

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

BULLETIN 1478

OCTOBER 15, 1962

TABLE OF CONTENTS

- ITEM
1. APPELLATE DECISIONS - ROSS v. HOBOKEN.
 2. DISCIPLINARY PROCEEDINGS (North Bergen) - SALE DURING PROHIBITED HOURS - HOSTESS ACTIVITY - SALE TO INTOXICATED PERSON - ACT OF VIOLENCE - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 95 DAYS, LESS 5 FOR PLEA.
 3. DISCIPLINARY PROCEEDINGS (Deerfield Twp.) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD OF PRINCIPAL STOCKHOLDER - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.
 4. DISQUALIFICATION REMOVAL PROCEEDINGS - INDECENT ENTERTAINMENT - FALSIFICATION OF APPLICATION FOR EMPLOYMENT PERMIT - GENERAL MISCONDUCT - PETITION DENIED.
 5. DISQUALIFICATION REMOVAL PROCEEDINGS - FAILURE TO OBTAIN FEDERAL GAMBLING TAX STAMP - DISQUALIFICATION REMOVED.
 6. DISCIPLINARY PROCEEDINGS (Millville) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
 7. DISCIPLINARY PROCEEDINGS (Montclair) - SALE BELOW FILED PRICE - TRANSPORTATION WITHOUT INVOICE - ACCEPTANCE OF ORDER OFF LICENSED PREMISES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
 8. DISCIPLINARY PROCEEDINGS (Trenton) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
 9. DISCIPLINARY PROCEEDINGS (Point Pleasant) - SALE TO A MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
 10. DISCIPLINARY PROCEEDINGS (Camden) - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
 11. DISCIPLINARY PROCEEDINGS (Paterson) - ORDER REIMPOSING BALANCE OF SUSPENSION AFTER DISMISSAL OF APPEAL TO APPELLATE DIVISION.
 12. DISCIPLINARY PROCEEDINGS (Wall Twp.) - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
 13. STATE LICENSES - NEW APPLICATION FILED.

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

BULLETIN 1478

OCTOBER 15, 1962

1. APPELLATE DECISIONS - ROSS v. HOBOKEN.

Patrick W. Ross,)	
)	
Appellant,)	On Appeal
)	
v.)	CONCLUSIONS and ORDER
)	
Municipal Board of Alcoholic)	
Beverage Control of the City)	
of Hoboken,)	
)	
Respondent.)	

James F. McGovern, Jr., Esq., Attorney for Appellant.
Robert F. McAlevy, Jr., Esq., by Dudley A. Schlosser, Esq.,
Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from respondent's action on May 9, 1962, whereby it revoked, effective immediately, appellant's license C-169 (for 1961-62 licensing term) issued for premises at 116 Hudson Street, Hoboken.

"When the petition of appeal herein was filed, the Director entered an order on May 14, 1962, denying a stay of respondent's order of revocation pending determination of the appeal. R.S. 33: 1-31.

"The following charges were preferred against the appellant:

- (1) That on August 3, 1961, at about 9:30 P.M., James Tuzzo was assaulted in Trixie's Tavern, located at 116 Hudson Street, Hoboken, New Jersey, by two men, one of whom was the licensee of the said licensed premises, Patrick W. Ross. The said James Tuzzo received personal injuries and was treated at St. Mary's Hospital, Hoboken, New Jersey, by Dr. Sapuccio and Dr. Bencomo, Jr., for lacerations of the head and face requiring 36 stitches.
- (2) That on January 1, 1962, at about 12:05 P.M., Gregorio Torres was assaulted in Trixie's Tavern, located at 116 Hudson Street, Hoboken, New Jersey by Patrick W. Ross, the licensee of the said licensed premises, and the said licensee, Patrick W. Ross and others on the premises at the aforesaid time engaged and suffered in loud, foul, profane, obscene, filthy and indecent language. The said Gregorio Torres received personal injuries and was treated at St. Mary's Hospital, Hoboken, New Jersey, by Dr. Sapuccio for a deep laceration of the left inside of head requiring seven stitches, hematoma of right eye and a laceration of right eye requiring eight stitches, laceration of lip requiring one stitch and a possible fracture of the skull.

- (3) That on January 21, 1962, at about 2:00 A.M., the said licensee, Patrick W. Ross, through his agent, William McGrath, bartender, at the licensed premises, 116 Hudson Street, Hoboken, New Jersey, did allow, permit, suffer in and upon the licensed premises a brawl, act of violence, disturbance or unnecessary noise, loud, profane, foul, filthy, obscene and indecent language, and that certain persons were assaulted by bats and bottles and received personal injuries, namely: John Caruso, Jr., who received lacerations about the face requiring hospital treatment, Anthony N. Ciccolella, who was hit across the chest with an unknown object, Martin De Acutis, who received a laceration of the left eye requiring three stitches and other medical and hospital treatment, Louis De Franzo, who received head injury, laceration of right side of cheek requiring three stitches and multiple lacerations on the right and left side of the face and received treatment at St. Mary's hospital, Hoboken, New Jersey, by Dr. Donosko, Joseph Torino struck on the top of his head and was treated for a laceration on the top of the head requiring eight stitches at St. Mary's Hospital, Hoboken, New Jersey.

ALL OF THE ABOVE CHARGES constituted and permitted the licensed premises to become a nuisance, in violation of Rule 5, State Regulation No. 20 ***.

"Respondent, after a hearing in the matter, found appellant not guilty of Charge 1 and guilty of Charges 2 and 3.

"As to Charge 2: It appears from the testimony of Gregorio Torres that at approximately 12:30 p.m. on January 1, 1962, he visited appellant's licensed premises; that, after ordering a drink from William Platero (the bartender), in response to his inquiry of Platero as to the location of the bathroom he walked to the rear of the premises, which was dark at the time, and, upon opening a door, he found the room was occupied by a lady; that, as he came out of the door of the room, appellant attacked him, striking him in the face and knocking him down; that he was 'knocked out' and had no further recollection of the incident excepting that a police officer awakened him and then he was taken to the hospital; that, as a result of his injuries, he received sixteen stitches (eight on the right eye, seven on the head and one on the lip) and that 'I feel sore in my face. I no can see.' During cross examination Torres testified that he did not try to molest the lady.

"Officer Alfred Bogert, of the Hoboken Police Department, testified that he received a radio call to go to appellant's premises arriving there 'about 12:05 or 12:07, noon hour;' that, when he entered, he found Torres, who was bleeding, lying on the floor; that appellant told him that he had hit him with a bat because he went into the ladies' room; that 'I went out in the radio car and summoned the ambulance and Detective Bureau and took Mr. Torres to the hospital;' that Torres' 'whole head was bleeding, back of head, the eye, the nose.' During cross examination Officer Bogert testified that he was told by appellant that Torres 'tried to assault a girl in the women's room;' that the licensed premises was 'very dark' at the time.

"Officer John Vollkommer testified that he entered appellant's premises with Officer Bogert and observed 'a fellow (Torres) lying down in the back near the bandstand, bleeding from his face and his head;' that he conversed with appellant who 'told me that he went in the men's room, which is directly opposite the ladies' room by a partition wall, and he said he heard a commotion in the ladies' room and he come out of the men's room, pushed the door

open to the ladies' room and saw Mr. Torres--there was a woman sitting on the bowl and Mr. Torres in the room with this woman, and he said he struck Mr. Torres and they went outside in the bar and he struck him a number of times; that the woman ran out and that appellant stated 'he got excited' and said 'I saw that black bastard in the room and I hit him, I hit him. I kept hitting him, and he fell down.' During cross examination Officer Vollkommer testified that appellant demonstrated with his arm the manner in which he struck Torres; that appellant stated that the door was locked so that it was necessary to push it in.

"As to Charge 3: Officer Patrick Donatacci testified that at 1:55 a.m. he and Officer Romano were told by an unidentified person that a fight was in progress at appellant's licensed premises; that 'When we arrived at the place, the door was closed. We went in, and there was a fight going on, a number of individuals involved in a fight. We called out for them to stop. They did not adhere to the order and we had to use necessary force to stop the fight;' that the place was dimly lit and there were 'thirty, thirty-five people', about eight or ten were engaged in the brawl; that the bartender (William McGrath) was in the midst of it; that he could not say whether the bartender was attempting to stop the fight which lasted, before being brought under control, for 'three, four, five minutes;' that he 'found a club on the floor blood splattered, and one behind the bar.'

"Officer Anthony Romano testified that, when alerted by a stranger about a fight in appellant's tavern, he and Officer Donatacci ran over to the place and 'When we opened the door, there was two people lying on the floor and the rest were all fighting, pushing or fighting. Almost everyone seemed to be involved;' that he and his fellow officer 'had to use necessary force to break up the fight;' that several of the participants in the brawl needed medical attention; that the bartender 'was in the middle of it and I don't know whether he was trying to break it up or helping it, but he didn't appear to be striking anyone.'

"William McGrath testified that on January 21, 1962, he was on duty as bartender when, about 1:55 or 1:50 a.m. 'A group of guys walked in, walked down to the end of the bar. I was at the other end serving customers, and the fight started at the other end;' that he sent someone out to call the police and then he ran down to try to stop the fight by trying to separate them; that Officers Donatacci and Romano came in and stopped the brawl.

"Patrick W. Ross (appellant herein) testified that he was not present on January 21, 1962, when the fight took place, but described the incident which happened on New Year's afternoon thusly: 'I went into the men's room and I heard some scuffling next door in the women's room and I heard a woman starting to holler. I went out and tried the door; the door was locked. I reached up on top of the door. There was a crack in it. I put my hands in there and pulled the door open. So when I pulled the door open, Torres came at me, one hand in his back pocket. I batted him with my fist, he came back, he came at me again. We struggled outside, I hit him, he hit me, fell against the radiator, he got up, we tussled around;' that he then called the police and, when they arrived, he related to them what had happened.

"During the hearing it was brought out that, some time after the incident on January 1, 1962, a woman who was waiting on customers at a nearby confectionery store advised the licensee that she was the person involved in the incident with Torres on New Year's afternoon. However, when questioned by the detectives at police headquarters she retracted her previous assertion and admitted that she was not the

woman in question. Inasmuch as this incident happened subsequent to the January 1, 1962, occurrence and was neither made part of the said charge nor a separate charge, it appears immaterial to the matter under consideration and will, therefore, be disregarded.

"It is apparent from the evidence presented herein that the appellant's premises were conducted in an improper manner. The attack made by the appellant on Torres, in which Torres suffered painful and serious injuries, appears from the evidence to be certainly unwarranted. Furthermore, the brawl on January 21, 1962, obviously discloses that proper management and control of the licensed premises were lacking. Such conditions as disclosed by the record in this case constitute a nuisance and, as such, are a clear violation of Rule 5 of State Regulation No. 20, as alleged in the charges. Not only to permit but to contribute to such carryings-on by a licensee or his employees is detrimental to the public welfare and exposes innocent members of the public to be adversely affected.

"In Benedetti v. Trenton, Bulletin 1040, Item 1, the question of an issuing authority's power to impose penalties and the severity thereof was fully discussed by the Director, wherein he said:

"In the exercise of that power the legislature invested the issuing authority (respondent) with the power to suspend or revoke licenses, after hearing, for certain enumerated violations including violation of the law or of state or local regulation. R.S. 33:1-31. The extent of respondent's power and authority in this regard was reviewed in Porton v. Roselle, supra, as follows:

"The penalty to be imposed in disciplinary proceedings instituted by a local issuing authority rests within its sound discretion, in the first instance, and the power of the Director to reduce it on appeal should be exercised only where such penalty is manifestly unreasonable and clearly excessive. Santore v. West New York, Bulletin 958, Item 2; Ebony Corporation et al. v. Trenton, Bulletin 958, Item 1; Dzieman v. Paterson, Bulletin 233, Item 10. The mere fact that the Director may have imposed a lesser penalty in a somewhat similar case instituted at the Division does not preclude the local issuing authority from imposing a more severe penalty, in a proceeding instituted locally, within the limits of sound discretion. Ruoff v. Gloucester, Bulletin 749, Item 1. Penalties may vary in different municipalities and according to the circumstances surrounding the offenses. Pawelek v. Sayreville, Bulletin 456, Item 10. The fact that a penalty is severe does not, of itself, justify reduction on appeal. Ebony Corporation et al. v. Trenton, supra; Creston Holding Co. v. Belleville, Bulletin 544, Item 2. Neither does the fact that it is a licensee's first offense preclude revocation. Santore v. West New York, supra; McGuire v. Hoboken, Bulletin 550, Item 3; Wellens v. Passaic, Bulletin 134, Item 4."

"Under the circumstances, after careful examination of all the evidence and the exhibits produced herein, I am satisfied that the appellant is guilty of the two charges, namely, on January 1, 1962, and January 21, 1962, respectively, and that respondent's revocation of appellant's license was not unreasonable nor did it constitute an abuse of its discretionary authority, which would warrant a reversal of its action. I, therefore, recommend that the action of respondent be affirmed, and that the appeal herein be dismissed."

Having carefully considered the entire record herein, including the exhibits, the Hearer's Report and exceptions and answer thereto, I concur in the conclusions of the Hearer and adopt them as my conclusions herein.

ORDERED that the action of respondent be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed.

2. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS -
HOSTESS ACTIVITY - SALE TO INTOXICATED PERSON - ACT OF VIOLENCE -
HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 95 DAYS, LESS
5 FOR PLEA.

Holder of Plenary Retail Consumption License C-18, issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen.

ORDER

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

Licensesee pleads non vult to charges alleging that on August 4, 1962, she (1) sold alcoholic beverages and (2) failed to afford interior view of the premises after 3 A.M., in violation of municipal regulation, (3) permitted a female entertainer to accept drinks at the expense of patrons, in violation of Rule 22 of State Regulation No. 20, (4) sold drinks of alcoholic beverages to an intoxicated patron, in violation of Rule 1 of State Regulation No. 20, (5) permitted an act of violence, viz., the punching by a bartender of an ABC agent, in violation of Rule 5 of State Regulation No. 20, and (6) hindered an investigation, viz., the refusal by the bartender to identify himself or other employees, in violation of R.S. 33:1-35.

Absent prior record, the license will be suspended on the first and second charges for twenty days (Re Blakjak, Inc., Bulletin 1447, Item 6), on the third charge for twenty days (Re Pad-dock International, Bulletin 1429, Item 2), on the fourth charge for twenty days (Re Hub Bar, Bulletin 1423, Item 5), on the fifth charge for twenty-five days (Re 500 Communipaw Tavern, Bulletin 1440, Item 5) and on the sixth charge for ten days (cf. Re Schmoltdt, Bulletin 1294, Item 6), or a total of ninety-five days, with remission of five days for the plea entered, leaving a net suspension of ninety days.

Accordingly, it is, on this 30th day of August, 1962,

ORDERED that Plenary Retail Consumption License C-18, issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen to Norma Elliott, t/a Diplomat Lounge, for premises 7407 Bergenline Avenue, North Bergen, be and the same is hereby suspended for ninety (90) days, commencing at 3:00 A.M. Thursday, September 6, 1962, and terminating at 3:00 A.M. Wednesday, December 5, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD OF PRINCIPAL STOCKHOLDER - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Melchiorre, Inc.
t/a Bop-City
South side of Landis Avenue,
1 mile east of Garton Road
Deerfield Township
PO RD #6, Bridgeton, N. J.

CONCLUSIONS

AND

ORDER

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

Addonizio, Sisselman, Nitti & Gordon, Esqs., by G. George Addonizio, Esq., Attorneys for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 3, 1962, it possessed alcoholic beverages in twenty bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Although licensee itself has no previous record of suspension of license, Division records disclose that the license of Fay LoBiondo and Eugene Melchiorre (the latter being 98% stockholder and secretary and treasurer of the corporate licensee in this proceeding) for premises north side Harding Highway, Hamilton Township, Atlantic County, was suspended by the municipal issuing authority for ten days, effective March 20, 1958, for sale of alcoholic beverages to minors.

The prior record considered, the license will be suspended for sixty-five days with remission of five days for the plea entered, leaving a net suspension of sixty days. Cf. Re Czerminski, Bulletin 1298, Item 2.

Accordingly, it is, on this 6th day of September, 1962,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Committee of the Township of Deerfield to Melchiorre, Inc., t/a Bop-City, for premises south side of Landis Avenue, 1 mile east of Garton Road, Deerfield Township, be and the same is hereby suspended for sixty (60) days, commencing at 2:00 A.M. Monday, September 10, 1962, and terminating at 2:00 A.M. Friday, November 9, 1962.

WILLIAM HOWE DAVIS

4. DISQUALIFICATION REMOVAL PROCEEDINGS - INDECENT ENTERTAINMENT -
FALSIFICATION OF APPLICATION FOR EMPLOYMENT PERMIT - GENERAL
MISCONDUCT - PETITION DENIED.

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

CONCLUSIONS

AND

Case No. 1710.)

ORDER

BY THE DIRECTOR:

Petitioner's criminal record discloses that on January 30, 1948, he was convicted in a county court at Philadelphia of the crime of giving and participating in an exhibition of an indecent and immoral nature and character and was sentenced to serve one year in the Philadelphia County Prison (on June 21, 1948 sentence reconsidered and discharged and place on probation for one year); that in September 1944, October 1944, January 1946 and May 1947, he was convicted in Philadelphia for offenses similar to his conviction on January 30, 1948; that on October 28, 1952, following a conviction in a county court in Pennsylvania on charge of unlawful theatrical entertainment, he was fined \$250 and sentenced to serve one month to one year in the Bucks County Prison, from which institution he was paroled on November 26, 1952; that on January 12, 1953, he pleaded non vult in the Camden County Court on a charge of lewdness and indecent performance and was sentenced to serve three months in the Camden County jail, fined \$500 and placed on probation for five years; that on October 14, 1954, he was fined \$20 in Baltimore for conducting a disorderly house and show; and on September 23, 1956, he was fined \$10 (or serve ten days in jail) for failing to register as a criminal with the police department of Miami Beach.

The records of this Division disclose that on November 1, 1949, the then Director of the Division ruled that the crime of which petitioner was convicted on January 30, 1948 was a crime involving moral turpitude. Bulletin 859, Item 7. In my opinion, his subsequent convictions on October 28, 1952 and January 12, 1953, being of a similar nature, involve that element. Hence, the petitioner is precluded from engaging in the alcoholic beverage industry in this state until his disqualification is removed. R.S. 33:1-25, 26.

At the hearing held herein, petitioner (57 years old) testified that he has resided at his present address (in another state) for twenty years; that for the past thirty years, he has been an entertainer; that he is married and living with his wife; that prior to 1961, he worked in Florida for nine years; that more recently he has performed in various night clubs in New England and Philadelphia; that between 1944 and 1948, he was convicted in Philadelphia about eight times for giving indecent performances; that on October 1, 1946, he had obtained an employment permit from the Division; that on October 25, 1946, his permit was cancelled because he had given an indecent performance in a licensed premises at Pennsauken and that, prior to obtaining the permit, he had worked at these premises for three weeks.

Petitioner further testified that on June 23, 1949, he had obtained a second employment permit from the Division under a fictitious name; that in his application for the same, he denied that he had been convicted of any crime; that he had considered his convictions as convictions of misdemeanors and not crimes; that his second permit was revoked on November 1, 1949; that in 1953 (correct date February 6 and February 7, 1952) he performed without an employment permit at a licensed premises in Somerdale; that on February 7, 1952,

he gave a sworn, written statement to agents of the Division in which he stated that subsequent to November 1, 1949 he had also performed in licensed premises in Union City; that he had never worked in these premises; that "I lied to one of your men"; and that he knew it was a violation of the rules of the Division for him to work in licensed premises in this state without obtaining an employment permit.

Petitioner further testified that he is asking for the removal of his disqualification to be free to work in licensed premises in this state and that ever since his arrest in September 23, 1956, he has not been convicted of any crime or arrested.

The police department of the municipality wherein petitioner resides reports that there are no complaints or investigations presently pending against the petitioner.

The petitioner produced three character witnesses (a school teacher, a professor at an university and a motion picture film dispatcher) who testified that they have known petitioner for more than five years last past and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

Although more than five years have elapsed since his last conviction of crime, I am not satisfied, after considering the nature and number of his convictions, his apparent disregard for truth or veracity and his deliberate violation of the rules and regulations of the Division, that his association with the alcoholic beverage industry in this state will not be contrary to the public interest. The mere fact that the petitioner has not been convicted of a crime within the past five years does not automatically entitle him to relief. In the exercise of my discretion, I shall therefore deny the petition for removal of his disqualification filed herein.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: August 28, 1962

5. DISQUALIFICATION REMOVAL PROCEEDINGS - FAILURE TO OBTAIN
FEDERAL GAMBLING TAX STAMP - DISQUALIFICATION REMOVED.

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

CONCLUSIONS

AND

Case No. 1711)
-----)

ORDER

Jack I. Doppelt, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

Petitioner's criminal record discloses that on February 25, 1955, he was fined \$50 and \$5 costs under the Disorderly Persons Act (unable to give a good account of himself); that on May 17, 1956, following a conviction in the U. S. District Court for willful failure to pay occupational tax (federal gambling stamp), willful neglect to display occupational stamp, willful failure to register and willful failure to keep records, he was sentenced to serve one year in the Federal Correctional Institution at Danbury, Conn. (discharged March 4, 1957) and fined \$1,000.00; and that on August 14, 1957, he was convicted in the Salem County

Court on a charge of bookmaking and was sentenced to serve one to three years in New Jersey State Prison (sentence suspended) and fined \$2500.00.

Commercialized gambling may or may not involve moral turpitude. Re Case No. 1018, Bulletin 956, Item 7. Where one is a principal or lieutenant in commercialized gambling, particularly where gambling is conducted on a large scale, it has been held that such gambling involves the element of moral turpitude. Re Case No. 667, Bulletin 1093, Item 7. With reference to petitioner's conviction on August 14, 1957, it appears that he was engaged in bookmaking on his own behalf. Since petitioner was convicted as a principal, said conviction involves the element of moral turpitude and he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this state. R.S. 33:1-25, 26. In my opinion, petitioner's conviction on May 17, 1956 likewise involves that element.

At the hearing held herein, petitioner (63 years old) testified that for the past thirty-five years he has resided at his present address; that for the past five years he has been supported by his two sons; that his sons are the owners of a tavern and that they have offered him an opportunity to work in their licensed premises.

Petitioner further testified that he is asking for the removal of his disqualification to be free to work in the aforesaid licensed premises and that ever since his conviction on August 14, 1957, he has not been convicted of any crime or arrested.

The police department of the municipality wherein petitioner resides reports that there are no complaints or investigations presently pending against the petitioner.

The petitioner produced three character witnesses (two retired chemical workers and a retired railroad conductor) who testified that they have known petitioner between thirty and forty years and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

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

Accordingly, it is, on this 29th day of August, 1962,

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

WILLIAM HOWE DAVIS
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
 LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
 Proceedings against

Nolan, Inc.
 t/a Nolan's
 500 S. Second Street
 Millville, New Jersey,

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption
 License C-6, issued by the Board of
 Commissioners of the City of Millville.)
 -----)

Licensee, by Marie Nolan Strack, Secretary-Treasurer, Pro se.
 David S. Piltzer, Esq., Appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
 July 12, 1962, it possessed alcoholic beverages in three bottles
 bearing labels which did not truly describe their contents, in
 violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
 twenty days, with remission of five days for the plea entered,
 leaving a net suspension of fifteen days. Re Frankie Burns, Inc.,
 Bulletin 1461, Item 7.

Accordingly, it is, on this 30th day of August 1962,

ORDERED that plenary retail consumption license C-6,
 issued by the Board of Commissioners of the City of Millville
 to Nolan, Inc., t/a Nolan's, for premises 500 S. Second Street,
 Millville, be and the same is hereby suspended for fifteen (15)
 days, commencing at 1 a.m. Thursday, September 6, 1962, and ter-
 minating at 1 a.m. Friday, September 21, 1962.

WILLIAM HOWE DAVIS
 DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - TRANSPORTATION WITHOUT INVOICE - ACCEPTANCE OF ORDER OFF LICENSED PREMISES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Montclair Food Co., Inc.
517 Bloomfield Avenue
Montclair, New Jersey,

Holder of Plenary Retail Distribution License D-11, issued by the Board of Commissioners of the Town of Montclair.

CONCLUSIONS

AND

ORDER

Licensee, by George J. Chase, President, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to charges alleging that on June 27, 1962, it (1) sold five quart bottles of whiskey and one case of beer below filed price, in violation of Rule 5 of State Regulation No. 30, (2) transported these alcoholic beverages without requisite accompanying bona fide delivery slip or invoice, in violation of Rule 3 of State Regulation No. 17, and (3) accepted the order for such beverages off its licensed premises, viz., at the home of its manager, in violation of R.S. 33:1-2.

Licensee has a record of two previous suspensions of license by the Director -- (1) for five days effective January 6, 1947, for sale below minimum consumer price (Re Montclair Food Co., Inc., Bulletin 744, Item 9) and (2) for fifteen days effective June 28, 1949, for a similar violation (Re Montclair Food Company, Inc., Bulletin 847, Item 10). Since these similar violations occurred more than ten years ago, they will not be considered in fixing the penalty herein.

Under all of the circumstances, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Cf. Re DiBenedetto and Iuspa, Bulletin 1223, Item 5, and cases cited therein.

Accordingly, it is, on this 30th day of August 1962,

ORDERED that plenary retail distribution license D-11, issued by the Board of Commissioners of the Town of Montclair to Montclair Food Co., Inc., for premises 517 Bloomfield Avenue, Montclair, be and the same is hereby suspended for twenty (20) days, commencing at 9 a.m. Thursday, September 6, 1962, and terminating at 9 a.m. Wednesday, September 26, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
 LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

Voacolo Holding Corp.)
 t/a Vogel's Cafe)
 30-32 East Front Street)
 Trenton 10, N. J.)

CONCLUSIONS

AND

Holder of Plenary Retail Consump-)
 tion License C-171, issued by the)
 Board of Commissioners of the)
 City of Trenton.)

ORDER

 Mario H. Volpe, Esq., Attorney for Licensee.
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
 July 13, 1962, it possessed alcoholic beverages in three bottles
 bearing labels which did not truly describe their contents, in
 violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
 twenty days, with remission of five days for the plea entered,
 leaving a net suspension of fifteen days. Re Frankie Burns, Inc.,
 Bulletin 1461, Item 7.

Accordingly, it is, on this 30th day of August, 1962,

ORDERED that Plenary Retail Consumption License C-171,
 issued by the Board of Commissioners of the City of Trenton to
 Voacolo Holding Corp., t/a Vogel's Cafe, for premises 30-32 East
 Front Street, Trenton, be and the same is hereby suspended for
 fifteen (15) days, commencing at 2:00 A.M. Thursday, September 6,
 1962, and terminating at 2:00 A.M. Friday, September 21, 1962.

WILLIAM HOWE DAVIS
 DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Flip Corporation, Inc.
t/a Idle Hour
s/w corner of Barton Avenue
and Route #88
Point Pleasant, New Jersey

Holder of Plenary Retail Consump-
tion License C-5, issued by the
Mayor and Council of the Borough
of Point Pleasant.

CONCLUSIONS

AND

ORDER

Novins & O'Connor, Esqs., Attorneys for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 28, 1962, it sold a bottle of beer for on-premises consumption and fifteen quart bottles of beer for off-premises consumption to a 20-year-old minor, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Britton, Bulletin 1451, Item 11.

Accordingly, it is, on this 4th day of September, 1962,

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Point Pleasant to Flip Corporation, Inc., t/a Idle Hour, for premises southwest corner of Barton Avenue and Route #88, Point Pleasant, be and the same is hereby suspended for five (5) days, commencing at 2:00 A.M. Monday, September 10, 1962, and terminating at 2:00 A.M. Saturday, September 15, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION -
 LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
 Proceedings against

Peter and Mikolaj Miskiewicz
 t/a Mike's Cafe
 1598 Mt. Ephraim Ave.
 Camden 2, New Jersey

CONCLUSIONS

AND

Holders of Plenary Retail Consump-
 tion License C-67, issued by the
 Municipal Board of Alcoholic
 Beverage Control of the City of
 Camden.

ORDER

Robert Wilinski, Esq., Attorney for Licensees.
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on July 31, 1962, they hindered and failed to facilitate an investigation and inspection of the licensed premises, viz., the bartender acquiescing in the "theft" by a patron of suspected bottles of whiskey detained by an ABC agent as evidence, in violation of R.S. 33:1-35.

Licensees have a previous record of suspension of license by the Director for thirty days, effective July 16, 1957, for sale to minors. Re Miskiewicz, Bulletin 1183, Item 4.

The prior record of dissimilar violation being disregarded because occurring more than five years before the instant violation, the license will be suspended for ten days (Re Escovitch, Bulletin 1329, Item 5), with remission of five days for the plea entered, leaving a net suspension of five days.

Accordingly, it is, on this 4th day of September, 1962,

ORDERED that Plenary Retail Consumption License C-67, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Peter and Mikolaj Miskiewicz, t/a Mike's Cafe, for premises 1598 Mt. Ephraim Avenue, Camden, be and the same is hereby suspended for five (5) days, commencing at 7:00 A.M. Monday, September 10, 1962, and terminating at 7:00 A.M. Saturday, September 15, 1962.

WILLIAM HOWE DAVIS
 DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ORDER REIMPOSING BALANCE OF
SUSPENSION AFTER DISMISSAL OF APPEAL TO APPELLATE DIVISION.In the Matter of Disciplinary)
Proceedings against)

Vincent A. Lippi)

t/a The Casino)

6 Bank Street)

Paterson 6, New Jersey,)

O R D E R

Holder of Plenary Retail Consumption)
License C-124, issued by the Board)
of Alcoholic Beverage Control for)
the City of Paterson.)

BY THE DIRECTOR:

On May 2, 1962, I suspended the license herein for fifty days commencing May 9, 1962 (Bulletin 1456, Item 3).

Upon appeal to the Superior Court, Appellate Division, the court, on May 10, 1962, after one day of the suspension had been served, entered an order staying the balance of the suspension pending the outcome of the appeal.

An order of dismissal of the appeal having been filed for failure to prosecute the appeal, an order to reimpose the balance of the suspension may now be entered.

Accordingly, it is, on this 10th day of September, 1962,

ORDERED that the aforesaid forty-nine-day balance of the suspension be and hereby is reimposed against plenary retail consumption license C-124, issued to Vincent A. Lippi, t/a The Casino, for premises 6 Bank Street, Paterson, commencing at 3 a.m. Monday, September 17, 1962, and terminating at 3 a.m. Monday, November 5, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Thomas F. Seery
t/a Buddy's Blinker Inn
E/s Route 35, Meeting House Road
Wall Township
PO Box 764, Manasquan, N. J.

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consump-
tion License C-4, issued by the
Township Committee of Wall
Township.

Robert W. Wolfe, Esq., Attorney for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 23, 1962, he sold ten quart containers of beer to an 18-year-old minor, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Lark's Liquor Store, Inc., Bulletin 1467, Item 5.

Accordingly, it is, on this 11th day of September, 1962,

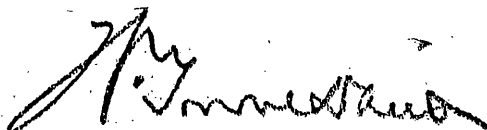
ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of Wall Township to Thomas F. Seery, t/a Buddy's Blinker Inn, for premises east side Route 35, Meeting House Road, Wall Township, be and the same is hereby suspended for ten (10) days, commencing at 2:00 A.M. Tuesday, September 18, 1962, and terminating at 2:00 A.M. Friday, September 28, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

13. STATE LICENSES - NEW APPLICATION FILED.

Palace Beverages, Inc.
Laurel and Chews Landing Roads
Lindenwold, N. J.

Application filed October 11, 1962 for person-to-person, place-to-place transfer of State Beverage Distributor's License SBD-121 from Joseph and A. Sylvia M. Makuszewski and Venieslaus W. and Mary L. Klepka, t/a V. J. Beverage Distributors 1144 and rear of 1146 Sycamore Street Camden, N. J.



William Howe Davis
Director

New Jersey State Library