

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

BULLETIN 1025

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Paterson) - LEWDNESS AND IMMORAL ACTIVITIES (PERMITTING SOLICITATION AND MAKING OF ARRANGEMENTS ON LICENSED PREMISES FOR ILLICIT INTERCOURSE) - NUISANCE - UNDER CIRCUMSTANCES OF THE CASE, LICENSE SUSPENDED ON NON VULT PLEA FOR 200 DAYS.
2. DISQUALIFICATION - PRIOR APPLICATION DENIED - ENGAGEMENT IN ALCOHOLIC BEVERAGE BUSINESS DURING FIVE-YEAR PERIOD - REAPPLICATION DENIED.
3. DISCIPLINARY PROCEEDINGS (Asbury Park) - ALLEGED SALE TO MINOR - CHARGES DISMISSED.
4. DISCIPLINARY PROCEEDINGS (Paterson) - GAMBLING - PRIOR RECORD - RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
5. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FOR THE FISCAL YEAR 1953-54.
6. WHOLESALE LICENSE - OBJECTIONS TO RENEWAL HELD WITHOUT MERIT - RENEWAL LICENSE TO ISSUE WHEN APPLICATION IS IN PROPER FORM.
7. SEIZURE - FORFEITURE PROCEEDINGS - STOCK OF ALCOHOLIC BEVERAGES SEIZED IN SPEAKEASY ORDERED FORFEITED.
8. SEIZURE - FORFEITURE PROCEEDINGS - STOCK OF ALCOHOLIC BEVERAGES AND CASH SEIZED IN SPEAKEASY ORDERED FORFEITED.
9. SEIZURE - FORFEITURE PROCEEDINGS - UNLICENSED SALE OF HOME-MADE WINE AND OTHER ALCOHOLIC BEVERAGES IN DWELLING - STOCK OF ALCOHOLIC BEVERAGES AND WINE PRESSES ORDERED FORFEITED.
10. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF BOOTLEG ALCOHOL - TRANSPORTER'S ECONOMIC NEED NOT ACCEPTED AS JUSTIFICATION FOR VIOLATION - MOTOR VEHICLE AND ALCOHOL ORDERED FORFEITED.
11. DISCIPLINARY PROCEEDINGS (Ewing Township) - MISLABELED BEER TAP - LICENSE SUSPENDED FOR 3 DAYS, LESS 1 FOR PLEA.
12. STATE LICENSES - NEW APPLICATION FILED.

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

BULLETIN 1025

JULY 27, 1954.

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (PERMITTING SOLICITATION AND MAKING OF ARRANGEMENTS ON LICENSED PREMISES FOR ILLICIT INTERCOURSE) - NUISANCE - UNDER CIRCUMSTANCES OF THE CASE, LICENSE SUSPENDED ON NON VULT PLEA FOR 200 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

ROSE FUHRER and PETER A. )  
ZARRIELLO )  
176 Paterson Street )  
Paterson 1, N. J., )

CONCLUSIONS  
AND ORDER

-----  
Holders of Plenary Retail Consump- )  
tion License C-135 for the 1953-54 )  
and 1954-55 licensing years, issued )  
by the Board of Alcoholic Beverage )  
Control for the City of Paterson. )  
-----

John J. Bergin, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

The defendants have pleaded non vult to the following charges:

"1. On Wednesday night, May 12, early Thursday morning, May 13 and Friday night, May 14, 1954 you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., solicitation for prostitution and the making of arrangements for illicit sexual intercourse; in violation of Rule 5 of State Regulations No. 20.

"2. On March 10, 11, 12, 13, 17 and 18, 1954, April 21, 23, 24, 28 and 29, 1954, May 9, 12, 13 and 14, 1954, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance in that you permitted the making of offers to procure females for male patrons for the purpose of illicit sexual intercourse, permitted unescorted females frequenting your licensed premises to make overtures to male patrons for illicit sexual intercourse and to solicit male patrons to purchase numerous drinks of alcoholic beverages for consumption by them, and otherwise conducted your place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20."

There is little, if any, evidence in the file concerning alleged improper activities on the licensed premises at any time in March 1954. However, the file discloses that, when ABC agents visited defendants' licensed premises on April 21, April 23, April 28, May 9, May 12 and May 14, they observed therein several unescorted females soliciting alcoholic drinks from male patrons. On May 9 a part-time bartender named "Sam" told the agents that he had "a couple of good-looking girls" and that one of them "gets ten dollars." On May 12 Sam introduced to the agents three girls known as "Betty", "Fay" and "Alice", each of whom was served drinks for which the agents paid. Sam joined in the conversation and eagerly endeavored to promote an assignation, but the agents made various excuses for leaving and promised to return on May 14. On May 14, the last day specified above, Sam culminated his

pandering by inducing another girl named "Margie" to agree to have illicit sexual relations elsewhere with the agents for a monetary consideration. After "Margie" and the agents left the premises, a police officer stopped them, placed the girl under arrest and found the marked currency which had been paid to her by the agents. To detail the iniquitous activities and indecent language suffered and allowed on defendants' licensed premises during the agents' visits would serve no useful purpose. Suffice to say they were revolting.

Defendants have no prior adjudicated record. In an attempt to mitigate the violations they allege that neither of them was in the licensed premises when the violations occurred, and that Sam was not employed by them. However, I am satisfied that he was employed as a relief bartender. Licensees are fully responsible for the manner in which their licensed premises are conducted, and may not escape such responsibility by remaining away from the premises. Under all the circumstances, I have decided to suspend defendants' license for a period of two hundred days. Cf. Re Burch, Bulletin 1022, Item 5.

Accordingly, it is, on this 13th day of July, 1954,

ORDERED that Plenary Retail Consumption License C-135, for the 1954-55 licensing year, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Rose Fuhrer and Peter A. Zarriello, for premises 176 Paterson Street, Paterson, be and the same is hereby suspended for two hundred (200) days, commencing at 3:00 a. m. July 20, 1954, and terminating at 3:00 a.m. February 5, 1955.

WILLIAM HOWE DAVIS  
Director.

2. DISQUALIFICATION - PRIOR APPLICATION DENIED - ENGAGEMENT IN ALCOHOLIC BEVERAGE BUSINESS DURING FIVE-YEAR PERIOD - REAPPLICATION DENIED.

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

CONCLUSIONS  
AND ORDER

Case No. 1161.  
-----)

BY THE DIRECTOR:

On September 5, 1952, a petition by this petitioner for removal of his disqualification resulting from his conviction of crime involving moral turpitude was dismissed by the then Director. Re Case No. 988, Bulletin 944, Item 2.

It is unnecessary to repeat here petitioner's record or the testimony taken at the previous hearing. His ineligibility has been clearly established by virtue of his conviction, in 1932, of the crime of burglary, entering and larceny. Re Case No. 988, supra.

At the hearing herein, petitioner reaffirmed his testimony at the prior hearing, held July 11, 1952, and further testified that, since that time, he has not been convicted of any crime and has not had any difficulty with the law. This is confirmed by the fingerprint returns and the Chief of Police of the municipality in which petitioner resides has reported that no complaint or investigation involving petitioner is presently pending. Petitioner further testified that, since that time, he has been engaged in the business

of buying and selling automobiles, but that his business is bad and he desires to have his disqualification removed because he wants to be able to help out in a liquor licensed establishment conducted by other members of his family.

Petitioner produced as witnesses three businessmen who have known him for periods of from ten to thirty years. Each testified that petitioner bears a good reputation in the community and has been law-abiding for at least five years last past.

In dismissing the previous petition (Re Case 988, supra), the then Director reviewed the facts disclosed in that case and in the disciplinary proceedings in Re Holiday Inn, Inc., Bulletin 944, Item 1, decided contemporaneously therewith, from which it clearly appeared that, until late in 1951, petitioner was actively engaged as manager of the aforementioned licensed business conducted by other members of his family, and concluded that he was "...convinced that petitioner either knew of or suspected his disqualification..." The then Director further said, "In order to grant the relief sought by petitioner I must find that he has been law-abiding for at least five years last past. In view of his recent business connection with the alcoholic beverage industry in this State while disqualified, and also in view of my disbelief of his claim of ignorance of his disqualification, I am unable to find that he has been law-abiding within that period. Case No. 601; Bulletin 779, Item 7. Cf. Case No. 304, Bulletin 602, Item 5. I must therefore dismiss the petition."

Five years have not elapsed since petitioner was unlawfully engaged in the alcoholic beverage industry in this State. Consequently I cannot find that he has been law-abiding for at least five years last past. I must therefore dismiss the petition. Petitioner may reapply when he can establish that five years have elapsed since his last connection with the licensed business aforementioned and that he has otherwise been law-abiding for that period.

Accordingly, it is, on this 25th day of June, 1954,

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

WILLIAM HOWE DAVIS  
Director.

3. DISCIPLINARY PROCEEDINGS - ALLEGED SALE TO MINOR - CHARGES DISMISSED.

In the Matter of Disciplinary Proceedings against )

HENRY O. LOPEZ )  
T/a CUBA 'S NITE CLUB )  
1147 Springwood Avenue )  
Asbury Park, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-35, issued by the City Council of the City of Asbury Park. )

-----  
Stout and O'Hagan, Esqs., by William J. O'Hagan, Esq., Attorneys for Defendant-licensee. )  
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control. )

In the Matter of Disciplinary Proceedings against )

TURF CLUB BAR, INC. )  
T/a TURF CLUB )  
1125 Springwood Avenue & 102 )  
Union Avenue )  
Asbury Park, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-29, issued by the City Council of the City of Asbury Park. )

-----  
Stout and O'Hagan, Esqs., by William J. O'Hagan, Esq., Attorneys for Defendant-licensee. )  
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control. )

In the Matter of Disciplinary Proceedings against )

FRANK NAPOLITANI, JR. )  
T/a NEW DEAL CAFE )  
929 Springwood Avenue )  
Asbury Park, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-19, issued by the City Council of the City of Asbury Park. )

-----  
Stout and O'Hagan, Esqs., by William J. O'Hagan, Esq., Attorneys for Defendant-licensee. )  
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control. )

In the Matter of Disciplinary Proceedings against )

TU-DOR TAVERN, INC. )  
T/a "TU-DOR TAVERN" )  
1513 Springwood Avenue )  
Neptune Township )  
P. O. Neptune, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Neptune. )

-----  
Tu-Dor Tavern, Inc., by Meyer Kurinsky, Secretary, Defendant-licensee, Pro se. )  
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control. )



On March 16, 1954, notices were sent to the attorneys representing the six licensees advising them that the minors had returned to New Jersey; that the cases would be heard on April 8 or April 9 and that the motion to nolle pros would be withdrawn at the hearing. Moreover, defendant Millicent Voorhees was then advised that the charges against her had been amended to include alleged sales made on August 5 and 6 and August 12 and 13. The six cases were heard on the respective dates fixed for hearing.

At the outset of the hearings the attorney in each of the six cases moved to dismiss upon the ground that an order to nolle pros the respective charges should have been entered pursuant to the motion made on February 10. It was further alleged that, because of the subsequent delay in bringing the cases on for hearing, the facts were not as fresh in the minds of defendants' witnesses as at the time originally scheduled and, in some cases, necessary witnesses who could have been produced by defendants on February 10 were not available to testify. Decision on said motions was reserved by the Hearer, and testimony taken in the six cases.

The testimony of the two minors (Arlene --- and Dianna ---, both 18 years of age) is that they visited the licensed premises of Lopez, Turf Bar and Marshall on August 18, 1953, and the premises of Napolitani, Boardman and Tu-Dor Tavern on August 19, 1953, and that alcoholic beverages were sold to and consumed by them in each of these premises. They testified also that they visited the licensed premises of Voorhees on August 5 and August 12, and that alcoholic beverages were sold to and consumed by them on both occasions. Both minors admitted that they had previously sworn falsely in applications filed with the Motor Vehicle Division that they had been born in 1931 instead of 1935. Certified copies of said applications were introduced as evidence herein. The testimony of the minors was uncorroborated and was denied by each of the defendants and their respective witnesses. In addition, the minors admitted to being intoxicated on at least one of the days, and their recollection of events was hazy. I am not at all impressed by their testimony.

Defendant Tu-Dor Tavern, Inc., which was not represented by an attorney, did not withdraw its plea of non vult although given an opportunity to do so, but requested "to be placed on the same basis with the others in the event that there was an automatic dismissal of the complaints." In view of the order to be entered herein, I shall consider the said plea as withdrawn.

After reviewing all the facts, I conclude that the only fair course to follow under the peculiar circumstances of these cases is to dismiss the charge in each of the seven cases.

Accordingly, it is, on this 25th day of June, 1954,

ORDERED that the charge in each of the above cases be and the same is hereby dismissed.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - GAMBLING - PRIOR RECORD - 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 F. NIXON )  
 991 Madison Avenue )  
 Paterson 3, N. J., )

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption License C-18 for the 1953-54 and 1954-55 licensing years, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

-----  
 Louis Santorf, 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 the following charge:

"On April 9, 1954, and on divers days prior thereto, you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20."

The file herein discloses that on April 9, 1954, members of the New Jersey State Police raided defendant's licensed premises and found under the bar therein approximately \$352.00 alongside of a cigar box containing numerous horse race betting slips listing horses running that day at various tracks. The police also found similar slips in the possession of patrons there present. The defendant-licensee, who was behind the bar, volunteered a statement wherein he stated that for a month and a half he had been taking bets which he turned over daily to a person whom he identified as "J.C.", and that he received about \$50.00 per week as his "take" or percentage for services rendered.

Defendant has a prior adjudicated record. Effective August 16, 1948, his license was suspended for ten days by the then State Commissioner for a Sunday "hours" violation. See Bulletin 813, Item 7. However, since the dissimilar violation occurred more than five years ago, it will not be considered in fixing the penalty in this case. Re Wilson, Bulletin 978, Item 4. I shall suspend defendant's license for twenty days (the minimum penalty for this type of violation involving a licensee or an employee of a licensee). Re Ways, Bulletin 955, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 2nd day of July, 1954,

ORDERED that Plenary Retail Consumption License C-18, issued for the 1954-55 licensing year by the Board of Alcoholic Beverage Control for the City of Paterson to William F. Nixon for premises 991 Madison Avenue, Paterson, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3:00 a.m. July 12, 1954, and terminating at 3:00 a.m. July 27, 1954.

WILLIAM HOWE DAVIS  
 Director.

5. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FOR THE FISCAL YEAR 1953-54

	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	78		60		110		74		322
Licensees and employees	20		13		47		30		110
Bootleggers	58		47		63		44		212
<b>SEIZURES:</b>									
Motor vehicles - cars	7		6		19		11		43
- trucks	2		0		2		0		4
Stills - over 50 gallons	4		4		2		5		15
- 50 gallons or under	7		5		5		9		26
Alcohol - gallons	4.67		.50		56.00		1,185.00		1,246.17
Mash - gallons	25,250.00		1,400.00		9,045.00		49,625.00		85,320.00
Distilled alcoholic beverages - gallons	181.00		97.90		514.50		185.37		978.77
Wine - gallons	202.79		262.58		12.84		267.22		745.43
Brewed malt alcoholic beverages - gallons	81.10		51.21		28.41		33.31		194.03
<b>RETAIL LICENSEES:</b>									
Premises inspected	3,306		3,079		3,352		3,532		13,269
Premises where alcoholic beverages were gauged	1,830		2,055		1,919		2,239		8,042
Bottles gauged	36,310		39,377		35,281		42,058		153,026
Premises where violations were found	295		239		305		307		1,146
Violations found	441		490		441		468		1,840
Type of violations found:									
Unqualified employees	237		308		168		234		947
Reg. #36 sign not posted	19		20		28		31		98
Disposal permit necessary	15		18		10		10		53
Other mercantile business	15		10		6		14		45
Prohibited signs	9		8		15		6		38
Gambling devices	3		4		4		3		14
Improper beer taps	2		4		1		4		11
Probable fronts	1		0		0		1		2
Other violations	140		118		209		165		632
<b>STATE LICENSEES:</b>									
Premises inspected	29		44		19		38		130
License applications investigated	50		36		37		736		859
<b>COMPLAINTS:</b>									
Complaints assigned for investigation	1,324		1,071		1,347		1,298		5,040
Investigations completed	1,192		1,093		1,221		1,242		4,748
Investigations pending	(167)		(93)		(161)		129		129
<b>LABORATORY:</b>									
Analyses made	311		347		401		435		1,494
Refills (from licensed premises) - bottles	3		2		0		6		11
Bottles from unlicensed premises	72		92		80		98		342
<b>IDENTIFICATION BUREAU:</b>									
Criminal fingerprint identifications made	66		66		89		57		278
Persons fingerprinted for non-criminal purposes	765		540		535		855		2,695
Ident. contacts made w/other enforcement agencies	701		484		457		741		2,383
Motor vehicle ident. via N.J. State Police teletype	12		11		16		8		47
<b>DISCIPLINARY PROCEEDINGS</b>									
Cases transmitted to municipalities	33		31		41		46		151
Violations involved:									
Sale during prohibited hours	12		15		16		20		63
Sale to minors	13		10		19		17		59
Permitting hostesses on premises	5		1		2		3		11
Failure to afford view into premises during prohibited hours	1		3		1		2		7
Sale to intoxicated persons	2		2		1		0		5
Permitting bookmaking on premises	2		2		0		1		5
Serving women at a bar (local reg.)	1		1		2		1		5
Permitting brawls on premises	0		2		2		0		4
Permitting lottery activity (pool, raffle, numbers)	0		1		0		3		4
Possessing chilled beer (DL licensee)	1		0		0		0		1
Storage off licensed premises	1		0		0		0		1
Sale to non-members by club	1		0		0		4		5
Bottling alcoholic beverages for sale	0		1		0		0		1
Possessing contraceptives on premises	0		0		1		0		1
Music on licensed premises (local reg.)	0		0		1		0		1
Failure to close premises during prohibited hours	0		0		0		1		1
Permitting females to tend bar (local reg.)	0		0		0		1		1
Cases instituted at division	48		44		51		44		187
Violations involved:									
Sale during prohibited hours	9		11		9		11		40
Sale to minors	16		6 ✓		8		7		37 ✓
Permitting immoral activity on premises	4		5		8		4		21
Fraud and front	5		2		9		4		20

\*includes two cancellation proceedings - licenses improvidently issued to clubs not bona fide

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

DISCIPLINARY PROCEEDINGS (Continued)

Cases Instituted at Division (Cont'd)

Violations involved:

Sale below minimum resale price	2	5	5	1	13
Permitting hostesses on premises	3	3	5	0	11
Hindering investigation	1	1	3	4	10
Mislabeling beer taps	2	4	1	3	10
Permitting foul language on premises	3	3	3	0	9
Possessing illicit liquor	4	1	1	2	8
Sale outside scope of license	2	2	1	3	8
Unauthorized transportation	1	0	0	3	8
Serving women at a bar (local reg.)	3	0	2	1	6
Conducting business as a nuisance	0	2	2	1	5
Permitting lottery activity (numbers, punch boards, pools)	1	2	1	1	5
Permitting bookmaking on premises	1	1	1	2	5
Permitting gambling (cards, dice)	2	2	0	0	4
Sale to non-members by clubs	1	2	0	0	3
Employing unqualified persons	1	0	2	0	3
Permitting brews on premises	1	0	1	1	3
Sale to intoxicated persons	2	0	0	0	2
Permitting slot machines on premises	1	1	0	0	2
Act or happening	1	0	0	1	2
Sale on election day	0	1	0	1	2
Failure to file notice of change in application	0	0	2	0	2
Possessing contraceptives on premises	0	0	1	1	2
Storage off licensed premises	0	0	0	2	2
Permitting prostitutes on premises	1	0	0	0	1
Improper advertising	0	1	0	0	1
Solr-permittee employed by retailer	0	1	0	0	1
Employing female bartender (local reg.)	0	0	1	0	1
Failure to close premises during prohibited hours	0	0	1	0	1
Solr furnishing prohibited equipment and gifts to retailer	0	0	1	0	1
Sale by a minor	0	0	1	0	1
Employing a minor to sell alcoholic beverages	0	0	1	0	1
Failure to afford view into premises during prohibited hours	0	0	0	1	1

Cases brought by municipalities on own initiative and reported to Division

Violations involved:

Sale to minors	12	18	18	19	67
Permitting brews on premises	5	13	7	7	32
Sale during prohibited hours	6	3	7	11	27
Permitting bookmaking on premises	1	2	2	1	6
Permitting lottery activity on premises	3	1	1	0	5
Conducting business as a nuisance	2	0	0	2	4
Permitting immoral activity on premises	0	2	1	2	5
Sale to intoxicated persons	0	0	1	2	3
Permitting foul language on premises	0	0	1	2	3
Unqualified employees	0	0	1	1	2
Permitting prostitutes on premises	0	0	0	2	2
Permitting gambling (cards) on premises	0	1	0	0	1
Violation of special condition	0	1	0	0	1
Serving women at a bar (local reg.)	0	0	1	0	1
Sale to non-members by clubs	0	0	1	0	1
Permitting persons of ill repute on premises	0	0	1	0	1
Failure to close premises during prohibited hours	0	0	0	1	1
Employee working while intoxicated	0	0	0	1	1
Licensee working while intoxicated	0	0	0	1	1
Permitting hostesses on premises	0	0	0	2	2

CANCELLATION PROCEEDINGS

Instituted at Division

Violations involved:

Licenses non-resident	1	0	0	0	1
License issued in excess of DL limitation	1	0	0	0	1

HEARINGS HELD AT DIVISION:

Total number of hearings held	96	113	133	164	486
Appeals	16	15	27	17	75
Disciplinary proceedings	43	51	58	56	208
Eligibility	19	28	25	29	101
Seizures	13	13	16	32	74
Tax revocations	3	5	3	6	17
Order to show cause	1	0	0	0	1
Application for license	1	1	4	4	10

PERMITS ISSUED:

Total number of permits issued	5,790	3,786	2,101	4,612	16,289
Employment	734	393	340	2,493	3,960
Solicitors	2,961	242	222	173	3,598
Disposal of alcoholic beverages	376	259	248	213	1,101
Social affairs	1,069	1,099	903	1,036	4,107
Special wine	116	1,292	22	1	1,431
Miscellaneous	534	501	366	691	2,092

Dated: July 15, 1954.

WILLIAM HOWE DAVIS  
 Director.

6. WHOLESALE LICENSE - OBJECTIONS TO RENEWAL HELD WITHOUT MERIT - RENEWAL LICENSE TO ISSUE WHEN APPLICATION IS IN PROPER FORM.

In the Matter of an Objection to )  
 an Application filed by )  
 FRED C. TAYLOR, CLARENCE W. TAYLOR, )  
 GREYTON H. TAYLOR, FLORA T. KEELER )  
 and LUCY T. ZIMMER )  
 T/a THE TAYLOR WINE COMPANY )  
 360 Furman Street )  
 Brooklyn, N. Y., )

CONCLUSIONS

For Renewal of Wine Wholesale License. )  
-----)

Max Krueger, Esq., Objector, Pro Se.  
Jack Solomon, Esq., and Henry J. Buchman, Esq., Attorneys for Applicant.

BY THE DIRECTOR:

A written objection to the granting of the above application for renewal having been filed, a hearing thereon was held on June 17, 1954. State Regulations No. 1, Rules 11 and 12.

The written objection alleges in substance that (1) applicants are non-residents and have no office, salesroom or warehouse in New Jersey; (2) for purposes of selling their products and collecting accounts applicants accept jurisdiction of New Jersey, its agencies and privileges but reject New Jersey jurisdiction for redress against them asserted by a New Jersey citizen; (3) application is not signed by all applicants and answer to Question 29 is false.

It is admitted by applicants that all of them are non-residents and that they have no office, salesroom or warehouse in New Jersey. However, R. S. 33:1-25 does not require applicants for wholesale licenses to be residents of New Jersey and there is no provision in the Alcoholic Beverage Law requiring a wholesale licensee to maintain an office, salesroom or warehouse in New Jersey. It appears that there has been compliance with the requirement of Rule 10 of State Regulations No. 1 as to the publication of notice of intention. The first objection has no merit.

Question 15 in the pending application for renewal is answered as follows:

"15. Applicants who do not maintain licensed premises in New Jersey shall designate a duly authorized agent within this State upon whom service of process may be made.

Name of authorized agent - Bernard Best  
Address - 428 Leslie Street, Newark 8, New Jersey."

It is contended by the objector that the above answer is evasive, apparently because applicants have contended in a civil suit that said individual is not an agent authorized to accept service of process therein. That question must be answered by the Court in which the civil action is pending. It sufficiently appears that said individual is the authorized agent of applicants so far as process issued by this Division is concerned. The second objection is likewise without merit.

As to the third objection, it does appear that the pending application as originally filed was not signed by all applicants and that the answer to Question 29 was false. However, since the date of the hearing the partners who had failed to sign have signed and sworn to the application and the application has been amended by changing

the answer to Question 29 from "No" to "Yes." Applicants have previously and do now hold an alcoholic beverage license in New Jersey and in other States.

The renewal license will be issued if and when the application is in proper form.

WILLIAM HOWE DAVIS  
Director.

Dated: June 25, 1954.

7. SEIZURE - FORFEITURE PROCEEDINGS - STOCK OF ALCOHOLIC BEVERAGES SEIZED IN SPEAKEASY ORDERED FORFEITED.

In the Matter of the Seizure on ) May 17, 1953 of 27 cans of beer, at 39 Grant Avenue, in the City ) of Trenton, County of Mercer and State of New Jersey. )	Case No. 8351  ON HEARING CONCLUSIONS AND ORDER
--	--

-----  
Clara Walker, Pro Se.  
Harry Castelbaum, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether 27 cans of beer seized on May 17, 1953 from Clara Walker in her dwelling located at 39 Grant Avenue, Trenton, New Jersey constitute unlawful property and should be forfeited.

It appears that local police obtained evidence that Clara Walker sold three of the 27 cans of beer without a license, and upon that basis, seized the balance of the beer. Mrs. Walker was arrested on charge of violating the Alcoholic Beverage Law and was fined \$100.00. The beer was turned over to the Division of Alcoholic Beverage Control.

When the matter came on for hearing pursuant to R.S. 33:1-66, Clara Walker appeared, admitted that the facts were substantially as above stated, and nevertheless sought return of 24 cans of beer.

The only reason she advances is that her son bought the case of beer for her, that it had not been opened, and that she is rightfully entitled thereto. If this were sufficient, all alcoholic beverages in a speakeasy not actually sold could not be confiscated.

The law is otherwise. The three cans of beer sold without a license are illicit alcoholic beverages. The stock of beer on hand (the case of beer), obviously was intended for unlawful sale and likewise constitutes illicit alcoholic beverages. R.S. 33:1-1(i). Illicit alcoholic beverages constitute unlawful property and are subject to forfeiture. R. S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66. No reason has been presented why the 27 cans of beer should not be forfeited.

Accordingly, it is DETERMINED and ORDERED that the 27 cans of beer constitute unlawful property, and the same be and hereby are forfeited in accordance with the provisions of R.S. 33:1-66, and that they be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS  
Director.

Dated: July 6, 1954.

SCHEDULE "A"

27 - cans of beer

8. SEIZURE - FORFEITURE PROCEEDINGS - STOCK OF ALCOHOLIC BEVERAGES AND C-  
SEIZED IN SPEAKEASY ORDERED FORFEITED.

In the Matter of the Seizure on )  
August 16, 1953 of 37 pint )  
bottles of wine, 10 cans of beer, )  
13 bottles of other alcoholic )  
beverages and \$19.80 in cash, at )  
39 Grant Avenue, in the City of )  
Trenton, County of Mercer and )  
State of New Jersey. )  
-----)

Case No. 8398

ON HEARING  
CONCLUSIONS AND ORDER

Clara Walker, Pro Se.  
Harry Castelbaum, Esq., appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether 37 pint bottles of wine, 10 cans of beer, 13 bottles of other alcoholic beverages, described in a schedule attached hereto, and \$19.80 in cash, seized on August 16, 1953 from Clara Walker in her dwelling located at 39 Grant Avenue, Trenton, N. J. constitute unlawful property and should be forfeited.

It appears that prior to the seizure Clara Walker sold wine and moonshine whiskey without a license to one Fred Parks. A search warrant, issued on the basis of this sale was executed by the local police, who seized the above property, and later turned it over to the Division of Alcoholic Beverage Control. Clara Walker was arrested and convicted on October 29, 1953 of violating the Alcoholic Beverage Law and was fined \$100.00.

It further appears that Clara Walker was previously convicted of violating the Alcoholic Beverage Law on May 17, 1953 at the same address, and 27 cans of beer seized there on that date have been ordered forfeited by the Director's Order entered contemporaneously herewith.

When the matter came on for hearing pursuant to R. S. 33:1-66, Clara Walker appeared, and claimed that the beer, whiskey and wine seized were left over from a wedding held there a few days previous. It appears that of the \$19.80 seized, \$8.00 was in bills and the balance in coins of various denominations.

The evidence indicates that Clara Walker made a practice of selling alcoholic beverages in her dwelling without a license. Hence, her uncorroborated statement that the considerable quantity of alcoholic beverages seized were left over from a wedding cannot be given much weight.

The conclusion is justified that the seized alcoholic beverages were intended for unlawful sale, and hence are illicit. R. S. 33:1-1(i). Such illicit alcoholic beverages and the money seized therewith constitute unlawful property and are subject to forfeiture. R. S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

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

Dated: July 6, 1954.

WILLIAM HOWE DAVIS  
Director.

SCHEDULE "A"

37 - pint bottles of wine  
10 - cans of beer  
13 - bottles of other alcoholic beverages  
\$19.80 in cash

9. SEIZURE - FORFEITURE PROCEEDINGS - UNLICENSED SALE OF HOME-MADE WINE AND OTHER ALCOHOLIC BEVERAGES IN DWELLING - STOCK OF ALCOHOLIC BEVERAGES AND WINE PRESSES ORDERED FORFEITED.

In the Matter of the Seizure on )	Case No. 8455
November 22, 1953 of a quantity )	
of wine, 2 wine presses and 4 )	
bottles of other alcoholic bever- )	ON HEARING
ages, at 58 Power Street, in the )	CONCLUSIONS AND ORDER
City of Trenton, County of Mercer )	
and State of New Jersey. )	

-----  
 Jack Di Nola, Esq., Attorney for Matteo Merlino.  
 Harry Castelbaum, Esq., appearing for the Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether a quantity of wine, four bottles of other alcoholic beverages, and two wine presses, described in a schedule attached hereto, seized on November 22, 1953 at the dwelling of Matteo Merlino, located at 58 Power Street, Trenton, N. J. constitute unlawful property and should be forfeited.

The seizure was made in the first instance by local police officers on the basis of an unlicensed sale of alcoholic beverages by Matteo Merlino. The seized property was thereafter turned over to the Division of Alcoholic Beverage Control. One of the agents obtained a signed statement from Matteo Merlino, wherein it appears that on the day in question Merlino sold a drink of whiskey in the kitchen of his home to an officer in civilian clothes, for which he was paid with a dollar bill identified by serial number; and that he also sold drinks of wine to two other persons then in his home. He also states, in effect, that he made a practice of selling wine to persons who were his "good friends".

When the matter came on for hearing pursuant to R. S. 33:1-66, Matteo Merlino appeared with counsel, who admitted the facts above set forth, but urged that mitigating circumstances justified return of the seized property to Merlino.

Counsel's plea is that Merlino is 81 years of age, and by virtue of custom and tradition, was habitually accustomed to drink wine; that Merlino lives alone and supplies food and drink to the neighbors to maintain their friendly companionship; and that the forfeiture of the wine press and wine will deprive him of the ability to attract his friends.

The habits of a lifetime, and the need for companionship by an elderly person, evoke sympathetic consideration. If home-made wine effectively aids Merlino to attain that objective, he need not be deprived thereof, since a special permit will be available to him to manufacture wine for his personal use, and indeed he has obtained such permits in the past.

However, it is another matter to permit anyone, young or old, to sell alcoholic beverages without a license. That is contrary to law.

One of the penalties provided for by law for the unlawful sale of alcoholic beverages is the forfeiture of the stock of alcoholic beverages intended for unlawful sale and all personal property seized

therewith on the premises. R. S. 33:1-1(i) and (y), R.S. 33:1-2, R.S. 33:1-66. My authority to relieve the wrongdoer from such forfeiture is limited by statute. R. S. 33:1-66(e). It must be established to my satisfaction that the claimant acted in good faith, and unknowingly violated the law.

It is obvious that there are no mitigating circumstances on other aspects, which can justify my acceptance of an assertion that, at this late date, a person did not know that it is unlawful to sell alcoholic beverages without a license. Therefore, I am compelled to deny Matteo Merlino's request for return of the seized property.

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

WILLIAM HOWE DAVIS  
Director.

Dated: July 6, 1954.

SCHEDULE "A"

- 10 - barrels of wine
- 2 - wine presses
- 4 - bottles of other alcoholic beverages
- Empty barrels and jugs

10. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF BOOTLEG ALCOHOL - TRANSPORTER'S ECONOMIC NEED NOT ACCEPTED AS JUSTIFICATION FOR VIOLATION - MOTOR VEHICLE AND ALCOHOL ORDERED FORFEITED.

In the Matter of the Seizure on January 29, 1954 of 55 two-quart jars of alcohol and a Ford sedan, on the north-bound lane of the New Jersey Turnpike, in the City of Elizabeth, County of Union and State of New Jersey.	)	Case No. 8514
	)	ON HEARING
	)	CONCLUSIONS AND ORDER

John T. Glennon, Esq., Attorney for John Henderson.  
Harry Castelbaum, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether 55 two-quart jars of alcohol and a Ford sedan, described in a schedule attached hereto, seized on January 29, 1954 on the north-bound lane of the New Jersey Turnpike, in Elizabeth, New Jersey, constitute unlawful property and should be forfeited.

The Ford sedan was halted by a New Jersey State Trooper while on routine patrol of the turnpike. John Henderson, the owner, of Manson, North Carolina, was driving the car. William Jordan and Robert E. Skipwith were passengers therein. The 55 two-quart jars of alcohol were in the trunk of the car. The jars did not bear any labels, or stamps indicating the payment of tax on alcoholic beverages.

The alcohol and motor vehicle were turned over to the Division of Alcoholic Beverage Control. ABC agents obtained written statements from the three men wherein it is claimed that Henderson purchased the alcohol in Virginia and was transporting it to Brooklyn, N. Y., and that the two other men were unaware of the presence of the alcohol in the car.

The contents of one of the jars of alcohol were analyzed by the Division chemist who reports that it is an alcoholic beverage containing alcohol and water fit for beverage purposes with an alcoholic content of 48 per cent by volume.

When the matter came on for hearing pursuant to R. S. 33:1-66, John Henderson appeared with counsel and sought return of the Ford sedan. Forfeiture of the alcohol was not opposed by any person.

Reports of ABC agents and other documents in the file which establish the facts above outlined were presented in evidence with consent of Henderson's attorney.

Possession and transportation of bootleg alcoholic beverages in this state subjects the alcoholic beverages and motor vehicle to forfeiture. R. S. 33:1-1(i) and (y), R.S. 33:1-2, R.S. 33:1-66. Henderson has presented an honest and straightforward account of the transaction which develops many sympathetic aspects, but unfortunately none of which furnish me with authority to return the motor vehicle to him.

Henderson is a young man 29 years of age, married, has two children, ekes out a fair livelihood as a sharecropper, was in the armed services, and has no previous criminal record. However, because of the drought last year, he did not make any money on the farm, was hard pressed financially, and hence decided to purchase the bootleg alcoholic beverages for \$120.00 (obviously intended for sale in New York).

Under the provisions of R. S. 33:1-66(e) I am authorized to return property subject to forfeiture only in the event that it is established to my satisfaction that the claimant acted in good faith and unknowingly violated the law. Henderson may not have been familiar with the law governing transportation of alcoholic beverages in this state. However, such is only one of the requirements. The other, good faith, implies that he was engaged in a lawful transaction. Henderson does not, and cannot successfully contend, that he was not aware that his purchase of bootleg alcoholic beverages was an unlawful transaction. Stress of economic need and previous good background clearly cannot absolve him from responsibility for such misconduct. Hence, I am compelled to deny Henderson's request for return of the car.

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

WILLIAM HOWE DAVIS  
Director.

Dated: July 7, 1954.

SCHEDULE "A"

- 55 - two quart jars of alcohol
- 1 - Ford sedan, Serial No. 2876897A, 1953  
North Carolina Registration 658-391.

11. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - LICENSE SUSPENDED FOR 3 DAYS, LESS 1 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 JAMES V. PALAZZO  
 T/a PALAZZO'S BAR  
 79 Dover Avenue  
 Ewing Township  
 P. O. Trenton, N. J.,  
 Holder of Plenary Retail Consumption License C-12 for the 1953-54 and 1954-55 licensing years, issued by the Township Committee of Ewing Township.

CONCLUSIONS AND ORDER

-----  
 James V. Palazzo, Defendant-licensee, Pro se.  
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he allowed, permitted and suffered a mislabeled beer tap on his licensed premises, in violation of Rule 26 of State Regulations No. 20.

The file herein discloses that on June 11, 1954, during the course of a retail inspection, an ABC agent found a half-barrel of Jacob Ruppert beer connected to a tap which bore the brand name "Gretz."

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of three days. One day will be remitted for the plea entered herein, leaving a net suspension of two days. Re Schorpp, Bulletin 1020, Item 11.


Accordingly, it is, on this 8th day of July, 1954,

ORDERED that Plenary Retail Consumption License C-12, for the 1954-55 licensing year, issued by the Township Committee of Ewing Township to James V. Palazzo, t/a Palazzo's Bar, for premises 79 Dover Avenue, Ewing Township, be and the same is hereby suspended for a period of two (2) days, commencing at 2:30 a. m. July 19, 1954 and terminating at 2:30 a.m. July 21, 1954.

WILLIAM HOWE DAVIS  
Director.

12. STATE LICENSES - NEW APPLICATION FILED.

George's Transportation Co., Inc.  
 174 Perry Street, New York, New York.  
 Application for Transportation License filed July 19, 1954.



William Howe Davis  
Director.