

Mrs. Dora P. Rothschild

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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.

March 4, 1958.

BULLETIN 1210

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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.

March 4, 1958

BULLETIN 1210

1. APPELLATE DECISIONS - ALARIO AND CENTANNI v. NEWARK.

CHARLES A. ALARIO AND RALPH  
CENTANNI, t/a A & C LIQUORS,

Appellants,

v.

MUNICIPAL BOARD OF ALCOHOLIC  
BEVERAGE CONTROL OF THE CITY  
OF NEWARK,

Respondent.

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)  
) ON APPEAL  
) CONCLUSIONS AND ORDER  
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Joseph A. D'Alessio, Esq., Attorney for Appellants.  
Vincent P. Torppey, Esq., by James E. Abrams, Esq., Attorney  
for Respondent.

BY THE DIRECTOR:

This is an appeal from the action of respondent whereby on June 11, 1957, it denied appellants' application for transfer of plenary retail distribution license D-67 from Louis Rosenberg to appellants and from 949 Broad Street to 71 Seventh Avenue, Newark.

Appellants allege in substance that respondent's action was erroneous in that it was arbitrary and unsupported by the evidence.

Respondent denies appellants' allegation and contends that its determination was based upon the factual testimony adduced before it.

The transcript of the proceedings below (upon which respondent rests its case) was introduced in evidence pursuant to Rule 8 of State Regulation No. 15.

Appellants have complied with all the formal requirements pertaining to their application. The suitability of the premises sought to be licensed and the character and fitness of appellants are unquestioned. The sole question to be determined herein is whether or not respondent's action was reasonably supported by the evidence.

The record herein discloses that the proposed site to which transfer is sought is a drug store situated on the north side of Seventh Avenue across from a huge housing project erected along the south side of Seventh Avenue from Broadway to Factory Street (a distance of approximately 2,000 feet and running southerly beyond Eighth Avenue); that some 5,000 adults live in the project and as many more reside in the immediate area; that on the north side of Seventh Avenue between Broadway and Factory Street there are three plenary retail consumption licensed premises, one to the east and the others to the west of the proposed site, each being more than two hundred feet distant therefrom; that numerous

mercantile establishments are located on the north side of Seventh Avenue, and that the nearest retail distribution license is held by a druggist on Broadway about five blocks distant from the proposed site.

It appears from the transcript submitted in evidence that by a counting of hands an equal number of persons pro and con the transfer were present at the hearing below; that petitions favoring the transfer were submitted to respondent Board, and that eight witnesses were called -- four of whom testified against the granting of the transfer and four in favor thereof.

Considering the evidence adduced at the hearing below, it is obvious that the principal opposition to the transfer stems from economic factors and the purported harmful effect the transfer would have upon minors who should patronize a drug store wherein liquor is displayed.

Two of the four witnesses who opposed the transfer are out-of-town residents who conduct businesses on Seventh Avenue. One testified that "as a merchant in that area or neighborhood I am opposed to any more of the consumer dollar being made available for the purchasing of alcoholic beverages." The other testified that he appeared as a witness because he was asked to help one of the retail consumption licensees and because of his friendship for him. The other two opposition witnesses testified that they were opposed to the sale of liquor in a drug store. All four were of the opinion that the existing taverns in the vicinity are sufficient to accommodate the public.

The four witnesses who appeared on appellants' behalf at the hearing below and the eight who appeared at the hearing herein in favor of the transfer (all but two of whom are women) testified that there is a real need for a package goods store in the vicinity. The women testified as to the embarrassment to which they were subjected by male patrons of and loiterers around the existing taverns in the vicinity which induced them to travel considerable distances to purchase alcoholic beverages in package goods stores.

The fact that the transfer of a license may be contrary to the economic interests of other licensees or merchants in the vicinity is not a sufficient reason for a denial of the transfer. The test to be applied is the welfare of the community. Cf. Knast and Krause v. Camden et al., Bulletin 810, Item 2.

It is not contended that the transfer of the license in question will unduly increase the number of licensed premises in the vicinity. In fact, the evidence shows that, due to the erection of the housing project, the number of licensed establishments in the area has been considerably decreased.

Although there are three retail consumption licensed premises in the vicinity of the proposed site of transfer, it cannot be said that they satisfy in any substantial sense the purposes of a package goods store. As was said in Budd Lake Market, Inc. v. Mt. Olive, Bulletin 160, Item 6:

"A package goods license fills a need quite distinct from that supplied by a tavern, and it may well be an important matter of social convenience and necessity that such a license be granted. Sanford Drug Co. v. Maplewood, Bulletin 71, Item 6."

When the denial of the transfer is arbitrary or unreasonable,



charged with the following violations: (1) during June 1957 and prior thereto he furnished to various retailers a prohibited thing of value or other inducement, in that he engaged in and conducted a check-cashing service, in violation of Rule 3 of State Regulation No. 35; (2) in addition to the check-cashing service in which he was engaged, he aided and abetted unlicensed traffic in and sale of alcoholic beverages, in violation of Rule 13 of State Regulation No. 14; and (3) he aided and abetted a non-licensed person to solicit orders of alcoholic beverages from divers persons and arranged for the delivery of such alcoholic beverages through a licensed dealer, in violation of the terms of his solicitor's permit.

Defendant pleaded non vult to charges (1) and (2) and pleaded not guilty to charge (3).

Defendant was also ordered to show cause why his solicitor's permit No. 2957 (issued to him by the Director) should not be cancelled and declared null and void for the following reasons:

"During the aforesaid periods you engaged in conduct unbecoming a solicitor, which conduct included (1) engaging in and conducting a check-cashing service for various retailers and thereby making possible the surreptitious payment of cash kick-backs and over-extension of credit in violation of State Regulations Nos. 34 and 39 and (2) aiding and abetting unlicensed traffic in and sale of alcoholic beverages and aiding and abetting the sale of such beverages at less than the prices thereof listed in the then currently effective Minimum Consumer Resale Price List published by the Director of the Division of Alcoholic Beverage Control."

An examination of the file herein discloses that on a number of occasions persons would telephone to a former liquor licensee (whose license had been revoked by me) and place orders for alcoholic beverages; that the orders were delivered by a retail licensee and checks in payment therefor were drawn to one "J. Mack"; that such checks were subsequently cashed by defendant who endorsed the checks with the name "J. Mack" as well as "Mac Z.", a contraction of his name. Defendant has admitted that he cashed the checks in the matter stated. It is apparent that defendant was a willing party to the improper scheme which was uncovered after a thorough investigation by representatives of this Division.

I have carefully scrutinized the facts which resulted in the institution of charge (3) in this case. Although suspicious circumstances were disclosed that the defendant was involved in the transactions by aiding and abetting a non-licensee (namely the former liquor licensee above referred to) to solicit and arrange for delivery of orders of alcoholic beverages from divers persons through a licensed retailer, the evidence obtained is insufficient to find defendant guilty of said charge. Thus, charge (3) will be dismissed.

The instant case is one of novel impression. There is no doubt that the violations committed by the defendant are of a serious nature and warrant the imposition of a severe penalty. I realize that it is within my discretion to cancel the solicitor's permit in question at any time without notice or assignment of reason or cause. However, under the circumstances appearing herein, I have decided to suspend defendant's solicitor's permit for a period of sixty days. I might add that, if defendant or

any other holder of a solicitor's permit is hereafter adjudged guilty of violations similar to those committed in this case, the penalty will unquestionably be more severe.

In view of the suspension imposed herein, the order to show cause why defendant's solicitor's permit should not be cancelled will be discharged.

Accordingly, it is, on this 15th day of January 1958,

ORDERED that Unlimited Solicitor's Permit No. 2957, issued by the Director of the Division of Alcoholic Beverage Control to Mac Zimetbaum, 154 Old Indian Road, West Orange, be and the same is hereby suspended for sixty (60) days, commencing at 9:00 a.m., January 21, 1958 and terminating at 9:00 a.m., March 22, 1958.

WILLIAM HOWE DAVIS  
Director.

- 3. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - BRAWL - OBSCENE LANGUAGE - SALE TO WOMEN OVER BAR IN VIOLATION OF LOCAL REGULATION - PRIOR RECORD - LICENSE SUSPENDED FOR SIXTY DAYS LESS FIVE FOR PLEA.

In the Matter of Disciplinary Proceedings against )

EIGHTH WARD PROGRESSIVE REPUBLICAN CLUB )  
1700 South 7th Street )  
Camden, N. J. )

CONCLUSIONS AND ORDER

Holder of Club License CB-23, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. )

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Herman M. Bell, Jr., Esq., Attorney for Defendant-Licensee.  
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to the following charges:

- "1. On the night of Saturday, August 10, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to a person not a bona fide member of your club or a bona fide guest of any such member; in violation of Rule 8 of State Regulation No. 7.
- "2. On Sunday, August 11, 1957, you allowed, permitted and suffered in and upon your licensed premises a brawl, act of violence and disturbance; in violation of Rule 5 of State Regulation No. 20.
- "3. On Sunday, August 11, 1957, you allowed, permitted and suffered in and upon your

licensed premises foul, filthy and obscene language; in violation of Rule 5 of State Regulation No. 20.

- "4. On Sunday, August 11, 1957, you served women beverages directly over your bar; in violation of an ordinance adopted by the Board of Commissioners of the City of Camden on December 27, 1934, as amended on September 12, 1935."

The file herein discloses that on Saturday, August 10, 1957, about 11:50 p.m., an ABC agent entered the licensed premises and observed six females and four males drinking alcoholic beverages at the bar. The agent took a seat at the bar and ordered a bottle of beer. Herbert Hix, the bartender on duty, asked the agent if he had a membership card to which the agent answered in the negative. Hix informed Elmer Trusty, the steward of the club, of this fact and then, with the approval of Trusty, served a bottle of beer to the agent. At about midnight another ABC agent entered the premises at which time a fight was in progress between two men, one of whom was using a pen knife. During the course of this fight both men were directing vile and filthy names at each other. Neither Hix nor Trusty attempted to stop said combat or call the local police for assistance. After two patrons had removed the aggressor of said fight, the two agents (non-members) identified themselves to Hix and Trusty and informed them of aforesaid violations.

The defendant has an adjudicated record of three prior violations. Effective June 2, 1942, its license was suspended by the then Commissioner for ten days for an "hours" violation (Cf. Bulletin 514, Item 4); effective August 8, 1942 its license was revoked by the then Commissioner for (1) false statement in its license application and (2) for aiding and abetting a non-licensee to exercise the privileges of its license (Cf. Bulletin 524, Item 7); and effective November 8, 1954 its license was suspended by the Director for ten days for sale of alcoholic beverages to non-members (Cf. Bulletin 1038, Item 6). Since two of the aforesaid violations occurred more than ten years ago, they will not be considered in fixing the penalty herein. The minimum suspension for a sale by a club to non-members or bona fide guests of members is fifteen days. Re Morganville Independent Club, Bulletin 1199, Item 1. Because of the prior similar violation within the past five years, I shall suspend defendant's license for thirty days on Charge 1 (Re Pickwick Products, Inc., Bulletin 1196, Item 3) to which the following penalties will be added: fifteen days on Charge 2 (Re Hilfiker, Bulletin 1070, Item 10); ten days on charge 3 (Re Caridi's Bar Incorporated, Bulletin 1185, Item 3); and five days on Charge 4 (Re Caridi's Bar Incorporated, supra), making a total suspension of sixty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 20th day of January, 1958,

ORDERED that club license CB-23, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Eighth Ward Progressive Republican Club, for premises 1700 South 7th Street, Camden, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m., January 28, 1958, and terminating at 2:00 a.m., March 24, 1958.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - SALES TO INTOXICATED PERSONS - OBSCENE LANGUAGE - NUISANCE - LICENSE SUSPENDED FOR FORTY DAYS LESS FIVE FOR PLEA.

In the Matter of Disciplinary Proceedings against

JOHAR TAVERN, INC.  
113 Hudson Street  
Hoboken, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-114, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.

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Victor P. Mullica, Esq., Attorney for Defendant-licensee.  
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On the night of August 7 and early morning of August 8, and on August 14 and 21, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons actually or apparently intoxicated and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.
- "2. On the above dates, you allowed, permitted and suffered foul, filthy and obscene language and conduct in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.
- "3. On the above dates, you allowed, permitted and suffered your licensed place of business to be conducted in such a manner as to become a nuisance in that you allowed, permitted and suffered unescorted females frequenting your licensed premises to solicit male patrons for the purchase of drinks of alcoholic beverages, and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20."

The file herein discloses that on August 7, 1957 at about 11:20 p.m., three ABC agents entered defendant's tavern where a man called "Joe" was tending bar. Among the women present, one called "Murph", another called "Carol" and a third whose name was not ascertained, greeted male patrons as they entered and solicited the men to buy drinks for them, and also moved about the tavern soliciting drinks from male patrons. Murph was observed leaving the tavern with one of the men, returned in a few minutes and gave vent to a string of loud and filthy sexual expletives. The bartender called out "Hey, Murph, cut it out", to which she gave no heed. Carol interjected a similar filthy remark. The agents also observed alcoholic beverages being

purchased by various persons who they thought were intoxicated. The agents left without disclosing their identity.

Two of the above agents were again in the premises on August 14th at about 9:15 p.m. A man called "Harold" was tending bar. Carol (now also addressed as "Lola") and a woman called "Cynthia" (the third woman observed on their previous visit) and two other women called "Bobbie" and "Lee", respectively, were present. The agents observed these women soliciting drinks from male patrons and persons apparently intoxicated being served alcoholic beverages. They also heard the use of filthy language by patrons as on their first visit.

The same two agents returned to defendant's licensed premises on August 21st at about 9:15 p.m. Joe (Joseph Santo Salvo) was tending bar. Carol and Lee were present and were drinking alcoholic beverages purchased for them by male patrons, and foul, filthy and obscene language was being used by various patrons. The agents observed a man having difficulty finding his way to the rest room, staggering from side to side. He returned to the bar and finished his drink. At about 11:10 p.m., a man staggered into the premises and was served with two drinks of rum and coke. This man's hair was disheveled, he had difficulty in his speech, his eyes were glassy and on several occasions he rested his head on his hands on the bar. He also partially consumed a third drink which he purchased and was staggering out of the tavern when stopped by the agents at the front entrance. They returned with him to the tavern and there revealed their identity to Salvo.

Defendant has no prior adjudicated record. The alleged mitigating circumstances set forth by counsel for defendant when entering his plea, do not furnish any reason why the minimum penalty for the offenses should not be imposed. I shall suspend defendant's license for a period of forty days. Re Blanker, Bulletin 1107, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 20th day of January 1958,

ORDERED that plenary retail consumption license C-114, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Johar Tavern, Inc., for premises 113 Hudson Street, Hoboken, be and the same is hereby suspended for thirty-five (35) days, commencing at 2:00 a.m., January 27, 1958 and terminating at 2:00 a.m., March 3, 1958.

WILLIAM HOWE DAVIS  
Director.

5. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE  
SUSPENDED FOR TEN DAYS LESS FIVE FOR PLEA.

In the Matter of Disciplinary Proceedings against )

BLANCHE A. KOWNACKE )  
t/a Chews Landing Hotel )  
Old Black Horse Pike )  
Gloucester Township )  
PO Blackwood, New Jersey )

CONCLUSIONS  
AND ORDER

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

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Cahill and Wilinski, Esqs., by Robert Wilinski, 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 a charge alleging that she sold, served and delivered an alcoholic beverage to a minor and permitted the consumption of such beverage by said minor in and upon her licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that at about 10:30 p.m. Wednesday, October 23, 1957, ABC agents who were in defendant's licensed premises observed John Kownacke (son of the licensee herein) serve a "shot" of whiskey to Ronald --- (age 20) who consumed it immediately. The agents identified themselves and seized a partially consumed can of beer which had previously been served to Ronald and obtained from him a signed, sworn statement stating that Kownacke had served him without requiring any written proof of his age.

Defendant has no prior adjudicated record. I shall suspend her license for the minimum period of ten days (Re Country Manor, Inc., Bulletin 1191, Item 8). Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 15th day of January, 1958,

ORDERED that plenary retail consumption license C-6, issued by the Township Committee of the Township of Gloucester to Blanche A. Kownacke, t/a Chews Landing Hotel, for premises on Old Black Horse Pike, Gloucester Township, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. January 27, 1958, and terminating at 2 a.m. February 1, 1958.

WILLIAM HOWE DAVIS  
Director.

6. SEIZURE - FORFEITURE PROCEEDINGS - INTERSTATE TRANSPORTATION OF TAXPAID ALCOHOLIC BEVERAGES FOR PERSONAL CONSUMPTION - MOTOR VEHICLE RETURNED TO TRANSPORTER WHO ACTED IN GOOD FAITH - OWNERS OF ALCOHOLIC BEVERAGES TO OBTAIN NECESSARY PERMIT FROM NEIGHBORING STATE, ELSE ALCOHOLIC BEVERAGES FORFEITED.

In the Matter of the Seizure on August 10, 1957 of a quantity of alcoholic beverages and a Ford sedan on the northbound lane of the New Jersey Turnpike at the 68 Mile Post in the Township of Cranbury, County of Middlesex and State of New Jersey. ) Case No. 9541 ) ON HEARING ) CONCLUSIONS AND ORDER

Nelson F. Stamler, Esq., Attorney for Dominick Scolaro, Angelo Arico and Dominick Arico. Milton S. Kramer, Esq., Attorney for Associates Discount 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 a quantity of taxpaid alcoholic beverages, and a Ford sedan, described in a schedule attached hereto, seized on August 10, 1957 at the 68 Mile Post, New Jersey Turnpike, Cranbury Township, New Jersey, constitute unlawful property and should be forfeited.

The evidence presented establishes that a New Jersey State Trooper halted the Ford sedan on the above date and location during his routine patrol of traffic on the highway. He ascertained that the motor vehicle was being operated by its owner, Dominick Scolaro, with Angelo Arico and Dominick Arico as passengers, all of whom reside in New York. When the trooper discovered that 125 bottles of various brands of taxpaid alcoholic beverages were being transported in the vehicle without a transportation license or permit issued by the Division authorizing the transportation of such alcoholic beverages in New Jersey, he detained the three men, the motor vehicle and alcoholic beverages pending determination of the source and destination of such beverages. Thereafter the motor vehicle and alcoholic beverages were turned over to ABC agents.

When the matter came on for hearing pursuant to R.S. 33:1-66, Dominick Scolaro appeared and sought return of the motor vehicle and a specific part of such alcoholic beverages; Angelo Arico appeared and sought return of another portion of the beverages; and Dominick Arico appeared and sought return of the balance of the alcoholic beverages. An appearance was also entered for Associates Discount Corporation, which sought recognition of its alleged lien on the Ford sedan.

The evidence presented by the occupants of the car is that Scolaro and his two friends, the Arico brothers, drove to Washington mainly to purchase alcoholic beverages there. They had in their possession four individual bills for the whiskey, two to Dominick J. Scolaro in the amount of \$191.76 and \$247.36, another to Angelo J. Arico in the amount of \$171.36 and the other to Dominick Arico

in the amount of \$93.59.

If the whiskey so purchased was for the individual consumption of each of these persons, until recently they could be lawfully imported into New York, and thus the transportation of such whiskey would be lawful and in full compliance with Rule 2 of State Regulation No. 18 governing transportation of alcoholic beverages through this state. Seizure Case No. 9461, Bulletin 1185, Item 4. However, we have now been advised by the New York State Liquor Authority that no such importation is permitted even by persons who are passengers in the vehicle transporting the liquor except, that in a proper case and upon payment of state tax it will issue an appropriate permit authorizing such importation.

Angelo Arico testified that he is 46 years of age, married, employed as a machinist by Republic Aviation for the past four years, earns about \$500.00 a month with overtime, and previously was employed by Fairchild Guided Missiles; that the joint income of his wife and himself last year was \$7000.00; that he owns his own home, and has over \$1000.00 in the bank; and that he purchased the whiskey for his personal use.

Dominick Arico testified that he is 56 years of age, married, is employed by the Long Island Railroad as a general repairman, earns \$75.00 a week and owns his own home, and that he purchased the whiskey for his personal use.

Dominick Scolaro testified that he is 35 years of age, married, has been employed as a car repairman by the Long Island Railroad for the past 15 years, earns about \$75.00 a week, in addition to holding a part-time job as porter in a supermarket, and purchased four cases of whiskey, amounting to \$191.76 for his brother-in-law who resides in Buffalo, New York, who advanced the money therefor, and the balance of the whiskey purchased by him was for personal use.

The whiskey purchased by Scolaro for his brother-in-law may not be imported into New York under any circumstances. Seizure Case No. 9461, supra.

The evidence presented indicates that the three men acted in good faith and actually intended to purchase the alcoholic beverages for their own use and not for resale. Their account of the purchase and ultimate use of the alcoholic beverages appears to be logical; the quantity purchased does not appear to be excessive considering their economic circumstances, and none of these men have any criminal record for violating any liquor laws, nor does their background indicate any such tendency on the part of any of them.

The Ford sedan will therefore be returned to Dominick Scolaro. Under the circumstances, it is not necessary to determine the amount and validity of the lien of the finance company since it can pursue whatever remedy it has in direct proceedings.

Accordingly, it is DETERMINED and ORDERED that if on or before the 17th day of January, 1958, the costs incurred in the seizure and storage of the motor vehicle are paid, the Ford sedan, described in Schedule "A" attached hereto, will be returned to Dominick Scolaro, and it is further

DETERMINED and ORDERED that unless a permit from the Liquor Authority of New York State and a receipt for state taxes from the Commodities Tax Bureau of the New York State Department of Taxation and Finance is presented by Dominick Scolaro, Angelo Arico and

Dominick Arico within 30 days from the date of this Order, permitting the importation into that state by each of them of their specific alcoholic beverages or a portion thereof, the alcoholic beverages listed in the aforesaid Schedule "A" will be disposed of in accordance with the provisions of R.S. 33:1-66, as forfeited property, and will 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 Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS  
Director

Dated: January 7, 1958

SCHEDULE "A"

- 110 - quart bottles of whiskey
- 5 - one-half gallons of whiskey
- 1 - one pint bottle of whiskey
- 1 - one-half pint bottle of whiskey
- 6 - 4/5 quarts of brandy
- 2 - 4/5 quarts of brandy
- 1 - Ford sedan, Serial and Engine No. A5SG146422, N. Y. Registration SQ5434

7. DISCIPLINARY PROCEEDINGS - TRANSPORTATION WITHOUT REQUISITE INVOICE - TRANSPORTATION IN VEHICLE NOT BEARING INSIGNIA - LICENSE SUSPENDED FOR FIFTEEN DAYS LESS FIVE FOR PLEA.

In the Matter of Disciplinary Proceedings against )

JOHN FRANKLIN BOWNE, t/a The bottle Shop, 1400 Third Ave., Spring Lake, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-3 issued by the Borough Council of the Borough of Spring Lake. )

Green and Yanoff, Esq., by H. Kermit Green, 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 December 11, 1957, you delivered and transported alcoholic beverages in a vehicle without the driver thereof having in his possession a requisite, bona-fide, authentic and accurate delivery slip, invoice, manifest, waybill or similar document; in violation of Rule 3 of State Regulation No. 17.
- "2. On December 11, 1957, you transported alcoholic beverages in a vehicle having no transit insignia affixed thereto or inscription painted thereon as provided in Rule 12 of State Regulation No. 17; in violation of Rule 2 of State Regulation No. 17."

The file herein discloses that on December 11, 1957, a New Jersey State Trooper stopped a 1953 Buick automobile on the Garden State Parkway because the vehicle appeared to be overloaded. Subsequent investigation disclosed that the automobile, which bore no transit insignia, is owned by defendant and was being driven by Joseph H. Miller who is employed by defendant. The driver had two invoices in his possession but they did not bear the address of the purchaser or the size of the container of each item of alcoholic beverages being transported in the automobile. ABC agents who conducted an investigation as the result of the information received from the New Jersey State Police obtained a statement from defendant in which he admitted that the invoices did not contain the address of the purchaser or the size of the items. Defendant also stated that he has no transit insignia for the Buick but that he has one for a Ford which was then being repaired.

Defendant has no prior record. I shall suspend defendant's license for fifteen days which is the minimum penalty in cases of this kind (Re Club 149, Inc., Bulletin 1157, Item 6). Five days will be remitted for the plea, making a net suspension of ten days.

Accordingly, it is, on this 15th day of January 1958,

ORDERED that plenary retail distribution license D-3, issued by the Borough Council of the Borough of Spring Lake to John Franklin Bowne, t/a The Bottle Shop, for premises 1400 Third Avenue, Spring Lake, be and the same is hereby suspended for ten (10) days, commencing at 9 a.m. January 20, 1958, and terminating at 9 a.m. January 30, 1958.

WILLIAM HOWE DAVIS  
Director

8. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR TWENTY-FIVE DAYS LESS FIVE FOR PLEA.

In the Matter of Disciplinary Proceedings against  
HARDEMAL, INC.  
t/a Beach Club  
9100 Atlantic Avenue  
Margate City, New Jersey  
Holder of Plenary Retail Consumption License C-6, issued by the Board of Commissioners of the City of Margate City.

CONCLUSIONS  
AND ORDER

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Elias G. Naame, Esq., Attorney for Defendant-Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"During the early morning hours of Sunday, November 24, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons

under the age of twenty-one (21) years, viz., Joseph ---, age 17, Kenneth ---, age 19, Thomas ---, age 19 and Frederick ---, age 20, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

The file herein discloses that at about 3:00 a.m. on November 24, 1957, while on routine patrol, a municipal police officer observed four young men drinking beer in defendant's licensed premises. As a result of questioning the youths, it was learned that one youth was 17 years of age, two 19 years of age and one 20 years of age, respectively. The minors subsequently gave statements to ABC agents to the effect that each was served several glasses of beer during the time they had spent in defendant's establishment.

Defendant in attempted mitigation of penalty, contents that at the request of the bartender prior to service of beer to him, the 17-year-old minor produced a photostatic copy of a birth certificate of another person which indicated said person to be 21 years of age. Defendant further contended that during the first week in October 1957, the other three minors had displayed documentary proof to the same bartender on duty on the morning in question that each was 21 years of age. It appears from statements taken from the same minors, with the exception of the 17-year-old, that they deny that at any time on prior visits they were questioned concerning their respective ages. With reference to the 17-year-old minor, he admitted in a statement given to the ABC agents, that he produced a "card" showing the person to whom it referred to be 21 years of age, but was not asked to sign anything before being served beer. Under the facts herein, there appears no mitigating circumstances which might warrant less than the usual penalty to be imposed in a matter of this kind.

Defendant has no prior adjudicated record. Considering the fact that one of the minors was only 17 years of age, and that alcoholic beverages were served to four minors, I shall suspend defendant's license for twenty-five days (Re Supel, Bulletin 1187, Item 5). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 21st day of January, 1958,

ORDERED that plenary retail consumption license C-6, issued by the Board of Commissioners of the City of Margate City to Hardemal, Inc., t/a Beach Club, for premises 9100 Atlantic Avenue, Margate City, be and the same is hereby suspended for twenty (20) days, commencing at 4:00 a.m., January 28, 1958, and terminating at 4:00 a.m., February 17, 1958.

WILLIAM HOWE DAVIS  
Director.

9. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR THIRTY DAYS LESS FIVE FOR PLEA.

In the Matter of Disciplinary Proceedings against )

MILDRED MIKULAS AND MARTIN MIKULAS )  
t/a Swedish Hop )  
10 East Ocean Avenue )  
Sea Bright, New Jersey )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Mayor and Council of the Borough of Sea Bright. )

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Mildred Mikulas and Martin Mikulas, Defendant-licensees, by Martin Mikulas, a partner.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendants pleaded non vult to the following charge:

"You sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Diane ---, age 17, on December 20 and 24, 1957 and Joseph ---, age 18, on December 24, 1957 and allowed, permitted and suffered the consumption of alcoholic beverages by said Joseph ---, in and upon your licensed premises on said date of December 24, 1957; in violation of Rule 1 of State Regulation No. 20."

The file herein discloses that ABC agents, acting on information received from the Rumson Police Department, obtained sworn, written statements dated December 27, 1957 from Diane --- (age 17) and five other minors, and one dated December 30, 1957 from Joseph --- (age 18). From these statements it appears that on Tuesday, December 24, 1957 between 12:15 a.m. and 12:30 a.m., the aforesaid minors (exclusive of Joseph) drove to a parking lot in front of defendants' licensed premises; that Diane alone entered the licensed premises and, without being required to make any written representation of her age, purchased eight quart containers of beer from Martin Mikulas, licensee, acting as bartender; that she paid him for said beer with money contributed by her minor companions; that Joseph, an acquaintance of Diane, was on the premises at the time and he carried the containers of beer to the parked automobile for her. It further appears that on Friday, December 20, 1957, at about 11:00 p.m., Diane had been to the licensed premises and purchased from an unidentified bartender four or five quart containers of beer under circumstances similar to those hereinabove set forth.

Joseph also states that on Tuesday, December 24, 1957, between 12:20 and 1:00 a.m., he was on the defendants' licensed premises and, without being required to make any written representation as to his age, consumed three glasses of beer served to him by Martin Mikulas, licensee, acting as bartender.

The file further discloses that on December 31, 1957,

Joseph identified the licensed premises as the place where, on December 24, 1957, Diane and he purchased aforementioned beer and pointed out Martin Mikulas as the person who sold them the beer. On December 27, 1957, Diane and her companions directed ABC agents to the licensed premises and identified it as the tavern where Diane obtained the four or five quart containers of beer on December 20, 1957 and the eight quart containers of beer on December 24, 1957.

The defendants have no prior adjudicated record. The minimum penalty for an unaggravated sale of alcoholic beverages to a 17-year-old minor is twenty days. Re Arnts, Bulletin 1183, Item 8. Ordinarily, five days would be added for the quantity of alcoholic beverages involved. Cf. Re Polato, Bulletin 1145, Item 11, but the circumstances of this case warrant the imposition of an additional ten days, making a total suspension of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 21st day of January 1958,

ORDERED that Plenary Retail Consumption License C-3, issued by the Mayor and Council of the Borough of Sea Bright to Mildred Mikulas and Martin Mikulas, t/a Swedish Hop, for premises 10 East Ocean Avenue, Sea Bright, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m., January 27, 1958 and terminating at 2:00 a.m., February 21, 1958.

  
William Howe Davis  
Director