

STATE OF NEW JERSEY  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark, N. J.

BULLETIN 488

JANUARY 7, 1942

1. RETAIL LICENSEES - DEFENSE BONDS AND STAMPS. - MAY NOT BE DISTRIBUTED AS GIFTS WITH THE PURCHASE OF ALCOHOLIC BEVERAGES. - THE CONDITIONS UNDER WHICH LICENSEES MAY SELL, AND DISPLAY POSTERS ADVERTISING, DEFENSE BONDS AND STAMPS.

December 24, 1941

Theodore Cohen, Esq.,  
West New York, N. J.

Dear Mr. Cohen:

I have before me your letter of December 16th in which you state that an establishment represented by you "which serves alcoholic beverages" (presumably a licensee), has in mind the distribution of 25¢ Defense Stamps to each customer on New Year's Eve, as a patriotic gesture. I am further advised by your letter that your client desires to advertise this proposed move on his part.

I have previously ruled that a licensee may sell Defense Stamps and Bonds and may further invite customers to accept stamps in lieu of change where purchases have been made.

I have likewise ruled that placards furnished by one or more of the Federal Departments, urging our citizens to buy United States Defense Bonds, may be placed in show windows provided they do not obstruct the view into the interior where and when such view is required. Likewise, the placing of these placards must not otherwise violate regulations, municipal ordinances or the statute.

We are further of the opinion that the advertising for the sale of Defense Bonds and Stamps, appearing in the show windows, must be confined to the use of placards furnished by the Federal Government. In other words, the licensee will not be permitted to make additions to the placards as furnished to him, or to use the same in combination with, or as an integral part of, an advertisement for the sale of alcoholic beverages.

On the inside of the licensed premises, we will permit licensees to advertise that Defense Stamps or Bonds may be purchased on the premises.

Rule 20 of State Regulations No. 20 prohibits retail licensees from giving any gifts with the sale of liquor for consumption off the licensed premises, with the exception of advertising novelties of nominal value. Thus, under this regulation, stamps may not be given away with the sale or purchase of liquor for consumption off the licensed premises.

Likewise, consumption licensees will neither be permitted to advertise that Defense Stamps will be given to those purchasing alcoholic beverages or to offer or give such stamps as an inducement to the purchase of drinks.

It is the duty of every American citizen to wholeheartedly support and cooperate with the Federal Government in its war effort. I know of no better opportunity for our citizens to demonstrate their cooperative attitude or to express their loyalty than by the purchase of Defense Stamps and Bonds.

New Jersey State Library

I quite appreciate the patriotic motive behind your client's request. May I, however, suggest that we must not confuse patriotic spirit with commercial spirits, nor do I see any useful purpose in attempting to mix the two. I am afraid the result would be the emphasis of the latter to the detriment of the former. By all means purchase Defense Stamps. Let us all join in helping with the sale thereof. But let us not use a patriotic motive as an inducement for the purchase of alcoholic beverages. We might even, with propriety, forego the "last drink" which frequently gives both licensee and customer a headache, and purchase stamps in lieu thereof.

I will expect your client to be guided by the opinions herein expressed.

Very truly yours,  
ALFRED E. DRISCOLL,  
Commissioner.

2. MORAL TURPITUDE - MISHANDLING OF MAIL BY SEVENTEEN YEAR OLD BOY  
WITHOUT CORRUPT OR EVIL MOTIVE - NOT MORAL TURPITUDE.

DISQUALIFICATION - APPLICATION TO LIFT - WHERE THERE HAS BEEN NO  
CONVICTION OF A CRIME INVOLVING MORAL TURPITUDE, THERE IS NO  
DISQUALIFICATION TO BE REMOVED.

In the Matter of an Application )	
to Remove Disqualification be-	
cause of a Conviction, pursuant )	CONCLUSIONS
to R. S. 33:1-31.2. )	AND ORDER
Case No. 158.	
----- )	

BY THE COMMISSIONER:

Although his fingerprint record appears clear, petitioner nevertheless asserts that in the fall of 1920, when seventeen years of age, he was convicted in Chicago for mishandling the mails, sentenced to imprisonment for a year and a day, and released after seven months.

It appears that, during the prior summer, petitioner was working as a sub-clerk at the Chicago Post Office, his job being to deliver mail while the regular mail carriers were on vacation. Petitioner testifies that, while out on one of these routes on a hot day, he met a friend and went with him into a "speak-easy" for some beer; that, at his next stop in the route, he felt sick and went to the lavatory; that, under the influence of the beer and feeling that he could not carry on with the route, he tore up the sixteen remaining items of mail which he had not yet delivered; that the next day he was arrested by a Chicago policeman because of his misdeed; that, when brought before the court in the matter, he pleaded guilty; that he does not recall what court he appeared in, or the place where he was confined, but does recall that both were in Chicago.

The Department has been unable to check petitioner's version of the facts in the case since the Chicago police, the State's Attorney of Illinois and the Federal District Attorney advise that they cannot locate any record of the matter.

However, since petitioner has voluntarily revealed his conviction in the first instance, has a wholly clear record except for this misdeed some twenty-one years ago, appears (according to the Hearer) to be thoroughly honest, and tells a consistent story, I must, in the absence of any contradictory evidence, accept that story as being true.

This Department has adopted and followed the rule that, in any crime committed by a person under eighteen years of age, the youth of the offender will be viewed as a pertinent - although not necessarily decisive - circumstance in determining whether such crime involved moral turpitude. For the leading case (decided by the late Commissioner Burnett), see Re Case 36, Bulletin 141, Item 9 ("breaking and entering" by a boy of sixteen). For illustrative cases applying this doctrine, see Re Case 245, Bulletin 292, Item 5 (robbery by a boy not quite seventeen); Re Case 258, Bulletin 305, Item 10 (embezzlement by a boy of seventeen); Re Case 279, Bulletin 324, Item 11 ("breaking, entry, larceny and receiving" by a boy of seventeen).

In the present case, since petitioner was but seventeen when committing his offense, and since he apparently had no corrupt or evil motive in destroying the remaining items of mail on his route (other than the desire of a wayward and beer-sick boy to go home), his offense, while a reprehensible lapse of duty, does not appear to have involved the element of moral turpitude.

In consequence, petitioner's conviction does not disqualify him from engaging in the liquor industry in this State. See R. S. 33:1-25, 26.

It is thus unnecessary to pass upon his presently pending petition for removal of any such disqualification. See R.S. 33:1-31.2.

ALFRED E. DRISCOLL,  
Commissioner.

Dated: December 19, 1941.

3. DISCIPLINARY PROCEEDINGS - SLOT MACHINE - 10 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary )  
Proceedings against )  
HOPEWELL VALLEY GOLF CLUB, )  
Marshall's Corner, )  
Hopewell Township (Mercer County), )  
P. O. Hopewell, R.D., N. J., )  
Holder of Club License CB-1, issued )  
by the Township Committee of the )  
Township of Hopewell (Mercer County). )  
----- )

CONCLUSIONS  
AND ORDER

Harvey Knight, Esq., Attorney for Hopewell Valley Golf Club.  
Abraham Merin, Esq., Attorney for the Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

The licensee has pleaded guilty to charges that on July 28, 1941 it possessed a three-reel slot machine, a device and apparatus designed for the purpose of gambling for golf balls, in violation of Rules 7 and 8 of State Regulations No. 20.

The Department file discloses that, during the course of a routine inspection of the licensed premises on July 28, 1941, investigators found a three-reel pull handle slot machine, in working order on a stand in a room in the licensed premises. Examination of the license application disclosed that this room was part of the licensed premises. A signed acknowledgment of the violation was secured from the steward in charge at the time.

In connection with its guilty plea, the licensee, in explanation, contends that no penalty should be imposed for possession of the slot machine since it had no financial interest in the machine, which was operated by the club "pro."

Mere possession of slot machines on licensed premises, without more, is a violation of the State Regulations. Re Ukrainian National Home, Bulletin 433, Item 10, and the items therein cited.

The usual minimum penalty for possession of a slot machine is ten days. Re Dill, Bulletin 477, Item 2.

By entering a guilty plea, the licensee has saved the Department the time and expense of proving its case, for which five (5) days of the penalty will be remitted.

Accordingly, it is, on this 29th day of December, 1941,

ORDERED, that Club License CB-1, heretofore issued to Hopewell Valley Golf Club by the Township Committee of the Township of Hopewell, be and the same is hereby suspended for a period of five (5) days, commencing January 5, 1942, at 7:00 A.M., and ending January 10, 1942, at 7:00 A. M.

ALFRED E. DRISCOLL,  
Commissioner.

4. DISCIPLINARY PROCEEDINGS - SLOT MACHINE - "PACES RACES" - 10 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary )  
Proceedings against )  
YOUNTAKAH COUNTRY CLUB, INC., )  
417 River Road, )  
Nutley, N. J., )  
Holder of Plenary Retail Consump- )  
tion License C-13, issued by the )  
Board of Commissioners of the )  
Town of Nutley. )  
----- )

CONCLUSIONS  
AND ORDER

Charles A. McBride, Chairman of the House Committee of Yountakah Country Club, Inc., for Yountakah Country Club, Inc.  
Abraham Merin, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The licensee has pleaded guilty to the charge that on August 14, 1941 it possessed a "Paces Races" slot machine, a device and apparatus designed for the purpose of gambling, in violation of Rules 7 and 8 of State Regulations No. 20.

The Department file discloses that, during the course of a routine inspection of the licensed premises on August 14, 1941, investigators found a "Paces Races" slot machine, in working order, in the locker room of the licensed premises. Examination of the license application disclosed that the locker room was part of the licensed premises. A signed acknowledgment of the violation was secured from the manager in charge of the premises.

Mere possession of slot machines on licensed premises, without more, is a violation of the State Regulations. Re Ukrainian National Home, Bulletin 433, Item 10, and the items therein cited.

The usual penalty for possession of slot machines is ten days.

By entering a guilty plea, the licensee has saved the Department the time and expense of proving its case, for which five (5) days of the penalty will be remitted.

Accordingly, it is, on this 29th day of December, 1941,

ORDERED, that Plenary Retail Consumption License C-13, heretofore issued to Yountakah Country Club, Inc. by the Board of Commissioners of the Town of Nutley, be and the same is hereby suspended for a period of five (5) days, commencing January 5, 1942, at 7:00 A.M., and ending January 10, 1942, at 7:00 A.M.

ALFRED E. DRISCOLL,  
Commissioner.

5. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - DISCREPANCIES IN PROOF, ACID AND SOLID CONTENT - 10 DAYS' SUSPENSION.

In the Matter of Disciplinary  
Proceedings against

STEVE LACHIEWICZ,  
692-694 State Street,  
Perth Amboy, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-53, issued by the Board of Commissioners of the City of Perth Amboy.

Thomas L. Hanson, Esq., Attorney for Defendant-licensee.  
Abraham Merin, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Licensee pleaded guilty to the following charges:

"1. On or about August 26, 1941 you possessed illicit alcoholic beverages in that one quart bottle labeled 'Four Roses 100% Straight Whiskies' and one quart bottle labeled 'Calvert Reserve Blended Whiskey', found in your licensed premises contained alcoholic beverages which varied from genuine samples similarly labeled used for comparative purposes in proof, acid and solid content, in violation of R. S. 33:1-50.

"2. On or about the date aforesaid and prior thereto, you, not being the holder of a brewery, distillery, winery or rectifier's license, bottled alcoholic beverages for sale and resale in that you refilled one quart bottle labeled 'Four Roses 100% Straight Whiskies' and one quart bottle labeled 'Calvert Reserve Blended Whiskey' with other whiskey, in violation of R. S. 33:1-78."

Junior Inspector Golding of the Alcohol Tax Unit testified that on August 26, 1941 he seized the two bottles mentioned in the charges when he found that the contents of these bottles were slightly off color by the Williams test. Analysis subsequently made by the Federal chemist discloses the following variations between the contents of the seized bottles and the contents of genuine samples:

	Apparent Proof Found	Acids (Grams per 100 liters)	Solids (Grams per 100 liters)
Four Roses 100% Straight Whiskies - seized bottle	88.8	62.4	541
Four Roses 100% Straight Whiskies - genuine sample	90.1	69.6	177
Calvert Reserve Blended Whiskey - seized bottle	88.9	26.4	597
Calvert Reserve Blended Whiskey - genuine sample	89.6	28.8	128

The evidence therefore shows that the seized bottles were lower in proof, lower in acid content and substantially higher in solid content.

At the hearing herein, defendant-licensee requested and was given an opportunity to present certain facts in mitigation. He testified that he never tampered with the contents of the seized bottles and that he cannot explain how the violation occurred. He testified further that he has been in business since Repeal and that no proceedings of any nature have heretofore been instituted against him.

There appear to be no aggravating circumstances in this case, and hence the minimum penalty of ten days will be imposed. Re Cutter, Bulletin 479, Item 12; Re Hattie, Inc., Bulletin 482, Item 2.

Accordingly, it is, on this 29th day of December, 1941,

ORDERED, that Plenary Retail Consumption License C-53, heretofore issued to Steve Lachiewicz by the Board of Commissioners of the City of Perth Amboy, for premises at 692-694 State Street, Perth Amboy, be and hereby is suspended for a period of ten (10) days, commencing January 5, 1942, at 2:00 A.M., and concluding at 2:00 A.M., January 15, 1942.

ALFRED E. DRISCOLL,  
Commissioner.

6. BONUSES, ALLOWANCES AND OTHER SIMILAR INDUCEMENTS - REGULATIONS  
NO. 35 - LICENSEES' AND SOLICITORS' REPORT FORMS PROMULGATED.

TO ALL MEMBERS OF THE LIQUOR AND WINE INDUSTRY IN NEW JERSEY:

Enclosed is a supply of forms on which reports pursuant to Rules 4 and 5 of State Regulations No. 35 are to be made by New Jersey licensed manufacturers, wholesalers and solicitors engaged in the sale of alcoholic beverages other than malt alcoholic beverages.

THE FIRST REPORT MUST BE FILED WITH THIS DEPARTMENT ON OR BEFORE JANUARY 10, 1942. It will cover the months of November and December, 1941, for the period from November 11, 1941 to December 31, 1942, inclusive, as previously announced. Succeeding reports must be filed on the tenth of each month covering the calendar month immediately preceding.

Form 3100 must be filed by every licensed New Jersey manufacturer or wholesaler of alcoholic beverages other than malt alcoholic beverages, whether or not that licensee employed any New Jersey solicitors or did any business in New Jersey during the report period.

Form 3110 must be filed by every New Jersey licensed solicitor, whether or not he received any payment of money from any manufacturer or wholesaler or whether or not he paid any money to any New Jersey retailer.

Supplies of both forms are being sent only to the various manufacturers and wholesalers. They are requested to deliver (1) a copy of this notice and (2) one copy of Form 3110 to each solicitor employed and to have all solicitors acknowledge receipt thereof on the receipt form also enclosed. When completed, the receipt form must be returned to this Department by the manufacturer or wholesaler together with report form 3100.

FORMS 3100 and 3110 MUST BE COMPLETELY FILLED OUT, SIGNED AND SWORN TO BY THE PERSON MAKING THE REPORT. REPORTS BY CORPORATE LICENSEES MUST BE SIGNED AND SWORN TO BY THE PRESIDENT OR A VICE-PRESIDENT.

It is your responsibility to obtain the necessary forms for future reports -- not the Department's responsibility to send them to you. Requests for additional forms must be accompanied with sufficient first class postage. Because of the paper shortage, you are requested to cooperate with the defense effort by not asking for more forms than are absolutely necessary for your requirements.

ALFRED E. DRISCOLL,  
Commissioner.

Dated: December 30, 1941.

NJABC 3100

(Manufacturer's or Wholesaler's Form)

7. BONUSES, ALLOWANCES AND OTHER SIMILAR INDUCEMENTS -- REGULATIONS  
NO. 35 - LICENSEES' REPORT FORM.Statement of Manufacturer or Wholesaler of Alcoholic Beverages other  
than Malt Alcoholic Beverages Pursuant to Rule 4 of State Regulations  
No. 35 for the month of \_\_\_\_\_, 194\_.1. Name of licensee: \_\_\_\_\_  
(Print or typewrite)2. Address of licensee: \_\_\_\_\_  
\_\_\_\_\_

3. New Jersey license number: \_\_\_\_\_

4. During the period from \_\_\_\_\_, 194\_,  
to \_\_\_\_\_, 194\_, inclusive, this licensee  
paid money or other valuable things to employees holding New Jersey  
solicitors' permits, as follows:

<u>Solicitor</u>	<u>Salary</u>	<u>Comm.</u>	<u>Drawings</u>	<u>Expenses</u>	<u>Other</u>	<u>Total</u>
------------------	---------------	--------------	-----------------	-----------------	--------------	--------------

(Attach rider if space insufficient)

5. During the same period, all of the foregoing moneys or other  
valuable things were paid to the solicitors named for their own  
personal use and none of said solicitors was authorized, directed or  
required to use any portion of said moneys or things for the purpose  
of giving any cash bonus, gift, rebate, allowance or similar induce-  
ment in connection with the sale of alcoholic beverages other than  
malt alcoholic beverages to any New Jersey licensed retailer or to  
any individual connected with such retailer as stockholder, officer,  
director, employee, agent or representative.6. During the same period, this licensee did not make payment of any  
money or other valuable thing to any holder of a New Jersey solicitor's  
permit, whether employed by this or another licensee, other than those  
above named, except as follows: (If none, so state)

<u>Date of</u> <u>Payment</u>	<u>Name of Solicitor</u>	<u>Amount Paid</u>	<u>Reason for Payment</u>
----------------------------------	--------------------------	--------------------	---------------------------

(Attach rider if space insufficient)



7. During the same period, this licensee did not nor did any partner, stockholder, officer, director, solicitor, missionary man or other employee or representative of this licensee give directly or indirectly to any New Jersey licensed retailer any cash bonus, gift, rebate, allowance or other similar inducement in connection with the sale of alcoholic beverages other than malt alcoholic beverages, nor make any promise so to do.

8. During the same period, the licensee has not nor has any partner, stockholder, officer, director, solicitor, missionary man or other employee or representative committed or participated in any violation of State Regulations No. 35 of the New Jersey State Department of Alcoholic Beverage Control.

Date: \_\_\_\_\_, 194\_\_.

\_\_\_\_\_  
(Signature of individual or member  
of partnership licensee or name  
of corporate licensee.)

STATE OF \_\_\_\_\_)  
COUNTY OF \_\_\_\_\_):SS.

\_\_\_\_\_  
(Name of person signing statement)

being duly sworn according to law, on his oath deposes and says

that he is {the individual licensee  
a member of the partnership licensee  
the \_\_\_\_\_ of the corporate licensee}

making the above statement; that he has read the above statement and that all matters and things set forth therein are true.

\_\_\_\_\_  
(Signature of individual licensee,  
member of partnership licensee or  
president or vice-president of  
corporate licensee.)

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_,  
194\_\_.

\_\_\_\_\_  
(Signature of Notary Public or other  
person authorized to administer oaths)

\_\_\_\_\_  
(Title of person administering oath)

NJABC 3110

(Solicitor's Form)

## 8. BONUSES, ALLOWANCES, AND OTHER SIMILAR INDUCEMENTS - REGULATIONS NO. 35 - SOLICITORS' REPORT FORM.

A SEPARATE STATEMENT MUST BE FILED FOR EACH MANUFACTURER  
OR WHOLESALER FROM WHOM YOU RECEIVED ANY MONEY OR OTHER  
VALUABLE THING

Statement of New Jersey Licensed Solicitor Pursuant to Rule 5 of  
State Regulations No. 35 for the month of

\_\_\_\_\_, 194\_.

1. Name of manufacturer or wholesaler of alcoholic beverages other  
than malt alcoholic beverages from whom payment of money or other  
valuable thing has been received:

\_\_\_\_\_  
(Print or typewrite)

2. Name of solicitor: \_\_\_\_\_  
(Print or typewrite)

3. Address of solicitor: \_\_\_\_\_  
\_\_\_\_\_

4. New Jersey solicitor's permit number: \_\_\_\_\_

5. During the period from \_\_\_\_\_, 194\_,  
to \_\_\_\_\_, 194\_, inclusive, I received the  
following moneys and other valuable things, directly or indirectly,  
from the licensed manufacturer or wholesaler above named:

a. Salary	\$ _____
b. Commission	_____
c. Drawing against commission	_____
d. Expenses	_____
e. Other allowances (Itemized and explained below)	_____
TOTAL	_____

Itemization and explanation of item 5(e):

(Attach rider if space insufficient)

6. During the same period, I received payments of money or other  
valuable things, reported by separate statements, from licensees as  
follows: (If none, so state).

Name

Address

License No.

(Attach rider if space insufficient)

7. During the same period, I did not directly or indirectly make any payment or give to any New Jersey licensed retailer or to any individual connected with such retailer as stockholder, officer, director, employee, agent, servant or representative, any cash bonus, gift, rebate, allowance or similar inducement, nor did I make any promise so to do, in connection with any sale to such retailer of alcoholic beverages other than malt alcoholic beverages, except as follows: (If none, so state)

<u>Date of Payment</u>	<u>Name of Retailer</u>	<u>Amount Paid</u>	<u>Reason for Payment</u>
------------------------	-------------------------	--------------------	---------------------------

(Attach rider if space insufficient)

8. During the same period, I did not, nor did my employer to my knowledge, commit or participate in any violation of State Regulations No. 35 of the New Jersey State Department of Alcoholic Beverage Control.

Date: \_\_\_\_\_, 194\_\_.

\_\_\_\_\_  
(Signature of Solicitor)

STATE OF \_\_\_\_\_)  
:SS.  
COUNTY OF \_\_\_\_\_)

\_\_\_\_\_, being duly sworn according to law, on his oath deposes and says that he has read the above statement and that all matters and things set forth therein are true.

\_\_\_\_\_  
(Signature of Solicitor)

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_,  
194\_\_.

(Signature of Notary Public or other  
person authorized to administer oaths)

(Title of person administering oath)

9. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENTS IN LICENSE APPLICATIONS CONCEALING INTEREST OF OTHERS - AIDING AND ABETTING NON-LICENSEES TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - CORPORATE FRONT FOR DISQUALIFIED OWNERS - NO CURRENT LICENSE - LAST LICENSE REVOKED.

In the Matter of Disciplinary  
Proceedings against

LOG CABIN, PORT AU PECK INN, INC.,  
Monmouth Boulevard,  
Oceanport, New Jersey,

Holder of Plenary Retail Consumption  
License C-4, issued by the Borough  
Council of the Borough of Oceanport  
for the fiscal year 1940-1.

CONCLUSIONS  
AND ORDER

Milton P. Cranmer, Esq., Attorney for Defendant-Licensee.  
Robert R. Hendricks, Esq., Attorney for Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

The defendant, a corporation, pleads not guilty to the following charges:

"1. In your applications for licenses dated June 23, 1939 and June 6, 1940, filed with the Borough Council of the Borough of Oceanport, upon which plenary retail consumption licenses C-4 for the years 1939-40 and 1940-41 were granted, you falsely stated 'No' in answer to Question 28 therein which asks, 'Has any individual.....other than the applicant, any interest directly or indirectly in the license applied for or in the business to be conducted under said license?', whereas in truth and fact Erle R. Sheppard and Reba Sheppard, the nominal holders of ten per cent, each, of your corporate stock, were so interested in that they were the real owners of the licensed business; said false statements being in violation of R. S. 33:1-25.

"2. Since on or about July 1, 1939 and until the present time, you knowingly aided and abetted Erle R. Sheppard and Reba Sheppard, non-licensees, to exercise the rights and privileges of your license contrary to R. S. 33:1-26, in violation of R. S. 33:1-52."

The defendant was formed in May 1939, with its purported members being Harry E. Stevens, President and holder of eight shares of stock; Reba Sheppard, Vice-President and holder of one share; and Erle R. Sheppard (her husband), Secretary-Treasurer and holder of one share.

Prior to institution of the present proceedings, Stevens, in a signed and forthright statement to investigators of this Department, clearly explained just why and how the corporation was formed:

"....Mr. Sheppard of Mount Vernon New York talked to me about leasing the Log Cabin, now known as Port au Peck Inn, which I had the leasing of for the owner.....The question of obtaining a license came up because of the fact that Mr. Sheppard was a resident of New York. We went to an attorney.....and he said that Mr. Sheppard better form a corporation, and most of the stock could be put in my name as I was a qualified resident and then it would be allright. This was done and I was made the President and 8 of the 10 shares issued were put in my name. I do not have now, nor did I ever have any financial interest in the Corporation and of course never received any stock. My sole part was to assist Mr. Sheppard to obtain a license."

Stevens' attempt at the hearing to disclaim this and similar statements which he had given to the investigators is wholly unavailing. Without the need for detailing the other evidence in the case, it is amply clear that the defendant was formed and conducted merely as a fraudulent "blind" behind which Sheppard has acted as the full and undisclosed proprietor; and that he resorted to this artifice because he was disqualified by lack of five years' residence in the State from holding a retail liquor license in his own name and from being more than a ten per cent. stockholder in any bona fide corporate retail licensee. See R. S. 33:1-12.1, 25.

While it is true that the charges in the case allege that both Sheppard and his wife have been the actual proprietors operating behind the "blind," the fact that the evidence succeeds only as to Sheppard is not fatal. See State Board etc. v. Giedroyc, 91 N. J. L. 61 (Sup. Ct. 1918).

Hence, I find the defendant guilty as charged (except as to the allegations concerning Reba Sheppard). See Re Sparky's Cafe, Inc., Bulletin 411, Item 6; Re Roll Inn, Inc., Bulletin 484, Item 6.

As to penalty: These proceedings were instituted at the end of the last fiscal year, viz., 1940-1. The defendant has not obtained any further license (nor has any license been issued for the premises in question or to Erle R. Sheppard) for the current fiscal year. Hence, in order to effect an adequate penalty for the violations in question, I shall, in line with past decisions in like cases, revoke the defendant's last license, thus disqualifying it under R. S. 33:1-31 from obtaining any further liquor license in New Jersey for a period of two years from the date hereof. Re Roninger, Bulletin 421, Item 10; Re Capelli, Bulletin 482, Item 6; Re Gettes, Bulletin 482, Item 7; Re Roll Inn, Inc., supra. The fact that the license has already expired is no bar to such revocation. See R. S. 33:1-31; State Regulations No. 15.

Accordingly, it is, on this 31st day of December, 1941,

ORDERED, that Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Oceanport to Log Cabin, Port Au Peck Inn, Inc., for premises on Monmouth Boulevard in Oceanport, for the fiscal year 1940-1, be and the same is hereby revoked.

ALFRED E. DRISCOLL,  
Commissioner.

10. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGE BELOW FAIR TRADE MINIMUM - 10 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary )  
Proceedings against )

PICKWICK DELICATESSEN (a cor- )  
poration), )  
707 Park Avenue, )  
Plainfield, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribu- )  
tion License No. D-8 issued by the )  
Common Council of the City of )  
Plainfield. )  
----- )

Pickwick Delicatessen, the Defendant-Licensee, by John Sturcke,  
Treasurer.

G. George Addonizio, Esq., Attorney for Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

The defendant has pleaded guilty to the charge of selling liquor below the established Fair Trade price, in violation of Rule 6 of State Regulations No. 30.

The facts are that, on August 29, 1941, an investigator of this Department visited the defendant's store and was sold a half-gallon bottle of Schenley's Red Label Blended Whiskey for \$3.49, although the Fair Trade price for such item was then \$3.95. See Bulletin 429.

From the reports of this agent and a fellow investigator who accompanied him, it appears that the manager of the store explained that he knew the sale was below the permissible price, but that competition in the neighborhood was "tough."

As the defendant now learns, it little profits a licensee to gain such chiseling sales at risk of losing his license.

Since the defendant has no previous convictions, and since there are neither aggravating nor mitigating circumstances in this case, his license will, in line with past decisions, be suspended for ten days, less five for the guilty plea, or a net of five days. Re Bernie Feldman's Liquor Store, Inc., Bulletin 482, Item 11; Re A. & S. Liquor Store, Inc., Bulletin 484, Item 10; Re Bosco and Bosco, Bulletin 486, Item 7.

Accordingly, it is, on this 31st day of December, 1941,

ORDERED, that Plenary Retail Distribution License No. D-8, heretofore issued by the Common Council of the City of Plainfield to Pickwick Delicatessen (a corporation) for 707 Park Avenue, Plainfield, be and the same is hereby suspended for a period of five (5) days, commencing January 5, 1942, at 1:00 A.M. and ending at 1:00 A. M. January 10, 1942.

ALFRED E. DRISCOLL,  
Commissioner.

## 11. ACTIVITY REPORT FOR DECEMBER, 1941

To: Alfred E. Driscoll, Commissioner

ARRESTS: Licensees - - - - - 1 Bootleggers - - - - - 25  
 Total number of persons arrested - - - - - 26

SEIZURES: Stills - 1 to 50 gallons daily capacity - - - - - 5  
 50 gallons and more daily capacity - - - - - 3  
 Total number of stills seized - - - - - 8  
 Mash - gallons - - - - - 8,350  
 Motor vehicles - Trucks - - - - - 3  
 Passenger cars - - - - - 6  
 Total number of motor vehicles seized - - - - - 9  
 Beverage alcohol - gallons - - - - - 178.58  
 Brewed malt alcoholic beverages (beer, ale, etc.) - gallons - - 62.05  
 Wine - gallons - - - - - 1,288.50  
 Distilled alcoholic beverages (whiskey, brandy, etc.) - gallons - 51.51

RETAIL LICENSEES:

Number of premises in which were found:  
 Illicit (bootleg) liquor - 4 "Fronts" (concealed ownership) - 1  
 Gambling devices - - - - - 9 Improper beer tap markers - - - 2  
 Prohibited signs - - - - - 3 Stock disposal permits  
 Unqualified employees - - -73 necessary - - - - -14  
 Other types of violations - - - 9  
 Total number of premises where violations were found - - - - - 113  
 Total number of premises inspected - - - - - 2,023  
 Total number of unqualified employees found - - - - - 100  
 Total number of bottles gauged - - - - - 18,763

STATE LICENSEES:

Premises inspected - - - - - 42  
 License applications investigated - - - - - 7

COMPLAINTS:

Investigated, reviewed and closed - - - - - 140  
 Investigation assigned, not yet completed - - - - - 578

LABORATORY:

Analyses made - - - - - 147  
 "Shake-up" cases (alcohol, water and artificial coloring) - - - 20  
 Liquor found to be not genuine as labeled - - - - - 14

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made - - - - - 26  
 Persons fingerprinted for non-criminal purposes - - - - - 41  
 Identification contacts with other enforcement agencies - - - - 206  
 Motor vehicle identifications via N. J. State Police Teletype - - 71

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - - 11  
 Cases instituted at Department - - - - - 23

HEARINGS HELD AT DEPARTMENT:

Appeals - - - - - 4 Application for special permit - 1  
 Disciplinary proceedings -14 Eligibility - - - - -13  
 Seizures - - - - - -10 Tax revocations - - - - - 6  
 Total number of hearings held - - - - - 48

PERMITS ISSUED:

Unqualified employees - - - - - 449  
 Solicitors - - - - - 58  
 Social affairs - - - - - 157  
 Home manufacture of wine - - - - - 765  
 Disposal of alcoholic beverages - - - - - 70  
 Miscellaneous permits - - - - - 83  
 Total number of permits issued - - - - - 1,582

Respectfully submitted,  
 E. W. GARRETT,  
 Chief Deputy Commissioner.

12. ELIGIBILITY - VIOLATION OF NATIONAL MOTOR VEHICLE THEFT ACT - MORAL TURPITUDE - APPLICANT INELIGIBLE TO HOLD A LIQUOR LICENSE OR TO BE EMPLOYED BY A LIQUOR LICENSEE.

January 2, 1942

Re: Case No. 399

On March 5, 1931 applicant was convicted of violating the National Motor Vehicle Theft Act. The indictment upon which he was tried contained two counts: (1) that he wilfully and knowingly transported from Weehawken, New Jersey, to New York City a Nash automobile, knowing the same to have been stolen, and (2) that he concealed, bartered, sold and disposed of this car, knowing the same to have been stolen. He was sentenced to serve six months on count one of the indictment and sentenced to serve eighteen months on count two thereof, but the eighteen-month sentence was suspended.

At the hearing herein applicant admitted that he had transported the car from New Jersey to New York and knew that the car had been stolen. He denied that he had concealed, bartered, sold or disposed of the car.

The question of the guilt or innocence of applicant cannot be redetermined in this proceeding. The record shows that in the criminal proceeding he was convicted by a jury on both counts set forth in the indictment. The crime of which he was convicted is of such a serious character that it clearly involves moral turpitude.

It is recommended that applicant be advised that he is ineligible to hold a liquor license or be employed by a liquor licensee in this State.

Edward J. Dorton,  
Deputy Commissioner  
and Counsel.

APPROVED:

*A. E. D.*  
Commissioner.

*Release for Bulletin*

*Alfred E. Dissell*  
Commissioner

New Jersey State Library