

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

BULLETIN 1278

JUNE 2, 1959.

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
LABORATORY OF ORGANIC CHEMISTRY

CHICAGO, ILLINOIS

1955

REPORT OF THE RESEARCH WORK
DURING THE YEAR 1955

BY
ROBERT H. WOODWARD

AND
MELVIN C. WATSON

CHICAGO, ILLINOIS

UNIVERSITY OF CHICAGO PRESS

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

BULLETIN 1278

JUNE 2, 1959.

1. DISCIPLINARY PROCEEDINGS - PERMITTING LOTTERY AND LOTTERY
TICKETS ON LICENSED PREMISES - CONTRACEPTIVES - LICENSE
SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

PETER J. ROIGNANT)
t/a PETE'S TAVERN)
1267 East State Street)
Trenton 9, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-155, issued by the)
Board of Commissioners of the City)
of Trenton.)

Maurice A. Ross, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On February 23, 1959 and prior thereto, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery commonly known as the 'treasury numbers game'; in violation of Rule 7 of State Regulation No. 20.

"2. On February 23, 1959 and prior thereto, you allowed, permitted and suffered tickets and participation rights in a lottery commonly known as the 'treasury numbers game' to be sold and offered for sale and possessed, had custody of and allowed, permitted and suffered tickets and participation rights in such lottery, in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.

"3. On February 23, 1959, you possessed prophylactics against venereal disease and contraceptives and contraceptive devices, in and upon your licensed premises; in violation of Rule 9 of State Regulation No. 20."

On the evening of February 23, 1959, two ABC agents were in defendant's licensed premises. One agent purchased from Walter William Robinson (the bartender) two "treasury tickets" for one dollar and the other agent purchased from the same bartender four "treasury tickets" for two dollars. Thereafter the agents notified members of the Trenton Police Department who entered the premises and placed defendant and the bartender under arrest. Defendant admitted that similar lottery tickets had been sold at his premises "for the last six weeks". As a result of subsequent investigation by the agents, numerous tickets similar to the tickets purchased by them and so-called "result sheets" were found in one box and three rubber prophylactics in another box on the premises.

Defendant has no prior record. I have considered a letter from attorney for defendant in mitigation of penalty but see no reason to impose less than the minimum penalty in cases of this kind. I shall suspend defendant's license for twenty-five days (the minimum suspension in cases involving commercialized

gambling when an employee is involved) on Charges 1 and 2 (Re Suleskey, Bulletin 1253, Item 9) and for an additional ten days on Charge 3 (Re Gertman, Bulletin 1233, Item 2), making a total suspension of thirty-five days. Five days will be remitted for the plea herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 20th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-155, issued by the Board of Commissioners of the City of Trenton to Peter J. Roignant, t/a Pete's Tavern, for premises 1267 East State Street, Trenton, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Monday, April 27, 1959, and terminating at 2:00 a.m. Wednesday, May 27, 1959.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against

THEODORE F. ROWLAND
t/a TED ROWLAND'S CAFE
39-41 E. Milton Avenue
Rahway, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-22, issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway.

Robert W. Wolfe, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant has pleaded not guilty to the following charge:

'On Sunday, November 9, 1958, at about 9:55 a.m., 10:00 a.m., 10:05 a.m. and 10:07 a.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, at retail, in their original containers for consumption off your licensed premises, and allowed, permitted and suffered the removal of said alcoholic beverages from your licensed premises; in violation of Rule 1 of State Regulation No. 38.'

"At the hearing herein three agents (hereinafter identified as Agents C, F and O) testified that they arrived in the vicinity of defendant's premises at about 9:40 a.m. on Sunday, November 9, 1958. Agent C testified that the other two agents remained outside and that he immediately entered the premises and sat at the bar; that there were about twenty-four patrons

in the premises, and that the licensee and William Taylor were acting as bartenders. Agent C further testified that at about 9:55 a.m. he observed a male patron purchase from Mr. Rowland a pint of Hunter whiskey; that the patron put the bottle in his pocket and left the premises; that at about 10:00 a.m. he observed another male patron purchase from Mr. Rowland a pint of Calvert whiskey which the patron put in his topcoat pocket; that at about 10:05 a.m. he observed a third male patron purchase from Mr. Rowland a pint bottle of Ruby California port wine; that the patron put the bottle in his pocket and left the premises. Agent C further testified that shortly thereafter he asked Mr. Rowland for a pint of Seagram's Seven Crown whiskey 'to take with me;' that Mr. Rowland gave him the bottle after tearing a portion of the tax stamp off with a sharp instrument and that, after paying \$3.00 for the bottle, he (the agent) left the premises with the bottle and shortly thereafter showed it to the two agents who had remained outside.

"Agent F testified that he and Agent O were standing in the doorway diagonally across the street from defendant's premises when he saw Agent C leave such premises at about 10:10 a.m.; that, after Agent C showed him the bottle of Seven Crown whiskey, all agents entered defendant's premises where, after the agents identified themselves, he spoke to Mr. Rowland who was standing at the far end of the bar and showed him the bottle of Seagram whiskey. Agent F further testified that, pointing to Agent C, he asked Mr. Rowland 'How much did you charge this man for this bottle', to which Rowland replied 'I didn't sell him anything;' that Agent C then entered into the conversation, saying 'Why, just before I bought this bottle he sold a bottle of Ruby wine to another fellow' and that Mr. Rowland then denied that he had made such a sale.

"Agent O testified that Agent C left defendant's premises about 10:10 a.m. and that, after the three agents entered the premises, Agent F had a conversation with Mr. Rowland wherein the latter denied that he sold the bottle of Seagram whiskey to Agent C and further denied that he had made a sale of a bottle of Ruby port.

"On behalf of defendant, testimony was given by defendant and John Johnson, Wilmer Toy and George Conlon, who stated they were patrons in defendant's premises on the morning of November 9, 1958. As to the three alleged sales to persons other than Agent C, Mr. Rowland testified that he does not recall selling a pint of Hunter whiskey but that two men were drinking from a bottle of Hunter which one of them had purchased at the bar. Mr. Rowland admitted that he had sold a pint bottle of Calvert whiskey to a 'Mr. Brown' and said that this patron 'drank it out of the bottle.' He also admitted that he had sold a bottle of port wine to another patron but said that he also gave cups to this patron and that the patron went to a table where he drank the contents of the bottle after pouring the contents into the cups. Mr. Rowland denied that any of the patrons had carried any of these three bottles from the licensed premises. This, of course, is directly contrary to the testimony of Agent C who testified that each of these three patrons carried a bottle out of the licensed premises.

"As to the alleged sale of the bottle of Seagram whiskey to Agent C, the defense is one of the most unusual ever presented in the history of the Division. John Johnson and Wilmer

Toy testified that they were seated at the bar when Agent C entered alone and took a seat between them; that all three engaged in a conversation during which the name of a person known as Nelson Tate was mentioned; that Agent C, after purchasing drinks for him and Toy, asked Johnson if he could get a bottle there, to which Johnson replied that he could but that he would have to drink it on the premises; that Johnson then suggested that they chip in and get the bottle, whereupon Johnson and Toy each put four quarters and Agent C put ten dimes on the bar; that immediately thereafter Johnson purchased the pint of Seagram Seven whiskey for said \$3.00 from Mr. Rowland who broke the seal and gave them three cups; that Mr. Johnson took the bottle and put it on a table; that Johnson immediately went to the bathroom and Toy to answer the telephone and that, when they returned to the table, the bottle and Agent C were gone; that Johnson then asked Mr. Rowland what happened to the bottle and that Mr. Rowland replied 'I don't know; I guess your friend took it;' that Johnson went out the front door in an endeavor to find the agent and that the agent was nowhere in sight. This is substantially the same story told by Mr. Rowland insofar as his participation in the incident is concerned. George Conlon testified that he entered defendant's premises on the morning of November 9 where he had a beer and then met a friend who suggested that they have some wine; that he purchased from the bartender a bottle of wine which the bartender opened and gave to him with several paper cups. Of course, there is nothing in this testimony which indicates that this is the sale of California port wine to which the agent referred. Mr. Conlon also testified that he saw Agent C seated at the bar with Mr. Johnson and Mr. Toy but did not overhear their conversation or observe the purchase of the bottle of whiskey.

"This is a very serious case because it is quite evident that it is impossible to reconcile the testimony of Agent C and the testimony of these patrons. Agent C denied that he fraternized with Johnson or Toy at the bar and, in fact, denied that he spoke to either of them on the morning in question. He further denied that he picked up this bottle from the table and stated that Mr. Rowland had given it to him across the bar. The agent admitted that he knew a person by the name of George Tate who lived in Metuchen, and said that he had mentioned this name to a patron not involved in these proceedings when he previously visited defendant's premises in the evening on November 1, 1958. The testimony as to what occurred when the three agents re-entered the premises leads me to believe that Agent C is telling the truth. If the testimony given by Johnson and Tate were true, the most natural thing would be that they would raise an outcry against the action of Agent C when the three agents entered and certainly the defendant would have immediately made a complete explanation of the manner in which Agent C sneaked the bottle from the premises while the backs of his alleged companions were turned. Instead, defendant merely denied that he had sold a bottle to the agent or to any other person for consumption off the premises. Johnson and Toy testified that, when the agents returned and were talking to Mr. Rowland, they tried to enter into the conversation but were told by Mr. Rowland to mind their own business and that he would take care of it. The agents deny that Johnson and Toy attempted to take part in the conversation between them and Mr. Rowland. It further appears that the seal on one side of the Seagram whiskey bottle had been broken but that the bottle had never been opened. In my opinion, the evidence is sufficient to establish defendant's guilt not only as to the three alleged sales to other patrons but also as to the sale to Agent C. I recommend, therefore, that defendant be found guilty as charged.

"Defendant has a prior record. Effective October 31, 1955, his license was suspended by the local issuing authority for three days for selling alcoholic beverages in original containers for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38. Since this is a second similar violation within a five-year period, I recommend that an order be entered suspending defendant's license for thirty days. Re Jay's Bar & Grill, Inc., Bulletin 1248, Item 5."

No exceptions to the Hearer's Report were taken within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the facts and circumstances herein, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 20th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-22, issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway to Theodore F. Rowland, t/a Ted Rowland's Cafe, for premises 39-41 E. Milton Avenue, Rahway, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Monday, April 27, 1959, and terminating at 2:00 a.m. Wednesday, May 27, 1959.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - OBSCENE LANGUAGE - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

DUDE'S BAR, INC. (A Corp.))
t/a DUDE'S BAR)
1126 Broad Street)
Newark 5, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-198, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)
-----)

Bernard Shurkin, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On January 29, 1959, 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.

"2. On January 16, 21, 24, 25 and 29, 1959, 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."

On January 16, 21, 24, 25 and 29, 1959, ABC agents, while in defendant's licensed premises, overheard from time to time the defendant's bartender and other persons use foul, filthy and indecent language. On January 29th the agents observed a male patron, who appeared to be intoxicated, stagger into the licensed premises and purchase a glass of beer. Thereafter the agents had difficulty in questioning such patron because he drooled, his speech was slurred and he almost fell from the bar stool upon which he was seated.

Defendant has no prior adjudicated record. I shall suspend the license for twenty-five days, the minimum suspension for the violations set forth in Charges 1 and 2 (Re Spillane, Bulletin 1259, Item 7). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 14th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-198, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Dude's Bar, Inc. (A Corp.), t/a Dude's Bar, for premises 1126 Broad Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, April 21, 1959, and terminating at 2:00 a.m. Monday, May 11, 1959.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HARRY ROSENTHAL)
119 Lincoln Avenue)
Orange, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-45, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange.)

Michael N. Steinberg, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded nolo contendere to the following charge:

"On March 12, 17, 19 and April 1, 1959, you engaged in and 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 Regulation No. 20."

On the occasions mentioned in the charge herein, ABC agents visited defendant's licensed premises, at which time the agents either placed bets with Peter Acquadro (a bartender employed by defendant) or gave money and names of horses on which they placed bets to the defendant to be turned over to Acquadro. On the occasion of April 1, 1959, the agents had previously recorded the serial numbers on the money (bills) given to Acquadro in payment of the bets and, after they had identified themselves to Acquadro in the presence of a local police officer who had been assigned to cooperate in the investigation, Acquadro produced the "marked" bills.

Defendant as an individual licensee has no prior adjudicated record. However, effective May 9, 1949, a license held by defendant and Martin W. Geller as partners (for other premises in Orange) was suspended for fifteen days for sale of alcoholic beverages to minors (Re Rosenthal and Geller, Bulletin 843, Item 4). Since this dissimilar violation occurred more than five years ago, it will not be considered in fixing the instant penalty (Re Forster, Bulletin 1269, Item 9). I shall suspend defendant's license for twenty-five days, the minimum suspension in cases involving commercialized gambling when a licensee or employee is involved (Re Jassogne & Houckes, Bulletin 1226, Item 5) and remit five days for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 15th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-45, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to Harry Rosenthal, for premises 119 Lincoln Avenue, Orange, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, April 21, 1959, and terminating at 2:00 a.m. Monday, May 11, 1959.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

REGINA HITTNER & JOSEPH HODES)
t/a JOE'S BAR & GRILL)
9 Saybrook Place)
Newark 2, N. J.,)

CONCLUSIONS
AND ORDER

-----)
Holders of Plenary Retail Consumption License C-519, issued by the)
Municipal Board of Alcoholic Beverage Control of the City of)
Newark.)

Herman L. Braun, Esq., Attorney for Defendant-licensees.
David S. Piltzer, Esq., appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On February 19, 1959 an ABC agent seized a number of bottles of alcoholic beverages on the defendants' licensed premises because their contents appeared to be darker in color than normally observed in alcoholic beverages of that brand. Subsequent analysis by the Division chemist discloses that the contents of two of said bottles when compared with samples of the genuine product of the labeled brands varied substantially in solids and acids.

Defendant partnership has no prior adjudicated record. However, a license held by Joseph Hodes, individually, for other premises in Newark was suspended for ten days, effective February 6, 1956, by the local issuing authority for an "hours" violation. I shall suspend the license of defendants for the minimum period of fifteen days where two bottles are involved (Re Gavlak, Bulletin 1245, Item 6), to which will be added five days by reason of the prior dissimilar violation of Joseph Hodes within the past five years (cf. Re Pioneer Cafe, Inc., Bulletin 1193, Item 7), making a total suspension of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 9th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-519, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Regina Hittner & Joseph Hodes, t/a Joe's Bar & Grill, for premises 9 Saybrook Place, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, April 20, 1959, and terminating at 2:00 a.m. Tuesday, May 5, 1959.

WILLIAM HOWE DAVIS
Director.

6. MORAL TURPITUDE - COMMERCIALIZED GAMBLING HELD TO INVOLVE MORAL TURPITUDE UNDER FACTS OF CASE.

April 14, 1959

Re: Eligibility No. 685

Applicant seeks a determination as to whether or not he is eligible to be associated with the liquor industry in New Jersey.

It appears from the criminal reports received at this Division that on June 26, 1958, applicant pleaded guilty in a Federal Court to charges alleging that he engaged in the business of receiving wagers (bookmaking), failed to collect or pay over excise taxes, failed to make returns and failed to display occupational tax stamp, in violation of the Internal Revenue Laws. As a result of the guilty plea to the aforesaid offenses, applicant was fined \$3,500.00 and received a suspended sentence for a period of two years.

Applicant testified that for a period of fourteen months he accepted bets on horses and from the moneys received paid off the respective winners.

The crime of bookmaking may or may not involve moral turpitude, depending on the circumstances in each case. Re Case No. 651, Bulletin 1020, Item 9. When one is a principal or a "lieutenant" in commercialized gambling, it has been ruled that the crime involves moral turpitude. Re Case No. 635,

Bulletin 946, Item 10; Re Case No. 641, Bulletin 963, Item 5. Since, as appears herein, applicant participated in bookmaking as a principal, I am of the opinion that he was convicted of a crime involving moral turpitude.

It is recommended that applicant be advised that, in the opinion of the Director, he is disqualified by statute because of said conviction from being associated with the alcoholic beverage industry in this State and that any licensee who employs him or permits him to be connected in any business capacity with his licensed premises will subject his license to suspension or revocation. R. S. 33:1-25, 26. It is further recommended that applicant be advised that he may file a petition for relief in disqualification removal proceedings (R. S. 33:1-31.2) on or after June 26, 1963 provided, however, that he does not become involved with the law in the meantime.

APPROVED:
WILLIAM HOWE DAVIS
Director.

Clarence E. Kremer
Attorney.

7. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN PRIVATE DWELLING - ALCOHOLIC BEVERAGES, FURNISHINGS AND CASH RECEIPTS ORDERED FORFEITED.

In the Matter of the Seizure on) Case No. 9771
August 10, 1958 of a quantity of)
alcoholic beverages, furnishings,)
and \$12.00 in cash at the premises)
occupied by Lucille Brown, located) ON HEARING
at 122 Camden Street, City of Newark,) CONCLUSIONS AND ORDER
County of Essex and State of New)
Jersey.)

-----)
Jack Wildman, Esq., by David A. Adelman, Esq., Attorney for
Lucille Brown.
I. Edward Amada, Esq., appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This matter came on for hearing pursuant to R. S. 33:1-66 and further pursuant to a stipulation signed by Lucille Brown on August 29, 1958 to determine whether a quantity of alcoholic beverages, \$12.00 in cash, and various furnishings, described in a schedule attached hereto, seized on August 10, 1958 at premises occupied by Lucille Brown, located at 122 Camden Street, Newark, New Jersey, constitute unlawful property and should be forfeited.

"The seizure was made by ABC agents because of alleged unlawful sales of alcoholic beverages at the premises.

"Pending seizure hearing in the case, all of the seized property, excepting the alcoholic beverages and \$12.00 in cash, was returned to Lucille Brown upon payment by her, under protest, of the sum of \$100.00 to the Director of the Division of Alcoholic Beverage Control, pursuant to R. S. 33:1-66, representing its appraised retail value, under a stipulation that the Director should determine at such hearing whether such sum

should be forfeited, or returned to Lucille Brown.

"When the matter came on for hearing pursuant to R. S. 33:1-66 and the aforesaid stipulation, an appearance was entered on behalf of Lucille Brown, who sought return of the aforesaid deposit of \$100.00. Forfeiture of the alcoholic beverages and the \$12.00 in cash was not opposed.

"The substance of testimony by ABC agents is as follows:

"On Sunday, August 3, 1958 two ABC agents were admitted by Lucille Brown to the basement of the dwelling at 122 Camden Street and there purchased from her two bottles of beer and a drink of whiskey. On Sunday, August 10, 1958 one of the agents again entered the basement of the building. Lucille Brown and a number of other persons were there, some of whom appeared to be drinking alcoholic beverages. One of these persons was observed purchasing a drink of whiskey. The agent asked Lucille Brown for a drink of whiskey and one of beer, but she told him she only had whiskey. The agent purchased two drinks of whiskey from Lucille Brown. On each occasion he paid her with a dollar bill identified by serial number. She placed these bills in a dresser drawer in an adjacent room. Other ABC agents and local police officers entered the premises shortly after the agent was served with the second drink of whiskey, and disclosed their identity.

"Lucille Brown did not hold any license authorizing her to sell alcoholic beverages, and the premises were not licensed for that purpose. The agent seized a partially full bottle of whiskey, a bottle of beer, \$12.00 including the two marked bills, and various furnishings located in the basement.

"Lucille Brown, although present at the hearing, was not presented as a witness, nor were any other witnesses presented on her behalf. Instead, her counsel moved to dismiss the proceedings on the ground that it had not been established that the items seized and returned upon deposit of the cash were used in connection with the sale and delivery of alcoholic beverages, and were not connected with or used in the alleged illegal liquor activities.

"This contention has been consistently rejected by the Division, for the reasons fully set forth in re Seizure Case No. 7480, Bulletin 857, Item 3, cited with approval in Seizure Case No. 8553, Bulletin 1033, Item 7, and Seizure Case No. 8634, Bulletin 1056, Item 4. I recommend that the motion to dismiss the proceedings be denied.

"The testimony of the ABC agents that they purchased alcoholic beverages at the premises from Lucille Brown is not contradicted. It therefore appears that at least the whiskey seized is illicit because it was intended for sale without a license. R. S. 33:1-1(1). The fact that only a small quantity was seized is immaterial. Re Seizure Case No. 8410, Bulletin 1006, Item 3. The illicit whiskey and all personal property, including the \$12.00 in cash seized therewith in the basement, constitute unlawful property and is subject to forfeiture. R. S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66. On the evidence presented it is my opinion that forfeiture of the seized property must follow as of course."

No exceptions were taken to the Hearer's Report within the time limited by Rule 4 of State Regulation No. 28.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's Report and I adopt them as my conclusions herein.

Accordingly, it is, on this 15th day of April, 1959,

DETERMINED and ORDERED that the seized alcoholic beverages described in Schedule "A" attached hereto, and the \$12.00 in cash, constitute unlawful property and the same be and hereby are forfeited in accordance with the provisions of R.S. 33:1-66, and shall be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control; and it is further

DETERMINED and ORDERED that the sum of \$100.00, representing the appraised retail value of the balance of the seized property, paid under protest to the Director of the Division of Alcoholic Beverage Control on behalf of Lucille Brown whereby she obtained return of such articles, be and the same hereby is forfeited in accordance with the provisions of R. S. 33:1-66, to be accounted for in accordance with the law.

WILLIAM HOWE DAVIS
Director.

SCHEDULE "A"

- 1 - bottle of beer
- 1 - bottle of whiskey
- 1 - television set
- 1 - hi-fi, table model
- 1 - Kelvinator refrigerator
- \$12.00 in cash
- 1 - radio

8. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

TOOLEY'S BAR, INC.)
413 Monroe Street)
Passaic, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-58, issued by the Board of Commissioners of the City of Passaic.)
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Irving J. Zwillman, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it sold, served and delivered alcoholic beverages to two minors, and permitted the consumption of such beverages by said minors in and upon its licensed premises, in violation of Rule 1 of State Regulation No. 20.

On Wednesday night, January 28, 1959, two ABC agents who were in defendant-licensee's premises, observed Melvyn

Chesner (treasurer of the corporate licensee) serve bottled beer to a group of apparent minors. The agents identified themselves and, ascertaining that two of the group were John T--- (age 18) and John A--- (age 19), they seized the remaining portion of the beer the minors were consuming and obtained from them signed, sworn statements in which they state that on the date alleged and on divers other occasions they were served alcoholic beverages without being required to produce any written proof of their ages.

Defendant has a prior adjudicated record. Effective April 14, 1958, I suspended its license for ten days for sale of alcoholic beverages in original containers in violation of State Regulation No. 38 (Re Tooley's Bar, Inc., Bulletin 1224, Item 3). The minimum penalty for the sale of alcoholic beverages to an 18- and 19-year-old minor is fifteen days (Re Drayer, Eppley & White, Bulletin 1214, Item 7). Considering the prior dissimilar violation which occurred within a five-year period, I shall suspend defendant's license for twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 16th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-58, issued by the Board of Commissioners of the City of Passaic to Tooley's Bar, Inc., for premises 413 Monroe Street, Passaic, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. Monday, April 27, 1959, and terminating at 3:00 a.m. Tuesday, May 12, 1959.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
JOSEPH KUPISZEWSKI JR. &)
LOUIS C. KUPISZEWSKI)
t/a KUPPY'S)
246 Palisade Avenue)
Garfield, N. J.,)

CONCLUSIONS
AND ORDER

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Holders of Plenary Retail Consumption License C-1, issued by the Mayor and Council of the City of Garfield.)

Richard J. Baker, Esq., Attorney for Defendant-licensees.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Sunday, March 8, 1959, ABC agents who were in the vicinity of defendants' licensed premises observed a man enter therein at 12:05 p.m. and emerge therefrom about 12:10 p.m.

carrying a brown paper bag. The agents accosted the man, identified themselves and ascertained that the bag contained five unchilled quart-bottles of beer. Entering the licensed premises accompanied by the man, the agents made their identities known to both licensees and informed them of the violation, which they admitted.

Defendants have no prior adjudicated record. I shall suspend their license for the minimum period of fifteen days for the violation charged. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Lynch, Bulletin 1220, Item 8.

Accordingly, it is, on this 14th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-1, issued by the Mayor and Council of the City of Garfield to Joseph Kupiszewski Jr. & Louis C. Kupiszewski, t/a Kuppy's, for premises 246 Palisade Avenue, Garfield, be and the same is hereby suspended for ten (10) days, commencing at 4:00 a.m. Tuesday, April 21, 1959, and terminating at 4:00 a.m. Friday, May 1, 1959.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against
THEODORE A. ACCARDI
t/a UBER'S BAR & RESTAURANT
Germantown & Verona Avenues
Egg Harbor Township
PO West Atlantic City, N. J.,
Holder of Plenary Retail Consumption License C-5, issued by the Township Committee of Egg Harbor Township.

CONCLUSIONS
AND ORDER

Theodore A. Accardi, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On Saturday night March 7 and early Sunday morning March 8, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Thomas ---, age 18, and allowed, permitted and suffered the consumption of alcoholic beverages by such person, in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

Acting upon information transmitted to this Division by a New Jersey State Trooper, ABC agents obtained a sworn, written statement from Thomas ---, age 18, wherein he states

that he was in defendant's licensed premises from about 11:00 p.m., Saturday, March 7, 1959 to about 1:45 a.m. the next morning, during which time he consumed several bottles of beer served to him by the licensee and a bartender, neither of whom required any written representation of his age. Thereafter, the minor identified the licensee who verbally admitted to ABC agents that on the dates alleged herein, he served some of aforesaid alcoholic beverages to Thomas. By way of mitigation the defendant has submitted a statement which I have carefully read together with the reports of the agents and the statement of the minor. I, however, do not find any extenuating circumstances in this case to impel me to impose less than the established penalty in cases of this kind.

Defendant has no prior adjudicated record. I shall suspend his license for fifteen days (the minimum penalty for sale of alcoholic beverages to an 18-year-old minor). Re Andoli, Bulletin 1269, Item 8. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 13th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of Egg Harbor Township to Theodore A. Accardi, t/a Uber's Bar & Restaurant, for premises on Germantown & Verona Avenues, Egg Harbor Township, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m. Monday, April 20, 1959, and terminating at 7:00 a.m. Thursday, April 30, 1959.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)	
HARRY W. DuBELL, JR.)	
W/S Lakehurst Road)	
Pemberton Township)	CONCLUSIONS
PO Browns Mills, N. J.,)	AND ORDER
Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Pemberton.)	

 Harry W. DuBell, Jr., Defendant-licensee, Pro se.
 Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold, served and delivered an alcoholic beverage to a minor and permitted the consumption of such beverage by said minor in and upon his licensed premises, in violation of Rule 1 of State Regulation No. 20.

On March 3, 1959 State Troopers, acting upon information transmitted to them, visited defendant's licensed premises wherein they observed several patrons who appeared to be minors consuming bottled beer at the bar. The troopers ascertained

that one of the patrons was Gwendolyn ---, age 20, and reported the violation to this Division. On March 4, 1959, Gwendolyn volunteered a signed, sworn statement in which she states that on the date alleged she was served a bottle of beer by Harry W. DuBell, Jr., the licensee, who required no written proof of her age.

Defendant has a prior adjudicated record. Effective November 18, 1957 his license was suspended for ten days by the local issuing authority for sale of alcoholic beverages in violation of Rule 1 of State Regulation No. 38. The minimum penalty imposed for the sale of alcoholic beverages to a 20-year-old minor is ten days. However, since the prior dissimilar violation occurred within a five-year period, I shall suspend defendant's license for fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days. Re 236 Broad Avenue, Inc., Bulletin 1109, Item 7.

Accordingly, it is, on this 15th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Pemberton to Harry W. DuBell, Jr., for premises on W/S Lakehurst Road, Pemberton Township, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, April 27, 1959, and terminating at 2:00 a.m. Thursday, May 7, 1959.

WILLIAM HOWE DAVIS
Director.

12. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

HAROLD E. RUSSELL and)
KATHERINE RUSSELL)
t/a CASTLE INN)
Route 23, Hardyston Township)
PO Hamburg, N. J.,)

CONCLUSIONS
AND ORDER

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Holders of Plenary Retail Consump-)
tion License C-5, issued by the)
Township Committee of the Township)
of Hardyston.)
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Defendant-licensees, by Harold E. Russell, A Partner.
Edward F. Ambrose, Esq., appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they sold, served and delivered alcoholic beverages to three minors and permitted the consumption of such beverages by said minors in and upon their licensed premises, in violation of Rule 1 of State Regulation No. 20.

On Saturday evening, March 7, 1959, ABC agents who were in defendants' licensed premises observed a male and a female (apparently minors) consuming beer at a table. Later the agents observed Katherine Russell, one of the licensees, remove an empty bottle from the table at which the youths were seated and replace it with a filled bottle. They also saw the male go


to the bar where he was served a glass of beer which he carried to the table. The agents further observed a waitress serve a tray of bottled beer at another table to a group of patrons, one of whom (a female) appeared to be a minor. The agents identified themselves and, ascertaining that the youths were Leila ---, age 18; Carol ---, age 20, and William ---, age 20, seized for evidential purposes the unconsumed portion of the beer the youths were drinking.

Leila and Carol volunteered signed, sworn statements in which they state that they were served the alcoholic beverages without being required to present written proof of their ages and William orally admitted the same fact.

Defendants have no prior adjudicated record. The minimum penalty imposed for an unaggravated sale of alcoholic beverages to an 18 and a 20-year-old minor is fifteen days. Re Vaccaro, Bulletin 1263, Item 5. However, since three minors were involved in the instant violation, I shall suspend defendants' license for twenty days and remit five days for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 15th day of April 1959,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Hardyston to Harold E. Russell and Katherine Russell, t/a Castle Inn, for premises on Route 23, Hardyston Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, April 27, 1959 and terminating at 2:00 a.m. Tuesday, May 12, 1959.


William Howe Davis
Director.