

26 Rose Avenue,  
Madison, STATE OF NEW JERSEY  
~~Morris County, New Jersey.~~  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark 2, N. J.

BULLETIN 890

DECEMBER 6, 1950.

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

BULLETIN 890

DECEMBER 6, 1950.

1. STATE REGULATIONS NO. 9 AND NO. 10 - RETAIL PRIVILEGES UNDER  
PLENARY WINERY LICENSES AND LIMITED WINERY LICENSES.

AMENDED STATE REGULATIONS NO. 9 PROMULGATED (PURSUANT TO CHAPTER  
340, LAWS OF 1950) TO COVER RETAIL PRIVILEGES UNDER PLENARY WINERY  
LICENSES ONLY.

STATE REGULATIONS NO. 10 (HERETOFORE VACANT) PROMULGATED TO COVER  
RETAIL PRIVILEGES UNDER LIMITED WINERY LICENSES ONLY, FORMERLY  
INCLUDED IN STATE REGULATIONS NO. 9.

TO ALL PLENARY WINERY AND LIMITED WINERY LICENSEES:

P.L. 1950, c. 340, effective July 1, 1950, amended R. S. 33:1-10  
so as to continue, in R. S. 33:1-10(2a), the mandatory requirement  
that wines sold at retail under a plenary winery license "shall be  
manufactured or blended, fortified or treated from fresh grapes  
grown in this State...." (underscoring added); and so as to provide:  
"The combined total number of plenary winery licenses having retail  
privileges, shall not exceed three per each million of population  
in the State as shown by the last preceding Federal census. In the  
granting of such plenary winery licenses, the Director of the  
Division of Alcoholic Beverage Control may, in the exercise of his  
discretion and pursuant to such rules and regulations as he may  
adopt, give prior consideration to applicants engaged in growing and  
cultivating grapes upon land owned by the applicant, having an area  
of not less than three acres. The containers of all wine sold at  
retail by such licensee shall have attached thereto a label setting  
forth such information as shall be required by the rules and regula-  
tions of the Director of Alcoholic Beverage Control."

The restrictive purpose and intendment of the Legislature, with  
particular respect to the indicated State-grown grapes and priority  
of consideration to be accorded, are manifest. I am adopting new  
State Regulations No. 9 in strict keeping with such manifest purpose  
and intendment, and pursuant to R. S. 33:1-39.

Accordingly, State Regulations No. 9 are hereby amended and pro-  
mulgated, effective December 1, 1950, to read as follows:

"STATE REGULATIONS NO. 9

"Plenary Winery Licenses and Retail Privileges

"Rule 1. Application for the privilege of selling wine at retail  
by the holder of or by an applicant for a plenary winery license must  
be filed with the Director at or before the first insertion of adver-  
tisement of Notice of Application therefor on forms, promulgated by  
the Director, accompanied by the prorated annual fee.

"Rule 2. Procedure prescribed in State Regulations No. 1 shall  
be followed so far as applicable and Notice of Application shall be  
published in whichever of the following forms is applicable:

"Form A: Where applicant applies only for the additional  
retail privilege

"TAKE NOTICE that \_\_\_\_\_  
(Name of Applicant)

trading as \_\_\_\_\_  
(Trade Name, if any)

holder of a plenary winery license for premises situated at  
\_\_\_\_\_  
(Number, Street and Municipality)

has applied to the Director of the Division of Alcoholic Beverage Control for the privilege of selling wine at retail on the licensed premises but only for consumption off the licensed premises.

"See below \*, \*\*, \*\*\*.

"Objections, if any, should be made immediately in writing to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.

\_\_\_\_\_  
(Name of Applicant)

\_\_\_\_\_  
(Address of Applicant)

"Form B: Where applicant applies simultaneously for a  
plenary winery license and the additional  
retail privilege

"TAKE NOTICE that \_\_\_\_\_  
(Name of Applicant)

trading as \_\_\_\_\_  
(Trade Name, if any)

has applied to the Director of the Division of Alcoholic Beverage Control for a plenary winery license for premises situated at

\_\_\_\_\_  
(Number, Street and Municipality)

and to maintain a warehouse at \_\_\_\_\_  
(Number, Street and Municipality)

and for the privilege of selling wine at retail at the premises situated at \_\_\_\_\_  
(Number, Street and Municipality)

but only for consumption off these premises.

"See below \*, \*\*, \*\*\*.

"Objections, if any, should be made immediately in writing to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.

\_\_\_\_\_  
(Name of Applicant)

\_\_\_\_\_  
(Address of Applicant)

"\*If applicant is a corporation, insert at this point the names and residences of all officers and all directors who have no other named office, and the names and residences of all stockholders holding more than ten per centum (10%) of any of the stock of said corporation.

"\*\*If applicant is a partnership, insert at this point the name of the partnership and the names and residences of all partners.

"\*\*\*If the application is for a building not yet constructed, insert at this point 'Plans and specifications of building to be constructed may be examined at the office of the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.'

"Rule 3. Within any statutory limitation of the number of plenary winery licenses as to which the privilege of selling wine at retail may be granted, prior consideration will be given to applicants for such privilege who are engaged in growing and cultivating grapes upon land owned by the applicant and having an area of not less than three acres.

"Rule 4. Whenever the holder of a plenary winery license is granted the privilege of selling wine at retail on the licensed premises, the license certificate shall thereupon be endorsed by the Director as follows, and no plenary winery licensee whose certificate does not bear such endorsement shall sell or deliver or allow, permit or suffer the sale or delivery of wine at retail upon the licensed premises:

'This license also permits the sale of wine at retail on the licensed premises for off-premises consumption.'

"Rule 5. No plenary winery licensee, even though having the privilege of selling wine at retail, shall sell or deliver or allow, permit or suffer the sale or delivery of any wine at retail unless such wine has been manufactured, blended, fortified or treated in New Jersey by such licensee and unless at least seventy-five per centum (75%) of the volume of such wine is derived from fresh grapes grown in New Jersey and unless the container in which such wine is sold is clearly and prominently labeled 'New Jersey Wine'.

"Rule 6. Unless the container in which the wine is sold shall bear a label approved pursuant to the provisions of the Federal Alcohol Administration Act, each plenary winery licensee having the privilege of selling wine at retail shall attach a label to each container in which wine is sold to consumers for off-premises consumption, which label shall bear, in addition to the requirements of Rule 5 hereof, the brand name, type, alcoholic content of the wine stated in per centum of alcohol by volume within an accuracy of one per cent, net contents of the container, and name and address of the licensee.

"Rule 7. No plenary winery licensee, even though having the privilege of selling wine at retail, shall engage in any such retail sale at any portion of the licensed premises other than that described in the application for license under the caption 'Location of premises in New Jersey to be licensed'.

"Rule 8. No plenary winery licensee, even though having the privilege of selling wine at retail, shall sell or deliver or allow, permit or suffer the sale or delivery of such wine at retail on Sunday, or before 9:00 a.m. or after 10:00 p.m. on any other day of the week.

"Rule 9. No plenary winery licensee shall allow, permit or suffer the consumption of wine on the licensed premises."

ERWIN B. HOCK  
Director.

Promulgated Monday, November 20, 1950.

Effective Friday, December 1, 1950.

Filed with the Secretary of State (N.J.) Monday, November 20, 1950.

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As pointed out in the Heading, State Regulations No. 9 have covered retail privileges under both plenary and limited winery licenses; and State Regulations No. 10 have been "Vacant". In the light of P.L. 1950, c. 340 and to avoid confusion as to regulations concerning the two license types, I am adopting distinct and separate regulations in the matter -- State Regulations No. 9 (hereinabove) concerning retail privileges under plenary winery licenses, and State Regulations No. 10 concerning retail privileges under limited winery licenses.

Accordingly, State Regulations No. 10 are hereby adopted and promulgated, effective December 1, 1950, to read as follows:

#### "STATE REGULATIONS NO. 10

##### "Limited Winery Licenses and Retail Privileges"

"Rule 1. Whenever the holder of a limited winery license qualifies for the privilege of selling wine at retail, the license certificate shall thereupon be endorsed by the Director as follows, and no limited winery licensee whose certificate does not bear such endorsement shall sell or deliver or allow, permit or suffer the sale or delivery of wine at retail:

"This license also permits sale at retail of naturally fermented wines manufactured only from fresh grapes or other fruit grown in New Jersey, to consumers for off-premises consumption."

"Rule 2. No limited winery licensee shall sell or deliver, or allow, permit or suffer the sale or delivery of any wine at retail unless the winery at which the wine is manufactured is located and constructed upon a tract of land owned exclusively by such licensee and unless said tract of land has an area of not less than three acres and has growing and under cultivation upon said land at least 1200 grape vines.

"Rule 3. No limited winery licensee shall sell or deliver, or allow, permit or suffer the sale or delivery of any wine at retail unless the wine is naturally fermented and is manufactured by the licensee only from fresh grapes or other fruit grown in New Jersey and unless the container in which such wine is sold is clearly and prominently labeled 'New Jersey Wine'.

"Rule 4. Unless the container in which the wine is sold shall bear a label approved pursuant to the provisions of the Federal Alcohol Administration Act, each limited winery licensee shall attach a label to each container in which wine is sold to consumers, which label shall bear, in addition to the requirements of Rule 3, the brand name, type, alcoholic content of the wine stated in per centum of alcohol by volume within an accuracy of one per cent, net contents of the container, and the name and address of the licensee.

"Rule 5. No limited winery licensee, even though qualified to sell wine at retail, shall engage in any such retail sale at any portion of the licensed premises other than that described in the application for license under the caption 'Location of premises in New Jersey to be licensed'.

"Rule 6. No limited winery licensee, even though qualified to sell wine at retail, shall sell or deliver, or allow, permit or suffer the sale or delivery of any wine at retail on Sunday, or before 9:00 a.m. or after 10:00 p.m. on any other day of the week.

"Rule 7. No limited winery licensee shall allow, permit or suffer the consumption of wine on the licensed premises."

ERWIN B. HOCK

Director.

Promulgated Monday, November 20, 1950.

Effective Friday, December 1, 1950.

Filed with the Secretary of State (N.J.) Monday, November 20, 1950.

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES  
(PROSTITUTION) - POSSESSING OBSCENE PHOTOGRAPHS - POSSESSING  
CONTRACEPTIVES - LICENSE REVOKED.

In the Matter of Disciplinary )  
Proceedings against )

ALEXANDER McCLOSKEY )

T/a ISLE OF CAPRI )

185 River Road )

North Arlington, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-15, issued by the )  
Borough Council of the Borough of )  
North Arlington. )

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Carl and William Abruzzese, Esqs., by Carl Abruzzese, Esq., Attorneys  
for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

- "1. On divers days from on or about October 5, 1948 to on or about June 30, 1950, you allowed, permitted and suffered known prostitutes in and upon your licensed premises; in violation of then effective Rule 4 of State Regulations No. 20.
- "2. On divers days from on or about July 1, 1950, to on or about September 27, 1950, you allowed, permitted and suffered prostitutes in and upon your licensed premises; in violation of Rule 4 of State Regulations No. 20.
- "3. On October 2, 1950, and prior thereto, you allowed, permitted and suffered in and upon your licensed premises and had in your possession, matter containing obscene, indecent, filthy, lewd, lascivious and disgusting pictures, viz., photographs of nude and semi-nude males and females in lewd and indecent poses; in violation of Rule 17 of State Regulations No. 20.
- "4. On October 2, 1950 and prior thereto, you possessed and allowed, permitted and suffered the distribution of contraceptives or contraceptive devices in and upon your licensed premises; in violation of Rule 9 of State Regulations No. 20."

Defendant has also pleaded non vult to the following charge except as to the following portions thereof, to wit: "procuring females for purposes of prostitution and solicitation for prostitution" and also as to "acts of perverted sexual relations", as to which parts of Charge 5 he enters no plea:

- "5. On divers days from on or about October 5, 1948 to on or about September 27, 1950, you allowed, permitted and suffered lewdness and immoral activities in and upon your licensed premises; viz.: procuring females for purposes of prostitution, solicitation for prostitution, maintenance of a place for the conduct of illicit sexual intercourse and for the making of arrangements for illicit sexual intercourse and acts of perverted sexual relations, permitting acts of illicit sexual intercourse, permitting the photographing of yourself and other males and females in lewd and indecent nude and semi-nude poses and exhibiting and displaying the aforementioned obscene, indecent, filthy, lewd, lascivious and disgusting photographs; all in violation of Rule 5 of State Regulations No. 20."

As to Charges 1 and 2: The file herein discloses that on September 27, 1950, FBI agents arrested Alexander McCloskey (the defendant), Joseph Logan (one of his bartenders) and William Luty on charges of violation of the White Slave Traffic Act. They also arrested seven females as material witnesses. Subsequently ABC agents secured statements from each of the seven females. In said statements six of the females admitted that, on numerous occasions during one or the other, or both, of the periods referred to in these charges, they had visited defendant's premises and, pursuant to arrangements made with male patrons in the presence of defendant or his bartender, had accompanied male patrons to cars parked in an adjoining lot for the purpose of having illicit sexual intercourse. They further stated that it was the practice of defendant to furnish them with contraceptives when they left the premises with a male patron. One of the females stated that she had been carrying on the aforesaid practice for about one and one-half years, and that on numerous occasions she had had illicit sexual intercourse with male patrons in the Ladies' Room or Cloak Room in defendant's premises.

As to Charges 3 and 4: On October 2, 1950, ABC agents visited defendant's premises and found in a safe a number of contraceptives and many photographs, seventeen of which are, to say the least, obscene, indecent, filthy, lewd, lascivious and disgusting. Significantly the defendant himself posed in some of these pictures.

I find defendant guilty as to Charges 1 to 4 inclusive.

As to Charge 5: The evidence recited above is sufficient to establish the guilt of defendant, without passing upon the portion thereof as to which defendant has entered no plea. Hence, I find defendant guilty as to Charge 5 except as to "procuring females for purposes of prostitution and solicitation for prostitution" and "acts of perverted sexual relations".

The only proper penalty is revocation of the license.

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

ORDERED that Plenary Retail Consumption License No. C-15, issued by the Borough Council of the Borough of North Arlington to Alexander McCloskey, t/a Isle of Capri, for premises 185 River Road, North Arlington, be and the same is hereby revoked, effective immediately.

ERWIN B. HOCK  
Director.

3. DISCIPLINARY PROCEEDINGS - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO APPLY FOR LIFTING OF SUSPENSION AFTER 90 DAYS IF LICENSE TRANSFERRED TO QUALIFIED PERSON.

In the Matter of Disciplinary  
Proceedings against

HELEN MONTEYNE  
1111 Madison Avenue  
Paterson 3, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump-  
tion License C-233, issued by the  
Board of Alcoholic Beverage Control  
of the City of Paterson.

Murner & Murner, Esqs., by James J. Murner, Jr., Attorneys for  
Defendant-licensee.  
William F. Wood, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) she concealed the interest of her husband, Romain Monteyne, by falsely answering Question 30 in her application, dated June 2, 1950, by which she originally secured her license, which question 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?", by answering "No", in violation of R.S. 33:1-25; and (2) from June 14, 1950 she knowingly aided and abetted



the said Romain Monteyne to exercise the rights and privileges of her successive licenses, in violation of R. S. 33:1-52.

The licensed business was purchased by moneys borrowed in part from the mother of Romain Monteyne and in part from an uncle of Helen Monteyne. Both Helen Monteyne and Romain Monteyne admit a joint financial interest in the business since June 14, 1950, the date the license was transferred to Helen Monteyne, pursuant to the purchase agreement and the consent of the municipal issuing authority. Said business has since that time been jointly operated by them for their joint interest.

It appears that the "front" situation was motivated by the fact that Romain Monteyne had been twice convicted of larceny and receiving involving the stealing of two automobiles. Romain Monteyne was, by reason thereof, disqualified to have any interest in a liquor license in this state since such convictions are the convictions of crimes involving moral turpitude. R. S. 33:1-25. Shortly after the investigation herein commenced and apparently because of said investigation, Romain Monteyne sought removal of his disqualification. The relief was denied. See Case No. 872, decided concurrently herewith. Therefore, Romain Monteyne remains disqualified as heretofore.

This illegal situation cannot continue. I must, therefore, suspend the license for the balance of its term. I shall, however, permit the business to be sold and the license transferred to a duly qualified person. If such transfer is approved by the local issuing authority, the transferee may petition me for an order reinstating the license; provided, however, that the license remains under suspension for the period of ninety days. Re Mascio, Bulletin 794, Item 14.

Accordingly, it is, on this 20th day of November, 1950,

ORDERED that Plenary Retail Consumption License C-233, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Helen Monteyne, for premises 1111 Madison Avenue, Paterson, be and the same is hereby suspended for the balance of its term, effective at 3:00 a.m. November 27, 1950; and it is further

ORDERED that if and when the license is transferred, subject to this suspension, by the local issuing authority, application may be made to me by the transferee to vacate the suspension herein imposed; provided, however, that in no event will the suspension be lifted until at least ninety (90) days have elapsed from the effective date of the suspension herein imposed.

ERWIN B. HOCK  
Director.

4. MORAL TURPITUDE - LARCENY AND RECEIVING.

DISQUALIFICATION - ENGAGING IN ALCOHOLIC BEVERAGE BUSINESS UNDER  
LICENSE GRANTED TO ANOTHER PERSON - APPLICATION TO LIFT DENIED.

In the Matter of an Application )  
to Remove Disqualification because )  
of a Conviction, Pursuant to R. S. )  
33:1-31.2. )

CONCLUSIONS  
AND ORDER

Case No. 872.  
-----)

BY THE DIRECTOR:

In February 1929, when petitioner was nearly 20 years of age, he was sentenced to an indeterminate term in the State Reformatory at Annandale, after pleading guilty to a charge of larceny and receiving (automobile). Paroled from the reformatory in January 1930, he was again, in September 1930, charged with larceny and receiving (automobile) and, upon his plea of guilty, sentenced to an indeterminate term in the State Reformatory at Rahway. In October 1931 he was again paroled. Since that time he has never been convicted of any crime or other violation of the law.

There can be no doubt that the crimes of larceny and receiving in the instant case, including as here the crime formerly designated "Grand Larceny", involve the element of moral turpitude. Re Case No. 551, Bulletin 728, Item 10. Petitioner is, therefore, disqualified from holding a liquor license, from having any interest therein, and from being employed by or connected in a business capacity with the holder of such a license.

In view of the lapse of 20 years, and the good character witnesses presented by petitioner, I would have little hesitancy in removing petitioner's disqualification, except for one incident: In June 1950, petitioner and his wife purchased a tavern business. The license was transferred to the wife upon her oath that no one, other than she, had any interest in the business. There can be no doubt that her statement was false. Clearly, the petitioner herein had, and still has, an interest in the licensed business. It is also clear that he was a party to the fraudulent misrepresentation. Cf. Re Monteyne, decided herewith.

Under these circumstances, I cannot find, as I must to give the petitioner the relief sought, that he has been law abiding for the last five years and that his connection with the liquor business would not be detrimental to the interest of the state. Cf. Re Case No. 724, Bulletin 841, Item 4; Re Case No. 601, Bulletin 779, Item 7.

I must deny the relief sought by the petitioner. Petitioner may apply again after June 1955, at which time his conduct since this time will be reviewed.

Accordingly, it is, on this 20th day of November, 1950,

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

ERWIN B. HOCK  
Director.

5. DISCIPLINARY PROCEEDINGS - SOLICITING BY TELEPHONE FROM HOUSE TO HOUSE THE PURCHASE OF ALCOHOLIC BEVERAGES - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

RALPH SAUL  
T/a CAROLINA GRILLE  
1221-23 Atlantic Avenue and  
3 & 5 N. So. Carolina Avenue  
Atlantic City, N.J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump-  
tion License C-118, issued by the  
Board of Commissioners of the City  
of Atlantic City.

Paul M. Salsburg, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he solicited from house to house the purchase of alcoholic beverages by telephone and allowed, permitted and suffered such solicitation, in violation of Rule 3 of State Regulations No. 20.

It appears that defendant, by his employee-manager, during a large part of the year 1949 and the first six or seven months of 1950, made telephone calls to various people in a nearby community, asking these persons if they desired to purchase any alcoholic beverages. Shortly before July 31, 1950, when advised that this practice was improper, it was discontinued. The defendant apparently was ignorant of the prohibition against telephone solicitation. However, ignorance of the law is no excuse.

Defendant has a prior record. Effective January 22, 1945 his license was suspended by the local issuing authority after a finding of guilt to a charge of "sales to minors". Such previous record, because of the lapse of time, will not be considered in aggravation of the present charge. I shall suspend the license for ten days. Remitting five days for the plea will leave a net suspension of five days.

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

ORDERED that Plenary Retail Consumption License C-118, issued by the Board of Commissioners of the City of Atlantic City to Ralph Saul, t/a Carolina Grille, for premises 1221-23 Atlantic Avenue and 3 & 5 N. So. Carolina Avenue, Atlantic City, be and the same is hereby suspended for a period of five (5) days, commencing at 7:00 a. m. October 30, 1950, and terminating at 7:00 a.m. November 4, 1950.

ERWIN B. HOCK  
Director.

6. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	)	
	)	
PIER HOTEL, INC.	)	
T/a PIER HOTEL	)	CONCLUSIONS
40-38 First Avenue	)	AND ORDER
Atlantic Highlands, N. J.,	)	
Holder of Plenary Retail Consumption License C-12, issued by the Borough Council of the Borough of Atlantic Highlands.	)	
-----)		
Defendant-licensee, by Marvin Hauser, President.		
Edward F. Ambrose, Esq., appearing for		Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it permitted a tap to be connected with a barrel of malt alcoholic beverages, which tap did not bear a marker truly indicating the name or brand of the manufacturer of such malt alcoholic beverages, in violation of Rule 26 of State Regulations No. 20.

On September 13, 1950, during the course of a routine inspection, an ABC agent entered the cellar of defendant's premises with Stephen V. Bodollo, manager and bartender, for the purpose of checking the beer attached to the various lines leading to defendant's bar. The room in which the beer kegs were located was locked, and the manager returned alone to the barroom for the key. When the door to the cellar room was opened, it was ascertained by the agent that a half-barrel of "Ballantine's" beer was attached to the spigot which had borne a "Schlitz" marker when the agent had previously examined the spigots in the barroom. The manager admitted that he had removed the "Schlitz" marker and replaced it with the "Ballantine" marker at the time he returned to the barroom for the key.

Defendant has no prior record. The violation is somewhat aggravated by the action of the manager in switching the markers during the course of the investigation. Ordinarily, the minimum suspension in similar cases, where no aggravating circumstances are present, is three days less one day in the event of a non vult or guilty plea. However, in view of the circumstances in the instant case, I shall suspend defendant's license for a period of ten days. Five days of the suspension will be remitted because of the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 8th day of November, 1950,

ORDERED that Plenary Retail Consumption License C-12, issued by the Borough Council of the Borough of Atlantic Highlands to Pier Hotel, Inc., t/a Pier Hotel, for premises 40-38 First Avenue, Atlantic Highlands, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. November 13, 1950, and terminating at 2:00 a.m. November 18, 1950.

ERWIN B. HOCK  
Director.

7. DISQUALIFICATION - GOOD CONDUCT FOR FIVE YEARS LAST PAST NOT SHOWN - APPLICATION TO LIFT DENIED.

In the Matter of an Application )  
to Remove Disqualification )  
because of a Conviction, Pursuant )  
to R. S. 33:1-31.2. )

CONCLUSIONS  
AND ORDER

Case No. 874.  
- - - - - )

BY THE DIRECTOR:

In February 1935, petitioner was sentenced by the Judge of a Special Sessions Court in New Jersey to probation for five years after a plea of non vult to a charge of "Burglary". Again, in December 1935, he was sentenced to an indeterminate term in the State Reformatory at Annandale, after pleading non vult to a charge of "Grand Larceny" (auto). Paroled in December 1936, he was returned to the State Reformatory in June 1941 for violating his parole and again released on parole in July 1941. His maximum sentence expired in December 1942. His only other convictions are a conviction in June 1942 for gambling under a local (city) ordinance, resulting in a fine of \$15.00, and a similar conviction on August 29, 1947, resulting in a fine of \$10.00.

It is clear that burglary and grand larceny (Re Case No. 327, Bulletin 612, Item 4) are crimes involving moral turpitude within the meaning of R. S. 33:1-25, 26.

A conviction of violation of a city ordinance has been held not to be the conviction of a crime within the purview of R. S. 33:1-25, 26. Re Case No. 249, Bulletin 303, Item 8. Nevertheless, it is unlawful conduct. Under the circumstances, I am unable to conclude that petitioner has conducted himself in a law-abiding manner for five years last past. R. S. 33:1-31.2. Cf. Re Case No. 51, Bulletin 308, Item 4.

The petition will be dismissed. Petitioner may file a new petition after August 29, 1952.

Accordingly, it is, on this 13th day of November, 1950,

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

ERWIN B. HOCK  
Director.

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

In the Matter of an Application)  
to Remove Disqualification  
because of a Conviction, )  
Pursuant to R. S. 33:1-31.2. )

CONCLUSIONS  
AND ORDER

Case No. 876.  
- - - - - )

BY THE DIRECTOR:

By order dated November 14, 1949, a prior petition filed by petitioner herein was dismissed because he had been employed in his wife's alcoholic beverage business in disregard of his existing disqualification. Re Case No. 799, Bulletin 860, Item 8. In said order, petitioner was given leave to file a new petition after October 14, 1950.

Petitioner testified herein that after he severed his employment in his wife's business in October 1949, he was unemployed until July 1950, when he secured his present employment as a longshoreman. He has no further record of conviction.

Three persons, a retired police sergeant, a factory worker and a businessman, all of whom live in petitioner's home city and have known him from ten to twenty years, testified that petitioner has been, during the past five years, a law-abiding person and that they know of no reason why his connection with the alcoholic beverage business would be detrimental to the interest of the state.

Upon the evidence presented herein, I shall grant the relief sought by petitioner in this proceeding.

Accordingly, it is, on this 13th day of November, 1950,

ORDERED that petitioner's statutory disqualification because of his conviction more than five years ago on a charge of receiving stolen goods (Bulletin 630, Item 4) be and the same is hereby removed, in accordance with the provisions of R. S. 33:1-31.2.

ERWIN B. HOCK  
Director.

## 9. DISQUALIFICATION - PREVIOUS PETITION DENIED -- APPLICATION HEREIN GRANTED.

In the Matter of an Application )	
to Remove Disqualification )	
because of a Conviction, )	CONCLUSIONS
Pursuant to R. S. 33:1-31.2. )	AND ORDER
Case No. 878.	
- - - - - )	

BY THE DIRECTOR:

By order dated October 21, 1949, I dismissed a petition in this matter because it appeared that petitioner in April 1947 had failed to disclose his conviction of a disqualifying crime in an application for a liquor license. See Case No. 791, Bulletin 858, Item 5. In the order aforementioned, petitioner was given leave to file a new petition after August 31, 1950.

After the aforesaid dismissal, petitioner disassociated himself from the alcoholic beverage business. At the hearing, he testified that he has been making a meager living on income from a small piece of real estate and by washing and waxing automobiles, but desires to return to a position in the liquor business.

Petitioner has no further record of criminal convictions.

Three neighbors who have known petitioner from fifteen to twenty years, testified that he bears a good reputation in his home community and that they know of no reason why he should not be in the alcoholic beverage business.

Upon the evidence presented herein, I shall grant the relief sought by petitioner in this proceeding.

Accordingly, it is, on this 13th day of November, 1950,

ORDERED that petitioner's statutory disqualification because of the conviction described in the order aforesaid be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

ERWIN B. HOCK  
Director.

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

In the Matter of Disciplinary )  
Proceedings against )

ALFRED E. SMITH )  
T/a SILVER DOLLAR COCKTAIL )  
BAR & RESTAURANT )  
9-17 Tompkins Street )  
West Orange, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License No. C-50, issued by )  
the Municipal Board of Alcoholic )  
Beverage Control of the Town of )  
West Orange. )

Ernest C. Gerardo, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on October 14, 1950, at about 12:30 a.m., Jacqueline ---, sixteen years of age, entered defendant's premises with a male companion who was of full age. After they had taken seats at the bar, Jacqueline --- ordered a drink of rum and coke from Joseph R. Lupton, a bartender in defendant's premises. While the drinks were being prepared, Jacqueline --- went to the ladies' room. In a statement given to ABC agents, her male companion admits that he told the bartender that the minor was twenty-two years of age when the bartender, in her absence, inquired as to her age. When Jacqueline --- returned to the bar, she consumed part of the drink of rum and coke which she had ordered.

Defendant contends that, before serving the drink, his bartender also examined a birth certificate, which allegedly was then in the possession of the minor, and indicated the year of her birth as "1928" instead of "1934". In any event, it is clear that defendant has not established a defense under the provisions of R. S. 33:1-77 because, admittedly, the minor did not falsely represent in writing that she was twenty-one years of age or over. The defendant is guilty as charged.

Defendant has no prior record. Because of the youthfulness of the minor, I shall suspend defendant's license for a period of twenty days. Remitting five days for the plea entered herein will leave a net suspension of fifteen days. Re Dante, Bulletin 771, Item 9.

Accordingly, it is, on this 17th day of November, 1950,

ORDERED that Plenary Retail Consumption License C-50, issued by the Municipal Board of Alcoholic Beverage Control of the Town of West Orange to Alfred E. Smith, t/a Silver Dollar Cocktail Bar & Restaurant, for premises 9-17 Tompkins Street, West Orange, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. November 21, 1950, and terminating at 2:00 a.m. December 6, 1950.

ERWIN B. HOCK  
Director.

New Jersey State Library



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

In the Matter of Disciplinary  
Proceedings against

CASA BLANCA COCKTAIL BAR, INC.  
1011 Broad St.  
Newark 2, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-377, issued to Casa Blanca  
Tavern, Inc. and transferred to Casa  
Blanca Cocktail Bar, Inc., on  
September 14, 1950, by the Municipal  
Board of Alcoholic Beverage Control  
of the City of Newark.

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold, served and delivered alcoholic beverages to minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on October 14, 1950, at about 8:00 p.m., Jacqueline ---, sixteen years of age, entered defendant's premises with her cousin, Mrs. Helen ---, nineteen years of age. While they sat at the bar, each consumed a glass of beer purchased by Helen and served by Edward Probrit, a bartender in defendant's premises. Subsequently two unidentified sailors purchased for each of the minors three glasses of beer, which were consumed by the minors after they had been served by the same bartender. No one in the licensed premises questioned the minors as to their respective ages.

Defendant has no prior record. It has only recently taken over operation of the licensed premises. It must take precautions to avoid further violations of any kind. Under all the circumstances, and considering the youthfulness of one of the minors, I shall suspend defendant's license for a period of twenty days. Remitting five days for the plea entered herein will leave a net suspension of fifteen days. Cf. Re Eucker, Bulletin 844, Item 6.

Accordingly, it is, on this 20th day of November, 1950,

ORDERED that Plenary Retail Consumption License C-377, issued to Casa Blanca Tavern, Inc., and transferred to Casa Blanca Cocktail Bar, Inc., by the Municipal Board of Alcoholic Beverage Control of the City of Newark, for premises 1011 Broad Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. November 27, 1950, and terminating at 2:00 a.m. December 12, 1950.

ERWIN B. HOCK  
Director.

12. STATE LICENSES - NEW APPLICATIONS FILED.

Coast Vintners, Inc.  
315 Clendenhy Avenue, Jersey City, N. J.  
Application for transfer of Plenary Winery License filed  
November 20, 1950.

Sidney Maislin, Sam Maislin, Alex Maislin, Noah Maislin, t/a Maislin Bros.  
456 Greenwich St., New York, New York.  
Application filed December 4, 1950 for Transportation License.

*Erwin B. Hock* Director.