

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

BULLETIN 1273

APRIL 27, 1959.

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

BULLETIN 1273

APRIL 27, 1959.

1. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

GEORGE BARAN
t/a OLDEN CAFE
44 North Olden Avenue
Trenton 9, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-107, issued by the
Board of Commissioners of the City
of Trenton.

Michael J. Savko, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to charges alleging that (1) he sold, served and delivered an alcoholic beverage to a minor and permitted the consumption of such beverage by said minor in and upon his licensed premises, in violation of Rule 1 of State Regulation No. 20, and (2) he sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Friday evening, February 6, 1959, ABC agents, who were in defendant's licensed premises, observed the licensee herein sell and serve a glass of beer to an apparent minor without requesting any written representation as to his age. When the youth had consumed a portion of the beer, the agents identified themselves and, ascertaining that the patron was Gerald ---, age 20, they seized the unfinished portion of his beer for evidential purposes. At 11:10 p.m., the same date, the agents observed the licensee sell a pint of whiskey to a patron who was apprehended by one of the agents when he left the premises with his purchase. The agent who remained in the premises purchased from the licensee a pint of whiskey for off-premises consumption. The agents identified themselves to the licensee who orally admitted the violations.

Defendant has no prior adjudicated record. I shall suspend his license for ten days on Charge (1) Re Boggetti, Bulletin 1246, Item 7, and fifteen days on Charge (2) Re Golda, Bulletin 1261, Item 4, making a total suspension of 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 10th day of March, 1959,

ORDERED that Plenary Retail Consumption License C-107, issued by the Board of Commissioners of the City of Trenton to George Baran, t/a Olden Cafe, for premises 44 North Olden Avenue, Trenton, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Wednesday, March 18, 1959, and terminating at 2:00 a.m. Tuesday, April 7, 1959.

WILLIAM HOWE DAVIS

2. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

JOHN P. TEEVAN)
t/a THE CLIPPER SHIP)
122 Roseville Avenue)
Newark 7, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-17, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Newark.)
-----)

Herbert J. Dwyer, Esq., Attorney for Defendant-licensee.
Dora P. Rothschild, appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Tuesday, December 23, 1958, at about 10:40 p.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., one 4/5 quart bottle of Calvert Reserve Blended Whiskey, 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.

"2. On Tuesday, December 23, 1958 at about 10:40 p.m., you sold at retail one 4/5 quart bottle of Calvert Reserve Blended Whiskey, an alcoholic beverage, at less than the price thereof listed in the then currently effective Minimum Consumer Resale Price List published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30."

At about 10:40 p.m. on Tuesday, December 23, 1958, an ABC agent purchased from the bartender for off-premises consumption a 4/5 quart bottle of Calvert Reserve Blended Whiskey for \$4.75. Not only was the sale made in violation of Rule 1 of State Regulation No. 38, but the item was purchased below the resale price for said brand of whiskey according to the currently effective Minimum Consumer Resale Price List in which it was listed for \$4.79.

Defendant has a prior adjudicated record. Effective August 7, 1945, when in partnership with one Peter Lynch, his license was suspended by the then State Commissioner for fifteen days for permitting a brawl on the licensed premises. Re Teevan and Lynch, Bulletin 676, Item 11. Again effective October 15, 1948 a permit issued to the defendant was suspended by the then Commissioner for ten days for sale of alcoholic beverages during prohibited hours. Re Teevan, Bulletin 817, Item 10. Inasmuch as more than ten years have passed since the aforesaid prior violations, I shall not consider them in fixing the penalty herein.

The minimum suspension for the violations committed herein is twenty-five days. Cf. Re Tafrow, Bulletin 1243; Item 3. 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 March, 1959,

ORDERED that Plenary Retail Consumption License C-17, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to John P. Teevan, t/a The Clipper Ship, for premises 122 Roseville Avenue, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Wednesday, March 18, 1959, and terminating at 2:00 a.m. Tuesday, April 7, 1959.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MARGARET GARRETT)
t/a GARRETT'S GLASS BAR)
358 Ocean Avenue)
Jersey City 5, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-206, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Jersey City.)
-----)

James H. Dowden, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

On Friday night, January 16, 1959, ABC agents who were in defendant's licensed premises observed the bartender (James Garrett, husband of the licensee herein) serve a glass of beer to each of three apparent minors without requiring any written representation as to their ages. When the youths had consumed a portion of their drinks, the agents made their identities known to them and, ascertaining that they were Robert --- (age 17), William --- (age 17) and Wendell --- (age 18), they seized the remaining portions of the beer for evidential purposes and informed the bartender of the violation. In a signed, sworn statement the bartender admits the aforesaid sale and states that once or twice prior to the date alleged he had served the same minors without requiring any written representation of their ages when they told him they were twenty-one years old.

Defendant has held a license since June 1941 and has no prior record. Defendant's attorney has submitted a letter

setting forth alleged mitigating circumstances and two law-enforcement officers -- one federal, the other municipal -- have submitted letters stating that to their knowledge the licensee and her husband enjoy excellent business and personal reputations.

The violation charged herein, involving as it does the sale to and consumption of alcoholic beverages by three minors (two of whom are only seventeen years of age) cannot be condoned. Ordinarily, I would suspend her license for a period of twenty-five days (Re Barnell Corp., Bulletin 1233, Item 3) but, because of her clear record for nearly eighteen years, I shall suspend her license for twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 11th day of March, 1959,

ORDERED that Plenary Retail Consumption License C-206, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Margaret Garrett, t/a Garrett's Glass Bar, for premises 358 Ocean Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, March 23, 1959, and terminating at 2:00 a.m. Tuesday, April 7, 1959.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

WILLIAM A. BUNCE
t/a BUNCE'S TAVERN
1011 Market Street
Paterson, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-333, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

Alfred J. Hill, Esq., Attorney for Defendant-licensee.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

On Sunday, February 15, 1959, at about 4:00 p.m., an ABC agent who was in defendant's licensed premises purchased twenty-four cans of beer which the licensee placed in two bags and accepted \$4.40 in payment thereof. The licensee verbally admitted the sale during prohibited hours.

Defendant has no prior adjudicated record. I shall suspend his license for the minimum period of fifteen days (Re Golda, Bulletin 1261, Item 4). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 11th day of March, 1959,

ORDERED that Plenary Retail Consumption License C-333, issued by the Board of Alcoholic Beverage Control for the City of Paterson to William A. Bunce, t/a Bunce's Tavern, for premises 1011 Market Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, March 23, 1959, and terminating at 3:00 a.m. Thursday, April 2, 1959.

WILLIAM HOWE DAVIS
Director.

5. APPELLATE DECISIONS - KOSTENBADER AND SNIEGOCKI v. WASHINGTON TOWNSHIP (MORRIS COUNTY) AND THE GREAT ATLANTIC & PACIFIC TEA COMPANY.

CLAYTON L. KOSTENBADER and
STANLEY SNIEGOCKI,

Appellants,

-vs-

TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF WASHINGTON, MORRIS COUNTY, and
THE GREAT ATLANTIC & PACIFIC TEA
COMPANY,

Respondents.

ON APPEAL
O R D E R

Archie Roth, Esq., Attorney for Appellants.
Shuback and Orr, Esqs., by Edwin W. Orr, Jr., Esq., Attorneys
for Respondent Township Committee.
Milford Salny, Esq., Attorney for Respondent The Great Atlantic
and Pacific Tea Company.

BY THE DIRECTOR:

The above appeal was taken from the action of respondent Township Committee whereby it granted a transfer of License D-1 from Charles C. Messler and Mary C. Messler and from premises at Main Street, Long Valley, to respondent The Great Atlantic & Pacific Tea Company and to premises on Route 46, Township of Washington.

The attorneys for the respective parties having stipulated to discontinue the within appeal, and no reason appearing to the contrary,

It is, on this 16th day of March, 1959,

ORDERED that the within appeal be and the same is hereby discontinued.

WILLIAM HOWE DAVIS
Director.

RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1958 THROUGH MARCH 31, 1959

	1st Quarter			2d Quarter			3d Quarter			Total
	July,	Aug.,	Sept.	Oct.,	Nov.,	Dec.	Jan.,	Feb.,	Mar.	
ARRESTS:										
Total number of persons arrested			76			64			79	219
Licensees and employees			29			31			40	100
Bootleggers			47			33			39	119
SEIZURES:										
Motor vehicles - cars			5			7			12	24
- trucks			-			1			1	2
- trailers			-			-			2	2
Stillis - over 50 gallons			4			7			1	12
- 50 gallons or under			2			1			2	5
Alcohol - gallons			-			1,950.00			-	1,950.00
Mash - gallons			2,025.00			1,150.00			550.00	3,725.00
Distilled alcoholic beverages - gallons			124.55			267.25			1,292.00	1,683.80
Wine - gallons			35.99			14.99			225.67	276.65
Brewed malt alcoholic beverages - gallons			72.11			53.20			19.71	145.02
RETAIL LICENSEES:										
Premises inspected			1,953			2,121			1,731	5,805
Premises where alcoholic beverages were gauged			1,111			1,714			2,780	5,605
Bottles gauged			18,624			28,870			49,666	97,160
Premises where violations were found			225			218			141	584
Type of violations found			339			313			189	841
Unqualified employees			142			111			61	314
Application copy not available			61			46			35	142
Reg. #38 sign not posted			40			57			16	113
Prohibited signs			32			23			7	62
Other mercantile business			22			12			15	49
Disposal permit necessary			11			4			5	20
Improper beer taps			2			5			-	7
Other violations			29			55			50	134
STATE LICENSEES:										
Premises inspected			65			78			67	210
License applications investigated			27			15			25	67
COMPLAINTS:										
Complaints assigned for investigation			1,375			1,103			1,477	3,955
Investigations completed			1,292			1,092			1,389	3,773
Investigations pending			(170)			(131)			192	192
LABORATORY:										
Analyses made			504			351			745	1,600
Refills from licensed premises - bottles			5			14			112	131
Bottles from unlicensed premises			122			114			123	359
IDENTIFICATION:										
Criminal fingerprint identifications made			51			32			46	129
Persons fingerprinted for non-criminal purposes			753			465			534	1,752
Identification contacts made with other enforcement agencies			576			321			383	1,280
MV identifications via N.J.State Police teletype			5			9			10	24
DISCIPLINARY PROCEEDINGS:										
Cases transmitted to municipalities			40			56			47	143
Violations involved			42			74			53	169
Sale during prohibited hours			29			37			35	101
Sale to minors			5			13			11	29
Sale to non-members by club-licensee			4			4			2	10
Failure to close premises during prohibited hours			-			5			4	9
Employee w/o identification card (local reg.)			1			2			3	3
Sale to intoxicated persons			1			2			-	3
Service to women at a bar (local reg.)			1			1			-	2
Permitting brawl on premises			1			1			-	2
Permitting hostesses on premises			-			2			-	2
Sale outside scope of license			-			1			-	1
Possessing chilled beer (DL licensee)			-			1			-	1
Failure to have copy of license application on premises			-			1			-	1
Employing unqualified persons			-			1			-	1
Employing female bartender (local reg.)			-			1			-	1
Permitting foul language on premises			-			1			-	1
Permitting lottery activity on premises			-			1			-	1
Sale of drinks on credit (local reg.)			-			-			1	1
Cases instituted at Division			69			70*			102**	241
Violations involved			105			119			149	373
Sale to minors			26			14			30	70
Sale during prohibited hours			15			18			17	50
Possessing liquor not truly labeled			4			5			16	25
Sale below minimum resale price			6			4			10	20
Permitting immoral activity on premises			8			6			3	17
Conducting business as a nuisance			6			4			4	14
Permitting lottery activity on premises			3			5			6	14
Permitting foul language on premises			4			4			4	12
Sale to intoxicated persons			4			4			4	12
Fraud and front			2			3			7	12
Permitting bookmaking on premises			3			4			4	11
Hindering investigation			3			4			3	10
Possessing indecent matter			3			1			6	10
Sale outside scope of license			3			3			3	9
Failure to have copy of license application on premises			2			3			2	7
Failure to close premises during prohibited hours			1			5			-	6
Solr-permittee engaging in conduct prohibited to employer			-			6			-	6

*Includes one cancellation proceeding against blanket employment permit--females who acted as hostesses.

** Includes two cancellation proceedings--License improvidently issued in violation of State Limitation Law.
License improvidently issued to club lacking requisite possession of quarters.

	1st Quarter July, Aug., Sept.	2d Quarter Oct., Nov., Dec.	3d Quarter Jan., Feb., Mar.	Total
DISCIPLINARY PROCEEDINGS (Continued)				
Cases instituted at Division (Continued)				
Violations involved:				
Delivery without bona fide invoice	2	1	3	6
Furnishing unlawful inducements to retailer	2	5	1	8
Permitting hostesses on premises	2	2	1	5
Employing unqualified persons	1	2	1	4
Employee w/o identification card (local reg.)	1	2	2	5
Possessing contraceptives on premises	1	3	3	7
Permitting gambling on premises	1	4	1	6
Service to women at a bar (local reg.)	1	1	1	3
Failure to file notice of change in application	1	1	2	4
Failure to file notice of default	1	2	-	3
Sale on credit to retailer in default	1	2	-	3
Unauthorized transportation	1	-	1	2
Aiding and abetting unauthorized sale	1	1	1	3
Permitting brawl on premises	1	1	1	3
Sale during license suspension	1	-	-	1
Retailer employing solicitor	1	-	-	1
Peddling from vehicle	1	-	-	1
Permitting prostitutes on premises	1	-	-	1
Permitting consumption on distribution premises	1	-	-	1
Permitting open container on distribution premises	1	-	-	1
Soliciting house to house	1	1	-	2
Substituting drink other than ordered	1	1	-	2
Accepting unlawful inducements from wholesaler	1	1	-	2
Solicitor violating terms of permit	1	-	2	3
Permittee engaging in conduct prohibited to employer	1	-	2	3
Aiding and abetting unauthorized transportation	1	-	1	2
Possessing containers (miniatures) under minimum standard of fill	1	-	1	2
Possessing untaxed liquor	1	-	1	2
Sale to non-members by club-licensee	1	-	1	2
Cases brought by municipalities on own initiative and reported to Division	48	51	59	159
Violations involved				
Sale to minors	59	59	67	185
Permitting brawl on premises	25	25	36	86
Sale during prohibited hours	12	14	8	34
Conducting business as a nuisance	7	7	15	29
Permitting immoral activity on premises	5	2	0	7
Hindering investigation	2	-	1	3
Failure to close premises during prohibited hours	-	2	1	3
Purchase from improper source	-	1	2	3
Sale to intoxicated persons	2	-	-	2
Permitting gambling on premises	1	1	-	2
Permitting bookmaking on premises	-	2	-	2
Permitting prostitutes on premises	1	-	1	2
Permitting hostesses on premises	1	1	-	2
Service to women at a bar (local reg.)	1	1	-	2
Possessing liquor not truly labeled	1	-	-	1
Failure to afford view into premises during prohibited hours	1	-	-	1
Failure to display license certificate	1	-	-	1
Permitting foul language on premises	1	1	-	2
Employee working while intoxicated	1	1	-	2
Permitting minor to loiter on premises (local reg.)	1	1	-	2
Employing unqualified person	1	-	1	2
Permitting prem. to be used in connection w/illegal activity	1	-	1	2
Employee w/o identification card (local reg.)	1	-	1	2
HEARINGS HELD AT DIVISION:				
Total number of hearings held	114	131	149	394
Appeals	16	16	14	46
Disciplinary proceedings	68	79	92	239
Eligibility	14	20	22	56
Seizures	6	10	8	24
Tax revocations	7	3	11	21
Applications for license	3	3	2	8
STATE LICENSES AND PERMITS ISSUED:				
Total number issued	4,468	4,287	2,857	11,612
Licenses	599	10	5	614
Employment permits	770	398	354	1,522
Solicitors	162	111	210	483
Disposal	277	211	198	686
Social affair	1,236	1,111	952	3,299
Wine	-	1,020	9	1,029
Miscellaneous	617	503	331	1,451
Transit insignia	726	839	750	2,315
Transit certificates	81	84	48	213

WILLIAM HOWE DAVIS
DIRECTOR

Dated: April 14, 1959

7. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOL - ALCOHOL ORDERED FORFEITED - MOTOR VEHICLE RETURNED TO INNOCENT OWNER.

In the Matter of the Seizure on) Case No. 9864
 December 28, 1958 of 64 two-quart)
 "Mason" jars of alcohol and an)
 Oldsmobile sedan on the New Jersey)
 Turnpike at the 37 Mile Post in the) ON HEARING
 Township of Mount Laurel, County of) CONCLUSIONS AND ORDER
 Burlington and State of New Jersey.)

Harvey A. Lieb, Esq., Attorney for Ora Jones.
 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 64 two-quart "Mason" jars of alcohol and an Oldsmobile sedan, described in a schedule attached hereto, seized on December 28, 1958 on the New Jersey Turnpike, at the 37 Mile Post, Mount Laurel, New Jersey, 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 Ora Jones, the registered owner of the motor vehicle, who sought its return. No one opposed forfeiture of the alcohol.

It appears that a New Jersey State Trooper, on the above date and location, during his routine patrol of traffic on the highway, halted the motor vehicle in question. The trooper ascertained that such motor vehicle was being driven by Wardell Knox. When the trooper discovered 64 jars of alcohol, some in the trunk and some in the rear seat of the car, with none of the jars having affixed thereto a stamp indicating the payment of the tax on alcoholic beverages, he took into custody the alcohol and car and arrested Knox. Later the alcohol and car were turned over to ABC agents.

Knox gave the trooper signed statements wherein he claims that he had been employed by an industrial concern for the past 12 years; that he stole the motor vehicle, drove to North Carolina, purchased the bootleg alcohol there from some person unknown to him, and intended to sell the alcoholic beverages in New York. He further states that he took the car while it was parked in the street in front of the home of Ora Jones' brother in New York City; that he is acquainted with Ora Jones and personally asked her for the loan of her car, which she refused.

At the hearing herein Ora Jones testified that she and her husband purchased the Oldsmobile sedan in 1957; that it was registered in her name because her husband was a poor credit risk; that she has been employed by an industrial concern for the past 15 years at an average weekly salary of \$75.00 to \$100.00, but has not worked since December 19th because of illness; that since some time in September her husband had no driver's license, and she did not drive a car; that she placed the car in the hands of her daughter, who resided in New York City; that she and her family have been friendly with Wardell Knox for many years; that early in December, while at her home in Newark, Knox asked her for the loan of her car to visit his family, and she replied that he did not have to ask her -- that he should just ask her daughter to give him the car;

that thereafter her daughter called her to ascertain whether she should loan the car to Knox and she told her daughter to do so.

Her daughter, Carrie Feaster, testified to the same general effect.

Wardell Knox testified that he has been steadily employed for the past 15 years in an industrial plant located in Bound Brook, New Jersey, and has an old car which was only capable of use to and from work; that therefore he borrowed the Jones car to visit his parents who reside in North Carolina; that while there, he met someone who suggested to him that he could make some money by purchasing corn whiskey there and selling the whiskey in New York, with the end result that he was apprehended; that at first he lied in asserting that he stole the car because the car did not belong to him and "I done got Mrs. Jones in so much trouble that I had to say I stole the car to get her out of trouble". He agreed that Mrs. Jones' account of how he came into possession of the car represented the truth. Knox does not appear to have any previous criminal record.

I am satisfied from the evidence presented that Ora Jones acted in good faith, and did not know or have any reason to suspect that her car would be used by Wardell Knox for the unlawful transportation of alcoholic beverages. Hence, I shall return the Oldsmobile sedan to her.

Accordingly, it is DETERMINED and ORDERED that if, on or before the 13th day of March, 1959, Ora Jones pays the costs incurred in the seizure and storage of the Oldsmobile sedan, described in Schedule "A" attached hereto, such motor vehicle will be returned to her; and it is further

DETERMINED and ORDERED that the alcoholic beverages listed in the aforesaid Schedule "A" constitute unlawful property and the same be and hereby are forfeited in accordance with the provisions of R. S. 33:1-66 and that they be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS
Director.

Dated: March 3, 1959.

SCHEDULE "A"

- 64 - two-quart "Mason" jars of alcohol
- 1 - Oldsmobile sedan, Serial No. 579L06782,
New Jersey Registration EM5644

8. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOL - ALCOHOL ORDERED FORFEITED - MOTOR VEHICLE RETURNED TO INNOCENT OWNER.

In the Matter of the Seizure on) Case No. 9820
 October 14, 1958 of 69 two-quart)
 "Mason" jars of alcohol and a)
 Buick sedan at the 40 Mile Post on) ON HEARING
 the New Jersey Turnpike in the Town-) CONCLUSIONS AND ORDER
 ship of Mount Laurel, County of)
 Burlington and State of New Jersey.)

 Jack Wildman, Esq., by David Adelman, Esq., Attorney for
 Maggie Jenkins.

Cole, Berman & Garth, Esqs., by Morrill J. Cole, Esq.,
 Attorneys for Motor Finance Corporation.

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 69 two-quart "Mason" jars of alcohol and a Buick sedan described in a schedule attached hereto, seized on October 14, 1958 on the New Jersey Turnpike in the Township of Mount Laurel, New Jersey, 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 Maggie Jenkins, the registered owner of the Buick sedan, who sought its return. An appearance was also entered on behalf of Motor Finance Corporation, which sought recognition of its alleged lien on such motor vehicle. No one opposed forfeiture of the alcohol.

Reports of ABC agents and other documents in the file, presented in evidence with consent of counsel for the claimants, disclose the following facts:

A New Jersey State Trooper, on the above date and location, halted the motor vehicle in question during his routine patrol of traffic on the highway. The trooper ascertained that the motor vehicle was being operated by Woodward Evans, and that Garrett Williams and Sidney Jenkins were passengers therein; and that Maggie Jenkins, wife of Sidney, was the registered owner of the motor vehicle. When the trooper discovered the 69 jars of alcohol in the trunk of the car, without any stamp indicating the payment of tax on alcoholic beverages on any of the jars, he took into custody the alcohol and car and the occupants thereof. Later the alcohol and car were turned over to ABC agents.

A sample of the contents of one of the jars was analyzed by the Division chemist who reports that it is alcohol and water, fit for beverage purposes, with an alcoholic content by volume of 48.07 percent.

Sidney Jenkins, in a signed statement made at the time of the seizure, declares that he is employed as a laborer by an industrial concern; that he left in the car on October 11th to visit his sister who was ill in North Carolina; that on October 14th he drove to Raleigh and purchased the alcohol from a man in the street who had the alcohol in his vegetable truck, and he was transporting the alcohol to New Jersey for purpose of sale.

The seized alcohol is illicit because of the absence of a tax stamp on any of the jars and the circumstances under which such alcohol was purchased. R. S. 33:1-1(1), R. S. 33:1-88. Such illicit alcohol, and the Buick sedan 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.

At the seizure hearing Sidney Jenkins testified as follows: When preparing to visit his sister, he owned an old car and his wife owned the Buick. His car was too old to use for the trip and his wife suggested that he go by train because he would be too sleepy and tired to make the trip in her car. While telephoning a railroad to inquire about train schedules, and in course thereof, he came across Woodward Evans, who was employed as a long distance truck driver. He told Evans about his urgent need to visit his sister and asked him if he would drive Jenkins to North Carolina and could start immediately; when Evans agreed, Jenkins obtained some clothes; the registration and keys to the car, and took his wife's car without her knowledge, as his wife was out shopping.

Arriving in North Carolina, he made arrangements to take his sister to a hospital. While there he drove to Raleigh, and bought some vegetables from a person who was peddling vegetables from a truck. In the course of a conversation with the man, who noted that Evans' car bore New Jersey registration, he was offered a drink of corn liquor. The peddler then suggested to Jenkins that he purchase some of the corn liquor, take it back to New Jersey and make some money. Jenkins said he had never sold any liquor. The peddler then said he knew a man who regularly transported corn liquor north, and if Jenkins purchased the liquor the peddler would contact the man, who would purchase the liquor from Jenkins. Jenkins then purchased the corn liquor which was seized. He has never previously been arrested and has been steadily employed at the plant for the past six years at a weekly salary of about \$50.00, and that his wife has also been steadily employed for many years, earning the same amount weekly; that he, for the last few years, always had an old car to go to and from his work, and his wife had a car for her own use.

Maggie Jenkins testified to the following effect: She and her husband have resided in New Jersey since 1940, and she has been steadily employed by industrial concerns for the past 18 years with an average weekly wage of \$50.00; that she purchased the Buick sedan in question in 1956, trading in another car which she owned, and in addition paid \$300.00 in cash obtained from their joint bank account; that they needed two cars because her husband worked "around the clock" and is off only one Sunday a month, and hence she needed a car to go to work, for social uses and to go to church.

Mrs. Jenkins is in substantial accord with the account given by her husband as to the circumstances under which he used her car on his trip to North Carolina, and asserts that she had no knowledge that her husband was to use her car until she looked for it after he left; and that to her knowledge her husband had not previously been in any difficulty with the law.

From the evidence presented it appears that the pattern of their marriage relationship, and their joint activities, exclude the likelihood of knowledge on the part of Mrs. Jenkins of her husband's fall from grace in engaging in bootlegging

activities, entirely aside from his claimed impulsive act in taking her car, of which she appears to be the actual owner. The Buick sedan will therefore be returned to her upon payment of the costs of its seizure and storage. Seizure Case No. 8667, Bulletin 1080, Item 9.

Counsel for the finance company has stipulated that if the motor vehicle is returned to Maggie Jenkins, its claim should be considered withdrawn. Hence it is not necessary to determine the merits of its lien.

Accordingly, it is DETERMINED and ORDERED that if on or before the 13th day of March, 1959, Maggie Jenkins pays the costs of the seizure and storage of her Buick sedan, more fully described in Schedule "A" attached hereto, it will be returned to her; and it is further

DETERMINED and ORDERED that the 69 two-quart "Mason" jars of alcohol, listed in the aforesaid 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: March 3, 1959.

SCHEDULE "A"

- 69 - two-quart "Mason" jars of alcoholic beverages
- 1 - Buick sedan, Serial No. 21223, New Jersey
Registration FBR66.

9. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOL - ALCOHOL ORDERED FORFEITED - MOTOR VEHICLE RETURNED TO INNOCENT OWNER.

In the Matter of the Seizure on)	Case No. 9825
October 19, 1958 of a quantity of)	
alcohol and an Oldsmobile sedan)	
on the New Jersey Turnpike at Mile)	ON HEARING
Post No. 45 in the Township of)	CONCLUSIONS AND ORDER
Burlington, County of Burlington)	
and State of New Jersey.)	

Leonard Kaplan, Esq., Attorney for Thelma Jarvis.
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 119 two-quart "Mason" jars of alcohol and an Oldsmobile sedan, described in a schedule attached hereto, seized on October 19, 1958 on the New Jersey Turnpike at the 45 Mile Post, in the Township of Burlington, New Jersey, 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 Thelma Jarvis, the registered owner of the Oldsmobile sedan, who sought its return. No one opposed forfeiture of the alcohol.

Reports of ABC agents and other documents in the file, presented in evidence with consent of counsel for Thelma Jarvis, disclose the following facts:

A New Jersey State Trooper halted the motor vehicle in question on the above date and location during his routine patrol of traffic on the highway. The trooper ascertained that the motor vehicle was being operated by Dewey N. Jarvis, husband of Thelma Jarvis, and that Linford Boston was a passenger in the car. When the trooper discovered 118 jars of alcohol in the trunk of the car, and one jar on the rear seat, without any stamp indicating the payment of the tax on alcoholic beverages on any of the jars, he took into custody the alcohol, car and the occupants of the car. Later the alcohol and car were turned over to ABC agents.

A sample of the contents of one of the jars was analyzed by the Division chemist who reports that it is alcohol and water, fit for beverage purposes, with an alcoholic content by volume of 37 percent.

Dewey N. Jarvis signed a written statement wherein it appears that he and Linford Boston left Brooklyn, New York, the previous day, drove to Parkton, North Carolina, where he inquired where he could purchase corn whiskey, and ultimately purchased such whiskey in Red Springs, North Carolina, carrying out his plan to purchase, transport and contemplated sale of such corn whiskey.

The seized alcohol is illicit because of the absence of a tax stamp on any of the jars and the circumstances under which such alcohol was purchased. R. S. 33:1-1(1), R. S. 33:1-88. Such illicit alcohol, and the Oldsmobile sedan 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.

From the evidence presented it appears likely that the Oldsmobile sedan was a gift from Dewey N. Jarvis to his wife, Thelma Jarvis. He has been employed as a presser for a number of years, and his weekly income therefrom is about \$100.00 a week. His wife is not employed, they have three children, and apparently he has no previous record of arrest and conviction of crime. The car was purchased in January 1958 for \$625.00, of which \$100.00 was allowed for a trade-in of an old car, and the balance is being paid off in monthly installments, extending to January 1960. Dewey Jarvis' venture into bootlegging activities appears to be wholly out of pattern to his previous background, and it seems doubtful that he purchased the car for his wife specifically to avoid forfeiture for illicit liquor activities. Under all the circumstances, I shall give Thelma Jarvis the benefit of the doubt and direct the return of the car to her if she pays the costs of its seizure and storage. See Seizure Case No. 8667, Bulletin 1080, Item 9.

Accordingly, it is DETERMINED and ORDERED that if on or before the 20th day of March, 1959, Thelma Jarvis pays the costs of the seizure and storage of her Oldsmobile sedan, more fully described in Schedule "A" attached hereto, it will be returned to her; and it is further

DETERMINED and ORDERED that the 119 two-quart "Mason" jars of alcohol, listed in the aforesaid 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: March 10, 1959.

SCHEDULE "A"

- 119 - two-quart "Mason" jars of alcoholic beverages
- 1 - Oldsmobile sedan, Serial No. 53912764 and
Engine No. R-367283, New York Registration
KA-3702

10. DISCIPLINARY PROCEEDINGS - LOTTERY (50-50 CLUB) - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

RUSSELL J. MARX
t/a ELMWOOD GRILL
2 Elmwood Avenue
Hamilton Township, Mercer County
PO Trenton 9, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-37, issued by the Township Committee of Hamilton Township (Mercer County).

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

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On January 15, 1959, and prior thereto, you allowed, permitted and suffered a lottery, commonly known as and referred to as a '50-50 club', to be conducted and tickets and participation rights therein to be sold and offered for sale in and upon your licensed premises and you possessed, had custody of and allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

On the evening of January 15, 1959, two ABC agents who were in defendant's licensed premises heard a number of patrons discussing 50-50 chances. They observed the defendant as he placed on the bar a cigar-box in which defendant placed several stubs and some money before he put the box under the bar. Many of the patrons moved to the dining-room where a meeting was being held. The ABC agents, after purchasing tickets at fifty cents each from a female who had relieved defendant behind the bar, identified themselves. Defendant told the agents chances were being sold by the Elmwood Social Club which was then holding a meeting in the dining-room.

Defendant has no prior adjudicated record. In mitigation the attorney for defendant alleges that no element of commercialized gambling is involved and that the net proceeds of the

lottery were used by the Social Club for its athletic and recreational activities. It also appears that the Elmwood Social Club was an outside organization not affiliated with the licensee who stated that he was not an officer of the same and that this was the first time such chances had been sold on the licensed premises. I can distinguish the facts in this case from the situation which prevailed in Re Francis W. Robbins Post, American Legion, Bulletin 1015, Item 9, in which I imposed a penalty of fifteen days less five for the plea. Under all the circumstances, and being satisfied that no element of commercialized gambling was involved, I shall suspend defendant's license for ten days. 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 March, 1959,

ORDERED that Plenary Retail Consumption License C-37, issued by the Township Committee of Hamilton Township (Mercer County) to Russell J. Marx, t/a Elmwood Grill, for premises 2 Elmwood Avenue, Hamilton Township, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, March 23, 1959, and terminating at 2:00 a.m. Saturday, March 28, 1959.

WILLIAM HOWE DAVIS
Director.

11. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED
IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED
FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

ROSENBLUTH PHARMACY INC.)
109 Springfield Avenue)
Newark 3, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-)
bution License D-10, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Newark.)

David Castelbaum, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On January 21, 1959, you sold, at retail, five cases (12 4/5-quart bottles to each case) of Four Roses Blended Whiskey, an alcoholic beverage, at less than the price thereof listed in the then currently effective Pamphlet of New Jersey Minimum Consumer Resale Prices of Alcoholic Beverages published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30."

On January 21, 1959, two ABC agents, who accompanied one Anthony Bentley to defendant's premises, observed the sale to him by Martin H. Rosenbluth, vice president of defendant

corporation, of five cases of Four Roses Blended Whiskey. The sum charged for the five cases was \$233.75. The minimum resale price then in effect for said item is \$59.40 per case less permissible discount of 5% for a case-lot, making a total of \$282.15.

Defendant has a prior record. Effective October 17, 1942, its license was suspended by the then Commissioner for five days for sale of alcoholic beverages on an Election Day. See Bulletin 532, Item 4. However, since this dissimilar violation occurred more than five years ago, it will not be considered in fixing the penalty herein. The minimum suspension for a violation of this kind is ten days but, because of the large amount of alcoholic beverages sold, I shall suspend defendant's license for fifteen days. Re Brodsky, Bulletin 1056, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 12th day of March, 1959,

ORDERED that Plenary Retail Distribution License D-10, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Rosenbluth Pharmacy Inc., for premises 109 Springfield Avenue, Newark, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. Monday, March 23, 1959, and terminating at 9:00 a.m. Thursday, April 2, 1959.

WILLIAM HOWE DAVIS
Director.

12. STATE LICENSES - NEW APPLICATIONS FILED.

Pine Distributors Inc.

Park Avenue at East 8th St., Lakewood, N. J.

Application filed April 22, 1959 for person-to-person, place-to-place transfer of State Beverage Distributor's License SBD-103 from M. Rosenfield, Inc., East Side of Highway #35, between Evergreen and Hillside Avenues, Neptune City, N. J.

John L. Volpe

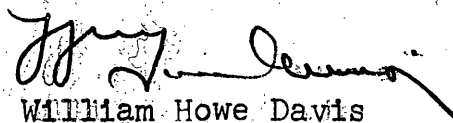
18 Washington Avenue, Nutley, N. J.

Application filed April 23, 1959 for Plenary Winery License.

Krueger Distributing Co.

77 Foundry Street, Dover, N. J.

Application filed April 24, 1959 for State Beverage Distributor's License.


WILLIAM HOWE DAVIS
Director.