

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

Mr. Gossweiler

BULLETIN 1390

June 15, 1961

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New Jersey State Library

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

BULLETIN 1390

June 15, 1961

1. DISCIPLINARY PROCEEDINGS - SOLICITOR AIDING AND ABETTING ILLEGAL SALE AND TRANSPORTATION - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 180 DAYS.

In the Matter of Disciplinary Proceedings)
against)

PHILIP P. SILVERSTEIN)
502 Stamford Drive)
Neptune, N. J.)

CONCLUSIONS
AND ORDER

Holder of Solicitor's Permit No.)
2966, issued by the Director of)
the Division of Alcoholic Beverage)
Control.)

Philip P. Silverstein, Defendant-permittee, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant, solicitor for Dorchester, Inc., wholesaler, has
pleaded non vult to the following charges:

- "1. On divers dates between January 30, 1959 and November 5, 1960, you sold alcoholic beverages not pursuant to and within the terms of a license, or as otherwise expressly authorized under the Alcoholic Beverage Law, contrary to R.S. 33:1-2; in violation of R.S. 33:1-50(a).
- "2. On the aforesaid dates, you sold alcoholic beverages otherwise than to the extent duly allowed and permitted by law and by the New Jersey license of your employer, Dorchester, Inc., in that you sold alcoholic beverages to persons not holding a retail or wholesale license, which conduct was contrary to and beyond the terms of the plenary wholesale license of your said employer, as defined by R.S. 33:1-11(1), and contrary to R.S. 33:1-2; in violation of Rule 5 of State Regulation No. 14.
- "3. On the aforesaid dates, you knowingly aided and abetted the sale of alcoholic beverages by your above mentioned employer to yourself, a person not a licensed retailer or wholesaler, contrary to the terms of your employer's license, as defined by R.S. 33:1-11(1), in that you purchased alcoholic beverages from your employer by misrepresenting that the alcoholic beverages had been ordered by retail licensees; in violation of R.S. 33:1-52.
- "4. On divers dates between August 26, 1960 and November 5, 1960, you transported alcoholic beverages not pursuant to and within the terms of a license, or as otherwise expressly authorized under the Alcoholic Beverage Law, contrary to R.S. 33:1-2; in violation of R.S. 33:1-50(a)."

The investigation in this case began as a result of information received by this Division that the defendant herein, not being the holder of a retail liquor license, was selling alcoholic beverages directly to consumers.

On November 5, 1960 an ABC agent purchased two bottles of liquor from defendant and, after paying therefor, defendant was taken into custody and turned over to the local police authorities.

Defendant, employed as a solicitor by Dorchester, Inc., stated that some of the alcoholic beverages he sold were sample bottles of new items as well as old items obtained from his employer upon which were no labels indicating that they were samples. He further stated that at times he received more than one sample bottle of each brand by requesting same from each of two sales managers, who apparently did not remember the particular brands of liquor given to him. Defendant further stated that he obtained various quantities of alcoholic beverages from his employer aforementioned under the pretense that it was ordered by retail liquor licensees whose accounts he had solicited. Although the retailers were billed for the alcoholic beverages, defendant actually retained the merchandise and personally paid cash to the company for same. The defendant admitted that he either picked up the alcoholic beverages at the wholesaler's warehouse or at retailers' premises when it had been delivered and, in turn, delivered the alcoholic beverages to the purchasers for which he charged the wholesale price. One hundred and fifty-seven such sales, amounting to a total of \$30,942.02, were made during the period of time set forth in the instant charges. The car used by him for the transportation of said alcoholic beverages did not bear any transportation insignia as required by the Alcoholic Beverage Law.

Defendant's unlawful activities are very serious in nature. Defendant has no prior record, but the extent of defendant's illegal activities over so long a period of time constitutes such aggravating circumstances that a severe penalty is warranted. I shall therefore suspend his permit for one hundred and eighty days.

Accordingly, it is, on this 12th day of April 1961,

ORDERED that Solicitor's Permit No. 2966, issued by the Director of the Division of Alcoholic Beverage Control to Philip P. Silverstein, 502 Stamford Drive, Neptune, be and the same is hereby suspended for one hundred and eighty (180) days, to commence at 12:01 a.m. Wednesday, April 19, 1961, and to remain in effect until the expiration of said solicitor's permit at midnight, May 31, 1961, and it is further

ORDERED that any renewal of said solicitor's permit shall be and remain under suspension until 12:01 a.m. Monday, October 16, 1961.

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

WILLIAM H. DONST)
t/a LOG CABIN INN)
Between Columbia & Delaware, Route #46)
Knowlton Township, PO Columbia, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Knowlton.)

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 March 18, 1961 and prior thereto, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Thomas A. ---, age 16, Donald K. ---, age 17, and John A. ---, age 18, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

On Saturday, March 18, 1961 at about 12:15 a.m., two ABC agents at defendant's licensed premises observed Madeline Shoemaker, a barmaid, serve a bottle of beer to Thomas ---, age 16, a bottle of beer to Donald ---, age 17, and two whiskey highballs to John ---, age 18, without requiring them to make any written representation of their ages. After observing Thomas and Donald consume a portion of their beer and John finish his first drink and part of his second drink, the agents identified themselves to the minors, the barmaid and the licensee. The barmaid verbally admitted aforesaid violation. In sworn, written statements the minors admitted their ages and that they were also served alcoholic beverages in the licensed premises on prior visits.

Defendant has a prior adjudicated record. Effective September 29, 1947 his license was suspended by this Division for fifteen days for possession of "refills" (Re Donst, Bulletin 777, Item 6). Since aforesaid prior violation occurred more than ten years ago, it will not be considered in fixing the penalty herein. Re Holian, Bulletin 1298, Item 7. I shall suspend defendant's license for thirty days, the minimum penalty for a sale to a 16 year old minor where three minors are involved. Re Nassaney, Bulletin 1305, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 10th day of April 1961,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of Knowlton Township to William H. Donst, t/a Log Cabin Inn, for premises between Columbia & Delaware, Route #46, Knowlton Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 7:00 a.m. Monday, April 17, 1961 and terminating at 7:00 a.m. Friday, May 12, 1961.

WILLIAM HOWE DAVIS
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

OCEAN AVENUE TAVERN, INC.
t/a OCEAN AVENUE TAVERN
703 Ocean Avenue
Jersey City, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-506, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Defendant-licensee, by Jean Zurich, President.
Dora P. Rothschild, Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On Saturday, March 11, 1961, at about 1:50 a.m. you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., one pint bottle of Vincove Port Wine, at retail, in its original container for consumption off your licensed premises and allowed, permitted and suffered the removal of such an alcoholic beverage from your licensed premises; in violation of Rule 1 of State Regulation No. 38."

At about 1:30 a.m. on the above mentioned date an ABC agent entered the licensed premises while another ABC agent remained on the outside. After observing each of the bartenders, later identified as Moses Mazyck and Wilbert L. Boyd, selling a pint of wine to a patron for off-premises consumption, the agent purchased a pint of Port Wine from Wilbert L. Boyd for the sum of fifty cents. The agent put the bottle in his pocket, saying "I'll be seeing you fellows, I'm going", and rejoined the other agent outside the premises. Both agents then entered the premises and identified themselves. Boyd verbally admitted the sale but refused to sign a statement.

By way of mitigation, Jean Zurich (president of the corporate licensee) submitted a letter setting forth therein that, after the past violation in 1957, she purchased the controlling stock from Mr. Edmund Hollander who was then president and manager, and enjoined her bartenders to adhere to the ABC laws. The licensee, however, cannot escape the consequences of the aforementioned acts of its agents (Rule 33 of State Regulation No. 20; cf. Re Trosky, Bulletin 1269, Item 3).

Defendant has a prior adjudicated record. Effective July 29, 1957, defendant's license was suspended by this Division for ten days for the sale of alcoholic beverages in original containers for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38. Bulletin 1187, Item 6. Since this is a second similar violation within a five-year period, I would ordinarily suspend defendant's license for thirty days. Re Murphy, Bulletin 1298, Item 5. However, since it appears that the present stockholders of defendant corporation were not personally involved in either the

previous violation or the present violation, I shall, under the circumstances of this case, suspend defendant's license for twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 11th day of April 1961,

ORDERED that plenary retail consumption license C-506, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Ocean Avenue Tavern, Inc., t/a Ocean Avenue Tavern, for premises 703 Ocean Avenue, Jersey City, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, April 18, 1961, and terminating at 2 a.m. Monday, May 8, 1961.

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

AUTOMATIC SUSPENSION - SUSPENSION LIFTED AT EXPIRATION OF SUSPENSION IMPOSED IN DISCIPLINARY PROCEEDINGS.

In the Matter of Disciplinary Proceedings against

JOHN MILLER
t/a MILLER'S TAVERN
86 William St.
South River, N. J.

Holder of Plenary Retail Consumption License C-18, issued by the Borough Council of the Borough of South River

Auto. Susp. #194
In the Matter of the Automatic Suspension of License C-18 held by

JOHN MILLER
t/a MILLER'S TAVERN
(Same Address)

CONCLUSIONS
AND ORDER

Burton, Seidman & Burton, Esqs., by Harry Burton, Esq., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for Divison of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

Acting upon information received from the East Brunswick Police Department, ABC agents obtained a signed and sworn statement from Raymond --- (age 17 years) and a companion who accompanied him on January 27, 1961, to defendant's licensed premises. Raymond's statement discloses that, while he was in the licensed premises on the day in question, he consumed two glasses of beer which were served to him by defendant and also purchased from defendant two quart-bottles of beer and a bottle of whiskey for off-premises consumption.

Defendant has a prior adjudicated record. Effective August

8, 1952, his license was suspended by the local issuing authority for sale of alcoholic beverages during prohibited hours. Inasmuch as more than five years have elapsed since said previous dissimilar violation, I shall not consider it in fixing the penalty herein. I shall suspend defendant's license for twenty days (the minimum penalty for sale to a 17-year-old minor). Re Stefanski, Bulletin 1345, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Defendant was convicted on March 14, 1961, of the sale of alcoholic beverages to a minor, in violation of R.S. 33:1-77 in the Municipal Court of South River, and was fined \$50. Said conviction automatically suspends defendant's license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of these proceedings, the license has not been picked up by an agent of this Division. Re Heutter, Bulletin 1305, Item 6. However, on the basis of the facts herein it is my judgment and I shall, on my own motion, lift the automatic suspension upon the expiration of the suspension imposed in these proceedings.

Accordingly, it, on this 6th day of April 1961,

ORDERED that Plenary Retail Consumption License C-18, issued by the Borough Council of the Borough of South River to John Miller, t/a Miller's Tavern, for premises 86 William Street, South River, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, April 17, 1961, and terminating at 2 a.m. Tuesday, May 2, 1961; and it is further

ORDERED that statutory automatic suspension be lifted at 2 a.m. Tuesday, May 2, 1961, at which time the license will be restored to full force and operation.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

PILOT'S LOUNGE, INC.)
942 South Orange Avenue)
Newark 6, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-799, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Defendant-licensee, by Will M. Lancer, President.
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On March 11, 1961, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, alcoholic beverages in bottles which bore labels which did not truly describe their contents, viz.,

Two one-quart bottles labeled 'Imported Seagram's V.O. Canadian Whisky a Blend 86.8 Proof', and

Two 4/5 quart bottles labeled 'Chivas Regal Blended Scotch Whisky, 86 Proof';

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

On March 11, 1961, an ABC agent made a routine test of defendant's open stock of liquors and seized a number of bottles of open stock including the four bottles mentioned in the charge. The seized bottles were submitted to the Division's chemist for further analysis, and his analysis disclosed that the contents of two bottles of Seagram's V.O. Canadian Whisky were high in proof, acids and solids, and the color was lighter when compared with a genuine sample of the labeled brand. A chemical analysis of the contents of two bottles of Chivas Regal Blended Scotch Whisky disclosed that the solids were low and the color lighter in comparison with a genuine sample of the labeled brand.

Defendant has no prior adjudicated record. I shall suspend its license for a period of twenty days, which is the minimum penalty indicated where four bottles are involved. Re Sloboda, Bulletin 1379, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 10th day of April 1961,

ORDERED that Plenary Retail Consumption License C-799, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Pilot's Lounge, Inc., for premises 942 South Orange Avenue, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, April 17, 1961, and terminating at 2 a.m. Tuesday, May 2, 1961.

WILLIAM HOWE DAVIS
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MICHAEL & JOHANNA DURSO
t/a DURSO'S WINES & LIQUORS
103-105 Hudson Street
Hackensack, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-3, issued by the City Council of the City of Hackensack.)

Myers and Zisa, Esqs., by Herbert F. Myers, Jr., Esq., Attorneys for Defendant-licensees.
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 alcoholic beverages at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulation No. 30.

On March 15, 1961, ABC agents P and S entered the defendants'

licensed premises. Agent S sought to purchase a quart of Four Roses Whiskey from Michael Durso, a partner-licensee, who quoted him the correct minimum consumer resale price of \$6. Agent S then asked what the cost would be for three quarts of Four Roses Whiskey, and informed Durso that a friend of his had suggested that he could get a "break". Durso then quoted a price of \$16.50 which Agent S paid, and the agents departed from the premises with the whiskey. The agents then re-entered and identified themselves to Durso, who denied the sale. The sale was not rung up on the cash register but the money was found on the cash register. The sum of \$16.50, representing payment for the three quarts of Four Roses Whiskey, is below the minimum resale price of \$18 for the said alcoholic beverages.

Defendants, as partners, have no prior adjudicated record, but effective March 26, 1946, when a license for other premises in Hackensack was in the name of Johanna Durso, one of the partners, it was suspended for ten days for sale of alcoholic beverages to minors. However, since this dissimilar violation occurred more than five years prior to the date of the instant violation, it will not be considered in the imposition of the penalty. I shall suspend defendants' license for a period of ten days, and remit five days for the plea entered herein, leaving a net suspension of five days. Re Spruce Liquors, Inc. Bulletin 1377, Item 10.

Accordingly, it is, on this 6th day of April 1961,

ORDERED that Plenary Retail Consumption License C-3, issued by the City Council of the City of Hackensack to Michael & Johanna Durso t/a Durso's Wines & Liquors, for premises 103-105 Hudson Street, Hackensack, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m., Monday, April 17, 1961, and terminating at 2:00 a.m., Saturday, April 22, 1961.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

COLUMBUS INN, INC.)
t/a Ye Old Columbus Inn Corporation)
New York & Atlantic Ave.)
Mansfield Township, Burlington Co.)
PO Columbus, N. J.)

CONCLUSIONS
AND ORDER

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

Defendant-licensee, by Frank Lewandowski, President
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it possessed on its licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents in violation of Rule 27 of State Regulation No. 20.

On December 9, 1960, two investigators of the Alcohol and Tobacco Tax Division of the Internal Revenue Service tested defendant's

open bottles of alcoholic beverages and seized a 4/5 quart bottle of "Seagram's 7 Crown Blended Whiskey, 86 Proof" for further tests by a United States chemist. Subsequent analysis by the chemist disclosed that the contents of the seized bottle, when compared with the contents of genuine samples of the same brand, varied substantially in solids, acids and proof.

Defendant has no prior adjudicated record. I shall suspend its license for ten days, the minimum penalty imposed in "refill" cases involving one bottle. Re Cascio, Bulletin 1363, Item 6. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 6th day of April 1961,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Mansfield to Columbus Inn, Inc., t/a Ye Old Columbus Inn Corporation, for premises at New York & Atlantic Ave., Mansfield Township, Burlington Co., be and the same is hereby suspended for five (5) days, commencing at 7 a.m. Monday, April 17, 1961, and terminating at 7 a.m. Saturday, April 22, 1961.

WILLIAM HOWE DAVIS
DIRECTOR

8. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOL - ALCOHOL ORDERED FORFEITED - MOTOR VEHICLE RETURNED TO INNOCENT LIENOR ON VERIFIED PETITION.

In the Matter of the Seizure on) Case No. 10,473
December 6, 1960 of a quantity)
of alcoholic beverages and a) ON HEARING
Chevrolet sedan, seized on the) CONCLUSIONS
New Jersey Turnpike, 40 Mile Post,) AND ORDER
in the Township of Mount Laurel,)
County of Burlington and State of)
New Jersey.)

I. Edward Amada, 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 10 two-quart "Mason" jars of alcohol and a Chevrolet sedan, described in a schedule attached hereto, and marked Schedule "A", seized on December 6, 1960 at the 40 Mile Post, Mount Laurel Township, Burlington County, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R.S. 33:1-66 an appearance was entered on behalf of James L. Nowell, registered owner of the said motor vehicle, and a request was made for an adjournment which was granted. The matter was then set down peremptorily for hearing on April 4, 1961. Said claimant failed to appear at this hearing, and his counsel indicated that he had decided to abandon any claim thereto.

Prior to the hearing, an appearance was entered on behalf of the General Motors Acceptance Corporation, which sought recognition of its alleged lien on the Chevrolet sedan. The attorney for the lienor requested permission to file a verified petition, with affidavits and exhibits, in support of its claim, stating that it would prove and undue hardship for its witnesses to come from its

office in Raleigh, North Carolina to testify at this hearing. I have, accordingly, granted that request. No one opposed forfeiture of the alcohol.

Reports of ABC agents and other documents in the file disclose the following facts:

A New Jersey State Trooper halted the Chevrolet sedan in question on the above date and location, during his routine patrol of traffic on the highway. He ascertained that the said motor vehicle was being operated by James Louis Nowell, its registered owner. When the trooper discovered in the trunk of the car the 10 two-quart "Mason" jars of alcohol, without a stamp on any of the jars indicating payment of the tax on alcoholic beverages he took into custody the motor vehicle and alcohol which were later turned over to ABC agents. A sample of the contents of one of the said jars was analyzed by the Division's chemist, who reports that it is alcohol and water, fit for beverage purposes, with an alcoholic content of 48.0 percent.

Nowell, at the time of his arrest, stated that he purchased the alcohol from an unknown man in the rural area outside Tyner, North Carolina, for \$2.00 per jar, knowing that it was bootleg liquor and that he was taking the whiskey to friends and relatives in Brooklyn, New York. He was arraigned in the Municipal Court of Mount Laurel Township, and held in bail for action by the Burlington County Grand Jury.

The seized alcohol is illicit because of the absence of a tax stamp on any of the jars R.S. 33:1-1(i), R.S. 33:1-88. Such illicit alcohol and the motor vehicle in which it was transported and found constitute unlawful property and are subject to forfeiture R.S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

The General Motors Acceptance Corporation annexed to its petition a conditional sales contract, dated October 17, 1960, signed by James Louis Nowell, evidencing the purchase of the Chevrolet sedan in question for a total time price of \$3318.75. According to the petition the motor vehicle was purchased by Nowell from the Hollowell Chevrolet Company, Inc. of Hartford, N.C., and the conditional sales contract executed by Nowell, covering the balance after the down payment thereon, was then sold by the Hollowell Chevrolet Company to the said lienor. It appears from the affidavit of the vice-president of the Hollowell Chevrolet Company, Inc., that prior to the sale of the said motor vehicle, inquiry was made regarding Nowell. It was ascertained that Nowell was 37 years of age, married, and resided in Tyner, North Carolina for one year; that he was employed by Clifton Stallings of Belvidere, North Carolina for two years as a truck driver; that he had a monthly income of \$200.00; that he was the owner of a house and lot valued at \$4,000 on which there was a mortgage of \$2,000; that he had previously purchased a motor vehicle from this company and that he did not have a record of any violations of any liquor laws. The credit supervisor of the General Motors Acceptance Corporation set forth, in his affidavit annexed to the petition, that prior to its purchase of the said conditional sales contract, it received the information as set forth hereinabove regarding Nowell. It further relied upon its own past experience in financing an automobile previously purchased by Nowell. This deponent states that there is presently due \$2241.27 as evidenced by a Branch Record Statement attached to the petition. However, in a letter dated March 9, 1961, from the credit supervisor of the lienor, addressed to me, the present net balance due to the said lienor is computed at \$1837.64.

I am satisfied, from the evidence presented, that the loan company acted in good faith, and did not know or have any reason to suspect that Nowell would transport illicit alcohol in the Chevrolet sedan.

I shall therefore recognize its lien to the extent of \$1837.64. It appears that the appraised retail value of the Chevrolet sedan does not exceed the amount of the lien claim, and the costs of the seizure and storage of the motor vehicle. Such motor vehicle will, therefore, be returned to General Motors Acceptance Corporation upon payment of the costs of its seizure and storage.

Accordingly, it is DETERMINED and ORDERED that if on or before the 20th day of April, 1961 General Motors Acceptance Corporation pays the costs of the seizure and storage of its Chevrolet sedan, more fully described in Schedule "A" attached hereto, it will be returned to General Motors Acceptance Corporation; and it is further

DETERMINED and ORDERED that the alcoholic beverages, as listed in Schedule "A", constitute unlawful property and that 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: April 10, 1961

SCHEDULE "A"

- 10 - two-quart "Mason" jars of alleged untaxed whiskey
- 1 - Chevrolet sedan, Engine No. 01839B111314, North Carolina Registration EC235.

9. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MAURICE HOLTZMAN and MARY L. HOLTZMAN)
t/a DORRER'S MARKET)
717 Union Ave.)
Brielle, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plemary Retail Distribution License D-1, issued by the Borough Council of the Borough of Brielle.)

Maurice Holtzman and Mary L. Holtzman, Defendant-licensees pro se.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charge:

"On March 14, 1961, you sold and offered for sale, at retail, directly or indirectly, one case (12 - 4/5 quart bottles to the case) of Seagram's Seven Crown Blended Whiskey, an alcoholic beverage, at less than the price thereof filed with the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30."

On March 14, 1961, an ABC agent, in the presence of another agent, purchased a case of 12 - 4/5 quart bottles of Seagram's Seven Crown Blended Whiskey for \$51.75 from Maurice Holtzman, one of afore-said licensees, at defendants' licensed premises. The minimum consumer resale price then in effect for such case of whiskey, less permissible

discount, was \$54.61. After the sale was consummated, the agents disclosed their identities to Maurice Holtzman, who verbally admitted aforesaid violation.

Defendants have no prior adjudicated record. I shall suspend defendants' license for the minimum period of ten days (Re Cayard, Inc., Bulletin 1364, Item 5). Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 10th day of April 1961,

ORDERED that Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Brielle to Maurice Holtzman and Mary L. Holtzman, t/a Dorrer's Market, for premises 717 Union Avenue, Brielle, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Monday, April 17, 1961, and terminating at 2 a.m. Saturday, April 22, 1961.

WILLIAM HOWE DAVIS
DIRECTOR

10. WHOLESALE LICENSE - OBJECTION TO ISSUANCE OF, HELD TO BE WITHOUT MERIT.

In the Matter of an Objection)	
to the Issuance of a Plenary)	
Wholesale License to)	CONCLUSIONS
JOELI WINE DISTRIBUTORS, INC.)	
327 North 14th Street)	
Kenilworth, N. J.)	

Elias and Sugarman, Esqs., by Meyer Sugarman, Esq., Attorneys for Applicant.

New Jersey Wine & Spirit Wholesalers Association, by Milton H. Cooper, Executive Director, an Objector.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"The applicant herein has filed with the Director an application for a Plenary Wholesale License for its premises at 327 North 14th Street, Kenilworth. A written objection to the issuance of the license having been filed by the objector herein, a hearing was held on July 12, 1960, pursuant to Rule 12 of State Regulation No. 1.

"At the hearing it was stated that the objection is based upon the ground that there is no public need or necessity for the issuance of the license for which application has been made.

"The applicant herein now holds, and has held for the past three years, a Wine Wholesale License issued by the Director. Applicant intends to surrender said license if and when it obtains a Plenary Wholesale License.

"At the hearing Leo Brochis (vice president of applicant corporation) testified that his corporation is the exclusive agent in the United States for several kinds of imported wines; that 'we have been doing the bulk of our business in New Jersey' but that his corporation also sells these wines in nineteen States, pursuant to the laws of said States. He further testified that other items, including brandies and cordials, are manufactured by the foreign

wineries with which he does business; that he believes there is a market for these other items in the United States and that the application for a Plenary Wholesale License has been filed so that his corporation may also handle these other items, which they may not do under their Wine Wholesale License. The testimony of the aforesaid witness was substantially corroborated by Eli Barry (president of applicant corporation).

"No testimony was presented on behalf of the objector, but it was argued that the application should be denied for the reasons set forth in Re Volpe, Bulletin 1313, Item 4. However, that case involved an application for a Plenary Winery License filed by an individual, without any prior experience in the winery business, who intended to manufacture a new type of wine, and the Director concluded that no public need for the new type had been shown. In the present case the applicant has held a license for three years and is seeking the privilege of selling other alcoholic beverages in addition to the wines it now sells. The State will benefit by the payment of a \$3,000 annual fee, instead of the \$1,500 annual fee now paid. While it is true that a license is not properly issuable merely to serve private, individual interests, I believe that the evidence herein is sufficient to establish a public need for the license applied for by the applicant. It is recommended, therefore, that the license be issued if and when the application is in proper form."

Written exceptions to the Hearer's Report were filed with me by the objector and written answering argument was filed by the attorney for the applicant.

After carefully considering the exceptions and answering argument and the record herein, I concur in the Hearer's recommendation that the plenary wholesale license be issued to the applicant. I am mindful of the exceptions to his Report and am in accord with the contention therein that the increased revenue to be derived by the State does not, standing by itself, form a sound basis for the issuance of an additional license of this or any other type. Such factor has not been deemed by me as being relevant to the issues and has not been considered by me in arriving at my determination to grant this application

The applicant has held a wine wholesale license since it obtained that license by way of transfer on June 1, 1957, from Joseph J. Perrone, t/a Pirrone Wine Sales, and is the successor to a wholesale wine distributing business of many years' standing conducted by the Perrone family. In fact, the applicant uses the trade name of "Pirrone Wine Sales" to a much greater degree than it uses reference to its corporate name and a one-third interest in the business is still held by a member of the Perrone family.

In essence, the applicant's request for a plenary wholesale license, in place and stead of its present wine wholesale license, is a plea that it be afforded the privilege of expanding its business by being able to handle a number of other alcoholic beverage products, principally imports, which, by reason of the nature of their manufacture, cannot be handled under a wine wholesale license. Further, with New Jersey as the base of its operations, not only for activities in this State but on a national distribution scale, the applicant would, in the event of a denial, be precluded from handling the additional desired items in connection with its out-of-State activities.

In my view, the applicant's request for a plenary wholesale license is not unreasonable and its issuance under the circumstances would not be detrimental to the public interest and welfare.

Accordingly, it is my determination that the application for

the plenary wholesale license be granted if and when all procedural requirements are completed and upon the surrender of the applicant's wine wholesale license.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: April 11, 1961

11. DISQUALIFICATION REMOVAL PROCEEDINGS - APPLICATION TO LIFT
DISQUALIFICATION GRANTED UPON REAPPLICATION.

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. 1603

BY THE DIRECTOR:

Petitioner renews his application for relief, pursuant to the terms of an Order dated January 13, 1960 denying a prior petition with leave to reapply after March 8, 1961. Re Case No. 1515, Bulletin 1323, Item 13.

Petitioner testified that since November 30, 1959, the date of the hearing in the prior proceedings, he has not been in trouble with the law and has not been engaged in the liquor industry in any manner whatsoever.

At the hearing herein, three witnesses (a retired police captain, a police lieutenant and a sanitation control inspector) testified that they have known petitioner twenty or more years; that in their respective opinions he has completely rehabilitated himself and now bears a reputation for being a law-abiding person in the community in which he lives.

The Chief of Police of the municipality wherein petitioner resides reports that there are no complaints or investigations presently pending against him.

From the evidence presented, I am now satisfied that petitioner's association with the alcoholic beverage industry will not be contrary to public interest. Hence, I shall grant the relief which he seeks.

Accordingly, it is, on this 11th day of April 1961,

ORDERED that petitioner's statutory disqualification because of his convictions of crimes as set forth in Bulletin 1323, Item 13 be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

WILLIAM HOWE DAVIS
DIRECTOR

12.

ACTIVITY REPORT FOR APRIL 1961

ARRESTS:		
Total number of persons arrested	- - - - -	26
Licensees and employees	- - - - - 14	
Bootleggers	- - - - - 12	
SEIZURES:		
Distilled alcoholic beverages - gallons	- - - - -	4.91
Wine - gallons	- - - - -	.93
Brewed malt alcoholic beverages - gallons	- - - - -	14.75
RETAIL LICENSEES:		
Premises inspected	- - - - -	519
Premises where alcoholic beverages were gauged	- - - - -	604
Bottles gauged	- - - - -	10,085
Premises where violations were found	- - - - -	42
Violations found	- - - - -	53
Unqualified employees	- - - - - 15	
Reg. #38 sign not posted	- - - - - 12	Other mercantile business - 6
Application copy not available	- - - - - 9	Disposal permit necessary - 1
Prohibited signs	- - - - - 7	Other violations - 3
STATE LICENSEES:		
Premises inspected	- - - - -	38
License applications investigated	- - - - -	4
COMPLAINTS:		
Complaints assigned for investigation	- - - - -	393
Investigations completed	- - - - -	343
Investigations pending	- - - - -	147
LABORATORY:		
Analyses made	- - - - -	163
Refills from licensed premises - bottles	- - - - -	26
Bottles from unlicensed premises	- - - - -	24
IDENTIFICATION:		
Criminal fingerprint identifications made	- - - - -	11
Persons fingerprinted for non-criminal purposes	- - - - -	234
Identification contacts made with other enforcement agencies	- - - - -	159
Motor vehicle identifications via N. J. State Police teletype	- - - - -	2
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	- - - - -	6
Violations involved	- - - - -	7
Sale to minors	- - - - - 4	
Sale during prohibited hours	- - - - - 2	
Failure to close premises during prohibited hours	- - - - - 1	
Cases instituted at Division	- - - - -	23
Violations involved	- - - - -	33
Possessing liquor not truly labeled	- 5	Permitting hostesses on premises - 1
Sale to minors	- 4	Sale below filed price - 1
Permitting lottery activity (numbers, punchboard) on premises	- 2	Sale during prohibited hours - 1
Purchase from improper source	- 2	Unauthorized transportation - 1
Aiding & abetting unauthorized transportation	- 2	Fraud in application - 1
Delivery without bona fide invoice	- 2	Sale to intoxicated persons - 1
Sale on primary election day	- 2	Permitting gambling (cards, wagering) on premises - 1
Unqualified employee	- 2	Permitting immoral activity on premises - 1
Failure to file notice of default	- 1	Sale to non-members by club - 1
Acts of violence on premises	- 1	Permitting pin ball machine on premises - 1
Cases brought by municipalities on own initiative and reported to Division	- - - - -	20
Violations involved	- - - - -	25
Sale to minors	- - - - - 10	
Sale during prohibited hours	- - - - - 3	Failure to afford view into premises during prohibited hours - 2
Permitting brawl, act of violence, etc. on premises	- - - - - 3	Violation of special condition - 1
Hindering investigation	- - - - - 2	Conducting business as a nuisance - 1
Failure to close premises during prohibited hours	- - - - - 2	Permitting gambling on premises - 1
HEARINGS HELD AT DIVISION:		
Total number of hearings held	- - - - -	42
Appeals	- - - - - 7	Seizures - 8
Disciplinary proceedings	- - - - - 15	Tax revocations - 4
Eligibility	- - - - - 7	Applications for license - 1
STATE LICENSES AND PERMITS ISSUED:		
Total number issued	- - - - -	2,763
Licenses	- - - - - 5	Wine permits - 1
Solicitors' permits	- - - - - 49	Miscellaneous permits - 168
Employment	- - - - - 1,940	Transit insignia - 65
Disposal	- - - - - 43	Transit certificates - 4
Social affair	- - - - - 488	
OFFICE OF AMUSEMENT GAMES CONTROL:		
Licenses issued	- - - - - 73	Enforcement files established - 63
Premises inspected	- - - - - 140	Disciplinary proceedings instituted at division - 1
Premises where violations were found	- - - - - 15	Violation involved: Operating controlled game - 1
Number of violations found	- - - - - 24	

WILLIAM HOWE DAVIE
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: May 3, 1961

13. STATE LICENSES - NEW APPLICATIONS FILED.

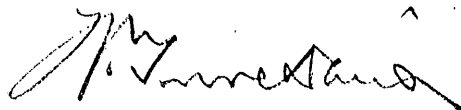
Alexander Maccia, Jr.
t/a Garden State Beer Depot
12 Ludlow Street
Jersey City, New Jersey
Application filed June 6, 1961, for person-to-person transfer of State Beverage Distributor's License SBD-3 from John Lutz, t/a Lutz Beverage Co., for the 1960-61 period.

Peter F. Chokola
t/a Chokola Beverage Co.
Corner Gaston Street and Gerard Avenue
Matawan, New Jersey
Application filed June 7, 1961 for person-to-person, place-to-place transfer of State Beverage Distributor's License SBD-98 (for 1961-62) from Martin Saniewski, t/a Country Club Bottling Co., 689 Johnstone Street, Perth Amboy, New Jersey.

Joseph Cohen and Robert Dickman
t/a Lake Beverage Distributors
319 Route 46
Rockaway Borough, New Jersey
Application filed June 8, 1961 for place-to-place transfer of State Beverage Distributor's License SBD-15, from 319 Route 46, Rockaway Borough, New Jersey, for the 1961-62 period.

Peter Piper Distributors Inc.
811 Georges Road
North Brunswick, New Jersey
Application filed June 9, 1961 for person-to-person, place-to-place transfer of State Beverage Distributor's License SBD-198 from Joseph Mogilnicki, t/a Luna Bottling Co., 22 Southside Avenue, South River, New Jersey, for the 1961-62 period.

Joseph Buglio
t/a Buglio Distributing Company
14 Front Street
Salem, New Jersey
Application filed June 9, 1961 for person-to-person transfer of State Beverage Distributor's License SBD-86 from Ann Waters, t/a Charles Burkhardt, for the 1960-61 period.



William Howe Davis
Director