

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

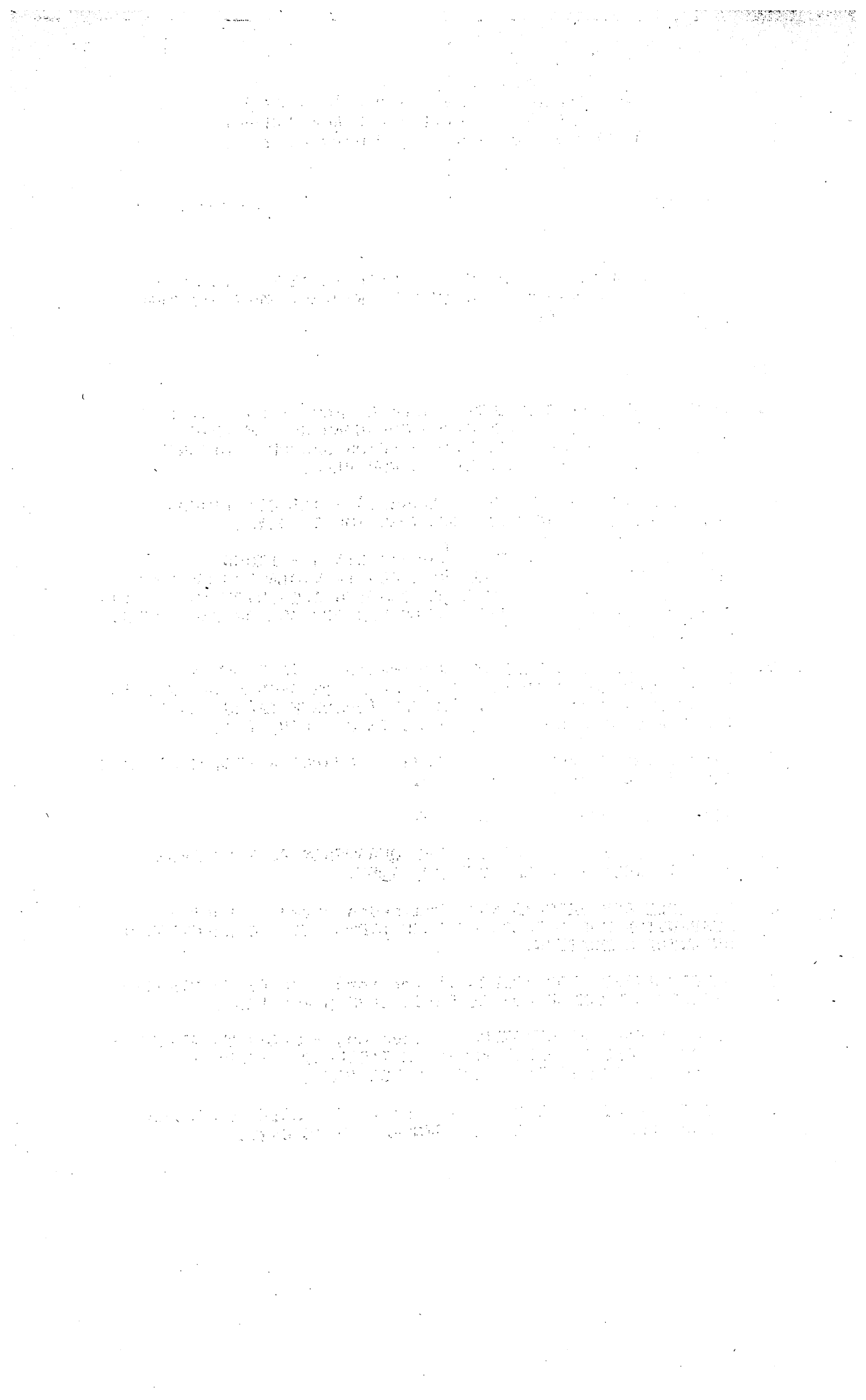
BULLETIN 1180

AUGUST 13, 1957.

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AUGUST 13, 1957.

1. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST OF MALT ALCOHOLIC BEVERAGES - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

GIANT LIQUORS, INC. )  
7913-19 Bergenline Avenue )  
North Bergen, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distri- )  
bution License D-14, issued by )  
the Board of Alcoholic Beverage )  
Control of the Township of North )  
Bergen. )

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Giant Liquors, Inc., Defendant-licensee, by Philip Zywotow,  
President.  
David S. Piltzer, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

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

The file herein discloses that on Saturday, May 11, 1957, George Bach, a clerk in charge of sales of alcoholic beverages for the defendant-licensee, sold a pack of six 12-ounce cans of Schlitz beer to an agent of this Division for \$1.15. The minimum consumer resale price then in effect was \$1.29. After the sale was consummated the agent and another who observed the transaction from a distance of five feet identified themselves to Mr. Bach who denied the violation.

Defendant has a prior adjudicated record. Effective May 22, 1950, its license was suspended for five days by the Division for a sale below the minimum resale price. Re Giant Liquors, Inc., Bulletin 876, Item 9. Effective July 11, 1955, its license was again suspended for ten days by the Division for a sale below the minimum resale price. Re Giant Liquors, Inc., Bulletin 1074, Item 3. The minimum suspension imposed for a violation as set forth in the charge herein is ten days. However, since the defendant's license was twice suspended for similar violations (one within five years and one over five years but less than ten years) I shall suspend its license for twenty-five days. Re Giant Liquors, Inc., ibid. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 10th day of June, 1957,

ORDERED that Plenary Retail Distribution License D-14, issued by the Board of Alcoholic Beverage Control of the Township of North Bergen to Giant Liquors, Inc., 7913-19 Bergenline Avenue, North Bergen, be and the same is hereby suspended for the balance of its term, commencing at 9:00 a.m. June 18, 1957; and it is further

ORDERED that if any license be issued to this licensee or to any other person for the premises in question for the 1957-58 licensing year, such license shall be under suspension until 9:00 a.m. July 8, 1957.

WILLIAM HOWE DAVIS  
Director.

2. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings against  
DOROTHY MILLER  
T/a BAMBOO ROOM  
36 Broadway  
Passaic, N. J.,  
Holder of Plenary Retail Consumption License C-130, issued by the Board of Commissioners of the City of Passaic.

CONCLUSIONS  
AND ORDER

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

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charge:

"On April 9, 1957, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, an alcoholic beverage in a bottle which bore a label which did not truly describe its contents, viz.,

One 4/5 quart bottle labeled 'Blended Scotch Whisky Vat 69 - 86.8 Proof';

in violation of Rule 27 of State Regulation No. 20."

Prior to the hearing held herein the attorney for defendant-licensee and the attorney appearing for the Division had several conversations as a result of which it was agreed that the facts would be stipulated at the hearing. Hence it was not necessary for the Division to arrange to produce the agent who conducted the investigation.

At the hearing herein it was stipulated that the bottle described in the charge was found on the licensed premises by an ABC agent on April 9, 1957. It was also stipulated that the chemist's report sets forth an accurate analysis of the contents of said bottle. From the chemist's report it appears that the contents of the seized bottle were substantially lower in proof, acids and solids than the contents of a genuine bottle of the same product. It was further stipulated that on April 9, 1957, the premises were closed when the agent first arrived; that the agent thereafter called the licensee and told her that he wanted to inspect the premises and that, approximately two hours later, he arrived at the premises for the inspection.

At the close of the hearing the attorney for defendant-licensee stated that, because a newspaper item indicated that

someone had tampered with the contents of the bottle in question, his client could not in good conscience plead guilty or non vult to the charge herein. Under the circumstances he requested that, in the event the defendant is found guilty as charged, a remission be granted of the five-day period usually allowed in cases in which a plea of non vult or guilty is entered.

There is no evidence in the case that defendant or any other person tampered with the contents of the seized bottle. Nevertheless, the charge is "possession" and knowledge that the beverages were illicit is not essential to a finding of guilt. Cedar Restaurant and Cafe Co. v. Hock, 135 N.J.L. 156 (Sup. Ct. 1947). Under the facts as stipulated, I find the defendant guilty as charged.

Defendant has a prior record. Effective July 9, 1956, I suspended her license for a period of fifteen days after she had pleaded non vult to a charge alleging the sale of alcoholic beverages during prohibited hours in violation of Rule 1 of State Regulation No. 38. See Bulletin 1125, Item 4. The minimum penalty imposed for a violation similar to that charged herein is fifteen days (Re Roman, Bulletin 1156, Item 6). Ordinarily I would increase the penalty by five days because of the prior dissimilar record within the past five years. However, under the peculiar circumstances in this case I shall suspend defendant's license for fifteen days (thus, in effect, suspended her license for the same period it would have been suspending if she had entered a plea of guilty or non vult herein).

Accordingly, it is, on this 17th day of June, 1957,

ORDERED that Plenary Retail Consumption License C-130, issued by the Board of Commissioners of the City of Passaic to Dorothy Miller, t/a Bamboo Room, for premises 36 Broadway, Passaic, be and the same is hereby suspended for the balance of its term, commencing at 3:00 a.m. June 24, 1957; and it is further

ORDERED that, if any license be issued to this licensee or to any other person for the premises in question for the 1957-58 licensing year, such license shall be under suspension until 3:00 a.m. July 9, 1957.

WILLIAM HOWE DAVIS  
Director.

3. CANCELLATION PROCEEDINGS - LICENSE IMPROVIDENTLY ISSUED AND TRANSFER IN VIOLATION OF LOCAL ORDINANCE - LEAVE GRANTED TO ISSUING AUTHORITY TO CONSIDER APPLICATION FOR RENEWAL SOLELY FOR PURPOSE OF PERMITTING A PROPER TRANSFER.

In the Matter of Cancellation )  
 Proceedings against )

LOYAL ORDER OF MOOSE, JERSEY )  
 CITY LODGE NO. 226 (A CORPORATION) )  
 305-307 West Side Avenue )  
 Jersey City 2, N. J., )

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption )  
 License C-540, issued by the Municipal )  
 Board of Alcoholic Beverage Control of )  
 the City of Jersey City. )

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

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Loyal Order of Moose, Jersey City Lodge No. 226 (a corporation) was served with a notice to show cause why the license issued to it by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City for premises at 53 Sussex Street and transferred to premises at 305-307 West Side Avenue, should not be suspended, revoked or cancelled and declared null and void for the following reasons:

'1. The license was improvidently issued in violation of R. S. 33:1-12.14 (P. L. 1947, ch. 94, supplementing R. S. 33:1-1 et seq.) in that it was a new license issued while the total number of plenary and seasonal retail consumption licenses in the City of Jersey City was greater than one for each thousand of its population as shown by the then last preceding (1950) Federal census, it not being a renewal of a license which expired on the last day of the license term which immediately preceded the current license term, since you held no such expired license, and it not being authorized by any exception contained in the aforesaid Statute as supplemented by P. L. 1950, ch. 145.

'2. The license was improvidently transferred in violation of Section 4 of an ordinance concerning alcoholic beverages (known as Ordinance No. 1112) adopted by the Jersey City Board of Commissioners on September 23, 1937, as amended April 1, 1941 and June 1, 1954, in that the entrance of your premises was within a radius of 750 feet from the entrance of an existing plenary retail consumption licensed premises, the transfer not being authorized by either of the exceptions contained in the aforesaid ordinance as amended.'

"In order to properly understand the matter now under consideration, it becomes necessary that an explanation be given relative to the acquisition of the license in question by the Loyal Order of Moose and subsequent events that occurred.

"On May 4, 1955 the local issuing authority granted a person-to-person transfer of the license from James J. Linskey

to the Loyal Order of Moose and a place-to-place transfer from premises located at 53 Sussex Street to premises located at 305-307 West Side Avenue, Jersey City. An appeal from the action of the local issuing authority was filed with the Director by a licensee who contended that the place-to-place transfer violated a section of a local ordinance in that the site at 305-307 West Side Avenue to which the transfer was granted was within 750 feet of the appellant's licensed premises. The Director upheld the appellant's contention that the place-to-place transfer of the license was in violation of both the general and escape provisions of the footage ordinance in question. See Beckert v. Jersey City et al., Bulletin 1081, Item 4. The ordinance has not been amended since the prior proceedings and, hence, the action of the local issuing authority was again in violation of the local ordinance in question.

"Rule 14 of State Regulation No. 6, effective January 1, 1957, provides that 'Transfers of licenses both as to person and place may be applied for simultaneously and in a single application; but if there is such combined application for person-to-person and place-to-place transfer, the license shall not be transferred to the applicant unless the place-to-place transfer is also effected.' However, the case of Beckert v. Jersey City et al., *supra*, was heard and decided under Rule 14 of State Regulation No. 6, effective July 1, 1950, which then provided 'Transfers of licenses both as to person and place may be applied for simultaneously and in a single application.' It is justly conceivable that the local issuing authority, when its action was reversed as aforesaid, was under the impression that the reversal of the transfer from Linskey to Loyal Order of Moose was only as to the place-to-place transfer and did not affect the person-to-person transfer of the license.

"I am satisfied that the ambiguity in the rule caused confusion on the part of the local issuing authority. The rule as it now appears has remedied the situation so that the meaning thereof is no longer subject to misinterpretation.

"The Loyal Order of Moose under the circumstances will be given some reasonable opportunity to transfer to premises other than 305-307 West Side Avenue. Pursuant to R. S. 33:1-39, such relief has heretofore been afforded to licensees who, through no fault of their own, would otherwise have been faced with an outright loss of their licenses and investments. See Zahorbenski v. Jersey City et al., Bulletin 706, Item 5; Delaware Tavern, Inc. et al. v. Atlantic City et al., Bulletin 758, Item 1; Venos v. Jersey City, Bulletin 808, Item 5; Van Houten v. Deal, Bulletin 895, Item 1; Empire Liquor Co. et al. v. Newark et al., Bulletin 1068, Item 2. Although Loyal Order of Moose must refrain from further alcoholic beverage activity at its present premises, it would be unduly harsh, if, under the circumstances appearing herein, it would be completely deprived of an opportunity to transfer the license to a proper person or location. It is recommended that Loyal Order of Moose be permitted to continue its past status as a licensee at the address 53 Sussex Street in order that it may be in a position to apply to the local Board for a place-to-place transfer. In the event that the limitation of time prevents the consummation of any contemplated transfer prior to the termination of the current licensing year on June 30, I recommend that the local issuing authority may, in its sound discretion, grant a 1957-58 renewal of said license for the Sussex Street address, solely for the purpose, however, of permitting, in its sound discretion, a place-to-place transfer thereof upon submission of a proper application.

"I recommend that in the light of the circumstances appearing herein, an order be entered by the Director in accordance with the opinion stated in the within report."

I have considered the facts and circumstances underlying the above Report and I concur in and adopt the Hearer's recommendation.

Accordingly, it is, on this 13th day of June, 1957,

ORDERED that the Municipal Board of Alcoholic Beverage Control of the City of Jersey City, in its sound discretion, grant a 1957-58 renewal of said license for 53 Sussex Street, solely for the purpose of permitting, in its sound discretion, a place-to-place and/or a person-to-person transfer thereof upon submission of a proper application.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF STATE REGULATION NO. 38 - LEWDNESS AND IMMORAL ACTIVITIES (OBSCENE LANGUAGE) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

DEMPSEY CORP. )  
T/a GENTLEMEN JIM'S BAR & GRILL )  
10 Dempsey Avenue )  
Edgewater, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-42, issued by the Mayor and )  
Council of the Borough of Edgewater. )

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Cohen & Turtz, Esqs., by Theodore Cohen, Esq., Attorneys for  
Defendant-licensee.  
Edward A. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Sunday, May 5, 1957 at about 1:58 a.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., a pint bottle of Seagram's Seven Crown Blended Whiskey, at retail, in its original container for consumption off your licensed premises and allowed, permitted and suffered the removal of said alcoholic beverage from your licensed premises; in violation of Rule 1 of State Regulation No. 38.

"2. On Saturday night, May 4 and early Sunday morning, May 5, 1957, you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20."

The file herein discloses that on Saturday, May 4, 1957, at about 11:45 p.m., two ABC agents entered defendant's licensed

premises and remained therein until about 2:30 a.m. the next morning. The premises were occupied by about fifteen patrons (male and female) seated at the bar behind which were two female officers of the corporate-licensee acting as bartenders. An argument arose between a male patron and one of the bartenders in which both indulged in foul, filthy and obscene language. Similar language, emanating from several other patrons was audible in the entire premises and at no time did either bartender attempt to stop the same.

At about 1:58 a.m. one of the agents asked one of the bartenders for a pint of Seagram's whiskey. The bartender thereupon placed a pint of the aforementioned brand of whiskey in a brown paper bag, handed the same to the agent and accepted \$3.00 in payment thereof. The agent then left the premises with his purchase and returned immediately. Thereafter, both agents identified themselves to the aforementioned corporate officers who admitted the violations.

Defendant has no prior adjudicated record. I shall suspend its license for fifteen days on Charge 1 (Re Antoniou, Bulletin 1162, Item 8), and for an additional ten days on Charge 2 (Re Moskowitz, Bulletin 1127, Item 4), making a total suspension of twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 5th day of June, 1957,

ORDERED that Plenary Retail Consumption License C-42, issued by the Mayor and Council of the Borough of Edgewater to Dempsey Corp., t/a Gentlemen Jim's Bar & Grill, 10 Dempsey Avenue, Edgewater, be and the same is hereby suspended for the balance of its term, effective at 3:00 a.m. June 12, 1957; and it is further

ORDERED that if any license be issued to this licensee or to any other person for the premises in question for the 1957-58 licensing year, such license shall be under suspension until 3:00 a.m. July 2, 1957.

WILLIAM HOWE DAVIS  
Director.

5. DISCIPLINARY PROCEEDINGS - CHARGE ALLEGING SALES TO INTOXICATED PERSON DISMISSED.

In the Matter of Disciplinary Proceedings against )

LE CHATEAU D'OR, INC. )  
Route 46 & Savoie Street )  
Lodi, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-20, issued by the Mayor and Council of the Borough of Lodi. )  
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Le Chateau D'Or, Inc., Defendant-licensee, by Russell Von Lyck, President.

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

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charge:

'On Friday night, February 8 and early Saturday morning, February 9, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person actually or apparently intoxicated and allowed, permitted and suffered the consumption of such beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.'

"Briefly stated, the Division's evidence tends to show that at 10:45 p.m., Friday, February 8, 1957, two ABC agents visited defendant's licensed premises wherein they observed at the bar a patron, whose hair and clothes were disheveled, conversing with others in a loud and incoherent manner while consuming what appeared to be a highball; that at about 11:40 p.m. the patron staggered to the men's room and upon his return ordered drinks for himself and four musicians; that Russell Von Lyck, president of defendant-corporation, served highballs to the five and later served a bottle of beer to the patron; that when the patron had consumed a portion of the beer the agents identified themselves and seized the remainder of the beverage for evidential purposes; and that the patron became boisterous, very emotional, cried and took a 'swing' at one of them. The agents concluded that the patron was intoxicated.

"Defendant's evidence tends to show that the patron had had a recent leg amputation and was wearing a prosthesis; that he used sedatives to alleviate his pain; that Von Lyck knew that he took pills and served him '7-Up'; that the patron's physical appearance was not as described by the agents except when the agents identified themselves and he became emotionally upset fearing he was going to be jailed; that he merely pushed the agents when they restrained him from getting up from a chair; that his lack of balance, staggering and excitability were due to his deformity; and that he was not at the time alleged and never had been intoxicated.

"Having carefully considered the facts and circumstances herein I find that alcoholic beverages were served to the patron. However, while the observations testified to by the agents might ordinarily indicate that the patron was intoxicated, the fact that he is an amputee and highly emotional, as I had opportunity to observe at the hearing, and that he consumed but two highballs and a sip of beer over a period of an hour, as testified to by the agents, engenders in my mind grave doubt that he was actually intoxicated or 'apparently' intoxicated within the meaning of the terms as used in Rule 1 of State Regulation No. 20. I conclude, therefore, that such doubt, in all fairness, should be resolved in favor of the licensee and I recommend that the charge herein be dismissed."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16. After carefully considering the facts and circumstances herein, I concur in and adopt the findings and recommended conclusions of the Hearer.

Accordingly, it is, on this 20th day of June, 1957,

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

WILLIAM HOWE DAVIS  
Director.

6.

ACTIVITY REPORT FOR JUNE 1957

<b>ARRESTS:</b>		
Total number of persons arrested - - - - -		17
Licensees and employees - - - - -	7	
Bootleggers - - - - -	10	
<b>SEIZURES:</b>		
Motor Vehicles - cars - - - - -		2
- trucks - - - - -		1
Still - over 50 gallons - - - - -		1
Distilled alcoholic beverages - gallons - - - - -		695.33
Wine - gallons - - - - -		.77
Brewed malt alcoholic beverages - gallons - - - - -		4.94
<b>RETAIL LICENSEES:</b>		
Premises inspected - - - - -		690
Premises where alcoholic beverages were gauged - - - - -		568
Bottles gauged - - - - -		8,834
Premises where violations were found - - - - -		53
Violations found - - - - -		85
Type of violations found:		
Unqualified employees - - - - -	27	Disposal permit necessary - - - - - 5
Prohibited signs - - - - -	16	Other mercantile business - - - - - 2
Reg. #38 sign not posted - - - - -	14	Other violations - - - - - 12
Application copy not available - - - - -	9	
<b>STATE LICENSEES:</b>		
Premises inspected - - - - -		10
License applications investigated - - - - -		49
<b>COMPLAINTS:</b>		
Complaints assigned for investigation - - - - -		340
Investigations completed - - - - -		297
Investigations pending - - - - -		140
<b>LABORATORY:</b>		
Analyses made - - - - -		148
Refills from licensed premises - bottles - - - - -		2
Bottles from unlicensed premises - - - - -		32
<b>IDENTIFICATION BUREAU:</b>		
Criminal fingerprint identifications made - - - - -		16
Persons fingerprinted for non-criminal purposes - - - - -		387
Identification contacts made with other enforcement agencies - - - - -		231
Motor vehicle identifications via N. J. State Police teletype - - - - -		5
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities - - - - -		10
Violations involved - - - - -		12
Sale during prohibited hours - - - - -	6	Failure to close premises
Sale to minors - - - - -	2	during prohibited hours - - - - - 1
Permitting hostesses on premises - - - - -	1	Possessing contraceptives on prem. - 1
Permitting gambling (dart games) on premises - - - - -	1	
Cases instituted at Division - - - - -		24
Violations involved - - - - -		34
Sale during prohibited hours - - - - -	7	Sale to intoxicated person - - - - - 1
Sale to minors - - - - -	7	Sale outside scope of license - - - - 1
Permitting foul language on premises - - - - -	3	Failure to have copy of license
Permitting gambling (cards) on premises - - - - -	2	application on premises - - - - - 1
Failure to afford view into premises		Hindering investigation - - - - - 1
during prohibited hours - - - - -	2	Permitting lottery activity
Sale below minimum resale price - - - - -	2	(numbers) on premises - - - - - 1
Sale to non-members by club - - - - -	1	Conducting business as a nuisance - 1
Service to women at a bar (local reg.) - - - - -	1	Fraud and front - - - - - 1
Permitting immoral activity on premises - - - - -	2	
Cases brought by municipalities on own initiative and reported to Division - - - - -		6
Violations involved - - - - -		9
Sale to minors - - - - -	4	
Sale during prohibited hours - - - - -	2	
Permitting foul language on premises - - - - -	1	
Hindering investigation - - - - -	1	
Failure to afford view into premises during prohibited hours - - - - -	1	
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held - - - - -		39
Appeals - - - - -	7	Seizures - - - - - 2
Disciplinary proceedings - - - - -	20	Tax revocations - - - - - 2
Eligibility - - - - -	6	Applications for license - - - - - 2
<b>STATE LICENSES AND PERMITS ISSUED:</b>		
Total number issued - - - - -		4,177
Licenses - - - - -	1	Social affair permits - - - - - 319
Employment permits - - - - -	408	Miscellaneous " - - - - - 113
Solicitors' " - - - - -	2,812	Transit insignia - - - - - 365
Disposal " - - - - -	69	Transit certificates - - - - - 85

WILLIAM HOWE DAVIS  
DIRECTOR

Dated: July 9, 1957

7. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1956 THROUGH JUNE 30, 1957

	1st Quarter		2d Quarter		3d Quarter		4th Quarter		Total
	July	Aug.-Sept.	Oct.-Nov.	Dec.	Jan.-Feb.	Mar.	Apr.-May	June	
<b>ARRESTS:</b>									
Total number of persons arrested	110		75		96		80		361
Licensees and employees	35		22		35		23		115
Bootleggers	74		52		61		55		242
ABC agent impersonator	1		1		0		0		2
<b>SEIZURES:</b>									
Motor vehicles - cars	11		4		6		12		33
- trucks	1		1		0		1		3
Still - over 50 gallons	2		3		1		3		9
- 50 gallons or under	2		7		2		1		12
Alcohol - gallons	-		-		4.25		-		4.25
Mash - gallons	1,472.20		3,191.26		990.16		750.00		6,403.62
Distilled alcoholic beverages - gallons	241.38		457.67		345.56		895.12		1,939.73
Wine - gallons	82.44		199.18		4.84		14.31		300.77
Brewed malt alcoholic beverages - gallons	393.44		48.28		12.14		28.45		482.31
<b>RETAIL LICENSEES:</b>									
Premises inspected	1,572		1,837		1,738		2,208		7,355
Premises where alcoholic beverages were gauged	1,263		1,800		1,702		1,660		6,425
Bottles gauged	22,826		31,418		28,562		26,766		109,572
Premises where violations were found	120		110		98		200		528
Violations found	184		156		138		322		800
Type of violations found:									
Unqualified employees	98		57		49		82		286
Application copy not available	41		31		51		54		177
Prohibited signs	2		1		8		78		89
Reg. #38 sign not posted	10		15		5		49		79
Other mercantile business	9		7		3		4		23
Disposal permit necessary	3		9		4		6		22
Gambling devices	-		4		1		-		5
Improper beer taps	4		-		-		-		4
Probable fronts	2		1		-		-		3
Other violations	15		31		17		49		112
<b>STATE LICENSEES:</b>									
Premises inspected	39		134		84		61		318
License applications investigated	32		29		29		88		178
<b>COMPLAINTS:</b>									
Complaints assigned for investigation	1,154		1,111		1,121		1,259		4,625
Investigations completed	1,088		1,071		1,011		1,126		4,296
Investigations pending	(177)		(122)		(150)		140		140
<b>LABORATORY:</b>									
Analyses made	518		380		483		453		1,864
Refills from licensed premises - bottles	10		17		18		8		53
Bottles from unlicensed premises	195		137		67		107		506
<b>IDENTIFICATION BUREAU:</b>									
Criminal fingerprint identifications made	91		46		45		58		240
Persons fingerprinted for non-criminal purposes	832		543		511		907		2,823
Ident. contacts made w/other enforcement agencies	619		393		427		665		2,104
MV identifications via N.J. State Police teletype	3		6		17		6		32
<b>DISCIPLINARY PROCEEDINGS:</b>									
Cases transmitted to municipalities	25		46		41		44		156
Violations involved:									
Sale during prohibited hours	32		58		46		52		188
Sale to minors	15		29		20		27		91
Sale to minors	7		12		18		18		47
Failure to close prem. during prohibited hours	5		5		2		4		16
Sale to non-members by club	2		1		1		2		6
Permitting hostesses on premises	0		2		1		1		4
Sale to intoxicated persons	0		2		1		1		4
Failure to afford view into premises during prohibited hours	1		1		1		0		3
Permitting brawl on premises	0		1		1		1		3
Service to women at a bar (local reg.)	1		0		0		2		3
Permitting gambling (cards, darts) on prem.	0		1		0		1		2
Permitting lottery activity (sweepstakes)	1		0		0		0		1
Permitting foul language on premises	0		1		0		0		1
Sale outside scope of license	0		1		0		0		1
Permitting slot machines in premises	0		0		0		1		1
Possessing contraceptives on premises	0		0		0		1		1
Employing unqualified persons	0		0		0		1		1
Employing female bartender (local reg.)	0		2		1		0		3
Cases instituted at Division	90*		63**		84*		80*		317
Violations involved:									
Sale to minors	14		87		103		114		419
Sale during prohibited hours	41		15		32		27		115
Sale below minimum resale price	16		13		16		23		68
Permitting immoral activity on premises	8		5		10		6		29
Conducting business as a nuisance	4		10		2		5		21
Fraud and front	7		2		5		4		18
Possessing illicit liquor	4		6		-		4		14
	3		2		6		2		13

\*Includes one cancellation proceeding - license improvidently issued

\*\*Includes two cancellation proceedings - license improvidently issued

1st Quarter 2d Quarter 3d Quarter 4th Quarter  
 July Aug. Sept. Oct. Nov. Dec. Jan. Feb. Mar. Apr. May June Total

DISCIPLINARY PROCEEDINGS (Continued)

Cases Instituted at Division (Continued)

Violations involved:

Sale outside scope of license	3	3	2	4	12
Possessing indecent matter	2	5	3	1	11
Permitting lottery activity on premises	3	3	0	4	10
Sale to intoxicated persons	3	1	3	1	8
Permitting bookmaking on premises	4	1	0	3	8
Permitting gambling on premises	1	0	4	3	8
Failure to afford view into premises during prohibited hours	0	3	1	3	7
Sale to non-members by club	0	1	3	3	7
Permitting foul language on premises	0	1	1	4	6
Employing unqualified persons	4	1	1	0	6
Failure to close prem. during prohibited hours	0	2	2	2	6
Hindering investigation	2	1	0	3	6
Mislabeled beer taps	1	2	1	0	4
Service to women at a bar (local reg.)	1	0	1	2	4
Permitting hostesses on premises	1	1	1	0	3
Employing person w/o identification card	0	1	2	0	3
Failure to file notice of change in application	1	0	0	2	3
Storage off licensed premises	1	1	0	0	2
Possessing contraceptives on premises	0	2	0	0	2
Possessing pin ball machine on premises	0	1	1	0	2
Permittee engaging in conduct prohibited to employer	1	0	0	1	2
Failure to have copy of license app. on premises	0	1	0	1	2
Delivery without bona fide invoice	0	1	0	1	2
Furnishing gifts with retail sales	1	0	0	0	1
Exercising license privilege prior to transfer	1	0	0	0	1
Permitting prostitutes on premises	1	0	0	0	1
Sale without license	0	1	0	0	1
Unauthorized transportation	0	1	0	1	2
Retailer soliciting house to house	0	0	1	0	1
Permitting slot machines on premises	0	0	1	0	1
Licensee working while intoxicated	0	0	1	0	1
Permitting consumption on distribution licensed prem	0	0	1	0	1
Purchase from improper source	0	0	1	0	1
Sale during license suspension	0	0	1	0	1
Serving beverages other than ordered	0	0	0	1	1
Aiding and abetting whlr. to sell to consumer	0	0	0	1	1
Act or happening	0	0	0	1	1
Sale outside scope of permit	0	0	0	1	1

Cases brought by municipalities on own initiative and reported to Division

Violations involved

Sale to minors	42	42	66	32	182
Permitting brawl on premises	20	17	24	12	73
Sale during prohibited hours	5	11	12	1	29
Failure to close prem. during prohibited hours	2	5	7	11	25
Failure to afford view into premises during prohibited hours	1	2	3	0	6
Conducting business as a nuisance	3	1	1	1	6
Permitting minors to loiter on premises	0	1	3	2	6
Hindering investigation	4	0	1	0	5
Permitting gambling on premises	0	1	2	2	5
Employing unqualified persons	1	0	2	1	4
Sale to intoxicated persons	0	1	2	0	3
Permitting immoral activity on premises	1	1	0	0	2
Permitting lottery activity on premises	1	0	1	0	2
Permitting bookmaking on premises	0	0	1	1	2
Sale outside scope of license	1	0	0	0	1
Fraud in application	1	0	0	0	1
Employing bartender w/o identification card	1	0	0	0	1
Service to women at a bar	1	0	0	0	1
Sale to non-members by club	0	1	0	0	1
Failure to display license certificate	0	0	1	0	1
Unauthorized transportation	0	0	1	0	1
Delivery without bona fide invoice	0	0	1	0	1
Storage off licensed premises	0	0	1	0	1
Permitting persons of ill repute on premises	0	0	1	0	1
Permitting foul language on premises	0	0	0	1	1

HEARINGS HELD AT DIVISION:

Total number of hearings held	158	117	148	134	557
Appeals	36	9	16	13	74
Disciplinary proceedings	94	71	84	79	328
Eligibility	18	14	23	16	71
Seizures	6	14	10	14	44
Tax revocations	-	5	11	10	26
Applications for license	4	4	4	2	14

STATE LICENSES AND PERMITS ISSUED:

Total number issued	4,870	4,649	2,550	21,069	33,138
Licenses	926	8	10	6	960
Employment permits	776	485	376	2,459	4,096
Solicitors "	154	95	137	2,914	3,300
Disposal "	246	243	273	253	1,015
Wine "	-	1,403	30	-	1,433
Social affair "	1,073	1,109	861	1,042	4,085
Miscellaneous "	577	554	304	667	2,102
Transit insignia	1,022	691	459	12,351	14,523
Transit certificates	86	61	100	1,377	1,624

8. DISCIPLINARY PROCEEDINGS - FRONT - SUSPENSION FOR BALANCE OF TERM LIFTED UPON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against )

ANNA DeCARLO )  
254 Broad Avenue )  
Palisades Park, N. J., )

ON PETITION  
O R D E R

Holder of Plenary Retail Consumption License C-13, issued by the Borough Council of the Borough of Palisades Park. )

-----  
Martin J. Lucarelli, Petitioner, Pro se.

On November 19, 1956, the Director suspended defendant's license for the balance of its term, effective at 3:00 a.m. November 26, 1956, after defendant had pleaded non vult to charges alleging that in her application filed for the current licensing year she falsely concealed the fact that Ann & Fan, Inc. was the real owner of the licensed business and aided and abetted said corporation to exercise the privileges of her license. Leave was given to defendant or other qualified person to file a petition with the Director to have the suspension lifted upon proof of the correction of the illegal situation, provided, however, that the suspension would not be lifted until the expiration of twenty days from the effective date thereof (Re DeCarlo, Bulletin 1146, Item 7).

The records of this Division disclose that on June 11, 1957, License C-13 was transferred by the Borough Council of the Borough of Palisades Park to Martin J. Lucarelli, subject to the suspension imposed herein.

It thus appearing that the unlawful situation has been corrected and that the suspension has been in effect for more than twenty days.

It is, on this 17th day of June, 1957,

ORDERED that the suspension heretofore imposed be lifted and that License C-13 be restored to full force and operation as soon as the transfer of the license to Martin J. Lucarelli is endorsed on the face of the license certificate by the Borough Clerk of the Borough of Palisades Park.

WILLIAM HOWE DAVIS  
Director.

By: Edward J. Dorton  
Deputy Director.

9. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

CHARLES E. SAILLIEZ & CHARLES J. SAILLIEZ )  
 T/a CHARLES E. SAILLIEZ AND SON )  
 174 Nassau Street )  
 Princeton, N. J., )

CONCLUSIONS AND ORDER

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 Holders of Plenary Retail Distribution License D-2, issued by the Mayor and Council of the Borough of Princeton. )

Charles E. Sailliez & Charles J. Sailliez, Defendant-licensees, Pro se.  
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge that they sold, served and delivered alcoholic beverages to a minor on their licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that on May 3, 1957, ABC agents observed two youths enter defendants' licensed premises and a short time thereafter emerge therefrom. One carried two large paper bags and the other one paper bag. The agents stopped the youths and, after identifying themselves to them, inspected the contents of the bags and found them to contain divers containers of alcoholic beverages. Among the items found were fifty-four cans of beer and six bottles of assorted liquor. Richard --- (20 years of age) told the agents that he had purchased the alcoholic beverages. The agents and the youths returned to the licensed premises, and Charles E. Sailliez (one of the defendants) admitted making the sale of the alcoholic beverages to the 20-year-old minor.

Defendants have no prior adjudicated record. The minimum suspension for an unaggravated sale of alcoholic beverages to a minor twenty years of age is ten days (Re Hunt et al., Bulletin 1121, Item 10). In view of the large quantity of alcoholic beverages sold, I shall suspend defendants' license for fifteen days (cf. Re Causton, Bulletin 1134, Item 10). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 19th day of June, 1957,

ORDERED that Plenary Retail Distribution License D-2, issued by the Mayor and Council of the Borough of Princeton to Charles E. Sailliez & Charles J. Sailliez, t/a Charles E. Sailliez and Son, for premises 174 Nassau Street, Princeton, be and the same is hereby suspended for the balance of its term, commencing at 9:00 a.m. June 25, 1957; and it is further

ORDERED that any renewal or transfer of such license shall be and remain under suspension until 9:00 a.m. July 5, 1957.

WILLIAM HOWE DAVIS  
 Director.

10. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

WINE & GAME SHOP INCORPORATED )  
6 Nassau Street )  
Princeton, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution License D-7, issued by the Mayor and Council of the Borough of Princeton. )

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Warren & Stein, Esqs., by George Warren, Esq., Attorneys for Defendant-licensee.

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

BY THE DIRECTOR:

Defendant pleaded non vult to a charge that it sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that on May 3, 1957, ABC agents stopped a youth carrying a brown paper bag as he was leaving defendant's licensed premises and after identifying themselves the agents inspected the bag and found that it contained a pint bottle of Myers Rum. The youth, James ---, informed the agents that he was twenty years of age.

It appears that the clerk who sold the bottle of alcoholic beverages to the minor in question stated that he inquired as to the youth's age and was shown a draft card indicating that the person named thereon was over twenty-one years of age. James --- verbally admitted to the agents that he had displayed a draft card belonging to another person. The employee of defendant failed, however, to obtain a written representation from the minor that he was twenty-one years of age or over. Thus, a necessary statutory requirement in order to establish a valid defense to a sale of alcoholic beverages to a minor was lacking. R. S. 33:1-77.

Defendant has no prior adjudicated record. However, effective April 5, 1955, a license then held by Robert A. Benham and Robert D. McCarthy, as partners, was suspended for twenty days after entering a plea of non vult to sale of alcoholic beverages at less than the minimum price listed in the current Minimum Resale Price List. Re McCarthy and Benham, Bulletin 1059, Item 4. Said Robert A. Benham is president of defendant corporate-licensee and holder of 60 per cent of its capital stock. The minimum suspension for an unaggravated sale of alcoholic beverages to a minor is ten days. Cf. Re Hunt et al., Bulletin 1121, Item 10. Considering the past dissimilar record of Robert A. Benham, aforementioned, occurring within the past five years, the penalty ordinarily to be imposed would be fifteen days. However, in view of the circumstances appearing in the instant case, I shall suspend defendant's license for a period of ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 19th day of June, 1957,

ORDERED that Plenary Retail Distribution License D-7, issued by the Mayor and Council of the Borough of Princeton to Wine & Game Shop Incorporated, 6 Nassau Street, Princeton, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. June 24, 1957, and terminating at 9:00 a.m. June 29, 1957.

WILLIAM HOWE DAVIS  
Director.

11. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary Proceedings against

ETHEL K. YEOMAN  
T/a YEOMAN'S  
108 Nassau Street  
Princeton, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution License D-1 issued by the Mayor and Council of the Borough of Princeton.

-----)  
Ethel K. Yeoman, Defendant-licensee, Pro se.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she sold, served and delivered alcoholic beverages to a minor on her licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file in the instant case discloses that on May 3, 1957, two ABC agents stopped a youth carrying a brown paper bag as he was leaving defendant's licensed premises. An examination of the contents of the bag showed that it contained two bottles of alcoholic beverages purchased by him in defendant's premises. The youth, when questioned by the agents, admitted that he was twenty years of age, and then he and the agents entered defendant's premises at which time the agents confronted the defendant with the violation.

It is not disputed that, prior to the sale to the minor in question, defendant made inquiry as to his age and the minor displayed an out-of-state automobile driver's license indicating that he was over twenty-one years of age. An examination of said license disclosed that the original age appearing thereon had been altered. The defendant failed to obtain a written representation from the minor as to his alleged age. Thus, one of the necessary requirements in order to establish a valid defense to a sale to a minor was lacking. R. S. 33:1-77.


Defendant has a prior adjudicated record. Effective December 1, 1952, her license was suspended by the municipal issuing authority for a period of five days for a similar violation. This would ordinarily warrant a suspension of defendant's license for twenty days, less five days' remission for the plea entered herein, or a net suspension of fifteen days (cf. Re Palermo and Durante, Bulletin 1108, Item 8). However,

under the circumstances appearing herein, I shall suspend defendant's license for a period of ten days.

Accordingly, it is, on this 13th day of June, 1957,

ORDERED that Plenary Retail Distribution License D-1, issued by the Mayor and Council of the Borough of Princeton to Ethel K. Yeoman, t/a Yeoman's, for premises 108 Nassau Street, Princeton, be and the same is hereby suspended for the balance of its term, effective at 9:00 a.m. June 25, 1957; and it is further

ORDERED that any renewal or transfer of such license shall be and remain under suspension until 9:00 a.m. July 5, 1957.



William Howe Davis  
Director.