

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark, 2, N. J.

BULLETIN 667.

MAY 18, 1945.

1. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR A PERIOD OF 10 DAYS.

In the Matter of Disciplinary Proceedings against

WILLIAM KLIMOVICH
523 Boulevard
Bayonne, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-46 issued by the Board of Commissioners of the City of Bayonne.

William Klimovich, Defendant-licensee, Pro se.
Edward E. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded guilty to the following charge:

"On April 9, 1945 you possessed illicit alcoholic beverages at your licensed premises, viz., one 4/5 quart bottle labeled 'Golden Wedding Blended Whiskey', one 4/5 quart bottle labeled 'Wilson "That's All" Blended Whiskey', and two 4/5 quart bottles labeled 'Three Feathers Whiskey Reserve', all of which bottles contained alcoholic beverages not genuine as labeled; such possession being in violation of R. S. 33:1-50."

On April 9, 1945 an investigator of the Department of Alcoholic Beverage Control seized four bottles of whiskey when preliminary tests thereof indicated a variation in solid content for those particular brands of liquor. Subsequent analysis of the liquor by the Departmental chemist disclosed that the contents of the bottles seized were not genuine as labeled.

Defendant disclaimed any knowledge of the refills. None the less, a licensee must be held strictly accountable for any "refills" found in his stock of liquor. Cf. Re Kurian, Bulletin 517, Item 2.

Since the defendant's record is otherwise clear and there are no aggravating circumstances attending the instant violation, I shall suspend his license for a period of ten days. See Re Fuhrer, Bulletin 551, Item 5.

Accordingly, it is, on this 7th day of May, 1945,

ORDERED, that Plenary Retail Consumption License C-46, issued by the Board of Commissioners of the City of Bayonne to William Klimovich for premises 523 Boulevard, Bayonne, be and the same is hereby suspended for ten (10) days, commencing at 12:01 a.m. May 14, 1945, and terminating at 12:01 a.m. May 24, 1945.

ALFRED E. DRISCOLL
Commissioner.

2. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PREVIOUS RECORD - LICENSE SUSPENDED FOR A PERIOD OF 20 DAYS.

In the Matter of Disciplinary Proceedings against)
 MICHAEL BUFIS)
 T/a VICTORIA BAR)
 Route 6)
 Lodi, N. J.,)
 Holder of Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Lodi.)
 -----)

CONCLUSIONS AND ORDER

George R. Sommer, Esq., Attorney for Defendant-licensee.
 Harry Castelbaum, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee pleaded non vult to the charge that on March 21, 1945 he possessed, at his premises, a 4/5 quart bottle labeled "Wilson 'That's All' Blended Whiskey" and a 4/5 quart bottle labeled "Calvert Reserve Blended Whiskey", which bottles contained alcoholic beverages not genuine as labeled; such possession being in violation of R. S. 33:1-50.

The Departmental file discloses that on March 21, 1945 a Federal agent tested fourteen opened bottles at the premises of the defendant and found that the two bottles mentioned in the charge appeared to be not genuine as labeled. Subsequent analysis by the Federal chemist indicated that the contents of these bottles differed substantially from the authentic samples in proof and amounts of solids and acids.

Defendant has a previous adjudicated record. His license was suspended by the local issuing authority for four days, effective May 4, 1942, as a result of being found guilty of permitting female employees to accept drinks at the expense of customers, permitting lewdness upon the licensed premises and selling of alcoholic beverages during prohibited hours.

Under all the circumstances, I shall suspend defendant's license for twenty days.

Accordingly, it is, on this 7th day of May, 1945,

ORDERED, that Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Lodi to Michael Bufis, t/a Victoria Bar, for premises Route 6, Lodi, be and the same is hereby suspended for twenty (20) days, commencing at 12:01 a.m. May 11, 1945, and terminating at 12:01 a.m. May 31, 1945.

ALFRED E. DRISCOLL
 Commissioner.

3. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT, IN VIOLATION OF R.S.33:1-25 -- AIDING AND ABETTING NON-LICENSEE (DISQUALIFIED BY CRIMINAL RECORD) TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - LICENSE SUSPENDED FOR THE BALANCE OF ITS TERM. IN THE EVENT THAT THE ILLEGAL SITUATION IS CORRECTED BY TRANSFER OF LICENSE TO A QUALIFIED PERSON, THE PREMISES MAY BE REOPENED UPON THE EXPIRATION OF A 90-DAY SUSPENSION PERIOD.

In the Matter of Disciplinary Proceedings against)
)
 GEORGE W. DeBOLT)
 T/a MASONVILLE INN)
 NE/S Marne Highway)
 Masonville, Mt. Laurel Township)
 P. O. Masonville, N. J.,)
)
 Holder of Plenary Retail Consumption License C-4 issued by the Township Committee of the Township of Mt. Laurel.)
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CONCLUSIONS
 AND ORDER

Worth and Worth, Esqs., by Herbert L. Worth, Esq.,
 Attorneys for Defendant-licensee.
 Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Licensee pleads non vult to the following charges:

"1. In your application, filed with the Township Committee of the Township of Mt. Laurel and upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question 30, which asks: 'Has any individual....other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?', whereas in truth and fact John Dewey Forbes had such interest in the license and in the business; such false statement being in violation of R. S. 33:1-25.

"2. From November 1, 1944 until the present time, you knowingly aided and abetted John Dewey Forbes to exercise, contrary to R. S. 33:1-26, the rights and privileges of your plenary retail consumption license, thereby yourself violating R. S. 33:1-52."

The file herein discloses that DeBolt had been working for Forbes. DeBolt states that, when he first heard that the business conducted at the licensed premises was for sale, he went to Forbes for financial help. Forbes agreed to advance the money but, in order to protect his loan, had the bill of sale for the business executed to him and, in addition, leased the premises in his own name, paid the attorney's fee from his own personal funds and paid the rent, gas and electric light bills.

Forbes was ineligible to receive a license because of a criminal record, and one of the attorneys who handled the purchase

of the business stated that an inquiry had been made by him of the municipal officials and he was advised that Forbes, because of his record, could not receive a license. Forbes, however, states that he had never planned to have the license issued to him and that DeBolt was the real purchaser. DeBolt insists that the business was always his and that, on two occasions prior to the investigation, he had made payments to Forbes on account of the loan in the total amount of \$700.00.

It is apparent that, regardless of the above statements, DeBolt was simply operating the licensed premises for Forbes, who was ineligible to receive a license. Both parties now claim that the situation has been corrected by the execution of a bill of sale from Forbes to DeBolt, the execution by the owner of the premises to DeBolt of a lease of the licensed premises for one year, and the further execution of a \$500.00 note by DeBolt to Forbes, representing the balance due on the original loan.

In Re Morrison, Bulletin 652, Item 1, I reiterated the policy previously laid down that in "front" cases created or continuing after June 1, 1942, a penalty of either outright revocation or a suspension that would adequately punish the violator would be imposed. In "front" cases where the real party in interest is disqualified from holding a license because of a criminal record, I have consistently imposed a minimum suspension of ninety days. Re Figone, Bulletin 630, Item 13. This case calls for the imposition of a similar penalty.

There may be some question as to whether the "front" situation has actually been corrected. Inasmuch as the ninety-day suspension to be imposed will run past the expiration date of the present license, I shall suspend the present license for the remainder of its term. If the present license is to be renewed by the municipality, I shall expect the municipal authorities to make certain that DeBolt is the actual owner before renewing the license. If the license is renewed or issued to any other person for the premises in question for the fiscal year 1945-46, such license shall remain subject to this suspension until the full ninety-day suspension period shall have expired.

Accordingly, it is, on this 7th day of May, 1945,

ORDERED, that Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Mt. Laurel to George W. DeBolt, t/a Masonville Inn, for premises NE/S Marne Highway, Masonville, Mt. Laurel Township, be and the same is hereby suspended for the balance of its term, effective at 12:01 a.m. May 12, 1945; and it is further

ORDERED, that any further license issued for the fiscal year 1945-46 for the premises in question to defendant, or to any other person, shall be subject to said suspension until 12:01 a.m. August 10, 1945.

ALFRED E. DRISCOLL
Commissioner.

4. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR (REFILLS) - LICENSE SUSPENDED FOR A PERIOD OF 30 DAYS.

In the Matter of Disciplinary Proceedings against)

JULIUS SHABLESKI)
T/a BLUE BIRD INN)
59 St. George Avenue)
Woodbridge Township)
P.O. Rahway, RFD 1, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-48 issued by the Township Committee of Woodbridge Township.)
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Julius Shableski, Defendant-licensee, Pro se.
Gaylord R. Hawkins, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant has pleaded guilty to a charge alleging that he possessed eleven bottles of alcoholic beverages, the contents of each of which were not genuine as labeled.

On March 16, 1945 the defendant's entire open stock of liquor consisted of eighteen assorted bottles. The more popular of these brands of liquor, eleven in number and variously labeled, were found to vary substantially in acid, solid and color content from genuine samples of the same products.

Immediately upon the discovery of the violation by an ABC agent, the defendant admitted, in writing, that he had refilled each of the eleven bottles with Gold Coin Whiskey. He frankly stated that the current shortage of the better known brands of liquor had impelled him to refill them with Gold Coin Whiskey, a comparatively slow-moving item.

In a recent case involving similar refills of eight bottles, I imposed a thirty-day suspension. Re Mitchell, Bulletin 665, Item 8. The same penalty will be given in this case. I note that in April 1938 the defendant received a warning concerning one bottle of off proof liquor. The suspension herein will, nevertheless, not be increased thereby, in view of the intervening period of more than seven years, during all of which time the defendant's record has been otherwise clear of any infraction.

Accordingly, it is, on this 10th day of May, 1945,

ORDERED, that Plenary Retail Consumption License C-48, issued by the Township Committee of Woodbridge Township to Julius Shableski, t/a Blue Bird Inn, for premises 59 St. George Avenue, Woodbridge Township, be and the same is hereby suspended for a period of thirty (30) days, commencing at 2:00 a.m. May 16, 1945, and terminating at 2:00 a.m. June 15, 1945.

ALFRED E. DRISCOLL
Commissioner.

5. DISCIPLINARY PROCEEDINGS - PURCHASE OF ALCOHOLIC BEVERAGES BY RETAIL LICENSEE OTHER THAN FROM NEW JERSEY MANUFACTURER OR WHOLESALE, IN VIOLATION OF RULE 15 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR A PERIOD OF 15 DAYS, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against)

CONSTANTINE BORODUNOVICH)
T/a MILLHURST TAVERN)
Star Route)
Manalapan Township)
P. O. Freehold, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Manalapan.)
-----)

Constantine Borodunovich, Defendant-licensee, Pro se.
Harry Castelbaum, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant has pleaded guilty to charges that (1) during December 1944, without authority of special permit, he purchased alcoholic beverages from a non-licensee for resale in his business and (2) during February 1945 he likewise purchased alcoholic beverages for a like purpose from another holder of a retail license; each purchase being in violation of State Regulations No. 20, Rule 15.

During the course of a retail inspection, investigators of the State Department of Alcoholic Beverage Control discovered two bottles containing alcoholic beverages, i.e., "Scotch Whiskey", on defendant's premises. No invoice for this whiskey could be produced. Defendant's wife, Mary Borodunovich, who acts as barmaid and manager of the business, after questioning by the agents, admitted that she purchased the whiskey from a non-licensee for resale in the defendant's tavern.

The first bottle was purchased from William E. Perry, an employee of another retail licensee. Perry appears to have stolen the liquor from his employer. There is nothing in the record indicating that either the licensee or his wife had any knowledge of this fact.

The other bottle was purchased by defendant's wife from a retail licensee in Freehold. There is no indication that this retail licensee knew that the whiskey was being purchased for resale.

Apparently, the whiskey was purchased because of the defendant's inability to secure "Scotch" through normal wholesale channels.

The defendant seeks to minimize the violation by alleging that he knew nothing of the illegal purchase and, by alleging further, that his wife did not know that she was violating the law. Mary, the wife, in answer to the question, "Do you know that you can buy from licensed wholesalers only?", answered, "I should know." It appears that part of the questioned "Scotch" had been in the defendant's tavern for three months and part for one month. In view of the shortage of "Scotch" I believe that defendant must have known

about its illegal purchase. In any event, the master is responsible for the acts of his employees and the conduct of his licensed premises regardless of his personal innocence. Re Tumen, Bulletin 316, Item 8.

It would appear that defendant has no adjudicated record of violations since 1938. At that time his license was suspended for 20 days for "sale on Sunday." In view of the length of time during which defendant has apparently obeyed all the laws and regulations, I shall not consider the 1938 conviction as an aggravating circumstance. Re Rutherford Food Shop, Inc., Bulletin 666, Item 1. I shall suspend the license for fifteen days and remit five days thereof because of the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 10th day of May, 1945,

ORDERED, that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Manalapan to Constantine Borodunovich, t/a Millhurst Tavern, for premises on Star Route, Manalapan Township, be and the same is hereby suspended for a period of ten (10) days, commencing at 1:00 a.m. May 15, 1945, and terminating at 1:00 a.m. May 25, 1945.

ALFRED E. DRISCOLL
Commissioner.

6. DISCIPLINARY PROCEEDINGS - NOT BARRED OR ABATED BY ABROGATION OF STATE REGULATIONS NO. 40.

May 10, 1945

Although State Regulations No. 40 were abrogated by me yesterday, May 9, 1945, immediately on announcement that the Federal Government had lifted its midnight curfew, nevertheless all curfew violations pending at the time of the abrogation shall be fully prosecuted to the end that appropriate penalty be imposed.

Rescinding the Regulations was not intended to act, and in fairness should not act, as a bar or abatement of disciplinary proceedings for violations which had occurred theretofore. On abrogation of any of his regulations, the State Commissioner has power to determine whether then existing violations shall still call for penalty, and I have so determined in this matter.

Outright chiselers on the midnight curfew should not gain exemption merely because, fortuitously, a stage in the war had been reached which allowed for the lifting of the curfew. Their violations should properly be judged in the light of the time when committed. Cf. Re Joseph H. Reinfeld, Bulletin 601, Item 1. The overwhelming number of patriotic licensees who scrupulously adhered to the curfew are entitled to know that those few who competed unfairly with them by violating the curfew are being brought to full account. The public, which rightly expects its licensees to be impressed with the necessity of complying with the liquor laws and regulations, is entitled to an enforcement backstopping that expectation.

ALFRED E. DRISCOLL,
Commissioner.

7. DISCIPLINARY PROCEEDINGS - VIOLATION OF RULE 15 OF STATE REGULATIONS NO. 20 BY THE ILLEGAL PURCHASE OF ALCOHOLIC BEVERAGES (A PORTION THEREOF STOLEN) BY RETAIL LICENSEE OTHER THAN FROM A NEW JERSEY MANUFACTURER OR WHOLESALER - POSSESSION OF ILLICIT ALCOHOLIC BEVERAGES, IN VIOLATION OF R.S. 33:1-50(e) - LICENSE SUSPENDED FOR A PERIOD OF 60 DAYS.

In the Matter of Disciplinary Proceedings against)

ROY B. STOUT,)
188 West Ingham Avenue,)
Ewing Township)
P. O. Trenton, New Jersey,)

CONCLUSIONS
AND
ORDERS

Holder of Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Ewing.)

Emanuel Kaplan, Esq., Attorney for Defendant-licensee.
Harry Castelbaurn, Esq., Appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Pleas of non vult were entered by the defendant to charges alleging that (1) and (2) on March 12 and 13, 1945, he purchased alcoholic beverages from non-licensees and (3) his possession of those illicit alcoholic beverages was unlawful under the Alcoholic Beverage Law.

Two truck drivers, unknown to the defendant, approached him at his tavern on March 12, 1945, and offered to sell him a case of whiskey which they had on their delivery truck. After agreeing on the price, they brought the whiskey into the defendant's premises, through a side door.

The defendant did not question either of the two men concerning their right to possession of the whiskey and "didn't give it much thought" at the time. He admits, however, that "now I know it is stolen goods".

The next day he purchased another case of whiskey from the driver of a licensed wholesaler. It appears that, either by mistake or design, an additional case of whiskey was loaded on the driver's truck. It was this unconsigned case of whiskey which the driver sold to the defendant. It is apparent that the defendant, who had not theretofore purchased any liquor from the wholesaler in question, and received no invoice or bill of any kind covering the transaction, was aware that this purchase was unlawful.

I shall suspend the license for a period of sixty days. Cf. Re Mylor, Bulletin 535, Item 6; Re Gilmartin, Bulletin 616, Item 13; Re Slohada, Bulletin 631, Item 5.

Further appropriate action against the defendant's license will await the outcome of the pending criminal proceedings against the defendant on a charge of receiving stolen goods. Cf. Re Vesey, Bulletin 608, Item 1; Re Mylor, Bulletin 652, Item 2.

Accordingly, it is, on this 10th day of May, 1945,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Ewing to Roy B. Stout, for premises 188 West Inghan Avenue, Ewing Township, be and the same is hereby suspended for the balance of its term, effective May 16, 1945 at 2:30 a. m.; and it is further

ORDERED that any further license issued to the defendant or to any other person for the premises in question shall be and remain suspended until July 15, 1945.

ALFRED E. DRISCOLL,
Commissioner.

8. MORAL TURPITUDE - CRIME OF RAPE INVOLVES MORAL TURPITUDE.

DISQUALIFICATION - APPLICATION TO LIFT - FACTS EXAMINED - APPLICATION TO LIFT DENIED.

In the Matter of an Application)
to Remove Disqualification be-) On Hearing
cause of a Conviction, Pursuant)
to R.S. 33:1-31.2.)
CONCLUSIONS

Case No. 420.

BY THE COMMISSIONER:

Pursuant to the provisions of R. S. 33:1-31.2, petitioner has applied for an order removing his statutory disqualification from holding a license or being employed by a licensee because of his conviction of a crime involving moral turpitude.

In 1920 petitioner was convicted, apparently in a Court of Quarter Sessions, of the crime of maintaining a disorderly house and was fined the sum of \$100. and placed on probation. Because of the lapse of time, it is difficult to ascertain the facts of this case but, at the hearing held herein, petitioner testified that at that time he was employed in a restaurant and that the conviction arose from the fact that excessive noise was permitted in the restaurant. There is some doubt as to whether or not this crime involved moral turpitude.

In 1928 petitioner pleaded non vult to the crime of rape and was sentenced to a term of three years in State Prison, being discharged after serving twenty-eight months and nineteen days of his sentence. This offense involves moral turpitude.

Petitioner has no other criminal record, and, although a report from the Police Department of the municipality in which he resides indicates that he was known to have engaged in bootlegging activities some years ago, he appears to have successfully evaded the law in that respect.

Three witnesses appeared and testified in his behalf. I do not doubt the veracity of any of them. However, petitioner is an employee of a county institution and has been for a number of years. He states that in six years he is eligible for retirement on pension and has no intention of resigning, but plans to complete his twenty-years service and then retire on pension. He states that someone recently had offered him a job as a part-time bartender and, for this reason and because of the fact that his son has recently received a

medical discharge from the Marines, he would like to have his disqualification removed so he could either work as a part-time bartender or help his son who might decide to go into the liquor business. It appears that his son has no definite plans in this respect, and it may well be that his physical condition will not permit him to engage in this type of business.

While the petitioner has apparently conducted himself in a law-abiding manner for the past five years, yet the over-all picture does not convince me that his association with the liquor industry will not be contrary to public policy. Moreover, I am not satisfied that his association with the liquor industry will be to his own advantage at this time. The petition, therefore, will be denied.

DATED: May 14, 1945.

ALFRED E. DRISCOLL,
Commissioner.

9. LICENSES - RENEWAL - INSTRUCTIONS TO RETAIL LICENSEES.

May 14, 1945.

NOTICE

ALL RETAIL LICENSEES MUST READ THESE INSTRUCTIONS

All licenses, except Seasonal Retail Consumption licenses, will expire at midnight, June 30, 1945. Licensees must obtain new licenses on or before that date in order to continue business without interruption.

Applications should be filed promptly. A day's delay may mean that some licensee will have to close up shop.

APPLICATIONS FOR RETAIL LICENSES.

A licensee who seeks to renew must comply with all requirements applicable in the case of an original application. Accordingly, he must:

1. Obtain copy of retail application form from local issuing authority.
2. Personally answer all questions in the application honestly and completely. Do not give this job to someone else to do. It may cause you trouble later. Municipal Clerks have been specifically asked not to insert answers in applications.
3. File new application, accompanied by full annual license fee.
4. Publish Notice of Application once a week for two weeks successively in a qualified newspaper.
5. Ascertain at once whether or not the premises to be licensed comply with all pertinent health and safety laws and regulations. Information as to health laws and regulations may be obtained from the State Department of Health and your local health authorities and as to safety laws and regulations, from your local police and fire authorities. In the event that the premises do not comply in every respect, immediate steps must be taken to correct

the situation. This is important! Failure to act now may result in your being dropped from the liquor business. If your premises are dirty and unattractive, clean them at once. There is no place in our post war plans for dirty, dingy, unattractive dives.

Note particularly that applications must be filed before the first insertion of the advertisement and that a hearing is set when an objection is filed, without the necessity of any request therefor by the objector or the applicant. Regulations No. 2, Pamphlet Rules, pages 12 to 14 (Issue of April, 1945).

Please note licensees are required to answer all questions appearing on the application correctly and honestly. Where information is sought, a full and frank disclosure is required. I repeat, it is dangerous to have someone else fill out your application. Do it yourself!

APPLICATIONS FOR EMPLOYMENT PERMITS.

All permits to employ persons failing to qualify as to age, residence or citizenship likewise expire on June 30, 1945. If you wish forms of application for such permits for the next fiscal year, forward your request immediately on the form bearing your name and address, which is enclosed. Sufficient forms for the number of persons designated therein will be mailed to you. The employment after June 30th of a person disqualified because of age, residence, or citizenship without permit is cause for suspension or revocation of license.

APPLICATIONS FOR TRANSPORTATION INSIGNIA.

Concurrently, on June 30th, all transportation insignia also expire. New transportation insignia must be obtained by licensees before any alcoholic beverages may be transported. Regulations No. 17, Pamphlet Rules, pages 39 and 40 (Issue of April, 1945). Applications for insignia must be accompanied by fee of two (\$2.00) dollars for each vehicle listed therein. No insignia will be issued until issuance of the license has been certified to the State Commissioner. Application forms for transportation insignia, Form #102, may be obtained from and are returned to this Department.

Applicants must carefully follow the instructions for filing which appear on each application.

Licensees who fail to obtain new licenses on or prior to June 30, 1945, will not be permitted to operate until all legal requisites have been completed and licenses actually issued.

THE LAW WILL BE ENFORCED.

ALFRED E. DRISCOLL,
Commissioner.

10. LICENSES - RENEWAL - INSTRUCTIONS TO STATE LICENSEES.

May 16, 1945

NOTICE

TO ALL STATE LICENSEES:

All licenses will expire at midnight, June 30, 1945. Licensees must obtain new licenses on or before that date in order to continue business without interruption.

A licensee who seeks to renew must file a new application accompanied by the full annual license fee for the period from July 1, 1945 through June 30, 1946, and comply fully with all requirements, as in the case of an original application.

Applications must be filed at the earliest moment to allow sufficient time to consider and act thereon in order to assure the issuance of license by July 1, 1945. Do not delay.

Enclosed are application forms for corporations, or for individual or partnerships, as indicated by your present license. The application must be executed and filed in duplicate. Be sure that you submit the proper forms. All questions applicable to the type of license being applied for must be clearly and accurately answered. Questions which do not pertain to your type of license should be answered "not applicable", and questions as to location of premises where none are maintained should be answered "none".

APPLICATIONS FOR STATE LICENSES.

Follow carefully the Instructions pertaining to the issuance of State Licenses (Pamphlet Rules and Regulations, pages 67 and 68, Issue of April, 1945).

The application must be accompanied by:

1. The full annual fee.
2. Statement, form #116, with list of all persons connected in any capacity whatsoever with the applicant's alcoholic beverage business in New Jersey, segregated in accordance with the official capacity or classified employment of the persons.
3. Questionnaires, form #115, for all persons named in Statement, except applicants for solicitors' and employment permits and those who are specifically exempted under Rule 1 of Regulations No. 12, Pamphlet Rules, Page 31 (Issue of April, 1945) and those for whom questionnaires have previously been filed.

NOTE: Forms #115 and #116 need not be submitted with applications for transportation and plenary retail transit licenses by railroads. This exception does not extend, however, to affiliated or subsidiary transportation companies.

TRANSPORTATION INSIGNIA.

4. Application for Transportation Insignia, form #102, in duplicate, for vehicles owned or leased by the applicant and operated under commercial registration. If leased, a certified copy of the lease must accompany the application. Applications for insignia must be accompanied by a fee of two (\$2.00) dollars for each vehicle listed therein.

NOTICE OF APPLICATION.

5. Publish Notice of Application once a week for two weeks successively in a qualified newspaper.

Note particularly that all applicants, except applicants for transportation, public warehouse or warehouse receipts licenses, must publish a Notice of Application once a week for two weeks successively, in a qualified newspaper and that applications must be filed before the first insertion of the advertisement. Notice of Application must state that objections should be made to State Commissioner of Alcoholic Beverage Control, 1060 Broad Street, Newark, 2, New Jersey. Regulations No. 1, Pamphlet Rules, page 7 (Issue of April, 1945).

SOLICITORS' AND EMPLOYMENT PERMITS.

Concurrently, on June 30th, all solicitors' permits, and all employment permits issued to persons who fail to qualify as to age or citizenship, will expire. New permits must be obtained by such persons if their employments are to continue after that date.

If you wish forms of application for employment permits for the next fiscal year, forward your request immediately on the form bearing your name and address, which is enclosed. Sufficient forms for the number of persons designated therein will then be mailed to you.

Also enclosed are statement forms, questionnaires and applications for solicitors' permits.

Licensees who fail to obtain new licenses on or prior to June 30, 1945 will not be permitted to operate until all legal requisites have been completed and licenses actually issued. This also applies to solicitors and persons disqualified by reason of age or citizenship who are employed pursuant to permits.

THE LAW WILL BE ENFORCED.

ALFRED E. DRISCOLL
Commissioner.

11. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR A PERIOD OF 10 DAYS.

In the Matter of Disciplinary Proceedings against)

JACOB HALTMEYER)
2825 So. Broad Street)
Hamilton Township)
P. O. Trenton, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-39, issued for the current fiscal year by the Township Committee of the Township of Hamilton, and transferred during the pendency of these proceedings to)

FRANK N. ANGEBRANDT)
for the same premises.)
-----)

Felcone & Felcone, Esqs., by Joseph J. Felcone, Esq., Attorneys for Defendant-licensee.
Anthony Meyer, Jr., Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Licensee pleaded guilty to charges alleging, in substance, that he (1) falsified his application for a plenary retail consumption license by concealing the fact that Frank N. Angebrandt was the real and beneficial owner of the said licensed business, in violation of R. S. 33:1-25, and (2) ever since August 25, 1944 he knowingly aided and abetted Frank N. Angebrandt to exercise the rights and privileges of the license, in violation of R.S. 33:1-52.

During the pendency of these proceedings, according to our records and advice of defendant's attorneys, the license was transferred by the nominal licensee, Jacob Haltmeyer, to Frank N. Angebrandt, effective May 1, 1945. Although a proper correction appears to have been made, it does not excuse the violation of the law. The license issued to the present licensee is still subject to suspension. State Regulations No. 16.

So far as appears, Frank N. Angebrandt was at all times mentioned herein eligible to hold a liquor license. In view of the character of the "front", the plea, the correction and the previously clear record, I shall impose a minimum suspension of ten days. Re Schibell, Bulletin 619, Item 4.

Accordingly, it is, on this 18th day of May, 1945,

ORDERED, that Plenary Retail Consumption License C-39, issued by the Township Committee of the Township of Hamilton to Jacob Haltmeyer for premises 2825 South Broad Street, Hamilton Township, and transferred during the pendency of these proceedings to Frank N. Angebrandt for the same premises, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a. m. May 28, 1945, and terminating at 2:00 a.m. June 7, 1945.

ALFRED E. DRISCOLL
Commissioner.

12. DISCIPLINARY PROCEEDINGS - ILLEGAL PURCHASE OF STOLEN ALCOHOLIC BEVERAGES BY RETAIL LICENSEE FROM NON-LICENSEES, IN VIOLATION OF RULE 15 OF STATE REGULATIONS NO. 20 - PREVIOUS RECORD - LICENSE SUSPENDED FOR A PERIOD OF 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

MAE SMITH)
47 Houston Street)
Newark, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-524, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Newark.)
-----)

Klein & Klein, Esqs., by Seymour Klein, Esq.,)
Attorneys for Defendant-licensee.)
Harry Castelbaum, Esq., appearing for Department of Alcoholic)
Beverage Control.)

BY THE COMMISSIONER:

The defendant pleads non vult to the following charge:

"On or about June 5, 1944 you, a New Jersey retail licensee, without authority of special permit, purchased alcoholic beverages for resale in your tavern from persons who were not the holders of a New Jersey manufacturer's or wholesaler's license in that on such occasion you purchased from Thomas Wheaton and August Kaleta stolen alcoholic beverages; your purchase from the aforesaid non-licensees being in violation of Rule 15 of State Regulations No. 20."

While admitting that she purchased liquor from non-licensees in violation of the rule cited in the charge, defendant contends that she had no knowledge of the fact that the liquor she purchased was stolen and denies any knowledge of the theft.

Defendant refused to give any written statement, but the facts as developed from statements taken from the sellers of the liquor indicate that about twelve or fifteen cases of assorted wines and liquors were stolen by them on June 5, 1944 from a Newark licensee and that most of the stolen goods was purchased by the defendant for either \$300.00 or \$350.00, the sale being consummated in the kitchen of the defendant. The nature of the transaction clearly indicates that the defendant cared very little as to the origin of the liquor she purchased and the exercise of only a slight degree of caution would have put her on her guard had she been so inclined. As pointed out in Re Mylor, Bulletin 535, Item 6, violations of this nature go to the very root of liquor control. A retail licensee's stock of liquor must be legitimate. Any licensee seeking to purchase liquor from other than a licensed distributor cannot hope to escape the consequences of his act.

Defendant has a prior violation. In September 1944 her license was suspended for twenty days on the charge of selling alcoholic beverages in other than original containers and refilling a quart bottle of wine. Because of the nature of the act and the

prior record of the defendant, I will suspend her license for a period of seventy days, with a five-day deduction for the plea, making a net suspension of sixty-five days.

Since there are not a sufficient number of days left in the current licensing year (which ends June 30, 1945) for the sixty-five day suspension to be served, I shall suspend defendant's present license for the balance of its term and shall order that any license issued to defendant, or to anyone else, for the premises in question for 1945-46 be under suspension until the full period of sixty-five days has elapsed.

Accordingly, it is, on this 18th day of May, 1945,

ORDERED, that Plenary Retail Consumption License C-524, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Mae Smith, for premises 47 Houston Street, Newark, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. May 24, 1945; and it is further

ORDERED, that if any license be issued to defendant or to any other person for the premises in question for the 1945-46 fiscal year, such license shall be under suspension until 2:00 a.m. July 28, 1945.

Alfred E. Discol
Commissioner.