

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

BULLETIN 1822

October 24, 1968

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

BULLETIN 1822

October 24, 1968

1. COURT DECISIONS - MILLIE and PAUL'S CORPORATION v.  
HAMPTON and DIVISION OF ALCOHOLIC BEVERAGE CONTROL -  
DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-172-67

MILLIE & PAUL'S CORPORATION,

Appellant,

vs.

TOWNSHIP OF HAMPTON, a municipal  
corporation, and DIVISION OF  
ALCOHOLIC BEVERAGE CONTROL,

Respondents.

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Argued May 6, 1968 -- Decided September 30, 1968.

Before Judges Conford, Collester and Labrecque.

On appeal from the Department of Law and Public Safety,  
Division of Alcoholic Beverage Control.

Mr. Frank G. Schlosser argued the cause for appellant  
(Messrs. Van Blarcom, Silverman & Weber, attorneys).

Mr. Sanford Lloyd Hollander argued the cause for  
respondent Township of Hampton (Messrs. Trapasso,  
Dolan & Hollander, attorneys).

Mr. Arthur J. Sills, Attorney General, filed a  
statement in lieu of brief on behalf of respondent  
Division of Alcoholic Beverage Control (Mr. Victor  
Librizzi, Jr., Deputy Attorney General, of counsel).

PER CURIAM

(Appeal from Director's decision in Millie & Paul's  
Corporation v. Hampton, Bulletin 1758, Item 1. Director  
affirmed. Opinion not approved for publication by the Court  
committee on opinions.)

2. APPELLATE DECISIONS - JACK'S CENTER BAR & LIQUORS, INC.  
v. WANTAGE.

JACK'S CENTER BAR & LIQUORS,  
INC.

Appellant,

v.

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WANTAGE,

Respondent.

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ON APPEAL  
ORDER

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James J. Armstrong, Jr., Esq., Attorney for Appellant  
Robert H. Lee, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from the denial on May 9, 1968 by respondent of transfer of a plenary retail consumption license from John and Mary Westhoff, t/a Jack & Mary's Bar & Grill, and from those premises on Route 23 to premises in the Sussex Shopping Center on Route 23, Wantage Township.

Prior to hearing, appellant's attorney advised me that the appeal was withdrawn.

Accordingly, it is, on this 19th day of September 1968,

ORDERED that the appeal herein be and the same is hereby dismissed.

JOSEPH M. KEEGAN  
DIRECTOR

## 3. APPELLATE DECISIONS - VENTO, INC. v. LONG BRANCH.

VENTO, INC., t/a THE SUN	)	
AND SHORE,	)	
	)	ON APPEAL
Appellant,	)	CONCLUSIONS
	)	AND ORDER
v.	)	
	)	
CITY COUNCIL OF THE CITY	)	
OF LONG BRANCH,	)	
	)	
Respondent.	)	

-----  
 Norman Fischbein, Esq., Attorney for Appellant  
 Julius J. Golden, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the unanimous action of respondent City Council whereby it denied appellant's application for a plenary retail consumption license for a motel located at 2 North Bath Avenue, Long Branch.

Appellant's petition of appeal alleges that respondent's action was unreasonable, capricious and without foundation either in law or fact.

Respondent's answer denies the aforesaid allegations and contends that good cause existed for its action in refusing to approve the application for the license.

The reasons given by respondent as a basis for its action were stated as the contents of the Director's letter to respondent dated March 5, 1968, and the copies of reports of ABC agents dated March 17, 1967 and June 7, 1967, enclosed therewith.

The letter dated March 5, 1968 referred to the disqualification of Vincent John Rao to be associated with the alcoholic beverage industry in New Jersey, and the agents' reports disclose the results of an investigation of Vento, Inc. whose license was cancelled by order of the Director on March 5, 1968. Re Vento, Inc., Bulletin 1789, Item 6. The letter mentioned that, in the event an application was again filed by Vento, Inc. for a liquor license, "Any such application should receive your careful investigation and consideration. In this connection, see the case of Florence Methodist Church v. Township Committee of Florence Township, 38 N.J. Super. 85 (App. Div. 1955), reprinted in Division Bulletin 1089, Item 1, copy enclosed."

The agents' reports, in pertinent part, disclose that they spoke to Vincent John Rao who had been referred to them as

"the boss", who informed them that the said premises were purchased by Birdie Realty Corp. The corporation records were on the licensed premises, and an examination thereof disclosed stockholders of Birdie Realty Corp. to be James Pancaldo (also vice president thereof), Liboria Pancaldo, Nina Vento, and Millie Rao, secretary and treasurer. Examination of the records also disclosed that the sole stockholders and officers of Vento, Inc. were James Pancaldo, president; Liboria Pancaldo, vice president, and Nina Vento, secretary and treasurer. However, there was no evidence that the stockholders of Vento, Inc. paid any consideration for the shares of capital stock allegedly held by them. It was contended by James Pancaldo, president of Vento, Inc. and also vice president of Birdie Realty Corp., that Vento, Inc., on advice of the accountant, was incorporated for the purpose of obtaining the liquor license in order to effect a saving on taxes.

From the reports of investigation, respondent might reasonably conclude that the appellant is merely a "front" for Birdie Realty Corp., the owner of the motel, and that Millie Rao, largest stockholder of Birdie Realty Corp., obtained the money invested therein from her husband Vincent John Rao who, as a result of his criminal record (perjury), is disqualified from being engaged in any capacity whatsoever in the liquor industry in this State. Cf. Re Elig. #270, Bulletin 314, Item 3; also R.S. 33:1-25. When these transactions originally took place, Vincent John Rao had not been convicted of a crime (the matter which led to his conviction in the United States District Court for the Southern District of New York on December 28, 1967, for which he was sentenced to five years in prison). However, the indictment with reference to the charge of perjury had been filed in the United States District Court for the southern District of New York on March 17, 1965. This, no doubt, is the real reason why Vincent John Rao's name was not shown as having an interest in either the Birdie Realty Corp. or Vento, Inc., although the check drawn on November 29, 1965 to Birdie Realty Corp. in the sum of \$52,000 was from the personal account of the said Vincent John Rao.

Thus respondent might reasonably conclude that Vincent John Rao has an interest in not only the Birdie Realty Corp. (now the landlord of Vento, Inc.) but also in the latter corporation.

In the case of Florence Methodist Church v. Township Committee of Florence Township, supra, the court said, at p. 89:

"There is no question but that a license may be denied to one who acts in name only, just to serve the interest of some person disqualified under the statute. Cf. Wilks v. Liquor Control Commission, 122 Conn. 443, 190 A. 262, 263 (Sup.Ct. Err. 1937); State ex rel. Bismark Grill v. Keirnan, 238 Mo. App. 507, 181 S.W. 2d 798, 803 (Ct. App. 1944); State ex rel. Nixon v. McCanless, 176 Tenn. 352, 141 S.W. 2d 885 (Sup.Ct. 1940)...."

In the aforesaid case the Director reversed the action of the local issuing authority in approving the transfer of a liquor license to Gertrude Christy whose husband had been disqualified because of a conviction of a crime involving moral turpitude. The court further stated:

"The matter lay within the discretion of the committee, and hence the Division could not reverse

in the absence of a manifest mistake or other abuse of discretion on the committee's part. However a discretion also is committed to the Division, and hence we will not interfere with its action unless we find that it has manifestly erred or otherwise abused its discretion. *Rajah Liquors v. Division of Alcoholic Beverage Control*, 33 N.J. Super. 598, 600 (App.Div. 1955)."

Under the circumstances appearing herein, it is recommended that the action of the respondent in denying the application for the liquor license to the appellant be affirmed, and that the appeal herein be dismissed.

#### Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, I find that the respondent City Council did not abuse its discretionary authority or act unreasonably in denying appellant's application. I therefore concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 18th day of September, 1968,

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

JOSEPH M. KEEGAN  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SOLICITATION FOR PROSTITUTION - HOSTESS ACTIVITY - LICENSE SUSPENDED FOR 110 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

FAP, INC. )  
t/a Pal Joey's )  
10 $\frac{1}{2}$  South Florida Ave. )  
Atlantic City, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-189, issued by the Board )  
of Commissioners of the City of )  
Atlantic City. )

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Donald D. Phillips, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on April 21, 1968 it permitted solicitation for prostitution on the licensed premises, in violation of Rule 5 of State Regulation No. 20, and (2) on April 19 and 21, 1968, it permitted a female entertainer to drink at the expense of male patrons, in violation of Rule 22 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for ninety days (Re Kirby, Bulletin 1792, Item 1) and on the second charge for twenty days (Re Puzio, Bulletin

1806, Item 3), or a total of one hundred ten days, with remission of five days for the plea entered, leaving a net suspension of one hundred five days.

Accordingly, it is, on this 18th day of September 1968,

ORDERED that Plenary Retail Consumption License C-189, issued by the Board of Commissioners of the City of Atlantic City to Fap, Inc., t/a Pal Joey's, for premises 10½ South Florida Avenue, Atlantic City, be and the same is hereby suspended for one hundred five (105) days, commencing at 7 a.m. Wednesday, September 25, 1968, and terminating at 7 a.m. Wednesday, January 8, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -  
LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

FRANK D'ANDREA  
t/a Chop's Tavern  
5114 Hudson Avenue  
West New York, New Jersey

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-63 issued by the Board of  
Commissioners of the Town of  
West New York

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Licensee, Pro se  
Louis F. Treole, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between February 21 and April 1, 1968, he permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Zarafu, Bulletin 1812, Item 5.

Accordingly, it is, on this 18th day of September, 1968,

ORDERED that Plenary Retail Consumption License C-63, issued by the Board of Commissioners of the Town of West New York to Frank D'Andrea, t/a Chop's Tavern, for premises 5114 Hudson Avenue, West New York, be and the same is hereby suspended for fifty-five (55) days, commencing at 3:00 a.m. Tuesday, September 24, 1968, and terminating at 3:00 a.m. Monday, November 18, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR SIMILAR RECORD - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

J. J. C., INC.  
t/a Chateau  
Morton Avenue  
Deerfield Township  
PO Rosenhayn, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-4, issued by the Township  
Committee of the Township of Deerfield.

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Licensee, by Joseph Cucinotta, President, Pro se  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 26, 1968 it sold six cans of beer to two minors, both age 18, in violation of Rule 1 of State Regulation No. 20.

Licensee has a record of suspension of its license for premises 15-17-19 rear 21 North 6th Street, Vineland, by the Director for sixty days effective September 16, 1968, for sale to minors and conducting the licensed place of business as a nuisance. Re J. J. C., Inc., Bulletin 1820, Item 1.

The license will be suspended for fifteen days (Re The Attic, Ltd., Bulletin 1759, Item 19), to which will be added ten days by reason of the record of suspension of license for similar violation within the past five years and an additional fifteen days by reason of the aggravating circumstance of the occurrence of the instant violation while the previous proceeding was pending (Re Ray Russo, Inc., Bulletin 1808, Item 5), or a total of forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 18th day of September 1968,

ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Deerfield to J. J. C., Inc., t/a Chateau, for premises on Morton Avenue, Deerfield, be and the same is hereby suspended for thirty-five (35) days, commencing at 2 a.m. Wednesday, September 25, 1968, and terminating at 2 a.m. Wednesday, October 30, 1968.

JOSEPH M. KEEGAN  
DIRECTOR



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

In the Matter of Disciplinary  
Proceedings against

LUCY'S ENTERPRISES, INC.  
t/a Charlie Johnson's Cafe  
S.E. Cor. Burke & Atlantic Aves.  
Wildwood, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-2, issued by the Board of  
Commissioners of the City of  
Wildwood

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Perskie and Perskie, Esqs., by Marvin D. Perskie, Esq.,  
Attorneys for Licensee

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
July 20, 1968 it sold twenty-four cans and six bottles of beer  
to a minor, age 19, 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 Rodilosso, Bulletin  
1750, Item 6.

Accordingly, it is, on this 27th day of August 1968,

ORDERED that Plenary Retail Consumption License C-2,  
issued by the Board of Commissioners of the City of Wildwood  
to Lucy's Enterprises, Inc., t/a Charlie Johnson's Cafe, for  
premises S.E. Cor. Burke & Atlantic Avenues, Wildwood, be and  
the same is hereby suspended for ten (10) days, commencing at  
3 a.m. Tuesday, September 3, 1968, and terminating at 3 a.m.  
Friday, September 13, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

8. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOLIC BEVERAGES - CLAIM OF OWNER OF MOTOR VEHICLE DENIED ABSENT FAILURE TO OVERCOME PRESUMPTION OF KNOWLEDGE - ALCOHOLIC BEVERAGES AND MOTOR VEHICLE ORDERED FORFEITED.

In the Matter of the Seizure on	)	
April 23, 1968 of a quantity of	)	Case No. 12,034
alcoholic beverages and a 1963	)	
Pontiac Hardtop convertible on the	)	ON HEARING
New Jersey Turnpike (northbound)	)	CONCLUSIONS
Milepost 37, in Mount Laurel Township,	)	AND ORDER
County of Burlington and State of New	)	
Jersey.	)	

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Doris O. Perkins, Pro Se.

I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to R.S. 33:1-66 and State Regulation No. 28 to determine whether 117 containers of alcoholic beverages and a 1963 Pontiac hardtop convertible, more particularly described in a schedule attached hereto, made part hereof and marked Schedule "A", seized on April 23, 1968 on the New Jersey Turnpike (northbound), Milepost 37, Mount Laurel Township, New Jersey constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R.S. 33:1-66, Doris O. Perkins appeared pro se and sought the return of the motor vehicle. Forfeiture of the alcoholic beverages was unopposed.

The Division's file, which was submitted into evidence with the consent of the claimant herein, established the following facts: On April 23, 1968 at about 1:30 P.M. a New Jersey State Trooper stopped the motor vehicle in question on the New Jersey Turnpike aforesaid for a routine check of the driver's license and registration of the said motor vehicle. This vehicle was being operated by George R. Perkins, the husband of the claimant herein, and bore license plates No. JSY 148, registered in the name of Doris O. Perkins.

Upon being questioned as to whether he was transporting cigarettes, the driver replied in the negative and stated that he was, in fact, transporting "moonshine" whiskey. He added that he had purchased this whiskey in Georgia and was returning from that state to New Jersey where he intended to sell the same. The trooper thereupon took custody of the vehicle and alcoholic beverages and they were later adopted by this Division. Perkins was arrested, charged with the unlawful transportation and possession of untaxed alcoholic beverages contrary to R.S. 33:1-2 in violation of R.S. 33:1-50 and was held in bail for arraignment in the Mount Laurel Township Municipal Court.

The file of this Division contains the affidavit of mailing, affidavit of publication, the chemist's report and the inventory of the alcoholic beverages. The chemist's report, as certified by the Director, reveals that one two-quart jar of alleged

"moonshine" seized herein is an alcoholic beverage fit for beverage purposes, with alcohol by volume of 89.06%.

The seized alcoholic beverages are illicit because of the absence of a tax stamp on any of the bottles. R.S. 33:1-1(i); R.S. 33:1-88. Such alcoholic beverages and the motor vehicle in which they were transported constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66.

Doris O. Perkins, testifying in support of her claim, gave the following account: She purchased this motor vehicle from a used car dealer and the car was used as a family car. Her husband uses the car in his business as a house painter and has free use of the car. He frequently drives her to work and picks her up at the end of the day. He has the keys to the car, supplies gas and shares the expenses for the gasoline and for repairs. They have a joint checking account, from which account they pay for the upkeep of the said car. She testified that she had no knowledge of the use to which he put the car and did not know that he was going to Georgia for the purpose of transporting "moonshine" whiskey.

The applicable principle of law herein is that by reason of the relationship of husband and wife, the wife is presumed to know of her husband's practices and misdeeds. Seizure Case No. 8525, Bulletin 1027, Item 3; Seizure Case No. 8318, Bulletin 982, Item 3. Thus, this claimant knew or should have known of her husband's activities.

It is logical from the facts herein to conclude that the husband had full use of the car and this claimant displayed a marked, careless indifference to the use that would be made of the car. It is pertinent to note that there is no testimony with respect to the extent of her husband's employment, i.e. whether or not he is employed steadily, for himself or with a company. It may well be that he found it necessary to transport and sell "moonshine" whiskey in order to help meet the family expenses. Such additional income would inure to the benefit of claimant; and she would undoubtedly be aware of such income.

This claimant could have overcome this presumption with affirmative, corroborative testimony by her husband that she was totally innocent of his activities yet her husband was not called to testify as a witness in these proceedings although it must be assumed that he was available and could have been called by this claimant to testify on her behalf. His failure to so testify leaves me with the impression that he could not have testified in corroboration thereof. Seizure Case No. 8679, Bulletin 1041, Item 7; Seizure Case No. 8667, Bulletin 1051, Item 9.

The Director has the discretionary authority to return property subject to forfeiture to a person who establishes, to his satisfaction that she acted in good faith, and did not know, or have any reason to suspect, or believe that her property would have been used in unlawful liquor activity. R.S. 33:1-66(f); Seizure Case No. 10,436, Bulletin 1392, Item 5.

This claimant has virtually surrendered her possession of the car without retaining any substantial supervision or control thereof. In the light of the husband-wife relationship, she is, as stated hereinabove, presumed to know of her husband's misdeeds and practices. Such conduct leads me to conclude that she has

evinced a careless indifference to the purpose of its use; such attitude is inconsistent with good faith insofar as seizure proceedings are concerned. Absent good faith the Director has no authority to return property subject to forfeiture. R.S. 33:1-66 (e); Seizure Case No. 10,205, Bulletin 1355, Item 7.

I therefore recommend that the claim of Doris O. Perkins for the return of the said motor vehicle be denied and that an order be entered forfeiting the same. I further recommend that an order be entered forfeiting the alcoholic beverages. Seizure Case No. 7311, Bulletin 832, Item 1; Seizure Case No. 10,695, Bulletin 1444, Item 6.

#### Conclusions and Order

Exceptions to the Hearer's report were filed by the now attorney for the claimant, Doris O. Perkins, pursuant to Rule 4 of State Regulation No. 28.

After carefully considering the entire record including the transcript of the testimony, the exhibits, the Hearer's report and the exceptions, which I find to be without merit, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is on this 16th day of September, 1968

DETERMINED and ORDERED that the seized property, as set forth in Schedule "A" attached hereto, constitutes unlawful property, and the same be and is hereby forfeited in accordance with the provisions of R.S. 33:1-66, and shall be retained for the use of hospitals and State, county and municipal institutions, or destroyed, in whole, or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH M. KEEGAN  
DIRECTOR

#### Schedule "A"

- 117 - containers of alcoholic beverages
- 1 - Pontiac (1963) hardtop Conv., Serial No. 23781, Engine No. 18456572, N.J. JSY-148.

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

In the Matter of Disciplinary )  
 Proceedings against )

WILLIAM ULLMANN & JULIA KELLY )  
 t/a Julie & Bill's )  
 856 River Street )  
 Paterson, New Jersey )

CONCLUSIONS  
 and  
 ORDER

Holders of Plenary Retail Consumption)  
 License C-296, issued by the Board  
 of Alcoholic Beverage Control for )  
 the City of Paterson. )  
 - - - - - )

Licensees, Pro se  
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic  
 Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on  
 October 11, 1967 they possessed an alcoholic beverage in a bottle  
 bearing a label which did not truly describe its contents, in  
 violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for  
 ten days, with remission of five days for the plea entered,  
 leaving a net suspension of five days. Re Mack's Long Bar, Inc.,  
 Bulletin 1809, Item 10.

Accordingly, it is, on this 9th day of September 1968,

ORDERED that Plenary Retail Consumption License C-296,  
 issued by the Board of Alcoholic Beverage Control for the City  
 of Paterson to William Ullmann & Julia Kelly, t/a Julie & Bill's,  
 for premises 856 River Street, Paterson, be and the same is  
 hereby suspended for five (5) days, commencing at 3 a.m. Monday,  
 September 16, 1968, and terminating at 3 a.m. Saturday,  
 September 21, 1968.

JOSEPH M. KEEGAN  
 DIRECTOR

10. DISQUALIFICATION REMOVAL PROCEEDINGS - CONSPIRACY TO MAKE BOOK - CONDUCT DEEMED NOT LAW-ABIDING WITHIN PAST FIVE YEARS - PETITION DISMISSED.

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

CONCLUSIONS  
AND ORDER

Case No. 2202

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Harvey R. Browne, Esq., Attorney for Petitioner

BY THE DIRECTOR:

On February 17, 1960, petitioner's application for removal of his disqualification resulting from his conviction of crime involving moral turpitude was dismissed by the Director. Re Case No. 1524, Bulletin 1331, Item 7.

It is unnecessary to repeat petitioner's record or the testimony taken at the previous hearing. His ineligibility has been clearly established by virtue of his convictions in 1935 of impersonating a police officer and in 1957 of conspiracy to make book. Since five years had not elapsed from the time petitioner was convicted in 1957, as aforesaid, the Director denied his petition. On October 6, 1961, petitioner was again convicted in the Passaic County Court of conspiracy to make book and, as a result thereof, was sentenced to serve six months in the county jail, fined \$1,000 and paroled March 1962. Said conviction involves the element of moral turpitude. Re Case No. 2157, Bulletin 1788, Item 7; Re Case No. 1682, Bulletin 1451, Item 6.

Agents of the Division report that between June 8, 1963 and April 9, 1967, they had observed petitioner on numerous occasions working as a bartender and manager on the licensed premises of Thomas Giaquinto, despite the fact that he had been advised that because of his criminal record, he could not be so employed. Petitioner was last observed working as aforesaid on April 8, 1967. As a result of such employment (criminally disqualified person) and other charges, the license of Thomas Giaquinto, following two previous suspensions, was revoked by me on February 27, 1968. Re Giaquinto, Bulletin 1789, Item 2.

Thus, petitioner's persistence in working on licensed premises, when he was aware that his disqualifying criminal record precluded him from being so employed, is indicative of his disregard for the Alcoholic Beverage Law.

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

At the instant hearing, three character witnesses (a car salesman, a police officer and a housewife) produced by the petitioner 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. Nevertheless, petitioner's conduct in being associated with the liquor industry in this State by knowingly performing services on licensed premises with knowledge that he was prohibited from so doing because of his criminal record cannot be condoned. As stated above, he was so employed as recently as April 8, 1967.

Under the circumstances, I shall deny petitioner's petition at this time but shall afford him the opportunity to reapply for relief after April 8, 1972, provided he maintains an unblemished record during the interim. Re Case No. 1513, Bulletin 1323, Item 13.

Accordingly, it is, on this 17th day of September, 1968,

ORDERED that the petition herein be and the same is hereby dismissed.

JOSEPH M. KEEGAN  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS -  
LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

MICHAEL KROLL  
126 Ray Street  
Garfield, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-26 issued by the Mayor and  
Council of the City of Garfield

-----  
Joseph R. Mrozowicz, Esq., Attorney for Licensee  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on August 28, 1968, he sold alcoholic beverages before 8:00 a.m. during prohibited hours, in violation of local ordinance.

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 R-J Lounge, Inc., Bulletin 1811, Item 13.

Accordingly, it is, on this 17th day of September, 1968,

ORDERED that Plenary Retail Consumption License C-26, issued by the Mayor and Council of the City of Garfield to Michael Kroll, for premises 126 Ray Street, Garfield, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Tuesday, September 24, 1968, and terminating at 3:00 a.m. Friday, October 4, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

12.

ACTIVITY REPORT FOR SEPTEMBER 1968

## ARRESTS:

Total number of persons arrested	-----	9
Licensees and employees	5	
Bootleggers	4	

## SEIZURES:

Mash - gallons	-----	6
Brewed malt alcoholic beverages - gallons	-----	9

## RETAIL LICENSEES:

Premises inspected	-----	757
Premises where alcoholic beverages were gauged	-----	607
Bottles gauged	-----	9,669
Premises where violations were found	-----	173
Violations found	-----	255
No Form E-141-A on premises	110	Disposal permit necessary 7
Unqualified employees	84	Other violations 26
Application copy not available	28	

## STATE LICENSEES:

Premises inspected	-----	39
License applications investigated	-----	7

## COMPLAINTS:

Complaints assigned for investigation	-----	365
Investigations completed	-----	407
Investigations pending	-----	227

## LABORATORY:

Analyses made	-----	67
Refills from licensed premises - bottles	-----	27
Bottles from unlicensed premises	-----	13

## IDENTIFICATION:

Criminal fingerprint identifications made	-----	12
Persons fingerprinted for non-criminal purposes	-----	391
Identification contacts made with other enforcement agencies	-----	277
Motor vehicle identifications via NJ State Police teletype	-----	2

## DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	-----	11
Violations involved	-----	13

Sale during prohibited hours	6	Failure to afford view into premises	
Sale to minors	4	during proh. hours	1
Failure to close prem. dur. proh. hrs.	2		

Cases instituted at Division	-----	34*
Violations involved	-----	36

Beverage Tax Law non-compliance	9	Permitting bookmaking on premises	1
Sale during prohibited hours	4	Perm. misc. gambling on premises	1
Permitting lottery acty. on prem.	4	Permitting immoral acty. on prem.	1
Perm. lottery & bookmaking on prem.	3	Fraud and front	1
Fraud in application	3	Unqualified employees	1
Possessing liquor not truly labeled	3	Sale below filed price	1
Fail. to close premises dur. proh. hrs.	2	Hindering investigation	1
Perm. pinball machines on premises	1		

Cases brought by municipalities on own initiative and reported to Division	-----	9
Violations involved	-----	10

Sale to minors	5	Permitting prem. to be used in furtherance	
Conducting business as a nuisance	1	of illegal activity	1
Sale during prohibited hours	1	Furnishing entertainment w/o permit	
Fail. to file notice of change in		(local reg.)	1
lic. application	1		

## HEARINGS HELD AT DIVISION:

Total number of hearings held	-----	54	
Appeals	9	Seizures	2
Disciplinary proceedings	33	Tax revocations	2
Eligibility	6	Applications for license	2

## STATE LICENSES AND PERMITS:

Total number issued	-----	1,352	
Licenses	8	Wine permits	26
Solicitors' permits	31	Miscellaneous permits	238
Employment permits	365	Transit insignia	145
Disposal permits	48	Transit certificates	23
Social affair permits	468		

## OFFICE OF AMUSEMENT GAMES CONTROL:

State Fair Licenses issued	67	Premises where violations were found	11
Enforcement files established	26	Number of violations found	16
Premises inspected	65		

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

Dated: October 4, 1968

\*Includes one cancellation proceeding - license improvidently issued by reason of conviction of officer for crime involving moral turpitude.



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

In the Matter of Disciplinary  
 Proceedings against

PAULINE JUNIEWICZ

t/a Belport Inn

Kuehnle Ave. & West Riverside Drive

Atlantic City, N. J.

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption  
 License C-87, issued by the Board of  
 Commissioners of the City of Atlantic  
 City.

-----  
 Licensee, Pro se

Walter H. Cleaver, Esq., Appearing for Division of Alcoholic  
 Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
 August 12, 1968 she possessed an alcoholic beverage in a bottle  
 bearing a label which did not truly describe its contents, in  
 violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for  
 ten days, with remission of five days for the plea entered,  
 leaving a net suspension of five days. Re Froehlich, Bulletin  
 1812, Item 16.

Accordingly, it is, on this 23rd day of September 1968,

ORDERED that Plenary Retail Consumption License C-87,  
 issued by the Board of Commissioners of the City of Atlantic  
 City to Pauline Juniewicz, t/a Belport Inn, for premises Kuehnle  
 Avenue and West Riverside Drive, Atlantic City, be and the same  
 is hereby suspended for five (5) days, commencing at 7 a.m.  
 Monday, September 30, 1968, and terminating at 7 a.m. Saturday,  
 October 5, 1968.

JOSEPH M. KEEGAN  
 DIRECTOR

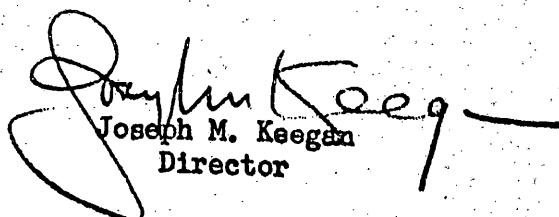
14. STATE LICENSES - NEW APPLICATION FILED.

Harrison Beverage Co.

S.E. Corner Delaware & Mediterranean Avenues

Atlantic City, New Jersey

Application filed October 22, 1968 for place-to-place  
 transfer of Additional Warehouse License AW-24 (operated under  
 State Beverage Distributor's License SBD-67) from 17 South  
 Second Street, Vineland, New Jersey to 200 Chestnut Avenue,  
 Vineland, New Jersey.

  
 Joseph M. Keegan  
 Director