

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Drive Cranford, N.J. 07016

BULLETIN 2185

May 22, 1975

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1. APPELLATE DECISIONS - CATENA'S TAVERN, INC. v. NEWARK.

Catena's Tavern, Inc., t/a)	
Catena's Tavern,)	
Appellant,)	On Appeal
v.)	CONCLUSIONS
Municipal Board of Alcoholic)	and
Beverage Control of the City of)	ORDER
Newark,)	
Respondent.)	

-----)

Skoloff & Wolfe, Esqs., by Saul A. Wolfe, Esq., Attorneys for Appellant

Milton A. Buck, Esq., by Andrew A. McDonald, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of the Municipal Board of Alcoholic Beverage Control of the City of Newark (hereinafter Board) which, on October 30, 1974 suspended appellant's Plenary Retail Consumption License C-639 for premises 82 Mt. Vernon Place, Newark for twenty-five days following a finding of guilt to a charge alleging that appellant did, on July 2, 1974, sell alcoholic beverages to a minor.

In its petition of appeal, appellant contends that the said charge was not proven and hence the Board's action was erroneous. The Board denied this contention.

The suspension was stayed by order of the Director dated December 2, 1974 pending the determination of this appeal.

A de novo hearing on the appeal was heard in this Division pursuant to Rule 6 of State Regulation No. 15, with full opportunity provided the parties to introduce evidence and to cross-examine witnesses. However, in lieu thereof, a transcript of the testimony taken at the hearing before the Board was accepted into evidence, pursuant to Rule 8 of State Regulation No. 15. Counsel for both parties stipulated that they would rely upon the transcript; no testimony was elicited in this Division.

The transcript of the testimony taken before the Board contains the testimony of two Newark police officers. Detective Ronald Parm stated that he responded to a call to the premises about 9:35 p.m. on July 2, 1974, where he met police officers of a radio car who had already arrived at the premises. He was informed that a minor, identified as John R--, then in custody, had purchased a six-pack of beer from appellant's premises. In a conversation with John he ascertained that he was born on July 21, 1956; he examined a driver's license of the minor and found the date of birth thereon to be July (no date) 1956.

Patrolman William Murphy testified that he and a fellow officer were on radio car duty and stopped in front of appellant's premises in connection with a parking infraction. While there, he observed John emerge from the premises carrying a brown paper bag which contained a six-pack of beer. He ascertained from John that his age was seventeen and that the beer had been purchased without being required to furnish identification. He did not enter appellant's premises at the conclusion of that inquiry but merely summoned aid, to which Detective Parm responded.

The minor, John, was not called upon to testify. Appellant's counsel moved for a dismissal of the charge urging that the charge was unproven. No one was called upon to testify upon behalf of appellant.

It is essential that in matters involving the sale of alcoholic beverages to a minor, proof is required that there was a sale to a minor and, of equal essentiality, that the minor was, indeed, under age at the time of such sale.

Other defenses are also available whenever the essential proofs have been met but such need not be raised, if they exist, unless and until the basic proofs are met. Hence, a charge must be established by affirmatively satisfactory evidence. A finding of guilt may not be based upon mere suspicion, no matter how reasonably inferable such suspicion may be. Re Doyle, Bulletin 469, Item 2; Vangelas v. Paterson, Bulletin 1969, Item 1; Ramos v. Jersey City, Bulletin 2148, Item 4.

In a recent determination in this Division, Re Dombroski, Bulletin 2158, Item 4, the complete lack of testimony by the minor as well as lack of corroboration of his age or of the sale was sufficient upon which to ground dismissal of the charge.

The absence herein of any proof whatever relating to a sale of alcoholic beverages and with the further lack of persuasive proof of the minor's age, leads to the inescapable conclusion that the appellant has sustained its burden of establishing that the action of the Board was erroneous and should be reversed. Rule 6 of State Regulation No. 15.

I, therefore, recommend that the action of the Board be reversed and that the charge 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, including the transcript of the testimony, the exhibit and the Hearer's report, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 31st day of March 1975,

ORDERED that the action of respondent be and the same is hereby reversed, and the charge herein be and the same is hereby dismissed.

Leonard D. Ronco
Director

2. APPELLATE DECISIONS - HUTCHINS v. PATERSON.

Augustus Hutchins,)	
t/a Hutch's Bar & Grill,)	
)	
Appellant,)	On Appeal
)	
v.)	CONCLUSIONS
)	and
)	ORDER
Board of Alcoholic Beverage)	
Control for the City of Paterson,)	
)	
Respondent.)	

LaSala and DeMarco, Esqs., by William J. DeMarco, Esq.,
Attorneys for Appellant
Joseph A. LaCava, Esq., by Ralph L. DeLuccia, Esq. Attorneys
for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the actions of the Board of Alcoholic Beverage Control for the City of Paterson (hereinafter Board) which, on June 26, 1974, adopted two resolutions respecting appellant's Plenary Retail Consumption License C-117, for premises 39 Carroll Street, Paterson. It first denied the application by appellant for a place-to-place transfer

of his licensed premises to 302-22nd Street and, in a companion resolution, denied renewal of the license for the 1974-75 licensing period.

Appellant's petition of appeal contended that the action of the Board was arbitrary and unreasonable in that it based its denial of the transfer application solely on the report of the Department of Health, which determined that the proposed premises were structurally unsuitable to house a licensed premises. Thereupon the Board denied appellant's application for renewal of the license at its present premises.

The Board denied appellant's contentions averring that it determined the proposed situs was unsuitable for any licensed premises as the location would not be in the public interest. Further it denied renewal of the license in that there was, in fact, no premises at which the license could be operated.

A de novo appeal was heard in this Division pursuant to Rule 6 of State Regulation No. 15, with full opportunity afforded to the parties to introduce evidence and cross-examine witnesses. In addition, transcripts of the proceedings before the Board were received in evidence in accordance with Rule 8 of State Regulation No. 15.

The proceedings before the Board consisted of the introduction of a letter from the Board of Health describing the proposed premises as unsuitable for use as licensed premises; a letter of objection by four competing licensees; and testimony of one of the municipal Councilmen, Frank Graves, who described the proposed site as being immediately adjacent to a large housing project containing hundreds of children.

He maintained that the proposed location was not a proper situs for an additional liquor outlet in an area in which there were presently several others. He believed that permitting a transfer of appellant's license to the proposed location would not be in the public interest.

At the hearing in this Division, the Board introduced into evidence a letter addressed to it by the attorney for the Housing Authority which reported that its Board of Directors had unanimously voted to oppose the subject transfer on the ground that the many children residing in its project would be playing in close proximity to the proposed transfer site.

Testifying on behalf of the Board, Joseph P. Kelly, a Health Officer stated that he had made an inspection of the proposed location at the request of the Board. At that time, he observed that the location consisted of an auto-parts store which was then totally unsatisfactory as a location for a tavern or liquor outlet. The floor, walls, lighting and plumbing were inadequate; and he reported that such premises were unfit. On cross examination, he admitted that with certain construction done, it would be feasible to correct all of the deficiencies.

No other witnesses were introduced for either appellant or for the Board.

Preliminarily it is noted that the burden of establishing that the action of the Council was erroneous and should be reversed rests with appellant. Rule 6 of State Regulation No. 15. The decision as to whether or not a license should be transferred to a particular locality rests within the sound discretion of the municipal issuing authority in the first instance. Hudson-Bergen County Retail Liquor Stores Assn. v. North Bergen, Bulletin 997, Item 2; Paul v. Brass Rail Liquors, 31 N.J. Super. 210, 211 (App. Div. 1954); Biscamp v. Teaneck, 5 N.J. Super. 172 (App. Div. 1949); and such discretion will not be disturbed in absence of a clear abuse. Blanck v. Magnolia, 38 N.J. 484 (1962).

The Director may not compel a municipality to transfer licensed premises to an area in which the municipality does not want them. Fanwood v. Rocco, 59 N.J. Super. 306 (App. Div. 1960) aff'd 33 N.J. 404 (1960). And, as the court noted in Fanwood, no person is entitled, as a matter of law, to the transfer of a liquor license. N.J.S.A. 33:1-26.

In such matters, the determinant is merely whether the refusal to grant the transfer was the result of intentional discrimination or other arbitrary action. Nordco, Inc. v. State, 43 N.J. Super. 277 (App. Div. 1957); Essex County R.L.S. Assn' v. Newark, 77 N.J. Super. 70 (App. Div. 1962).

Appellant has failed to show that the rejection of his proposed location by the Board was the result of unreasonableness; to the contrary, the Board obviously determined that the proposed area already was sufficiently served by existing licensed premises and that the proximity of the proposed premises to the highly populated housing project would not be in the public interest. Lyons Farms Tavern, Inc. v. Newark, 55 N.J. 292 (1970).

Accordingly, I find that the Board acted circumspectly with reference to the denial of transfer and recommend that its action be affirmed, and the appeal with respect thereto be dismissed.

The appeal from the denial of renewal of license presents an additional issue however. The resolution denying renewal was adopted as follows:

"WHEREAS, application has been made to this Board for the renewal of Plenary Retail Consumption License C-117, by Augustus Hutchins, t/a Hutch's Bar & Grill, for premises situated at 306-22nd Avenue Paterson, New Jersey; and

WHEREAS, on June 26, 1974, a place-to-place transfer of said license to the above premises was denied due to the disapproval of the premises by the Board of Health of the City of Paterson; NOW, THEREFORE,

BE IT RESOLVED, THAT The renewal of said license be and the same is hereby denied without prejudice."

Although the record is barren respecting any situation under which appellant grounded his application, the Board's answer to the petition of appeal revealed that appellant had been given a new license pursuant to N.J.S.A. 33:1-12.18 by the Director under a hardship allegation. The use of such new license is limited and, in the failure of appellant to find a new and suitable situs for such license, the Board properly denied renewal.

It is, thus, found that the appellant has failed to establish that the action of the Board was erroneous and should be reversed, as required by Rule 6 of State Regulation No. 15.

It is, accordingly, recommended that the action of the Board in refusing to renew appellant's plenary retail consumption license be affirmed, and the appeal 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, including the transcript of the testimony, the exhibits, and the Hearer's report, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 21st day of April 1975,

ORDERED that the actions of respondent Board of Alcoholic Beverage Control for the City of Paterson be and the same are hereby affirmed, and the appeal herein be and the same is hereby dismissed.

Leonard D. Ronco
Director

3. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against

Parmelli's Hotel & Tavern, Inc. t/a Luigi's 581-583 River Street Paterson, N.J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-255, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

LaSala & DeMarco, Esqs., by William J. DeMarco, Esq., Attorneys for Licensee David S. Piltzer, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"From on or about October 10, 1973, and continuing to the present, [June 24, 1974], you directly failed to facilitate, hindered, delayed, caused the hindrance and delay and attempted to hinder, delay and cause the hindrance and delay of an investigation and inspection of your licensed business, namely: you have failed to comply with directives from this Division to produce the corporate business records and to provide for the appearance of Louis Gatto, President of the licensed corporation, for the purpose of an interview at this Division, consonant with the inspection and investigation of the licensed business conducted by Investigators of the Division of ABC of the Dept. of Law and Public Safety of the State of New Jersey; in violation of Rule 35 of State Regulation No. 20."

Several ABC agents participated in the investigation which culminated in the preferment of the instant charge.

Agent Mc testified that, accompanied by ABC agents C, S and B, he visited the licensed premises (which consists of a

cocktail lounge, a restaurant section and a bar) on October 10, 1973 at approximately 5:00 p.m. Raymond Stenger, the vice-president of the corporate licensee was in the premises and was, shortly thereafter joined by Louis Gatto, the president of the corporate licensee.

Additionally, while seated at a table with the other agents eating, agent Mc observed an individual identified as Samuel Cohen, engaged in seating patrons at tables and handing menus to them.

Thereafter, the agents disclosed their identities to Stenger, Gatto and Cohen.

Agent Mc sought to question Gatto, who said that he was not going to answer any questions and walked out of the room. Gatto did not give any reason for refusing to answer questions.

Twelve checks, found on the licensed premises on October 10, all of which were jointly executed by Raymond Stenger and by Samuel Cohen, and some of which were payable to liquor distributors, were received in evidence.

Also, on October 10, 1973, Stenger was served with a subpoena calling for his and Gatto's appearance at the Division office on the following day. Both Gatto and Stenger appeared. Gatto appeared and was served with a demand for the production of certain records and documents pertaining to the corporate licensee, including the corporate minutes, stock certificates and stock transfer book at the Division office on November 8, 1973. These records were never produced.

For various reasons, including the alleged illnesses of Gatto and his attorney, Gatto did not appear at the Division office until April 16, 1974. Agent Mc testified that he then conducted an interrogation of Gatto at the Division office, as follows:

"Question: Do you know Sam Cohen?

Answer: I know a lot of Sam Cohens. I am not going to answer that."

Gatto was next asked: "Is there a Sam Cohen that performs services on your license premises such as seating people?" Gatto responded that he was ill and wanted to see his doctor and departed from the Division offices five or ten minutes thereafter.

An appointment to interview Gatto was scheduled to be held at attorney De Marco's office on May 7 at 9:00 a.m.

Upon arriving at De Marco's office at the scheduled time, agent Mc was informed by De Marco's secretary that he was engaged in Federal Court, and that Gatto would not appear without his attorney. No other appointments were scheduled relative to the continuance of Gatto's interrogation.

Agent Mc conceded that he was informed by the licensee's attorney that attorney Scangarella, who had represented the licensee had died and that he (the licensee's present attorney) was attempting to locate the corporate minute books, stock transfer books and the stock certificates.

Agent C testified that, on October 10, 1973 he accompanied ABC agents Mc, S and B to the licensed premises. He overheard Gatto say in the presence of the four ABC agents that he wouldn't answer any questions. In his opinion, Gatto directed that remark specifically to agent Mc. Gatto, almost immediately thereafter, departed from the premises.

Agent C observed Stenger and Samuel Cohen greeting patrons, leading them to tables and handing them menus.

In connection with Gatto's appearance at the Division offices on April 16, 1974, the agent testified that he:

"...heard [agent] Mc ask Mr. Gatto if he knew a Sam Cohen. I believe Mr. Gatto said I know a lot of Sam Cohens. Mc then asked about a specific Sam Cohen who I think he said performed services in the licensed premises or something to that effect and Mr. Gatto said, I am not going to answer any more questions and I am going to leave. I don't feel good."

Gatto departed shortly thereafter.

Agent S, who accompanied agents Mc, C and B in the licensed premises on October 10, 1973, testified that he observed Cohen seating patrons and handing them menus over a period of approximately one-half hour. Agent S thereafter conducted a search of the premises, first behind the bar and thereafter in the office of the establishment.

The witness testified that, upon being questioned by agent Mc as to whether he was ever convicted of a crime, he heard Gatto state that he was not going to answer any questions. Agent S told Gatto to calm down and cooperate or he would be charged with hindering. Agent S then departed from the office and conferred with Cohen. Gatto exited the premises.

Agent S searched for Gatto in the barroom, the kitchen and the storeroom and could not locate him. The agents remained in the licensed premises until approximately 9:00 p.m.. He did not observe Gatto return to the premises.

Agent B, who typed the statement given by Gatto at the Division offices on April 16, 1974, testified as follows:

"Q On the last page of the statement there is a question, and I quote, 'Is there a Sam Cohen that performs services on your licensed premises, such as seating people?' and there is no answer that follows. What happened when that question was posed to Mr. Gatto?"

A Sir, when Mr. Gatto was asked this question he stated that he knew a lot of Sam Cohens and he was not going to answer the question.

Q He refused to answer the question?

A Yes, sir."

Gatto remained at the Division offices approximately ten or fifteen minutes, and departed without answering the question.

In defense of the charge, Louis Gatto testified that he was the president of the corporate licensee and its principal shareholder; that, after he entered the licensed premises on the night of October 10, 1973 he observed the presence of the ABC agents; the agents conducted a search in the office and took some records with them: they "kept throwing questions" at him; and he informed them that he was going to call his lawyer. Finding the telephone in the lobby busy, he walked across the street to a drugstore in order to call his lawyer, De Marco. Upon his return, approximately twenty minutes later, he noted that the agents had departed from the premises.

Concerning his appearance at the Division offices on April 16, 1974 for the purpose of submitting to questioning, Gatto testified as follows:

"They [the agents] asked me about Sam Cohen, was he my partner. I says, 'No, he wasn't my partner. When was he ever my partner?' 'How do you know him?' 'Well,' I says, 'I know a lot of Cohens,' and I do. In fact, they are customers in the place.

'What was he doing there this particular night?' 'If I may say this, his crippled sister and brother-in-law had come into the place, and he got up because Ray Stenger was busy meeting other people, and his sister is a cripple, and he walked them in to a table.' This is what happened that night with Sam Cohen. He is a friend and a customer, that particular Sam Cohen. Other than that, there is no other involvement with me and him in any way in or out of the place."

Concerning the corporate record books sought by the agents, the witness testified that the attorney who had the books died in December 1973, and the office of the deceased attorney was burglarized. The attorney representing the estate of the deceased attorney informed Gatto that he couldn't locate the licensee's file.

Gatto denied that he, at any time, wilfully refused to answer questions or that he obstructed the investigation conducted by the Division.

On cross examination, Gatto testified that on October 10, 1973 he entered the licensed premises at approximately 8:00 or 8:15 p.m.

The witness denied that any agent requested that he cooperate with them and answer questions.

Gatto testified that he did not recall how long a period of time elapsed between the time that he left the licensed premises to make a telephone call to his lawyer, and the time that he returned thereto.

In connection with the production of the stock transfer records, stock certificates and corporate minute books which Gatto, on October 11, 1973, was requested to produce, Gatto testified that he turned over the matter of securing those documents and records to his attorney, Mr. De Marco.

In rebuttal, the ABC agents denied that Gatto stated to any one of them on the night of October 10, 1973, that he was going to call his lawyer. The agents explained that they were specifically assigned to make an investigation to determine if any person had an undisclosed interest in the licensed premises.

It is apparent that a purely factual question has been presented for determination, viz., did the licensee fail to facilitate or hinder the investigation of the licensed business as charged.

In evaluating the testimony and its legal impact, we are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1960)

From the totality of the testimony, it is apparent that the Division was conducting a routine investigation of the licensee in order to determine whether or not a person or persons other than those mentioned in licensee's last license application

had an undisclosed interest in the business conducted by it. In order to arrive at a determination of the violation charged against the licensee herein, I am not at all concerned with whether or not a person or persons other than those named in said license application had an interest in said licensed business. The sole issue in the subject proceeding is whether or not the licensee failed to facilitate or hindered the investigation conducted by the Division.

I find that, when the subject of Sam Cohen was broached to Gatto during the course of his interrogation by the agents, a sensitive issue was raised. Gatto was totally unresponsive concerning the identity of the individual named Sam Cohen whose presence was observed in the licensed premises.

It is unquestioned that Gatto had undergone an operation some time prior to his being questioned. However, it is my view that his claim of being ill at the time he failed to answer concerning a Sam Cohen who was seen seating patrons in the licensed premises was conveniently seized upon by him as a basis for his refusal to answer that question.

I further find that the licensee has failed to comply with the Division directive to produce the corporate minute books, the stock certificates and the stock transfer books. Gatto testified that he assigned that detail to his then-lawyer who is also his present lawyer. Licensee's assertion in its written summation that these items were lost was, not substantiated by the testimony of anyone connected with the corporate licensee. The fact that voluminous other records were either taken by the agents at the licensed premises, or later produced by the licensee, in the absence of competent exculpatory proof, does not justify licensee's failure to produce the particular items sought by the Division.

Additionally, it is basic that in disciplinary proceedings a licensee is fully accountable for all violations committed or permitted by his servants, agents or employees. Rule 33 of State Regulation No. 20. Cf. In re Schneider, 12 N.J. Super. 449 (App. Div. 1951).

I conclude that a fair evaluation of the evidence, and the legal principles applicable thereto, clearly and reasonably preponderates in favor of a finding of guilt of the charge alleged for the reasons hereinabove set forth. I therefore, recommend that the licensee be adjudged guilty of the said charge.

Licensee has no prior adjudicated record of suspension of license. I recommend that the license be suspended for twenty days.

However, since the unlawful situation has not been corrected, since the licensee has not complied with the Division

directive and has hindered and failed to facilitate and cooperate with the investigation, as charged, to date, I further recommend that the license be suspended for the balance of its term and the term of any renewal thereof that may be granted, and until such time as the licensee has complied with the Division directive and has fully cooperated with the Division in the said investigation, but, in any event, the lifting of the suspension shall not be granted sooner than twenty days from the commencement of the suspension herein.

Conclusions and Order

Written exceptions to the Hearer's report, with supportive argument, were filed by the attorney for the licensee, and answering argument to the said exceptions was filed by the attorney for the Division, pursuant to Rule 6 of State Regulation No. 16.

I have carefully analyzed the said exceptions, and find that they have either been considered and correctly resolved in the Hearer's report, or lacking in merit. Thus, having carefully considered the entire record herein, including transcript of the testimony, the exhibits, the Hearer's report and the exceptions filed with respect thereto, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 15th day of April 1975,

ORDERED that Plenary Retail Consumption License C-255, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Parmelli's Hotel & Tavern, Inc., t/a Luigi's, for premises 581-583 River Street, Paterson, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1975, effective 3:00 a.m. Tuesday, April 29, 1975, with leave granted to the licensee, or any bona fide transferee of the licensee to apply to the Director, by verified petition for the lifting of the suspension whenever the unlawful situation has been corrected, but, in no event, sooner than twenty (20) days from the date of the commencement of the suspension herein.

Leonard D. Ronco
Director

4. ELIGIBILITY PROCEEDINGS - CARRYING HAND-GUN - CONVICTION NOT INVOLVING MORAL TURPITUDE - ELIGIBILITY ESTABLISHED.

Eligibility No. 818

Applicant seeks an advisory opinion as to his eligibility to be engaged in the alcoholic beverage industry in this State because of his conviction of crime. The applicant presently is employed as a bartender.

Applicant's criminal record discloses that on January 14, 1972, in the Camden County Court, he was convicted of a charge of carrying a concealed dangerous weapon, in violation of N.J.S.A. 2A:151-41. He was, thereupon, sentenced to three months in the Camden County Jail, suspended, and a fine of \$200.00.

At the hearing held herein, applicant testified that he took a day off while employed as a bartender at the Garden State Race Track, Cherry Hill, New Jersey to spend the day at the races at the same race track. Before the entrance to the race track, he found a weapon near some bushes. He picked the gun up and put it in a pocket of his trousers. After staying at the races for about four hours on the day in question, he was stopped, upon leaving the race track, searched by the police and arrested for the weapons offense. Applicant testified that he was probably going to turn the weapon in, that he never had a weapon in his life, and that he did not know whether the gun was loaded.

The crime of carrying a concealed dangerous weapon may or may not involve the element of moral turpitude. When the crime stands alone, unattended by other crimes or intent to commit other crimes, it does not ordinarily involve moral turpitude. Case No. 1698, Bulletin 1474, Item 4.

Applicant has no other criminal record. Under the facts and circumstances herein, I find that the conviction of the crime of carrying a concealed dangerous weapon did not involve the element of moral turpitude. I, therefore, conclude that the applicant is eligible to engage in the alcoholic beverage industry in this State.

Dated: May 2, 1975

Leonard D. Ronco,
Director

5. STATE LICENSES - NEW APPLICATION FILED.

Gregory L. Betar
t/a All Seasons Beverages
343 Hazel Street
Clifton, New Jersey

Application filed May 19, 1975
for person-to-person and place-to-
place transfer of State Beverage
Distributor's License SBD-105 from
Sunflower Beverage Inc., 346 21st
Avenue, Paterson, New Jersey.

Leonard D. Ronco

Leonard D. Ronco
Director