

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

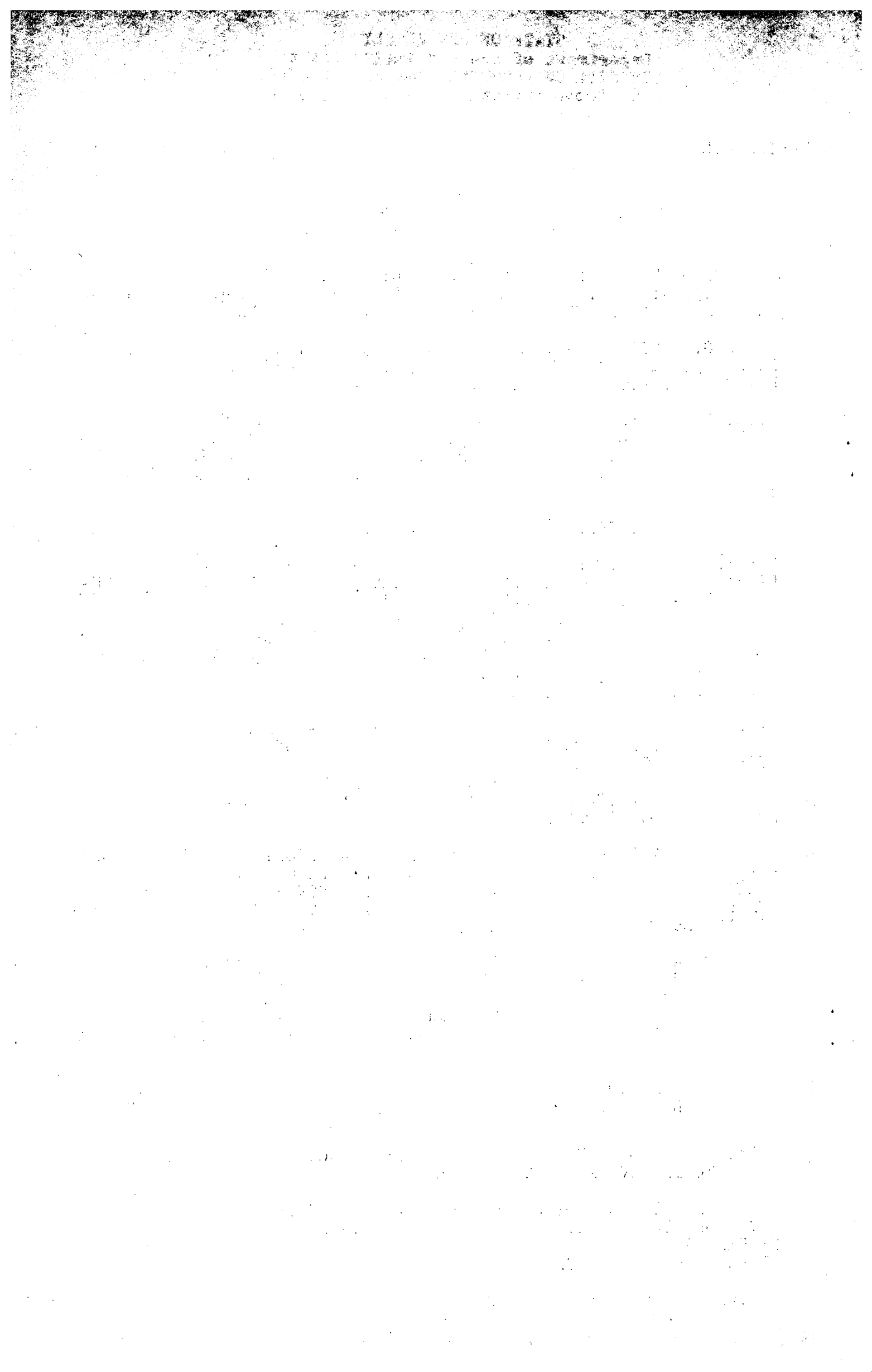
BULLETIN 844

JUNE 9, 1949.

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

BULLETIN 844

JUNE 9, 1949.

1. NEW LEGISLATION - SUPPLEMENT CONCERNING REFERENDUM UNDER R. S. 33:1-45 - CLUB LICENSES NOT AFFECTED WHERE MAJORITY VOTE NO AT SUCH REFERENDUM - ACT INEFFECTIVE AFTER AUGUST 1, 1949.

Assembly Bill No. 126 (Second Official Copy Reprint) was approved by the Governor on May 25, 1949, and thereupon became Chapter 255 of the Laws of 1949.

It reads as follows:

"AN ACT concerning alcoholic beverages, and supplementing chapter one of Title 33 of the Revised Statutes.

"BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

"1. It shall be lawful for the municipal issuing authority of any municipality in which a referendum has been held pursuant to the provisions of Revised Statutes, section 33:1-45, wherein a majority of the legal voters of said municipality voted 'No,' to issue a club license as defined in and regulated by subparagraph five of section 33:1-12 of the Revised Statutes, to any constituent unit, chartered or otherwise duly enfranchised chapter or member club of a national organization or association which is in possession of suitable premises and which is operated for benevolent, charitable, fraternal, social, religious, recreational, athletic, or similar purposes, and not for private gain, and which comply with all conditions which may be imposed by the director of the division of alcoholic beverage control in the department of law and public safety.

"This law shall not be effective after August first, one thousand nine hundred and forty-nine, except, however, that any national club, organization, or association, or any constituent unit chartered or otherwise duly enfranchised chapter thereof holding a license issued by said municipality previous to August first, one thousand nine hundred and forty-nine, shall be entitled to retain said license and any renewals thereof regardless of the provisions of this act.

"2. This act shall take effect immediately."

ERWIN B. HOCK
Director.

2. NEW LEGISLATION - AMENDMENT OF R. S. 33:1-10, SPECIFICALLY R. S. 33:1-10(2a): PLENARY WINERY LICENSE - RETAIL PRIVILEGE REMOVED EFFECTIVE JULY 1, 1949; EXCEPTION.

Senate Bill No. 262 was approved by the Governor on May 28, 1949, and thereupon became Chapter 276 of Laws of 1949.

The Act (with specific amendatory application to R. S. 33:1-10(2a)) reads as follows:

"AN ACT concerning alcoholic beverages, and amending section 33:1-10 of the Revised Statutes.

"BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

"1. Section 33:1-10 of the Revised Statutes is amended to read as follows:

"33:1-10. Class A licenses shall be subdivided and classified as follows:

"Plenary brewery license. 1a. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be four thousand dollars (\$4,000.00).

"Limited brewery license. 1b. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in said license, dependent upon the following fees and not in excess of three hundred thousand barrels of thirty-one fluid gallons capacity per year and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: To so brew not more than fifty thousand barrels of thirty-one fluid gallons capacity per annum, five hundred dollars (\$500.00); to so brew not more than one hundred thousand barrels of thirty-one fluid gallons capacity per annum, one thousand dollars (\$1,000.00); to so brew not more than two hundred thousand barrels of thirty-one fluid gallons capacity per annum, two thousand dollars (\$2,000.00); to so brew not more than three hundred thousand barrels of thirty-one fluid gallons capacity per annum, three thousand dollars (\$3,000.00).

"Plenary winery license. 2a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines, and to blend, fortify and treat wines, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to churches for religious purposes, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be five hundred dollars (\$500.00). Upon the payment of an additional fee of one hundred dollars (\$100.00) the holder of this license shall

have the right to sell wine at retail on the licensed premises; provided, however, that such sales shall be made only for consumption off the licensed premises and then only when the winery at which such wines are manufactured or blended, fortified or treated is located and constructed upon a tract of land owned exclusively by the holder of such plenary winery license, which said tract of land shall have an area of not less than three acres and have growing and under cultivation upon said land at least twelve hundred grape vines; and provided, further, that such wines shall be manufactured or blended, fortified or treated from fresh grapes grown in this State. The containers of all wine sold at retail by such licensee shall have attached thereto a label setting forth such information as shall be required by the rules and regulations of the director of alcoholic beverage control.

"Limited winery license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any naturally fermented wines and fruit juices in a quantity to be expressed in said license, dependent upon the following fees and not in excess of five thousand gallons per year and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and to sell at retail to consumers; provided, however, that such sale to consumers shall be made only for consumption off the licensed premises and then only when the winery at which such naturally fermented wines and fruit juices are manufactured is located and constructed upon a tract of land owned exclusively by the holder of such limited winery license, which said tract of land shall have an area of not less than three acres and have growing and under cultivation upon said land at least twelve hundred grape vines; and provided, further, that such naturally fermented wines and fruit juices shall be manufactured only from fresh grapes or fruit grown in this State. The containers of all wine sold to consumers by such licensee shall have attached thereto a label setting forth such information as shall be required by the rules and regulations of the Director of Alcoholic Beverage Control. The fee for this license shall be graduated as follows: To so manufacture between twenty-five hundred and five thousand gallons per annum, two hundred dollars (\$200.00); to so manufacture between one thousand and twenty-five hundred gallons per annum, one hundred dollars (\$100.00); to so manufacture less than one thousand gallons per annum, fifty dollars (\$50.00).

"Plenary distillery license. 3a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be five thousand dollars (\$5,000.00).

"Limited distillery license. 3b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture and bottle any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine and add necessary sweetening and flavor to make cordial

or liqueur, and to sell and distribute to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State, to any persons pursuant to the laws of the places of such sale and distribution and to warehouse these products. The fee for this license shall be one thousand five hundred dollars (\$1,500.00).

"Supplementary limited distillery license. 3c. The holder of this license shall be entitled, subject to rules and regulations, to bottle and rebottle, in a quantity to be expressed in said license, dependent upon the following fees, alcoholic beverages distilled from fruit juices by such holder pursuant to a prior plenary or limited distillery license, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: To so bottle and rebottle not more than five thousand wine gallons per annum, one hundred dollars (\$100.00); to so bottle and rebottle not more than ten thousand wine gallons per annum, two hundred fifty dollars (\$250.00); to so bottle and rebottle without limit as to amount, five hundred dollars (\$500.00).

"Rectifier and blender license. 4. The holder of this license shall be entitled, subject to rules and regulations, to rectify, blend, treat and mix distilled alcoholic beverages, and to fortify, blend and treat fermented alcoholic beverages, and prepare mixtures of alcoholic beverages, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be two thousand five hundred dollars (\$2,500.00).

"Bonded warehouse bottling license. 5. The holder of this license shall be entitled, subject to rules and regulations, to bottle alcoholic beverages in bond on behalf of all persons authorized by Federal and State law and regulations to withdraw alcoholic beverages from bond. The fee for this license shall be five hundred dollars (\$500.00). This license shall be issued only to persons holding permits to operate internal revenue bonded warehouses pursuant to the laws of the United States.

"2. This act shall take effect July first, one thousand nine hundred and forty-nine."

ERWIN B. HOCK
Director.

3. DISCIPLINARY PROCEEDINGS - EMPLOYING A PERSON UNDER FIFTEEN YEARS OF AGE, IN VIOLATION OF RULE 6 OF STATE REGULATIONS NO. 13 - EMPLOYING MINOR UNDER SIXTEEN YEARS OF AGE, IN VIOLATION OF SPECIAL PERMIT - LICENSE AND PERMIT SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

BOGOTA RECREATION, INC.)
20 E. Fort Lee Road)
Bogota, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Bogota; and Special Permit P. No. 2402, issued by the State Commissioner of Alcoholic Beverage Control.)

Bogota Recreation, Inc., by Daniel J. Melchiorre, Jr., President.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant, holder of a plenary retail consumption license and also a special permit authorizing the employment of minors sixteen years or older as pin boys, pleads non vult to a charge of employing a minor under the age of fifteen years, in violation of R.S. 33:1-26 and Rule 6 of State Regulations No. 13. He was also required to show cause why his special permit should not be suspended or revoked for employing, as a pin boy, a minor under the age of sixteen.

The file in the instant case discloses that on November 2, 1948, a minor, twelve years of age, was employed by defendant corporation as a pin boy. Daniel J. Melchiorre, Jr., president of the corporate defendant, admitted that the minor worked at the time in question.

The purpose of the regulations above cited is to keep minors under sixteen years of age off premises where intoxicating liquors are sold and, further, to restrict the employment of minors sixteen years of age or older in such places and in such positions. Re Arena Bowling Academy, Inc., Bulletin 679, Item 9.

Defendant has no previous adjudicated record. Under the circumstances its license and permit will each be suspended for a period of ten days, with remission of five days for the plea entered herein, leaving a net suspension of the permit and license of five days. Cf. Re Arena Bowling Academy, Inc., supra.

Accordingly, it is, on this 23rd day of May, 1949,

ORDERED that Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Bogota to Bogota Recreation, Inc., for premises 20 E. Fort Lee Road, Bogota, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. June 6, 1949, and terminating at 2:00 a.m. June 11, 1949; and it is further

ORDERED that Special Permit "P. No. 2402", issued by the State Commissioner of Alcoholic Beverage Control, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. June 6, 1949, and terminating at 2:00 a.m. June 11, 1949.

ERWIN B. HOCK
Director.

4. APPELLATE DECISIONS - ORMOND v. HIGHLANDS.

JAMES ORMOND, trading as)
ROXY'S HOTEL,)

Appellant,)

-vs-

ON APPEAL
ORDER OF DISCONTINUANCE

BOROUGH COUNCIL OF THE BOROUGH)
OF HIGHLANDS,)

Respondent.)

Harold Simandl, Esq., Attorney for Appellant.
John M. Pillsbury, Esq., Attorney for Respondent.
A. Nathan Cowen, Esq., Attorney for Objectors.

BY THE DIRECTOR:

Appellant appealed from the action of respondent Borough Council whereby it refused a person-to-person transfer of a plenary retail consumption license from James Leo Horan to appellant, and a place-to-place transfer of said license from premises 30 Navesink Avenue to 18 Beach Boulevard, in the Borough of Highlands.

The parties to this appeal have agreed by written stipulation to discontinue the appeal, without prejudice to the rights of any of the parties thereto.

Since no reason appears to the contrary,

It is, on this 23rd day of May, 1949,

ORDERED that the within appeal be and the same is hereby discontinued without prejudice.

ERWIN B. HOCK
Director.

- 5. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN LICENSE APPLICATION CONCERNING PERCENTAGE OF PROFITS PAID TO NON-LICENSEE - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF LICENSE - FAILURE TO NOTIFY LOCAL ISSUING AUTHORITY WITHIN TEN DAYS OF EXECUTION OF CHATTEL MORTGAGE - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE TO TRANSFEREE TO APPLY FOR LIFTING AFTER SUSPENSIO. HAS BEEN IN EFFECT FOR AT LEAST 25 DAYS.

In the Matter of Disciplinary Proceedings against)
 LILLIAN MOUSAW)
 T/a MAIN MANOR)
 41 Main Street)
 East Orange, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the)
 Municipal Board of Alcoholic)
 Beverage Control of the City of)
 East Orange.)

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Sidney Simandl, Esq., Attorney for Defendant-licensee.
 William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges (1), (2) and (3), which allege in substance that she knowingly aided and abetted John Ellsworth to exercise, contrary to R. S. 33:1-26, the rights and privileges of her license and that, in violation of R.S. 33:1-25, she falsely denied in her application for her current license that any other individual had an interest in the license or received a percentage of the profits derived from the business conducted under the license.

Defendant has also pleaded non vult to charge (4), which alleges that, in violation of R. S. 33:1-34, she failed to file with the local issuing authority, within ten days after the occurrence thereof a written notice of change in the facts set forth in the aforesaid application for a license.

In March 1948 defendant obtained from the local issuing authority a transfer of the license in question. She is a married woman, with two children, and had no previous experience in the liquor business. Defendant alleges that, at the time of purchase, she arranged with John Ellsworth that he would act as manager of the licensed premises. She admits that she agreed to pay him fifty per cent. of the net profits up to \$150.00 a week, but states that in fact the business has been operated at a loss. Although it does not clearly appear, there is a strong indication that a large percentage of the purchase price, over and above the chattel mortgage hereinafter considered, was furnished indirectly by John Ellsworth. On the facts above stated, and in view of the plea, I conclude that John Ellsworth had an interest in defendant's license, which interest admittedly was not disclosed in defendant's application for a license for the current fiscal year. I find defendant guilty as to charges (1), (2) and (3). From the facts presently before me, it does not appear that John Ellsworth is ineligible to hold a retail license, and the only possible reason for failing to disclose his interest is that there are certain judgments of record against him.

After a period of negotiations between defendant and the persons previously interested in the liquor license, defendant, on June 24, 1948, executed a chattel mortgage on the furniture and fixtures in the licensed premises to the former owners as part of the purchase price. Admittedly defendant failed to notify the local issuing authority

within ten days thereafter of this change in the facts set forth in the application as required by R. S. 33:1-34. Hence I find defendant guilty as to charge (4).

Defendant has no prior record. Since it appears that the unlawful situation continues to exist, I have no alternative except to suspend the license for the balance of its term. Defendant has represented that a duly qualified person has offered to purchase her business. Under the circumstances, leave will be given to a transferee of the license to file with me a petition to lift the suspension herein imposed after the expiration of twenty-five days from the effective date thereof. Cf. Re Knoz, Bulletin 743, Item 7.

Accordingly, it is, on this 23rd day of May, 1949,

ORDERED that Plenary Retail Consumption License C-8, issued by the Municipal Board of Alcoholic Beverage Control of the City of East Orange to Lillian Mousaw, t/a Main Manor, for premises 41 Main Street, East Orange, be and the same is hereby suspended for the balance of its term, expiring at midnight June 30, 1949, effective at 12:01 a.m. May 27, 1949; with leave to file, as aforesaid, a petition to lift said suspension.

ERWIN B. HOCK
Director.

6. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

WILLIAM EUCKER
T/a OVERPECK PARK
205 Bergen Pike
Ridgefield Park, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Board of Commissioners of the Village of Ridgefield Park.

William Eucker, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded "guilty" to charges alleging that he sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to three minors, and allowed, permitted and suffered said minors to consume said alcoholic beverages upon his licensed premises, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

The three minors, boys aged, respectively, nineteen, seventeen and sixteen, together with an older companion, were each served two glasses of beer and consumed the said alcoholic beverages at the licensed premises of defendant on March 4, 1949.

Defendant's only prior adjudicated record was in 1943. Because the violation occurred nearly six years ago and was entirely different in character from the present violation, I shall not consider the prior record in fixing the period of suspension of this case. In view of the age of the two younger boys, I shall suspend the license for twenty days. Cf. Andy's Inc., Bulletin 732, Item 3. Remitting five days for the plea will leave a net suspension of fifteen days.

Accordingly, it is, on this 24th day of May, 1949,

ORDERED that Plenary Retail Consumption License C-1, issued by the Board of Commissioners of the Village of Ridgefield Park to William Eucker, t/a Overpeck Park, for premises 205 Bergen Pike, Ridgefield Park, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3:00 a.m. May 31, 1949, and terminating at 3:00 a.m. June 15, 1949.

ERWIN B. HOCK
DIRECTOR.

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

In the Matter of Disciplinary Proceedings against

HERMAN URDANG
161 Paterson Street
Paterson 1, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-142, issued by the Board of Alcoholic Beverage Control of the City of Paterson.

Herman Urdang, Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that, in violation of Rule 28 of State Regulations No. 20, he possessed two 4/5 quart bottles labeled "Canadian Club Blended Canadian Whisky", which bottles bore labels which did not truly describe their contents.

On April 20, 1949, an investigator of the Division of Alcoholic Beverage Control tested 58 open bottles of alcoholic beverages and seized the two bottles mentioned in the charge when his preliminary test indicated that the contents thereof appeared to be too dark in color. Subsequent analysis by the chemist employed by the Division of Alcoholic Beverage Control disclosed that the contents of the seized bottles varied substantially in solids, acids and color from the contents of a genuine bottle of the same product.

Defendant denied that he tampered with the contents of the seized bottles. Nevertheless, a licensee is responsible for any "refills" found in his stock of liquor.

Defendant has no prior adjudicated record. I shall suspend his license for a period of fifteen days, less five days for the plea, leaving a net suspension of ten days. See Bulletin 828, Item 11.

Accordingly, it is, on this 24th day of May, 1949,

ORDERED that Plenary Retail Consumption License C-142, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Herman Urdang, for premises 161 Paterson Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. May 31, 1949, and terminating at 3:00 a.m. June 10, 1949.

ERWIN B. HOCK
Director.

8. DISCIPLINARY PROCEEDINGS - TRANSPORTATION OF ALCOHOLIC BEVERAGES IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 REQUIRING BONA FIDE INVOICES OR MANIFESTS COVERING SHIPMENT - SALE DURING PROHIBITED HOURS IN VIOLATION OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against FRANK KRETZ, JR. 434-436 Hackensack Street Carlstadt, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Carlstadt.

Frank Kretz, Jr., Defendant-licensee, Pro Se. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging (1) he used his licensed vehicle to deliver alcoholic beverages without the driver having in his possession bona fide invoices or manifests, in violation of Rule 3 of State Regulations No. 17; and (2) he sold and delivered and allowed, permitted and suffered the delivery of alcoholic beverages at retail in original containers for consumption off his licensed premises prior to 9:00 a.m., in violation of Rule 1 of State Regulations No. 38.

On April 16, 1949, agents of the State Division of Alcoholic Beverage Control stopped defendant's truck, which bore a transportation insignia, after observing the driver of said truck deliver a case of beer to a customer at 8:50 a.m. The agents could find no invoices or manifests covering the said load of liquor upon said truck as required by Rule 3 of State Regulations No. 17. Clearly, defendant violated both rules cited above.

The defendant has no prior adjudicated record. As to Charge 1, the minimum suspension is ten days. Re Kucinski, Bulletin 839, Item 1. As to Charge 2, the minimum suspension is fifteen days. Re Martin, Bulletin 766, Item 6.

Under the circumstances, I shall suspend defendant's license for twenty-five days. Remitting five days for the plea will leave a net suspension of twenty days.

Accordingly, it is, on this 31st day of May, 1949,

ORDERED that Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Carlstadt to Frank Kretz, Jr., for premises 434-436 Hackensack Street, Carlstadt, be and the same is hereby suspended for a period of twenty (20) days, commencing at 9:00 a.m. June 7, 1949, and terminating at 9:00 a.m. June 27, 1949.

ERWIN B. HOCK Director.

9. DISCIPLINARY PROCEEDINGS - PIN BALL MACHINE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

MARTIN M. DURACHKO
T/a MARTY'S TAVERN
10 Franklin Avenue
Franklin Borough, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-9, issued by the Mayor and Borough Council of the Borough of Franklin.

Martin M. Durachko, Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he possessed, allowed, permitted and suffered a pin ball machine on his licensed premises, in violation of Rule 7 of State Regulations No. 20.

On March 25, 1949, an investigator of the State Division of Alcoholic Beverage Control observed a machine or device played by rolling five balls up an inclined plane by hand. After the balls reach the top they drop to another inclined plane studded with nails, bells, bumpers and other obstructions. The ball travels down the second incline by force of gravity and is not subject to any control by the player. Scoring is by electrical contacts made when the ball strikes the bells, bumpers and other devices. The licensee claims that he was advised by the owner of the machine that it was legal. Even if the owner so advised the licensee, it is obvious that the machine is a bagatelle or pin ball machine within the contemplation of Rule 7 of State Regulations No. 20. It has since been removed.

The defendant has no prior adjudicated record. I shall suspend his license for ten days, the minimum period for such a violation. Remitting five days for the plea will leave a net suspension of five days. Re Carteret Club of Trenton, Bulletin 672, Item 12.

Accordingly, it is, on this 24th day of May, 1949,

ORDERED that Plenary Retail Consumption License C-9, issued by the Mayor and Borough Council of the Borough of Franklin to Martin M. Durachko, t/a Marty's Tavern, for premises 10 Franklin Avenue, Franklin Borough, be and the same is hereby suspended for a period of five (5) days, commencing at 3:00 a.m. June 6, 1949, and terminating at 3:00 a.m. June 11, 1949.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 22 DAYS ALREADY SERVED UNDER AUTOMATIC SUSPENSION OF LICENSE.

In the Matter of Disciplinary Proceedings against

FRANK TUZZO & RENE (J.) ZIMMERMAN T/a CAUSEWAY BAR & GRILL Hendricks Causeway Ridgefield, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Borough Council of the Borough of Ridgefield.

Max Atran, Esq., by Allan A. Horowitz, Esq., Attorney for Defendant-licensees. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded not guilty to charges that they sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to three minors, and allowed, permitted and suffered said minors to consume said alcoholic beverages upon their licensed premises, in violation of R.S. 33:1-77 and Rule 1 of State Regulations No. 20.

Three boys, aged respectively 19, 17 and 16, each testified under oath that together they made two visits to defendants' licensed premises on Saturday evening, March 5, 1949. They further testified that on each of said visits they were served several glasses of beer and thereupon consumed the said alcoholic beverages.

One of the partners of the defendant-licensees, a bartender, and two patrons, all admitting the two visits by the minors, deny that any alcoholic beverages were served to them. The testimony of the licensee and the bartender, each of whom is alleged to have made some of the sales and service in question, is self-serving and, in the face of the positive testimony of the minors, is entitled to little weight. It seems quite possible from the evidence that such sales and service could well have been made and not noticed by the two customers.

There was some effort to affect the minors' testimony by a claim that it was motivated by a desire to "get even". From the boys' testimony, no such motive appears. I can see no reason why the boys should lie.

I find defendants guilty as charged.

On April 14, 1949, the defendants' license was automatically suspended, under the provisions of R. S. 33:1-31.1, as a result of the conviction in criminal proceedings of Rene J. Zimmerman for selling alcoholic beverages to the minors mentioned herein. On May 5, 1949, I ordered the lifting of said automatic suspension, effective May 6, 1949. Thus, defendants' license was suspended for 22 days under the automatic suspension of the license.

In the absence of any prior record, and under the circumstances, I shall suspend the license for the same period and shall consider the suspension so imposed as served.

Accordingly, it is, on this 24th day of May, 1949,

ORDERED that Plenary Retail Consumption License C-6, issued by the Borough Council of the Borough of Ridgefield to Frank Tuzzo & Rene (J.) Zimmerman, t/a Causeway Bar & Grill, for premises Hendricks Causeway, Ridgefield, be and the same is hereby suspended for a period of twenty-two (22) days, which suspension has heretofore been served as herein appears.

ERWIN B. HOCK
Director.

11. DISQUALIFICATION - APPLICATION TO LIFT - REMOVAL OF DISQUALIFICATION FOUND NOT TO BE IN PUBLIC INTEREST - APPLICATION TO LIFT DENIED.

MORAL TURPITUDE - MAINTAINING DISORDERLY HOUSE (PROSTITUTION) FOUND TO INVOLVE MORAL TURPITUDE.

In the Matter of an Application)
to Remove Disqualification)
because of a Conviction, Pursuant)
to R. S. 33:1-31.2.)
Case No. 761.)
- - - - -)

CONCLUSIONS
AND ORDER

BY THE DIRECTOR:

Investigation by the State Division of Alcoholic Beverage Control discloses petitioner's record of convictions as follows:

- 1921 - Assault and battery - suspended sentence.
- 1923 - Assault and battery - fined \$5.00.
- 1924 - Disorderly - fined \$10.00.
- 1926 - Assault and battery and disorderly - 10 days - \$25.00.
- 1927 - Disorderly - suspended sentence.
- 1928 - Disorderly - \$10.00 bail forfeited.
- 1929 - Keeping disorderly house - 1 year State Prison.
- 1930 - Carrying concealed weapon - 1 year's probation; assault with revolver - dismissed.
- 1936 - Breaking, entering and larceny - suspended sentence.

On examination, the petitioner admits all of the above, not inconsequential, record. It is worth noting, however, that in his sworn petition he denies any conviction, except that of 1929, a disorderly house charge. Involving, as it did, prostitution, this conviction is the conviction of a crime involving moral turpitude. Re Case No. 148, Bulletin 466, Item 4. Therefore, petitioner is disqualified from holding a liquor license in this state or from being employed by or connected with the holder of such a license. R. S. 33:1-25, 26. So finding, it is unnecessary to determine whether or not the other convictions herein recited are convictions of crime involving moral turpitude.

Petitioner's attitude toward his "life of crime" is rather casual. He shows no evidence of being sorry or repentant.

It further appears that, except for the last three years during which time he has been a peddler of balloons at fairs and parades, petitioner has been unemployed for the last twenty-three years, living with and apparently on his relatives.

While it is true that petitioner has not been convicted of any crime since 1936, I cannot find on the record before me that his association with the alcoholic beverage business would not be contrar

to the public interest. Failing so to find, I must deny the prayer of the petitioner. (R.S. 33:1-31.2.)

Accordingly, it is, on this 31st day of May, 1949,

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

ERWIN B. HOCK
Director.

12. DISCIPLINARY PROCEEDINGS - TRANSPORTATION OF ALCOHOLIC BEVERAGES IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 REQUIRING BONA FIDE INVOICES OR MANIFESTS COVERING SHIPMENT - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

IRVIN G. HUBSCHMAN)
T/a ROXY DRUG CO.)
744 Chancellor Avenue)
Irvington 11, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-13, issued by the Board of Commissioners of the Town of Irvington.)

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge that he delivered alcoholic beverages in his licensed vehicle without accompanying invoices or manifests, in violation of Rule 3 of State Regulations No. 17.

Defendant admits that on several recent occasions he delivered alcoholic beverages in his licensed motor vehicle to his brother without covering invoices or manifests. His excuse that the delivery to his brother lulled him into an unwitting violation of the Regulations does not excuse the violation.

In the absence of any prior adjudicated record, and no aggravating circumstances appearing, I shall suspend the license for the minimum period of ten days. Re Kretz, Bulletin 844, Item 8. Remitting five days for the plea will leave a net suspension of five days.

Accordingly, it is, on this 2nd day of June, 1949,

ORDERED that Plenary Retail Distribution License D-13, issued by the Board of Commissioners of the Town of Irvington to Irvin G. Hubschman, t/a Roxy Drug Co., for premises 744 Chancellor Avenue, Irvington, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. June 13, 1949, and terminating at 9:00 a.m. June 18, 1949.

ERWIN B. HOCK
Director.

13.

ACTIVITY REPORT FOR MAY 1949

June 2, 1949

ARRESTS:		
Total number of persons arrested - - - - -		29
Licensees and employees - - - - -	8	
Bootleggers - - - - -	21	
SEIZURES:		
Stills - 50 gallons or under - - - - -		5
Alcohol - gallons - - - - -		.08
Mash - gallons - - - - -		374.50
Distilled alcoholic beverages - gallons - - - - -		10.10
Wine - gallons - - - - -		193.07
Brewed malt alcoholic beverages - gallons - - - - -		63.50
RETAIL LICENSEES:		
Premises inspected - - - - -		881
Premises where alcoholic beverages were gauged - - - - -		938
Bottles gauged - - - - -		16,456
Premises where violations were found - - - - -		27
Violations found - - - - -		32
Type of violations found:		
Unqualified employees - - - - -	15	Gambling devices - - - - - 3
Other mercantile business - - - - -	5	Improper beer taps - - - - - 1
Probable fronts - - - - -	4	Other violations - - - - - 4
STATE LICENSEES:		
Premises inspected - - - - -		12
License applications investigated - - - - -		13
COMPLAINTS:		
Complaints assigned for investigation - - - - -		319
Investigations completed - - - - -		338
Investigations pending - - - - -		126
LABORATORY:		
Analyses made - - - - -		120
"Shake-up" cases (alcohol, water and artificial color) - bottles - - - - -		16
Liquor found to be not genuine as labeled - bottles - - - - -		7
IDENTIFICATION BUREAU:		
Criminal fingerprint identifications made - - - - -		16
Persons fingerprinted for non-criminal purposes - - - - -		175
Identification contacts made with other enforcement agencies - - - - -		185
Motor vehicle identifications via N. J. State Police Teletype - - - - -		5
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities - - - - -		5
Violations involved:		
Sale to minors - - - - -	4	
Sale during prohibited hours - - - - -	1	
Cases instituted at Division - - - - -		13
Violations involved:		
Possessing illicit liquor - - - - -	2	Sale to intoxicated persons - - - - - 1
Sale during prohibited hours - - - - -	2	Hindering investigation - - - - - 1
Fraud in application - - - - -	2	Sale outside scope of license - - - - - 1
Sale under Fair Trade price - - - - -	2	Sale at combination price - - - - - 1
Advertising below Fair Trade - - - - -	2	Sale at discount - - - - - 1
Delivery without bona fide invoice - - - - -	2	Displaying oversize price placards 1
Unqualified employees - - - - -	1	Permitting pin ball machines
Permitting hostesses on premises - - - - -	1	on premises - - - - - 1
Employee working while drunk - - - - -	1	Permitting lottery activity on
		premises (raffle) - - - - - 1
Cases brought by municipalities on own initiative and reported to Division - - - - -		1
Violations involved:		
Sale during prohibited hours - - - - -	1	Permitting bookmaking on premises 1
Permitting brawls on premises - - - - -	1	Failure to afford view into prem-
		ises during prohibited hours 1
HEARINGS HELD AT DIVISION:		
Total number of hearings held - - - - -		37
Appeals - - - - -	9	Seizures - - - - - 4
Disciplinary proceedings - - - - -	13	Tax revocation - - - - - 1
Eligibility - - - - -	10	
PERMITS ISSUED:		
Total number of permits issued - - - - -		794
Employment - - - - -	96	Social affairs - - - - - 436
Solicitors - - - - -	102	Miscellaneous - - - - - 84
Disposal of alcoholic beverages - - - - -	76	

Erwin B. Hock
Director

14. STATE LICENSES - NEW APPLICATIONS FILED.

Camden County Beverage Company
504-510 Harrison Ave., Harrison, N. J.
Application for Plenary Brewery License filed May 18, 1949.

Ardito Wines, Inc.
160-164 Bay St., Jersey City, N. J.
Application for Plenary Winery License filed May 19, 1949.

Shawmut Transportation Co., Inc.
435 E. 30th St., New York, N. Y.
Application for Transportation License filed May 20, 1949.

Laurence Wine Corp.
55-61 - 68th St., Guttenberg, N. J.
Application filed May 19, 1949 for transfer of Plenary Winery License V-10 from Guttenberg Wine Co.

F. Pirrone & Sons, Inc.
92-94 Monroe St., Garfield, N. J.
Application for Wine Wholesale License filed May 16, 1949 for 1949-1950 fiscal year.

Vincent Canzanese, t/a Riverside Beer Distributor
256 Chester Ave., Delran Township, P.O. Riverside, N. J.
Application filed May 19, 1949 for transfer of State Beverage Distributor's License SBD-18 (fiscal year 1949-50) from Gennaro D'Annunzio.

Sonoma Vineyards Winery
T/a Reinco, California Vintners Products or Cameo Wine Sales Co.
188-194 - 21st Ave., Paterson, N. J.
Applications filed May 26, 1949 for transfer of Plenary Wholesale License W-3 and Plenary Winery License V-12 (fiscal year 1949-50) from Albert Vischia, t/a Sonoma Vineyards Winery; Reinco; California Vintners Products; or Cameo Wine Sales Co.

Roy Hullings, Inc.
S/E Side of Route #25, and Hartford Rd.
Delran Township, Riverside, N. J.
Application filed June 3, 1949 for transfer of State Beverage Distributor's License SBD-213 (fiscal year 1949-50) from Roy Hullings.

Melrose and Company, Inc.
Room 1107, 26 Journal Square, Jersey City, N. J.
Application filed June 7, 1949 for Plenary Wholesale License (for fiscal year commencing July 1, 1949).

Hub City Distributors Inc.
North Place Rear of 124 Brunswick Ave., Trenton, N. J.
Application for Limited Wholesale License (fiscal year commencing July 1, 1949) filed June 7, 1949.

Frank Vilord Inc.
Franklin Turnpike, Mahwah, N. J.
Application for Transportation License (fiscal year commencing July 1, 1949) filed June 7, 1949.

Emory B. Hook
Director.