollars as a two-dollar bet "across the board" on a horse running at Atlantic City and observed a patron hand the bartender a sum of money as a bet on another horse. The bartender left the bar and entered a phone booth. When the bartender returned to the bar he told the agent that "the bet is in."

On the afternoon of September 9, 1959, the same agent and another ABC agent entered defendant's premises with marked money. The first agent told Bontemps, who was tending bar, that he had a tip on a good horse. The bartender wrote on a slip of paper the name of the horse mentioned by the agent and the amount bet and accepted six dollars. Shortly thereafter the other agent told the bartender that he had a horse to play. The bartender wrote on a slip of paper the name of this horse and the amount bet and accepted four dollars. A third ABC agent and a member of the Union City Police Department then entered the premises and the latter placed Bontemps under arrest after finding a number of slips

containing notations of horse-race bets in a garbage can and the marked money in Bontemps' possession.

Defendant has no prior record. I shall suspend defendant's license for twenty-five days, the minimum penalty imposed for a violation of this nature where the licensee or his employees are involved. Re Maplewood Hotel, Inc., Bulletin 1302, Item 10. Five days will be remitted for the plea, leaving a net suspension of twenty days.

Accordingly, it is, on the 26th day of October, 1959,

ORDERED that plenary retail consumption license C-74, issued by the Board of Commissioners of the City of Union City to Garden State Tavern, Inc., for premises 4705 Bergenline Avenue, Union City, be and the same is hereby suspended for twenty(20) days, commencing at 3 a.m. Wednesday, November 4, 1959, and terminating at 3 a.m. Tuesday, November 24, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)	
)	
White Top Inn, Inc.)	
Route #28)	CONCLUSIONS
Branchburg Township)	
PO North Branch, N. J.)	AND
)	
Holder of Plenary Retail Consumption License C-6 issued by the Township Committee of the Township of Branchburg.)	ORDER
)	
-----)	

James F. McGovern, Jr., Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On August 29, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Patrick ---, age 18, Leo ---, age 18 and Joseph ---, age 20, and allowed permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

On Saturday, August 29, 1959 at about 10:40 p.m., an ABC agent at defendant's licensed premises observed Benjamin Thompson, one of two bartenders on duty, serve a bottle of beer to each of three males who appeared to be minors and accept payment for said bottles. Thereafter, each minor was observed consuming a portion of his beer. At about 10:45 p.m. aforesaid agent and another who joined him, identified themselves to the three young men and learned they were Patrick --- (age 18), Leo --- (age 18) and Joseph --- (age 20).

By way of mitigation, the attorney for the defendant has submitted a statement which I have carefully read together with the file in the case and the reports of the agents. I, however, do not find any extenuating circumstances in this case which would impel me to impose less than the established penalty in cases of this kind.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty days, the minimum penalty for a sale to three minors, all of whom are 18 years of age or over. Re Wolfe, Bulletin 1301, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 26th day of October 1959,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Branchburg to White Top Inn, Inc., for premises on Route #28, Branchburg Township, be and the same is hereby suspended for fifteen (15) days, commencing at 7:00 a.m., Wednesday, November 4, 1959 and terminating at 7:00 A.m., Thursday, November 19, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF REGULATION NO. 38 -
HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5
FOR PLEA.

In the Matter of Disciplinary)	
Proceedings against)	
George P. Clark)	CONCLUSIONS
800 Madison Street)	AND
Hoboken, New Jersey)	ORDER
Holder of Plenary Retail Consumption)	
License C-42, issued by the Municipal)	
Board of Alcoholic Beverage Control of)	
the City of Hoboken.)	

Peter Daghljan, Esq., Attorney for Defendant-licensee.		
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic		
Beverage Control.		

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On Sunday, September 20, 1959 at about 4:06 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, at retail, in their original containers for consumption off your licensed premises and allowed, permitted and suffered the removal of said alcoholic beverages in their original containers from your licensed premises; in violation of Rule 1 of State Regulation No. 38.
- "2. On Sunday, September 20, 1959, from about 4:10 P.M., until about 4:35 P.M. while Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey were conducting an investigation, inspection and examination at your licensed premises,

you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation, inspection and examination; in violation of R.S. 33:1-35."

Shortly after 4:00 p.m. Sunday, September 20, 1959, an ABC agent who was in defendant's premises purchased six cans of beer from Joe Lukas (a bartender). After the bartender placed the cans in a paper bag, the agent left with the bag and contacted another ABC agent who had remained outside. Both agents returned to the premises and identified themselves to the bartender. During the course of the subsequent investigation, defendant shouted at the agents and advised the bartender not to show them a copy of the license application which they had requested. Two members of the Hoboken Police Department came to the premises in response to a telephone call by the agents and the copy of the application was produced. As the agents were leaving the premises defendant attempted to take the beer from the agent who was carrying it. It is clear that defendant hindered, or at least failed to facilitate, the pending investigation.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days on Charge 1 (Re Gacos, Bulletin 1298, Item 10) and for ten days on Charge 2 (Re Paul's Tavern, Inc., Bulletin 1277, Item 12), making a total suspension of twenty-five days. Five days will be remitted for the plea, leaving a net suspension of twenty days.

Accordingly, it is, on this 26th day of October, 1959,

ORDERED that plenary retail consumption license C-42, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to George P. Clark, for premises 800 Madison Street, Hoboken, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Wednesday, November 4, 1959, and terminating at 2:00 a.m., Tuesday, November 24, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUS-
PENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Michael Contreras)
550 First Street)
Hoboken, New Jersey,)

CONCLUSIONS

and

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

ORDER

Maurice Gottlieb, Esq., Attorney for Defendant-licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On August 25, 28 and 29, 1959, you allowed, permitted and suffered gambling, viz., the making and accepting

of bets in a lottery commonly known as the 'numbers game', in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.

- "2. On August 25, 28 and 29, 1959, 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."

An ABC agent visited defendant's licensed premises on the dates alleged and on each occasion observed Michael Contreras (the licensee) and Emil Contreras (a bartender) accept "numbers" bets from various patrons. On his last visit aforesaid agent was accompanied by another agent, each of whom placed "numbers" bets with the licensee, paying him with "marked" single dollar-bills. As prearranged, local police accompanied by a third ABC agent came into the licensed premises and found a "numbers" slip and \$6.11 in the licensee's trouser pocket, twenty-eight "numbers" slips (including two slips prepared by the agents) in his coat pocket, and one of the "marked" bills in the cash register.

In a sworn, written statement the licensee admitted that he had accepted "numbers" bets from the agents on August 29 aforesaid, and that for the past several years he has been taken "numbers" bets in the licensed premises.

Defendant has a prior adjudicated record. The local issuing authority has suspended his license on two occasions: effective April 9, 1935, for thirty days for possessing alcoholic beverages not truly labeled, and effective December 13, 1953, for five days for an "hours" violation. Since these prior dissimilar violations occurred more than five years ago, they will not be considered in fixing the penalty herein. Re Schmoldt, Bulletin 1294, Item 6. Because of the magnitude of the operation I shall suspend the license for thirty-five days. Re Joe D's Blue Moon, Inc., Bulletin 1234, Item 1. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 27th day of October, 1959,

ORDERED that plenary retail consumption license C-46, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Michael Contreras, for premises 550 First Street, Hoboken, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Monday, November 9, 1959, and terminating at 2 a.m. Wednesday, December 9, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
 LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA,
 EFFECTIVE DATES TO BE FIXED BY FURTHER ORDER.

In the Matter of Disciplinary)
 Proceedings against)

Jack Rosenthal)
 t/a Casino Bar)
 Palisades Amus. Park)
 Fort Lee, N. J.)

CONCLUSIONS
 and
 ORDER

Holder of Plenary Retail Consumption)
 License C-34, issued by the Mayor and)
 Council of the Borough of Fort Lee.)

 Jacob Schneider, Esq., Attorney for Defendant-licensee
 William F. Wood, Esq., Appearing for Division of Alcoholic
 Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he pos-
 sessed on his licensed premises alcoholic beverages in bottles bearing
 labels which did not truly describe their contents, in violation of
 Rule 27 of State Regulation No. 20.

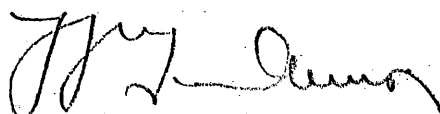
On September 1, 1959, an ABC agent tested defendant's open
 stock of liquor and seized a number of bottles for further tests by
 the Division's chemist. Subsequent analysis by the chemist disclosed
 that the contents of two of the seized bottles varied substantially in
 acids and solids when compared with genuine bottles of the same products.

Defendant has a prior record. Effective April 15, 1946, his li-
 cense was suspended by the local issuing authority for ten days for sales
 to minors and employing non-residents. However, since the violations
 occurred more than ten years ago, they will not be considered in fixing
 the penalty herein. I shall suspend defendant's license for fifteen
 days, the minimum penalty in cases involving two bottles. Re Cichowski,
 Bulletin 1295, Item 5. Five days will be remitted for the plea, leaving
 a net suspension of ten days.

Defendant's business is conducted on a seasonal basis and the
 premises are now closed. The effective dates for the suspension will
 be fixed by subsequent order which will be entered by me after the prem-
 ises shall have reopened for the 1960 season.

Accordingly, it is, on this 27th day of October, 1959,

ORDERED that plenary retail consumption license C-34, issued by
 the Mayor and Council of the Borough of Fort Lee to Jack Rosenthal, t/a
 Casino Bar, for premises at Palisades Amus. Park, Fort Lee, be and the
 same is hereby suspended for ten (10) days, the effective dates to be
 fixed by subsequent order as aforesaid.


 WILLIAM HOWE DAVIS
 Director.

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