

BULLETIN 874

MAY 8, 1950.

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Plainfield) - SALES TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
2. DISQUALIFICATION - APPLICATION TO LIFT - CONVICTION OF CRIME DURING FIVE YEARS LAST PAST - APPLICATION TO LIFT DENIED.
3. DISCIPLINARY PROCEEDINGS (Paterson) - FAILURE TO KEEP LICENSED PREMISES CLOSED DURING PROHIBITED HOURS, IN VIOLATION OF MUNICIPAL REGULATION - FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW, IN VIOLATION OF MUNICIPAL REGULATION - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Newark) - ALLEGED SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - CHARGE DISMISSED.
5. APPELLATE DECISIONS - NEWARK TAVERN ASSOCIATION, INC. v. NEWARK AND SUBALPINA MUTUAL AID SOCIETY OF NEWARK, NEW JERSEY.
6. DISCIPLINARY PROCEEDINGS (Ocean Township, Monmouth County) - SALES TO MINOR - PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Roxbury Township) - SALES TO MINORS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
8. DISQUALIFICATION - PREVIOUS PETITION DENIED - APPLICATION HEREIN GRANTED.
9. DISCIPLINARY PROCEEDINGS (Paterson) - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS, IN VIOLATION OF MUNICIPAL REGULATION - FAILURE TO KEEP LICENSED PREMISES CLOSED DURING PROHIBITED HOURS, IN VIOLATION OF MUNICIPAL REGULATION - POSSESSING FILTHY STATUETTE ON LICENSED PREMISES, IN VIOLATION OF RULE 17 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
10. SEIZURE - FORFEITURE PROCEEDINGS - ILLICIT STILL AND EQUIPMENT ORDERED FORFEITED - PREMISES ORDERED PADLOCKED - MOTOR VEHICLE SEIZED ON PREMISES RETURNED TO INNOCENT LIENOR.
11. DISCIPLINARY PROCEEDINGS (Atlantic City) - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Atlantic City) - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
13. DISCIPLINARY PROCEEDINGS (Trenton) - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
14. DISCIPLINARY PROCEEDINGS (Trenton) - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
15. STATE LICENSES - NEW APPLICATIONS FILED.

THE UNITED STATES OF AMERICA  
DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM FOR THE DIRECTOR  
SUBJECT: [Illegible]

TO: [Illegible]

FROM: [Illegible]

DATE: [Illegible]

RE: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

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

BULLETIN 874

MAY 8, 1950.

1. DISCIPLINARY PROCEEDINGS - SALES TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

FRANK GENESSEN and HERMAN GENESSEN  
T/a PARK STORES MARKET  
627 Park Avenue  
Plainfield, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution License D-6, issued by the Common Council of the City of Plainfield.

Defendant-licensees, by Frank Genessen, Partner.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded guilty to a charge alleging that they sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages at their licensed premises to a minor, in violation of Rule 1 of State Regulations No. 20.

It appears from a statement made to ABC agents by Stewart ---, eighteen years of age, that on February 4, 6, 7 and 8, 1950, he purchased various items of alcoholic beverages, the total cost of which was \$61.61, at defendants' premises. The minor further stated that defendants knew him very well because he had been purchasing groceries for his family at defendants' premises for many years. Frank Genessen admitted to the ABC agents that he had sold the alcoholic beverages to the minor, but stated that he had asked the minor how old he was and was shown a driver's license which he did not carefully examine. The minor states that no inquiry had been made as to his age at the time he purchased the alcoholic beverages. In any event, it is clear that the defendants have not established any defense under the provisions of R.S. 33:1-77.

Defendants have no prior adjudicated record. The minimum penalty for selling alcoholic beverages to a minor is ten days. I shall suspend defendants' license for ten days, less five for the plea, leaving a net suspension of five days.

Accordingly, it is, on this 21st day of April, 1950,

ORDERED that Plenary Retail Distribution License D-6, issued by the Common Council of the City of Plainfield to Frank Genessen and Herman Genessen, t/a Park Stores Market, for premises 627 Park Avenue, Plainfield, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. May 1, 1950, and terminating at 9:00 a.m. May 6, 1950.

ERWIN B. HOCK  
Director.

RECEIVED BY STATE

WRITING OFFICE AND OFFICE OF THE DIRECTOR

2. DISQUALIFICATION - APPLICATION TO LIFT - CONVICTION OF CRIME DURING FIVE YEARS LAST PAST - APPLICATION TO LIFT 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. 801.  
-----)

BY THE DIRECTOR:

On November 20, 1945, a prior application filed by petitioner was denied because he had been convicted in 1944 of a crime involving moral turpitude. Re Case No. 456. Five years having elapsed since this conviction, he has filed a new petition.

However, on October 5, 1949, petitioner was again convicted under a criminal statute in a County Criminal Court after a charge of desertion had been made against him. He was sentenced to one and one-half years in the Essex County Penitentiary. The sentence was suspended, and he was placed on probation for five years, while he provided adequate support for his minor child.

The statute under which relief may be afforded petitioner by me (R. S. 33:1-31.2) requires satisfactory proof, among other things, that petitioner has conducted himself in a law-abiding manner for the last past five years. Irrespective of the question as to whether the crime of which he was convicted in 1949 involved moral turpitude, it appears that he has not been law-abiding during the past five years. The petition must be dismissed.

Accordingly, it is, on this 21st day of April, 1950,

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

ERWIN B. HOCK  
Director.

- 3. DISCIPLINARY PROCEEDINGS - FAILURE TO KEEP LICENSED PREMISES CLOSED DURING PROHIBITED HOURS, IN VIOLATION OF MUNICIPAL REGULATION - FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW, IN VIOLATION OF MUNICIPAL REGULATION - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

NANCY CAMARATA & ANTHONY VOLPE )  
 36 Totowa Avenue )  
 Paterson 2, N. J., )

CONCLUSIONS AND ORDER

----- )  
 Holders of Plenary Retail Consumption License C-114, issued by the Board of Alcoholic Beverage Control of the City of Paterson. )

Defendant-licensees, by Anthony Volpe, Partner.  
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to charges alleging that on Sunday, March 5, 1950, in violation of local regulations, they (1) failed to keep their licensed premises closed between 3:00 a.m. and 1:00 p.m.; (2) failed to keep the interior of their premises open to public view during those hours; and (3) hindered and failed to facilitate the investigation made at their licensed premises on said date, in violation of R. S. 33:1-35.

The municipal regulations prohibit licensed premises from being open between the hours of 3:00 a.m. and 1:00 p.m. on Sundays, and require that during those hours there shall be a clear view of the interior of the licensed premises from the public thoroughfare. On Sunday, March 5, 1950, between 3:00 a.m. and 3:50 a.m., the venetian blinds on the windows and front door of the tavern were drawn sufficiently to prevent a public view from the outside of the licensed premises. The ABC agents were able, however, to peer through a window upon which a venetian blind did not fit too closely. They observed ten patrons, some of whom were seated at the bar and the others at tables in the barroom. All of the patrons appeared to have drinks in front of them. The ABC agents knocked at the front door of the licensed premises on two occasions and, although they made known their identity to the bartender, who was subsequently identified as one of the licensees, they were not permitted to enter. Thereafter, some of the patrons left the premises by way of a side door. At about 3:50 a.m., the said licensee, in the company of four other persons, left the licensed premises. One of the agents, after presenting his credentials to the licensee, requested permission to inspect the licensed premises, but the licensee refused to comply with his request, saying, "What do you want to bother me for, I am one of the boys." The licensee and two companions thereafter drove away in an automobile.

Defendants have no previous adjudicated record. I shall suspend defendants' license on charges (1) and (2) for fifteen and five days, respectively (Re Vitrone, Bulletin 661, Item 5); and on charge (3) for fifteen days (cf. Niewinski, Bulletin 549, Item 9). Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 21st day of April, 1950,

ORDERED that Plenary Retail Consumption License C-114, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Nancy Camarata & Anthony Volpe, for premises 36 Totowa Avenue, Paterson, be and the same is hereby suspended for a period of thirty (30) days, commencing at 3:00 a.m. May 2, 1950, and terminating at 3:00 a.m. June 1, 1950.

ERWIN B. HOCK  
Director.

4. DISCIPLINARY PROCEEDINGS - ALLEGED SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - CHARGE DISMISSED.

In the Matter of Disciplinary Proceedings against

KINGS LIQUORS CORPORATION  
181 Spruce Street  
Newark 3, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-363, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

-----  
Harry G. Cohen, Esq., by James E. Masterson, Esq., Attorney for Defendant-licensee.  
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded not guilty to a charge alleging that on November 3, and again on November 4, 1949, it sold a pint bottle of Seagram's Seven Crown Blended Whiskey below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

The incident of November 3, 1949 is supported only by the testimony of the patron who allegedly made the purchase. In accordance with the principle enunciated in Re Weiss and Hochberg, Bulletin 514, Item 10, to the effect that, in this type of case, no finding of guilt will be made on the mere uncorroborated testimony of a single witness, this portion of the charge must be dismissed. Cf. Re Sportman's Cafe, Inc., Bulletin 869, Item 1.

The picture that emerges from the incident of November 4, 1949 is, at best, a confusing one, and no useful purpose will be served by relating all of the inconsistent details since a study of the record leaves me with considerable doubt whether the alleged transaction resulted in a consummated sale below the Fair Trade price as charged. Under the circumstances of this case, the defendant is entitled to the benefit of that doubt. The remaining portion of this charge, therefore, must likewise be dismissed.

Accordingly, it is, on this 24th day of April, 1950,

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

ERWIN B. HOCK  
Director.

5. APPELLATE DECISIONS - NEWARK TAVERN ASSOCIATION, INC. v. NEWARK AND SUBALPINA MUTUAL AID SOCIETY OF NEWARK, NEW JERSEY.

NEWARK TAVERN ASSOCIATION, INC., )

Appellant, )

-vs-

ON APPEAL  
CONCLUSIONS AND ORDER

MUNICIPAL BOARD OF ALCOHOLIC )

BEVERAGE CONTROL OF THE CITY OF )

NEWARK, and SUBALPINA MUTUAL AID )

SOCIETY OF NEWARK, NEW JERSEY, )

Respondents. )

-----  
Sidney Simandl, Esq., Attorney for Appellant.

Charles Handler, Esq., by George B. Astley, Esq., Attorney for Respondent Municipal Board of Alcoholic Beverage Control.

Andrew F. Zazzali, Esq., Attorney for Respondent Subalpina Mutual Aid Society of Newark, New Jersey.

BY THE DIRECTOR:

This is an appeal from respondent Board's issuance of a club license to respondent Society, a New Jersey corporation, incorporated on or about April 25, 1892.

The appeal record before me discloses that application for the club license was signed and sworn to by "Joseph Reboli, Financial Secretary". Respondent Society's president is Guilio Crociano; apparently, it has no vice-president.

Our Alcoholic Beverage Law provides: "All applications shall be duly sworn to by each of the applicants....except in cases of applications by corporations which shall be duly sworn to by the president or vice-president". (R.S. 33:1-25)

The statute leaves no room for construction in this regard. (See Re Great Atlantic and Pacific Tea Company, Bulletin 319, Item 4.) Respondent Society's application, signed and sworn to by the Financial Secretary, was fatally defective and respondent Board had no jurisdiction to issue the license. In view of the failure to meet the indicated, essential jurisdictional requirement, I must cancel the license. It is unnecessary, in the light of this conclusion, to consider here various other objections which were advanced by appellant for reversal.

Accordingly, it is, on this 24th day of April, 1950,

ORDERED that the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Newark granting the application of respondent Subalpina Mutual Aid Society of Newark, New Jersey, be and the same is hereby reversed; and it is

FURTHER ORDERED that the club license (CB-65) issued to respondent Subalpina Mutual Aid Society of Newark, New Jersey, be and the same is hereby cancelled, set aside and declared null and void, and said respondent is hereby directed forthwith to cease all alcoholic beverage activity under the license heretofore issued to it.

ERWIN B. HOCK  
Director.

6. DISCIPLINARY PROCEEDINGS - SALES TO MINOR -- PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

CHARLES E. BETZ )  
T/a CHARLIE'S BAR & GRILL )  
West Park Ave., Route 35 )  
Ocean Township (Monmouth County) )  
RFD 1, Asbury Park, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Township Committee of Ocean Township (Monmouth County). )

J. Stanley Herbert, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleaded non vult to charges alleging that (1) on April 1, 1950, he sold alcoholic beverages to and permitted the consumption thereof on his licensed premises by a minor; and (2) on April 2, 1950, he sold alcoholic beverages to and permitted the consumption thereof on his licensed premises by a minor, both in violation of Rule 1 of State Regulations No. 20.

On April 1, 1950, in the early morning hours, two members of the Army M.P. Town Patrol, in checking military personnel in defendant's tavern, found one soldier, Private Donald C. ----, with a pass plainly stamped "minor". The soldier was drinking beer which he had just purchased from defendant's bartender.

At approximately the same time on April 2, 1950, the same thing occurred, except that a different soldier, Recruit Thomas J. ----, was involved. Both minors were nineteen years of age.

Licensee has a prior record. His license was suspended for twenty-five days net, effective August 20, 1946, for "refills", and again for twenty-five days, effective February 25, 1947, for a similar charge. See Bulletin 726, Item 6 and Bulletin 750, Item 8. Considering the previous record, I shall suspend the license for fifteen days. Remitting five days for the plea will leave a net suspension of ten days.

Accordingly, it is, on this 24th day of April, 1950,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Ocean (Monmouth County) to Charles E. Betz, t/a Charlie's Bar & Grill, West Park Ave., Route 35, Ocean Township (Monmouth County) be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. May 1, 1950, and terminating at 3:00 a.m. May 11, 1950.

ERWIN B. HOCK  
Director.

7. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

CHRISTIAN ADOLPH BACKHAUS  
T/a LAKE END INN  
West Shore Road  
Roxbury Township  
P. O. Landing, N.J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Roxbury.

Eugene F. Hillery, 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 charges alleging that (1) he sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages at his licensed premises to minors, in violation of Rule 1 of State Regulations No. 20; and (2) he sold alcoholic beverages at retail below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

On March 3, 1950 two 17-year-old youths purchased and were served with a glass of beer apiece on defendant's licensed premises. At said time and place the minors also purchased eleven quarts of beer and a 4/5 quart (fifth) bottle of Imperial Blended Whiskey for off-premises consumption. The defendant admitted charging \$3.60 for the 4/5 quart (fifth) bottle of Imperial Blended Whiskey. The minimum consumer price of said item as listed in the current "List of Minimum Resale Prices", effective January 1, 1950, is \$3.63.

Defendant has no previous adjudicated record. I shall, therefore, suspend his license on charge (1), because of the age of the minors and the amount of alcoholic beverages sold to them, for a period of fifteen days, and on charge (2) for a period of ten days, (Re Lugowe et al., Bulletin 871, Item 15), making a total suspension of twenty-five days. Five days will be remitted because of the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 26th day of April, 1950,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Roxbury to Christian Adolph Backhaus, t/a Lake End Inn, for premises West Shore Road, Roxbury Township, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. May 3, 1950, and terminating at 2:00 a.m. May 23, 1950.

ERWIN B. HOCK  
Director.

8. DISQUALIFICATION - PREVIOUS PETITION DENIED - APPLICATION HEREIN GRANTED.

In the Matter of an Application )  
to Remove Disqualification )  
because of a Conviction, Pursuant )  
to R. S. 33:1-31.2. )  
Case No. 835. )  
- - - - - )

CONCLUSIONS  
AND ORDER

BY THE DIRECTOR:

Petitioner, who has heretofore been ruled ineligible to hold a liquor license or to be connected with the holder of such a license because of his conviction of a crime involving moral turpitude (Case No. 267, Bulletin 570, Item 9), has reapplied for a removal of his disqualification, pursuant to permission granted him on May 26, 1943.

It appears from the testimony of petitioner that in 1943 he discontinued the business of a rooming house proprietor (a prerequisite for relief in the instant rehabilitation proceeding, see Case No. 267, supra). Since the hearing held at this Division in 1943, petitioner has been law-abiding except that on September 25, 1944, he was convicted under a local ordinance for gambling (cards).

Petitioner testified that since 1943 he has been employed as circulation manager by a publishing company. He submitted his resignation, effective April 15, 1950, after his employer had advised him that he was to be transferred to another office of the company located in another state.

Petitioner produced three businessmen as character witnesses who have known petitioner nine or more years. They testified that petitioner bears a reputation for being a law-abiding person in the community in which he resides.

The Police Department of the municipality wherein petitioner lives has advised that there are no complaints or investigations pending concerning petitioner at the present time.

From the evidence, I conclude that petitioner has conducted himself in a law-abiding manner during the five years last past and that his association with the alcoholic beverage industry will not be contrary to public interest.

Accordingly, it is, on this 26th day of April, 1950,

ORDERED that petitioner's statutory disqualification because of the conviction of crime mentioned in Case No. 267, supra, be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

ERWIN B. HOCK  
Director.

- 9. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS, IN VIOLATION OF MUNICIPAL REGULATION - FAILURE TO KEEP LICENSED PREMISES CLOSED DURING PROHIBITED HOURS, IN VIOLATION OF MUNICIPAL REGULATION - POSSESSING FILTHY STATUETTE ON LICENSED PREMISES, IN VIOLATION OF RULE 17 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

CLUB BENMAR, INC. )  
 461 Broadway )  
 Paterson 4, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Board of Alcoholic Beverage Control of the City of Paterson. )

----- )  
 Club Benmar, Inc., by James Dodds, President.  
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that it (1) sold alcoholic beverages on its licensed premises after 3:00 a.m. and before 7:00 a.m. on Saturday, February 25, 1950, and again on Saturday, March 18, 1950, in violation of a local ordinance; (2) failed to have its licensed premises closed during said hours, in violation of a local ordinance; and (3) allowed, permitted and suffered on its licensed premises and had in its possession, obscene, indecent, filthy, lewd, lascivious and disgusting matter, i.e., a statuette, in violation of Rule 17 of State Regulations No. 20.

On each of the days specified in the charges, defendant's licensed premises, in charge of James Dodds, President of said corporate defendant, was in full operation after 3:00 a.m., and until 3:25 a.m. one day and 3:45 the other, albeit behind locked front doors and under dimmed lights. Division agents on the premises purchased and consumed alcoholic beverages during the said hours. Alcoholic beverages were also sold and served to various other patrons and several customers entered by way of a side door. Apparently defendant corporation was running wide open, in violation of the section of the Paterson City Ordinance referred to in charges (1) and (2).

Without a detailed description of the figurine, which would serve no purpose, there can be no doubt as to its obscene and indecent character. It was displayed in the licensed premises in such a way as to be clearly visible by customers at the bar.

Defendant's only prior record is a suspension of ten days, imposed by the State Commissioner in 1946 on a charge that its then principal stockholder was not a resident of New Jersey. The present stockholders were not involved in that violation, and said violation is of such a nature as not to warrant being considered as aggravating the present violation, Re Italian Kitchens, Inc., Bulletin 535, Item 10. I shall suspend defendant's license for fifteen days on charges (1) and (2), cf. Re Dabrowski, Bulletin 687, Item 8, and for an additional ten days on charge (3). Remitting five days for the plea will leave a net suspension of twenty days.

Accordingly, it is, on this 24th day of April, 1950,

ORDERED that Plenary Retail Consumption License C-5, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Club Benmar, Inc., for premises 461 Broadway, Paterson, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 a.m. April 28, 1950, and terminating at 3:00 a.m. May 18, 1950.

ERWIN B. HOCK  
Director.

10. SEIZURE - FORFEITURE PROCEEDINGS - ILLICIT STILL AND EQUIPMENT ORDERED FORFEITED - PREMISES ORDERED PADLOCKED - MOTOR VEHICLE SEIZED ON PREMISES RETURNED TO INNOCENT LIENOR.

In the Matter of the Seizure on ) Case No. 7589  
February 20, 1950, of a still, a )  
quantity of mash, alcohol and a )  
Buick convertible, on the premises ) ON HEARING  
occupied by Harry Sweet, located on ) CONCLUSIONS AND ORDER  
Gumspun Road, off Route 40, Pemberton )  
Township, County of Burlington and )  
State of New Jersey. )

-----)  
Chivian & Chivian, Esqs., by Louis Chivian, Esq., Attorney for  
General Motors Acceptance Corp.  
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 2, Revised Statutes of New Jersey, to determine whether a still, a quantity of mash and alcohol and a Buick convertible, described in a schedule attached hereto, seized on February 20, 1950 on premises occupied by Harry Sweet located on Gumspun Road, off Route 40, in Pemberton Township, New Jersey, constitute unlawful property and should be forfeited, and further, to determine whether the premises should be padlocked.

It appears that on the day in question ABC agents found an illicit still in the basement of Harry Sweet's dwelling at the above address. Persons who gave their names as Harry Sweet, Stanley Herbert, Robert Redding and Broade Hall were in the dwelling at the time. The Buick car was parked on the premises a few feet from the dwelling.

The illicit still, the appurtenant equipment, and the Buick car, seized on the premises, constitute unlawful property and are subject to seizure and forfeiture. R.S. 33:2-2 to 5 inclusive.

When the matter came on for hearing pursuant to R.S. 33:2-4, an appearance was entered on behalf of General Motors Acceptance Corporation, which sought recognition of an alleged lien claim against the motor vehicle. No one appeared to oppose forfeiture of the still or its equipment or to oppose padlocking of the premises.

The motor vehicle bore license plates issued to one Ernest Moore by the Department of Revenue of the State of Pennsylvania. The finance company presented a certificate issued by such Department evidencing title to said car in the name of Ernest Moore with a notation thereon that the finance company held a lien thereon in the sum of \$1956.48.

The finance company presented a conditional sales contract, assigned to such company, evidencing the sale of such car on July 23, 1949 to Moore by Wilkie Buick, Inc. for the purchase price of \$2209.50, with an unpaid balance of \$1956.48 payable in monthly installments. The present balance due on such contract is \$1398.83.

The credit manager of the finance company testified that he approved Moore's application for credit on the basis of confirmation of information submitted by Moore that he was employed as a machinist by an industrial concern for seven years and was earning a substantial salary.

When payments on the contract became in default after December 23, 1949, the finance company endeavored to ascertain the whereabouts of the car for the purpose of repossessing the same, but was unable to locate the car until it was seized.

Redding was in possession of the car at the time of the seizure and for some time prior thereto. He had contracted to purchase what appears to be the same car from the same dealer a few days prior to the sale of the car to Moore. Redding's application for credit was submitted to the General Motors Acceptance Corporation. Since Redding had a criminal record, which included liquor law violations, the matter had some aspects of the purchase of a vehicle by a person with a criminal record in the name of a person with a clear record, sometimes termed a "straw" man transaction, with either the dealer or the finance company aware of such fact.

However, the finance company has produced its original documents, which disclose that Redding's application was rejected solely because his employment could not be completely verified and because the bank which he gave as reference reported him as very slow paying. His application was not rejected because of any detrimental information concerning his character or background. The presentation of Redding's application and Moore's application within a few days of each other does not of itself imply that the finance company should have suspected that it was one and the same transaction, in view of the large number of applications of this nature submitted to it daily.

After careful consideration of the evidence I am satisfied that the General Motors Acceptance Corporation acted in good faith and had no knowledge that the motor vehicle would be used in connection with the operation of an illicit still, or reason to suspect such fact or that the person with whom it dealt was not the actual purchaser of the motor vehicle. Accordingly, I shall recognize its lien pursuant to the discretionary authority afforded me by R.S. 33:2-7.

It appears that the lien of \$1398.83 and the costs of seizure and storage of the motor vehicle exceeds its appraised retail value. Hence, it would not benefit the state to retain the motor vehicle for the use of a state institution conditioned upon payment of such lien. The motor vehicle will therefore be turned over to the finance company upon payment of the costs of its seizure and storage.

Accordingly, it is DETERMINED and ORDERED that if on or before the 8th day of May, 1950, General Motors Acceptance Corporation pays the costs incurred in the seizure and storage of the Buick convertible, more particularly described in Schedule "A" attached hereto, such motor vehicle will be returned to it; and it is further

DETERMINED and ORDERED that the balance of the seized property described in Schedule "A" constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:2-5 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; and it is further

ORDERED that the dwelling occupied by Harry Sweet, located on Gumspun Road, off Route 40, Pemberton Township, County of Burlington and State of New Jersey, being the building in which the still was seized, shall not be used or occupied for any purpose whatsoever, for a period of six months, commencing the 1st day of June, 1950.

ERWIN B. HOCK  
Director.

Dated: April 27, 1950.

SCHEDULE "A"

- 2 - sets copper coils
- 1 - copper cooker
- 1 - copper preheater
- 1 - 5-gal. can alcohol
- 1 - 100-gal. wooden receiving tank
- 5 - 250-gal. hogsheads with mash
- 5 - empty 250 gal. hogsheads
- 6 - 5-gal. empty cans
- 1 - Buick convertible, Serial #14858751, 1949 Pa. Reg. 22 LU 2, Engine #50666677
- Miscellaneous personal property

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

In the Matter of Disciplinary Proceedings against )

ISAAC FRIEDMAN & PERL FRIEDMAN )  
T/a SEA SHELL CAFE )  
2100 Pacific Avenue )  
Atlantic City, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-175, issued by the Board of Commissioners of the City of Atlantic City. )

-----  
Isaac C. Ginsburg, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants plead non vult to a charge alleging that they sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages at their licensed premises to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that in the early morning of April 2, 1950, Corporal Billy T.----, nineteen years of age, purchased a coke highball, which he described as "a shot of rye whiskey mixed with coke".

Defendants have no previous adjudicated record. I shall, therefore, suspend defendants' license for a period of ten days, less five days for the plea, leaving a net suspension of five days. Re Heaton, Bulletin 853, Item 8.

Accordingly, it is, on this 27th day of April, 1950,

ORDERED that Plenary Retail Consumption License C-175, issued by the Board of Commissioners of the City of Atlantic City to Isaac Friedman & Perl Friedman, t/a Sea Shell Cafe, for premises 2100 Pacific Avenue, Atlantic City, be and the same is hereby suspended for a period of five (5) days, commencing at 7:00 a.m. May 1, 1950, and terminating at 7:00 a.m. May 6, 1950.

ERWIN B. HOCK  
Director.

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

In the Matter of Disciplinary Proceedings against )

THOMAS J. McDONOUGH )  
T/a ERIN CAFE )  
123 South Arkansas Avenue )  
Atlantic City, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-35, issued by the Board of Commissioners of the City of Atlantic City. )

-----)  
Isaac C. Ginsburg, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages at his licensed premises to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on the evening of April 1, 1950 and early morning of April 2, 1950, Corporal Billy T.----, nineteen years of age, purchased two coke highballs, which he described as "a shot of rye whiskey mixed with coke".

Defendant has no previous adjudicated record. I shall, therefore, suspend defendant's license for a period of ten days, less five days for the plea, leaving a net suspension of five days. Re Heaton, Bulletin 853, Item 8.

Accordingly, it is, on this 27th day of April, 1950,

ORDERED that Plenary Retail Consumption License C-35, issued by the Board of Commissioners of the City of Atlantic City to Thomas J. McDonough, t/a Erin Cafe, for premises 123 South Arkansas Avenue, Atlantic City, be and the same is hereby suspended for a period of five (5) days, commencing at 7:00 a.m. May 1, 1950, and terminating at 7:00 a.m. May 6, 1950.

ERWIN B. HOCK  
Director.

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

In the Matter of Disciplinary Proceedings against )

MARY A. DRENGUBA )  
T/a BRASS RAIL BAR & REST. )  
432 South Broad St. )  
Trenton 10, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-27, issued by the Board of Commissioners of the City of Trenton. )  
----- )

Mary A. Drenguba, 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 she sold, served and delivered alcoholic beverages to minors at her licensed premises, and permitted said minors to consume alcoholic beverages at her licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on the evening of Monday, April 10, 1950, Corporal Joseph ---, Corporal John ---- and Private Charles ---- were present in defendant's licensed premises with another soldier who was of full age. The file further discloses that defendant admitted in a written statement given to ABC agents that she had sold alcoholic beverages to the three minors without questioning any of them as to their age. Each of the three minors was nineteen years of age.

Defendant has no prior record. Because of the number of minors involved, I shall suspend defendant's license for a period of fifteen days, instead of the minimum period of ten days imposed for sale to a minor where no aggravating circumstances appear. Re Ramsey, Bulletin 769, Item 1. I shall remit five days for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 28th day of April, 1950,

ORDERED that Plenary Retail Consumption License C-27, issued by the Board of Commissioners of the City of Trenton to Mary A. Drenguba, t/a Brass Rail Bar & Rest., for premises 432 South Broad Street, Trenton, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. May 8, 1950, and terminating at 2:00 a.m. May 18, 1950.

ERWIN B. HOCK  
Director.

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

In the Matter of Disciplinary Proceedings against

HENRY CESAR  
T/a CESAR'S CAFE  
460-464 Lambertson Street  
Trenton 10, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-159, issued by the Board of Commissioners of the City of Trenton.

Katzenbach & Salvatore, Esqs., Attorneys 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 charges:

- "1. On Sunday, April 9, 1950, you sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages, directly or indirectly, at your licensed premises to Corporal Joseph ---- and Corporal John ----, both of the U. S. Army and both being persons under the age of twenty-one (21) years, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons upon your licensed premises; in violation of Rule 1 of State Regulations No. 20.
- "2. On Monday, April 10, 1950, you sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages, directly or indirectly, at your licensed premises to Corporal Joseph ---- and Private Charles ----, both of the U. S. Army and both being persons under the age of twenty-one (21) years, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons upon your licensed premises; in violation of Rule 1 of State Regulations No. 20."

The file herein discloses that, on the evening of April 9, Corporal Joseph ---- and Corporal John ---- were present in defendant's premises. In statements given to ABC agents they allege that each of them consumed from ten to fifteen glasses of beer which were served to them by defendant-licensee and paid for by Corporal John ---- and another patron in the licensed premises.

The file also discloses that on the evening of April 10, 1950, Corporal Joseph ---- again visited defendant's premises accompanied by Private Charles ----. In statements given to ABC agents each of them alleges that he consumed several drinks of beer and whiskey which were served to them by a bartender in defendant's premises. Each of the three minors was nineteen years of age.

Because of the number of minors involved, I would, ordinarily, suspend defendant's license for fifteen days. Re Drenguba (decided herewith). However, defendant has a prior record. The local issuing authority suspended his license for a period of five days effective September 26, 1944, for selling alcoholic beverages to minors. This is a second similar violation but more than five years have elapsed since the prior violation. Under all the circumstances, I shall suspend defendant's license for twenty days, and remit five days for the plea, leaving a net suspension of fifteen days.

Accordingly, it is, on this 28th day of April, 1950,

ORDERED that Plenary Retail Consumption License C-159, issued by the Board of Commissioners of the City of Trenton to Henry Cesar, t/a Cesar's Cafe, for premises 460-464 Lambertson Street, Trenton, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. May 8, 1950, and terminating at 2:00 a.m. May 23, 1950.

ERWIN B. HOCK  
Director.

15. STATE LICENSES - NEW APPLICATIONS FILED.

Jack Poust and Company, Inc.  
d/b/a The Berriwyne Company  
52 City Alley  
New Brunswick, N. J.

Application filed April 26, 1950 for transfer of Plenary Winery License V-8 from Morocco Wine Co., d/b/a The Berriwyne Company.

S. E. Somers & Co., Ltd.  
1 Exchange Place  
Jersey City, N. J.

Application for Plenary Wholesale License filed April 27, 1950.

Jersey Coast Freight Lines  
Old Corlies Road, 200 feet West Wilella St.  
Neptune, N. J.

Application filed April 28, 1950 for transfer of Transportation License T-130 from William A. Kortenhaus, t/a Jersey Coast Freight Lines.

Free State Brewery Corporation  
1108 Hillen St.  
Baltimore, Maryland.

Application for Limited Wholesale License filed May 5, 1950.

*Erwin B. Hock*

Director.