

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N.J. 07102

BULLETIN 1639

October 13, 1965

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October 13, 1965

1. APPELLATE DECISIONS - BOMWELL v. NEWARK.

ROBERT BOMWELL and CONNIE
BOMWELL, t/a PARAKEET LOUNGE,

Appellants,

v.

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

Respondent.

)
)
) ON APPEAL
) CONCLUSIONS
) AND ORDER
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)
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Fast & Fast, Esqs., by Herman L. Fast, Esq., Attorneys for
Appellants.

Norman N. Schiff, Esq., by Anthony J. Iuliani, Esq., Attorney
for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Appellants appeal from the action of respondent whereby on June 9, 1965, it denied the application for place-to-place transfer of appellants' Plenary Retail Consumption License C-863 from premises 476 Avon Avenue to premises 474 Avon Avenue, Newark. The reasons given for respondent's action in denying the application may be quoted as follows:

"One of the main contentions of the objectors as a whole was that the transfer of a license from the second floor of the structure to the first floor of the structure, but having a different postal address, would enhance the business of the licensee and would present more exposure to the citizens of the immediate area to the so-called evils associated with a tavern business.

"The objectors further argued that the new license would lure more patrons, would cause and create more of a parking problem than that which is already existent, and would be more of an exposure to the children in the area that would be forced to pass by the premises to and from school.

"They further contended that within the area, although not within the two hundred feet limitation, there is located a church and schools and that many persons, including teenagers, would be exposed to the patrons who frequent this type of establishment.

. . .

"The Board concurs in the contention of the objectors and feels that the transfer would be a detriment to the health and welfare of the city of Newark as a whole and in part within the immediate area of the tavern.

"It is particularly noted that the area where said license is sought to be located is associated with an economic and social problem, which has a heavy bearing on the Board's decision in denying this application for transfer."

Appellants, in their petition of appeal, allege that the action of respondent in denying the application in question was erroneous and should be reversed because it was arbitrary, capricious and an abuse of discretion, and that the members of respondent were improperly motivated.

Respondent, in the answer filed, denies the aforesaid allegations and contends that its action in denying the transfer was based on sound discretion.

The matter was heard by two of the three members of respondent Board. The transcript of the hearing below was submitted by respondent and marked as an exhibit in evidence. Additional testimony was presented by the parties at the appeal hearing herein and the attorneys for said respective parties had full opportunity to examine witnesses. Rule 8 of State Regulation No. 15.

The transfer requested by appellants is from the second floor of the building at 476 Avon Avenue to the first floor of the same building on the corner of South 18th Street and Avon Avenue designated as 474 Avon Avenue. It appears from the testimony herein that the licensed premises on the second floor of the building (with the first floor directly underneath thereof being used for storage) has been in existence for many years. Appellants purchased the building in question in April 1965 and obtained transfer to themselves of the liquor license issued therefor.

Robert Bomwell, one of the appellants, testified that he desires to operate in the corner store, which is smaller in size than the existing premises on the second floor, and that he intends to operate a high class cocktail lounge. One of the reasons given for the transfer application was that less police protection is afforded the present location. He further stated that there will be no live entertainment at the premises in question and that he intends to have only a juke box in the establishment such as is in the existing second floor premises. The present premises has seating facilities to accommodate 150 people whereas the proposed premises will contain a small bar in a smaller room, the capacity of which will be 20 people other than those who might stand.

Various objectors (about 45), many living in the immediate area, attended the hearing below and also the appeal hearing herein. Among the said objectors was a city councilman representing the ward in which the premises are located and also another councilman representing another ward in the City of Newark. Two clergymen were present, one of whom is the pastor of a church approximately two blocks away and the other a resident of the area wherein the licensed premises are situated. The reasons given by the respective objectors who spoke both at the hearing below and the appeal hearing

herein were that they were fearful that, if the licensed premises were permitted to be transferred to the corner of the first floor of the building, their property would be subject to depreciation. Furthermore, the new premises would attract many more patrons, some of whom, it was feared, might not be desirable. Another reason given was that the traffic is now heavy at the location and parking facilities are not readily available. There have been no objections as to the character or reputation of appellants. Many of the objectors stated they did not even know them.

Lee Bernstein, councilman of the ward in which the property is located, testified that he and police officers visited a former premises operated by appellants in the ward and the councilman admitted that he complimented the licensees for the manner in which the place was conducted. He added, however, that he noticed that, when patrons left the said premises, they appeared quite jovial.

General objections to the transfer of a liquor license, where a business establishment is not prohibited, filed by residents of side streets which are residential are not in themselves sufficient reason for denying the application. Carriell et al. v. Newark et als., Bulletin 1043, Item 3. Under the facts herein, I fail to see much merit in the contention of persons in the area that parking their cars might be affected.

The transfer of a liquor license to other persons or premises, or both, is not an inherent or automatic right. The issuing authority may grant or deny a transfer in the exercise of reasonable discretion. If denied on reasonable grounds, such action will be affirmed. On the other hand, where it appears that the refusal of a transfer is arbitrary or unreasonable, the action denying the transfer will be reversed on appeal. Kelly v. Neptune City, Bulletin 1267, Item 2.

It was also brought out by some of the objectors that they were fearful of the effect on children and teenagers passing the premises if the transfer were granted. It appears that several blocks from the location of the premises is a junior high school. However, the Superintendent of the Board of Education indicated, when the said Board was served with a notice of intention to apply for transfer, that there was no objection thereto. Moreover, the Captain of police in charge of the area, after due investigation, stated that he was of the opinion that transfer should be granted.

The apprehension expressed by various witnesses that the proposed licensed premises will create a moral hazard for young people is readily understandable. However, if the licensed business is conducted in a law-abiding manner (and it must be assumed that such will be the case), the objectors have nothing to fear. If, perchance, the licensed premises are operated in violation of the Alcoholic Beverage Law or the municipal ordinances pertaining thereto, appellants will subject their license to suspension or revocation.

In so far as the depreciation in value of neighboring property is concerned, it is doubtful whether such contention might be considered a valid reason for denial of the transfer of a liquor license. The question of future depreciation of property values is usually speculative and rests on pure conjecture rather than a finding of fact.

Two real estate brokers testified on behalf of appellants that a tavern may have some bearing on the property values in the

vicinity. However, in this case, the tavern is already situated in the building and thus the transfer would have no effect in so far as property in the area is concerned.

The instant case is comparable to and governed by the case of Bivona v. Hock et al., 5 N.J. Super. 118. In that case, an application was made to transfer a liquor license to a building across the street from its then existing location. Many objectors appeared, among whom were clergymen, and contended that the section is a low economic area and that, if the transfer were permitted, the new and larger premises would become more attractive to young people and thus create a moral hazard. In said case, the court said:

"...the issue is, not whether a discretionary power has been improperly exercised, but rather whether in the exercise of the power respecting transfers, R.S. 33:1-26, authority existed in the local body to refuse a transfer of a license for the reason upon which the refusal was based. Cf. South Jersey Retail Liquor Dealers Association v. Burnett, 125 N.J.L. 105 (Sup. Ct. 1940)."

The court further pointed out that:

"...the Legislature has not sought to delegate unlimited 'discretion' to these agencies, but rather has spelled out a system within the principles of which the agencies shall act. Accordingly, the courts must measure the propriety of the administrative action by the authority granted, and may not merely surrender the subject matter to the agencies on the premises that theirs is a discretion exercisable on the basis of any and all factors which pertain to the political issue of prohibition."

In Bivona, the court reversed the decision of the Director affirming denial by the local issuing authority of an application for place-to-place transfer diagonally across the street from the original premises. In the case sub judice, the premises sought by transfer are part of the same building where the liquor license presently exists and thus a greater reason for grant of the place-to-place transfer is apparent.

The matter of place-to-place transfers has also been considered in closely comparable cases. such as Leonia Liquors, Inc. v. Leonia; Bulletin 766, Item 1; Grower v. Hackensack, Bulletin 789, Item 1; Costa v. Verona, Bulletin 501, Item 2. In the latter case, the then Commissioner stated:

"Thus, were appellant located in a different section of the municipality and seeking to transfer into the vicinity in question, or if, being within the area (as is the case), he were seeking to transfer to a site that would aggravate to any appreciable degree the existing concentration of licenses in that area, respondent would be justified in denying the transfer and, on appeal, I would sustain such denial. Neither of such situations, however, is present in this case. On the contrary, the facts herein indicate that the applicable ruling is that where no attack is made on the personal fitness of the applicant or the suitability of the premises, a refusal to transfer, whether from person to person or from place to place, cannot, in the absence of good independent cause, be sustained."

Under the facts and circumstances appearing herein, it is my opinion that respondent's denial of appellants' application for place-to-place transfer was unreasonable, arbitrary and an abuse of its discretion. I therefore recommend that its action be reversed.

Since the 1964-65 license has expired, I further recommend that an order be entered reversing respondent's action in denying the transfer of the 1964-65 license, directing it to grant such transfer if all prerequisites are present, and to issue a renewal license for the 1965-66 period at the proposed premises.

Conclusions and Order

No exceptions to the Hearer's Report were filed within the time limited by Rule 14 of State Regulation No. 15.

Having carefully considered the transcripts of testimony, the exhibits and brief of appellants, I concur in the conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 2nd day of September 1965,

ORDERED that the action of respondent in denying appellants' application for transfer of the 1964-65 license be and the same is hereby reversed; and it is further

ORDERED that respondent transfer appellants' 1965-66 license in accordance with the application heretofore made.

JOSEPH P. LORDI
DIRECTOR

- 2. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SALE TO INTOXICATED PERSONS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 75 DAYS, LESS 5 FOR PLEA - DEFERRED EFFECTIVE DATE OF PENALTY.

In the Matter of Disciplinary Proceedings against

TRIPLE T. INC.
t/a KIT-KAT BAR
133-135 Hamilton Avenue
Seaside Heights, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-9, issued by the Mayor and Borough Council of the Borough of Seaside Heights.

Ewart, Lomell, Muccifori & Adler, Esqs., by Herman A. Adler, Esq.,
Attorneys for Licensee.

Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on June 20, 1965, it (1) sold drinks of beer to seven minors, one age 16, one age 17, three age 18 and two age 19, and (2) sold alcoholic beverages to intoxicated persons (the youngest four of the same minors), both in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license

by the Director for thirty days, effective May 28, 1962, for possession of alcoholic beverages not truly labeled. Re Triple T, Inc., Bulletin 1427, Item 5; Bulletin 1460, Item 2.

As to the first charge, the minimum penalty for sale of alcoholic beverages to a 16-year-old minor is twenty-five days but, considering the number of minors involved as an aggravating circumstance, the license will be suspended on this charge for forty days. Cf. Re Begley & Buckley, Bulletin 1411, Item 2. As to the second charge, the minimum penalty for sale to an intoxicated person is twenty days (Re Ed's Tavern, Bulletin 1627, Item 9) but, considering the number of intoxicated persons involved, the license will be suspended on this charge for thirty days. Cf. Re Freedman, Bulletin 1436, Item 4. To the foregoing will be added five days by reason of the record of suspension of license for dissimilar violation occurring within the past five years (Re Hauge, Bulletin 1629, Item 3), making a total of seventy-five days, with remission of five days for the plea entered, leaving a net suspension of seventy days.

Report of investigation discloses that the licensed business is customarily discontinued on or about September 15 of each year and is not resumed until approximately May 15 of the succeeding year. Hence, the imposition of the penalty to take effect at the present time would be substantially nugatory and therefore it will be imposed to commence in mid-May when the licensed business is normally resumed.

Accordingly, it is, on this 9th day of September, 1965,

ORDERED that Plenary Retail Consumption License C-9, issued by the Mayor and Borough Council of the Borough of Seaside Heights to Triple T. Inc., t/a Kit-Kat Bar, for premises 133-135 Hamilton Avenue, Seaside Heights, be and the same is hereby suspended commencing at 2:00 a.m. Monday, May 16, 1966 for the balance of its term, viz., until midnight, June 30, 1966; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Monday, July 25, 1966.

JOSEPH P. LORDI
DIRECTOR

3. SEIZURE - FORFEITURE PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES WITHOUT A LICENSE - MOTOR VEHICLE RETURNED TO INNOCENT OWNER - COMMINGLED CASH AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure)	
on June 13, 1965 of a quantity)	
of alcoholic beverages, \$31.55)	ON HEARING
in cash and a Chevrolet sedan,)	CONCLUSIONS
in an open area, at Fenwick Station)	AND ORDER
Road, in Pilesgrove Township,)	
County of Salem and State of)	
New Jersey.)	

William Gallner, Esq., appearing for Vinie A. Clark.
 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 and State Regulation No. 28 to determine whether 134 cans of beer, \$31.55 in cash and a Chevrolet sedan, more particularly described in a schedule annexed hereto, made part hereof and marked Schedule "A", seized on June 13, 1965, in an open area, at Fenwick Station Road, in Pilesgrove Township, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R.S. 33:1-66, Vinie A. Clark, the registered owner of the said Chevrolet sedan, who sought its return, entered an appearance.

Forfeiture of the alcoholic beverages and the cash were not opposed.

Reports of ABC agents and other documents in the file, presented in evidence with the consent of counsel for the claimant, discloses the following facts: On Sunday, June 13, 1965, ABC agents were assigned to investigate a complaint that alcoholic beverages were being sold in an open area at Fenwick Station Road, Pilesgrove Township, New Jersey, where a revival meeting was taking place. This is a picnic area and there were approximately 3,000 persons in attendance.

One of the agents proceeded to the area, observed William T. Clark, the husband of the claimant herein, selling beer from the trunk of a red Chevrolet bearing New Jersey license plates HRJ-382, which was registered in the name of the claimant, Vinie A. Clark of Bridgeton.

The agent purchased five cans of beer from William Clark and handed him three \$1.00 bills (the serial numbers of which had been previously recorded) for the purchase. Shortly thereafter, other agents and a State trooper joined the first agent, identified themselves to Clark, seized the alcoholic beverages, the motor vehicle and the \$31.55, including two of the marked \$1.00 bills, which were found on Clark's person.

A sample of the contents of one of the cans of beer was analyzed by the Division chemist on June 25, 1965 and his report states that it is an alcoholic beverage fit for beverage purposes, with alcoholic content by volume of 5.1%.

The records of this Division disclose that no license was issued to William Clark for the transportation or sale of alcoholic beverages and no transportation insignia had been issued for the motor vehicle from which the said alcoholic beverages were taken and sold. Clark was thereupon arrested and charged with illegal sale and possession of alcoholic beverages in violation of R.S. 33:1-2 and R.S. 33:1-50; was arraigned on the said charges in the Pilesgrove Township Municipal Court and held for action by the Salem County Grand Jury.

The seized beer is illicit because it was intended for unlawful sale. R.S. 33:1-1(i). Such illicit beer, the commingled cash and the motor vehicle in which such beer was found constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 11,164, Bulletin 1565, Item 5; Seizure Case No. 10,759, Bulletin 1469, Item 5.

Vinie A. Clark testified that she is the wife of William Clark and purchased the Chevrolet Impala sedan with her own funds. She is employed at the Green Giant Company in Vineland and has a "take-home pay" of \$60.00 a week. The car is financed by the Universal C.I.T. Credit Corporation in the sum of \$900.00 and her payments are up-to-date.

She gave the following account: This car was purchased about one month prior to the date of seizure and she loaned the car to her husband when she thought "it was necessary". Her husband contributed nothing to the upkeep of the car. On the morning of June 13, 1965, her husband asked permission to use the car in order to go to Roadstown to visit one of his cousins who had just come up from Georgia. Instead of going to Roadstown, she later learned that he went to Pilesgrove with alcoholic beverages. She denied that she ever knew that the car contained alcoholic beverages.

Annie Mae Johnson, a sister-in-law of Mrs. Clark, testified that she was present on the morning in question when Clark asked his wife if he could use the car "to go out to Roadstown to visit his cousins". She stated that she did not see any beer in the car and, in fact, knows that neither of the Clarks drinks any alcoholic beverages.

William T. Clark, the husband of the claimant, corroborated his wife's account, and denied that he had informed her that he was going to sell beer. He stated that he had learned that there were going to be about 3,000 people at a revival meeting and he purchased the beer on the night before, placed it in the trunk of the car and planned to sell it at the said revival meeting. He added that if he had told his wife of his true intentions, he was positive that she would not have loaned him the motor vehicle.

Although a wife is presumed to know of her husband's activities, she should not be responsible for his totally unexpected conduct foreign to what she could have reasonably anticipated. From the totality of the circumstances herein, it is clear that she did not know or have any reason to believe that this car was being used in unlawful liquor activity or of such facts as would have led a person of ordinary prudence to discover such use. R.S. 33:1-66(f).

Therefore, the said Chevrolet sedan will be returned to her upon payment of the costs of its seizure and storage. Seizure Case No. 11,164, Bulletin 1565, Item 5; Seizure Case No. 8475, Bulletin 1009, Item 4; Seizure Case No. 10,391, Bulletin 1373, Item 4.

Accordingly, it is DETERMINED and ORDERED that if on or before the 8th day of September, 1965, Vinie A. Clark pays the costs of seizure and storage of the Chevrolet sedan described in the schedule attached hereto, it will be returned to her; and it is further

DETERMINED and ORDERED that the alcoholic beverages and the cash are hereby forfeited, and the said alcoholic beverages shall be retained for the use of hospitals and state, county and municipal institutions or destroyed in whole or in part at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH P. LORDI
DIRECTOR

Dated: August 25, 1965

SCHEDULE "A"

- 134 - cans of beer
\$31.55 in cash
- 1 - 1961 Chevrolet sedan, Serial No. 21817,
N.J. Registration HRJ-382.

4. SEIZURE - FORFEITURE PROCEEDINGS - UNLICENSED SALE OF ALCOHOLIC BEVERAGES - CLAIM OF INNOCENT LIENOR OF MOTOR VEHICLE RECOGNIZED - ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure)	
on June 13, 1965 of a quantity)	
of alcoholic beverages, an empty)	ON HEARING
thermos jug, \$13.60 in cash and)	CONCLUSIONS
an Oldsmobile sedan, in an open)	AND ORDER
area at Fenwick Station Road)	
in Pilesgrove Township, County of)	
Salem and State of New Jersey.)	

Tuso, Gruccio and Tuso, Esqs., by James J. Gruccio, Esq.,
Appearing for Guarantee Bank and Trust Company.

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 and State Regulation No. 28 to determine whether 25 containers of alcoholic beverages, one empty gallon jug, \$13.60 in cash, and one 1962 Oldsmobile sedan, more particularly described in a schedule annexed hereto, made part hereof and marked Schedule "A", seized on June 13, 1965 at an open area off Fenwick Station Road in Pilesgrove Township, Salem County, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R.S. 33:1-66, the Guarantee Bank and Trust Company of Atlantic City, N.J., a lienor of the said motor vehicle, represented by counsel, entered an appearance and sought recognition of its lien claim.

Forfeiture of the alcohol, the empty gallon jug and the cash was not opposed.

Reports of ABC agents and other documents, presented in evidence with consent of counsel for the claimant, disclose the following facts: On Sunday, June 13, 1965 agents of this Division were assigned to investigate alleged illegal sales of alcoholic beverages on that day in an open area at Fenwick Station Road, in Pilesgrove Township, Salem County, New Jersey where a revival meeting was taking place. This is a picnic area and there were approximately 3,000 persons in attendance.

One of the agents observed Blanche Booker selling whiskey from the trunk of her car. After he made a purchase of a can of beer and a shot of whiskey with a "marked" \$5.00 bill, other agents and a State trooper joined him, identified themselves to Mrs. Booker, informed her of the violation, seized the alcoholic beverages and the above described motor vehicle, together with \$13.60 in cash which had been commingled with the "marked" \$5.00 bill, on her person.

Said motor vehicle is registered in the name of Blanche Booker, Robinson Farms, R.D. 7, Bridgeton, N. J.

A sample of the contents of one of the bottles of beer was analyzed by the Division chemist on June 28, 1965 and his report states that it is an alcoholic beverage fit for beverage purposes with an alcoholic content by volume of 6.2%.

The records of this Division disclose that no license or permit was issued to Blanche Booker authorizing the transportation of sale of alcoholic beverages and no transportation insignia had been issued for the motor vehicle in which the alcoholic beverages were transported, and from which they were taken and sold.

Blanche Booker was arrested and charged with possession of alcoholic beverages with intent to sell the same without a license, contrary to R.S. 33:1-2 and in violation of R.S. 33:1-50. She was arraigned in the Pilesgrove Township Municipal Court and held for action by the Salem County Grand Jury.

The seized whiskey and beer are illicit because they were intended for unlawful sale. R.S. 33:1-1(i). Such illicit alcohol, the commingled cash, the empty gallon jug and the motor vehicle in which such alcohol was found constitute unlawful property and should be forfeited. R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 11,164, Bulletin 1565, Item 5; Seizure Case No. 10,759, Bulletin 1469, Item 5.

Lawrence R. Moss, Sr., testifying on behalf of the claimant, Guarantee Bank and Trust Company, stated that he is an assistant vice-president in charge of the Auto Finance Department and is familiar with this account. The claimant is the holder of a conditional sales contract dated July 28, 1964 on the said motor vehicle which was purchased by Blanche Booker from Cresci Motors in Vineland, New Jersey. Complete investigation was made of Mrs. Booker which disclosed that she is married, is steadily employed, has a take-home pay of \$55.00 a week and has a good prior record in an earlier account. The investigation did not disclose any liquor law violations.

He further stated that this account is presently in default; that there is a balance due as of the date of hearing of \$1,268.00 and that if this motor vehicle were redeemed on the date of the hearing herein, there would be due and owing to the said claimant the sum of \$1,068.00. However, with each additional month, the amount due to this claimant would increase because of

reduction of the rebate on the financing charges.

I am satisfied, on the basis of the evidence presented, that this claimant appears to have made a reasonable investigation; that it did not have any reason to believe that Mrs. Booker was engaged in illicit alcoholic beverage activity or that the said motor vehicle would be used in connection therewith. R.S. 33:1-66(f). Accordingly, this lien claim will be recognized in the sum of \$1,268.00.

It appears likely that the amount realized at public sale of the motor vehicle will not exceed the total amount of the lien claim together with the costs of seizure and storage. Therefore, the said Oldsmobile sedan will be returned to the Guarantee Bank and Trust Company upon payment of the costs of its seizure and storage. Seizure Case No. 11,164, supra; Seizure Case No. 10,391, Bulletin 1373, Item 4.

Accordingly, it is DETERMINED and ORDERED that if on or before the 22nd day of September, 1965, Guarantee Bank and Trust Company pays the costs of the seizure and storage of the Oldsmobile sedan, described in the schedule attached hereto, it will be returned to it; and it is further

DETERMINED and ORDERED that the alcoholic beverages, the empty gallon jug and the cash are hereby forfeited, and the said alcoholic beverages shall be retained for the use of hospitals and state, county and municipal institutions, or destroyed, in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH P. LORDI
DIRECTOR

Dated: September 3, 1965

SCHEDULE "A"

- 25 - containers of alcoholic beverages
- 1 - empty gallon jug
\$13.60 in cash
- 1 - 1962 Oldsmobile sedan, Serial No. 02185,
New Jersey Registration ALT-406

5. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA - DEFERRED EFFECTIVE DATE OF PENALTY.

In the Matter of Disciplinary Proceedings against)

GEORGE & KATHERINE GULECKI)
t/a TROPICAL BAR)
100-102 - 13th Avenue)
Belmar, N. J.)

CONCLUSIONS AND ORDER

Holders of Seasonal Retail Consumption License CS-2, issued by the Board of Commissioners of the Borough of Belmar.)

Raymond H. Leahy, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on July 23, 1965, they sold drinks of beer to three minors, one age 16 and two age 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Cf. Re Ukrainian National Home, Inc., Bulletin 1630, Item 6.

Report of investigation discloses that the licensed business is customarily discontinued in Mid-September each year and is not resumed until the Memorial Day weekend of the following year. Hence, the imposition of the penalty to take effect at the present time would be substantially nugatory and therefore it will be imposed to commence after the Memorial Day weekend when the licensed business is normally resumed.

Accordingly, it is, on this 9th day of September, 1965,

ORDERED that any renewal for the summer season May 1- November 1, 1966 of Seasonal Retail Consumption License CS-2 for the summer season May 1- November 1, 1965, issued by the Board of Commissioners of the Borough of Belmar to George and Katherine Gulecki, t/a Tropical Bar, for premises 100-102 - 13th Avenue, Belmar, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Tuesday, May 31, 1966, and terminating at 2:00 a.m. Saturday, June 25, 1966.

JOSEPH P. LORDI
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 HASBROUCK HEIGHTS POST #4591
 Veterans of Foreign Wars
 513 Springfield Avenue
 Hasbrouck Heights, N. J.
 Holder of Club License CB-2, issued by the Mayor and Council of the Borough of Hasbrouck Heights

CONCLUSIONS AND ORDER

 Robert J. Bunevich, Esq., Attorney for Licensee.
 Harry D. Gross, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 24, 1965, it sold drinks of beer to non-members, in violation of Rule 8 of State Regulation No. 7.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Superior Lodge #215, I.B.P.O.E. of W., Bulletin 1527, Item 9.

Accordingly, it is, on this 3d day of September, 1965,

ORDERED that Club License CB-2, issued by the Mayor and Council of the Borough of Hasbrouck Heights to Hasbrouck Heights Post #4591, Veterans of Foreign Wars for premises 513 Springfield Avenue, Hasbrouck Heights, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, September 13, 1965, and terminating at 2:00 a.m. Thursday, September 23, 1965.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

HAROLD SANDFORD & NORMA SANDFORD
t/a CLUB NORMA
331 Straight Street
Paterson, N. J.

)
)
) CONCLUSIONS
) AND ORDER

Holders of Plenary Retail Consumption License C-154, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

George J. Hajjar, Esq., Attorney for Licensees.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on Sunday, August 1, 1965, they sold a pint bottle of whiskey for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Willow Cafe & Restaurant, Inc., Bulletin 1631, Item 10.

Accordingly, it is, on this 7th day of September, 1965,

ORDERED that Plenary Retail Consumption License C-154, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Harold Sandford and Norma Sandford, t/a Club Norma, for premises 331 Straight Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Tuesday, September 14, 1965, and terminating at 2:00 a.m. Friday, September 24, 1965.

JOSEPH P. LORDI
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

W & W, INC.
t/a DEW DROP INN
800 Highway No. 71
Spring Lake Heights
PO Spring Lake, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)
)

Holder of Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Spring Lake Heights.

Albarelli and Greenberg, Esqs., by Ascenzio R. Albarelli, Esq.,
Attorneys for Licensee.
Harry D. Gross, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 1, 1965 it sold a mixed drink of an alcoholic beverage to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Montgomery Tavern, Bulletin 1622, Item 7.

Accordingly, it is, on this 7th day of September 1965,

ORDERED that Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Spring Lake Heights to W & W, Inc., t/a Dew Drop Inn, for premises 800 Highway No. 71, Spring Lake Heights, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, September 14, 1965, and terminating at 2 a.m. Friday, September 24, 1965.

JOSEPH P. LORDI
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Homestead Cafe Bound Brook, Inc.)
353 Talmage Avenue)
Bound Brook, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-20, issued by the Borough Council of the Borough of Bound Brook)

Robert W. Wolfe, Esq., Attorney for Licensee.
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

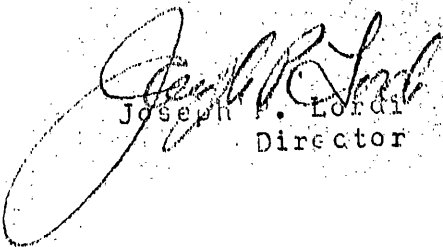
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 14, 1965, it possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Scuderi, Bulletin 1605, Item 8.

Accordingly, it is, on this 9th day of September, 1965,

ORDERED that Plenary Retail Consumption License C-20, issued by the Borough Council of the Borough of Bound Brook to Homestead Cafe Bound Brook, Inc. for premises 353 Talmage Avenue, Bound Brook, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, September 13, 1965, and terminating at 2:00 a.m. Tuesday, September 28, 1965.


Joseph P. Lordi
Director

New Jersey State Library