

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

BULLETIN 1493

FEBRUARY 15, 1963

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

BULLETIN 1493

FEBRUARY 15, 1963

1. DISCIPLINARY PROCEEDINGS - NUISANCE (APPARENT HOMOSEXUALS) - SALE TO A MINOR - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 210 DAYS.

In the Matter of Disciplinary Proceedings against )

Anna Siegel )  
118 $\frac{1}{2}$ -120-122 Mulberry Street )  
Newark 2, N. J. )

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption License C-775, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

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Reibel, Isaac & Tannenbaum, Esqs., by Hyman Isaac, Esq.,  
Attorneys for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges as follows:

"1. On October 5, 6, 12 and 13, 1962, and on divers dates prior thereto, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises and allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that you allowed, permitted and suffered persons who appeared to be homosexuals, e.g., males impersonating females, in and upon your licensed premises; allowed, permitted and suffered such persons to frequent and congregate in and upon your licensed premises; allowed, permitted and suffered such persons to make overtures for and arrangements with other male patrons and customers for acts of perverted sexual relations; allowed, permitted and suffered lewdness, immoral activity and foul, filthy and obscene language and conduct by such persons and by others in and upon your licensed premises; 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.

"2. During the early morning hours of October 13, 1962, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Arthur M.---, age 19, and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

Reports of investigation disclose that on the agents' visit of October 5-6 and again on their second visit of October 12-13, the patronage was almost 100% apparent male homosexuals totalling 44 on the first visit and 41 on the second visit. In conversation with Samuel Siegel, husband of the licensee and manager of the licensed premises, when his attention was drawn to the congregation and conduct of these apparent homosexuals, he said "I got to ring the cash register so I got to take a chance." Further, when asked "If the ABC men come in, they can close you, can't they?", he replied "That's the chance I got to take."

Licensee has a previous record of suspension of license as follows:

1. By the municipal issuing authority for ten days, effective August 2, 1955, for an hours violation.
2. By the Director for fifty-five days, effective July 21, 1959, for nuisance (apparent homosexuals), sale to intoxicated person, and possession of indecent matter. Re Siegel, Bulletin 1293, Item 3.
3. By the Director for twenty-five days, effective November 14, 1960, for sale to intoxicated person. Re Siegel, Bulletin 1370, Item 5.

The prior record of suspension for dissimilar offense occurring more than five years ago disregarded, but considering the record of recent suspension for similar and dissimilar offenses and the apparently deliberate nature of the violation set forth in the first charge notwithstanding the prior suspension, under all of the circumstances the license will be suspended for two hundred ten days. Cf. Re Mack, Bulletin 1088, Item 2.

Accordingly, it is, on this 20th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-775, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Anna Siegel for premises 118 $\frac{1}{2}$ -120-122 Mulberry Street, Newark, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1963, commencing at 2:00 A.M. Wednesday, January 2, 1963; 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. Wednesday, July 31, 1963.

WILLIAM HOWE DAVIS  
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Henry and Mary Cramer t/a Henry and Mary's 1105 Union Avenue Union Beach, New Jersey )

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption License C-7, issued by the Borough Council of the Borough of Union Beach. )

Licensees, by Henry Cramer, Pro se. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead guilty to charges alleging that (1) on September 16 and 17, 1962, they sold alcoholic beverages to an 18-year-old minor, in violation of Rule 1 of State Regulation No. 20, and (2) on September 17, 1962, at 12:30 A.M. they sold five quart bottles of beer to the same minor for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensees have a previous record of suspension of license as follows: (1) by the municipal issuing authority for ten days, effective August 23, 1948, for permitting a brawl on the licensed premises; (2) by the Director for twenty days, effective May 13, 1955, for sale to minors (Re Cramer, Bulletin 1066, Item 3); and (3) by the municipal issuing authority for fifteen days, effective July 5, 1961, for sale to minors.

The prior record of suspension for dissimilar violation in 1948 disregarded because occurring more than five years ago, but the prior record of similar violation in 1961 within the past five years and in 1955 between five and ten years past considered, the license will be suspended on the first charge for thirty days (Re Kirk, Bulletin 1449, Item 7; Re Straus, Bulletin 1452, Item 3) and on the second charge for fifteen days (Re Right Spot Bar & Restaurant Corp., Bulletin 1482, Item 13), or a total of forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days.

Accordingly, it is, on this 19th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-7, issued by the Borough Council of the Borough of Union Beach to Henry and Mary Cramer, t/a Henry and Mary's, for premises 1105 Union Avenue, Union Beach, be and the same is hereby suspended for forty (40) days, commencing at 2:00 A.M. Wednesday, January 2, 1963, and terminating at 2:00 A.M. Monday, February 11, 1963.

WILLIAM HOWE DAVIS DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

The Club Bar of Union, Inc. )  
t/a Crossroads Liquor Store & Lounge )  
1637 Vauxhall Road )  
Union, New Jersey )

CONCLUSIONS

AND

ORDER

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

Kein, Scotch & Pollatschek, Esqs., by Julius R. Pollatschek, Esq.,  
Attorneys for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 6, 1962, it sold drinks of alcoholic beverages to a minor, age 18, 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 Seery, Bulletin 1478, Item 12.

Accordingly, it is, on this 19th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-37, issued by the Township Committee of the Township of Union, County of Union, to The Club Bar of Union, Inc., t/a Crossroads Liquor Store & Lounge, for premises 1637 Vauxhall Road, Union, be and the same is hereby suspended for ten (10) days, commencing at 2:00 A.M. Monday, January 7, 1963, and terminating at 2:00 A.M. Thursday, January 17, 1963.

WILLIAM HOWE DAVIS  
DIRECTOR



hand and wrote some numerals thereon after which the man, before departing from the premises, handed money to Florentino; that, as Chesen stood directly in front of the agents, he (Agent S) asked a male seated on the next stool to his left whether 'Al' (Florentino) was the bookie and the man answered 'Yes, he is the bookie. Yes, he is the bookie'; that Chesen, who was looking at him (Agent S) when the question was asked of the man, nodded his head 'up and down' in an affirmative manner; that he (Agent S) said to Florentino, who was 'three to four feet' from him, 'I have got some numbers I want to play. Follow me into the men's room'; that Florentino followed him (Agent S) into the men's room where he gave Florentino a \$5 bill in payment for numbers bets, and both returned to the bar where, in the presence of Chesen, Florentino gave him \$1.30 change; that a male came into the barroom by way of the street entrance and, after conversing with Florentino, the latter obtained a piece of paper from the sweater on the coat rack, placed it on the bar in front of Chesen, wrote something on the paper as the man stood 'right alongside of him' and, when the man gave him money, Florentino placed the slip of paper and the money in his pants pocket; that the man then left the premises; that thereafter he (Agent S) marked two one-dollar bills which he gave to Agent C who he saw mark two other one-dollar bills; that Agent C asked Florentino to follow him to the men's room; that, returning to the barroom, Agent C telephoned the police; that Florentino, in compliance with a request, produced several slips upon which were written various numbers bets, and among the money on his person were the four marked bills given him by Agent C.

"It was stipulated by the attorneys representing the respective parties that, if Agent C were questioned on direct examination by the attorney appearing for the Division, his testimony would be similar to that given on direct examination by Agent S. The testimony elicited on cross-examination of Agent C by the attorney for the licensee failed to change his version as to what occurred on the licensee's premises at the time in question.

"Morris Chesen testified that he is the president of the corporate licensee and was on duty on August 25, 1962, when the agents were in the licensed premises. Chesen testified that he had known Florentino for several years and knew he was reputed to be accepting numbers bets but was unaware that he had accepted bets on the licensed premises; that he (Chesen) had told Florentino on 'two - three more times to keep out of the place'; that on the date in question he had not seen Florentino write numbers on any pieces of paper; that he had never placed a numbers bet with Florentino or had he ever indicated by an affirmative nod of the head to the agents that Florentino was a bookie.

"From a review of the entire record, I am convinced that the various conversations and incidents described by the agents in their testimony could not have occurred without the knowledge of Chesen who was present at all times, and I must, therefore, discount his claim to ignorance. By his own admission Chesen has conceded that he knew that Florentino was writing numbers off the licensed premises, and for that reason on several occasions had directed him to keep out of the licensed premises.

"However, even in the absence of actual knowledge, a licensee cannot escape the consequences of the occurrence of incidents, such as hereinabove related, on the licensed premises. Not only is it no defense that he as an officer and employee of the corporate licensee had not participated in the violation (which I am satisfied was not true in the instant case) but, in addition, 'licensees may not avoid their responsibility for the conduct of their premises by merely closing their eyes and ears. On the con-

trary, licensees or their agents or employees must use their eyes and ears, and use them effectively, to prevent the improper use of their premises.' Vide Bilowith v. Passaic, Bulletin 527, Item 3; Re One-thirty-five Mulberry St. Corp., Bulletin 892, Item 2. Most certainly Chesen, president of the corporate licensee, 'suffered' the numbers-writing to take place on the licensed premises. As the Supreme Court said in Essex Holding Corp. v. Hock, 136 N.J.L. 28, at p. 31:

'Although the word "suffer" may require a different interpretation in the case of a trespasser, it imposes responsibility on a licensee, regardless of knowledge, where there is a failure to prevent the prohibited conduct by those occupying the premises with his authority. Guastamachio v. Brennan, 128 Conn. 356; 23 Atl. Rep. (2d) 140.'

"Under the circumstances appearing herein, and pursuant to a careful examination of the evidence, I conclude that the Division has established the truth of the charges by a fair preponderance of the believable evidence, and I recommend that the licensee be found guilty as charged. Freud and Pittala v. Davis, 64 N.J. Super 242.

"Licensee has no prior adjudicated record. It is, therefore, recommended that an order be entered suspending the license for twenty-five days, the minimum penalty for a first offense involving numbers activity. Re DiTerlizzi, Bulletin 1441, Item 4; Re Kent Cafe, Inc., Bulletin 1471, Item 6."

Pursuant to Rule 6 of State Regulation No. 16, exceptions to the Hearer's Report and written argument thereto were filed with me by the attorney for the licensee.

Having carefully considered the entire record herein, including the exhibits, the Hearer's Report and exceptions and written argument thereto, I concur in the conclusions of the Hearer and adopt them as my conclusions herein. Hence I find the licensee guilty as charged.

Accordingly, it is, on this 20th day of December 1962,

ORDERED that plenary retail consumption license C-9, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Grove Tavern, Inc., for premises 313 Grove Street, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, January 7, 1963, and terminating at 2 a.m. Friday, February 1, 1963.

WILLIAM HOWE DAVIS  
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE BELOW FILED PRICE - LICENSE SUSPENDED 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Mintz's Tavern, Inc. 286-288 16th Avenue Newark 3, N. J. Holder of Plenary Retail Consumption License C-474, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS

AND

ORDER

Licensee, by George Mintz, President, Pro se. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on November 7, 1962, it sold a four-fifth pint bottle of whiskey (1) at 11:15 P.M. for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, and (2) at less than filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Kachel, Bulletin 1434, Item 5.

Accordingly, it is, on this 19th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-474, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Mintz's Tavern, Inc. for premises 286-288 16th Avenue, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 A.M. Thursday, January 3, 1963, and terminating at 2:00 A.M. Wednesday, January 23, 1963.

WILLIAM HOWE DAVIS DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against )  
 )  
 Kopp's Colony Inn Corp. )  
 Carlton, Maple, Walnut & )  
 Bryant Avenues )  
 Lindenwold, N. J., )  
 )  
 Holder of Plenary Retail Consumption License C-1, issued by the Mayor and Borough Council of the Borough of Lindenwold. )  
 )

CONCLUSIONS  
 AND  
 ORDER

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 Harvey L. Stern, Esq., Attorney for Licensee  
 David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Licensee pleaded not guilty to a charge alleging that on June 5, 1962, it possessed on its licensed premises alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

"To support the charge the Division produced as its witnesses ABC agent O and the Division's chemist.

"Agent O testified in substance that on June 5, 1962, he visited the licensed premises wherein he gauged and tested licensee's open stock of assorted brands of liquor on its back bar; that the contents of eight bottles appeared to him to be darker in color than the contents of eight sealed bottles of the same brands which were opened on the premises for comparisons; that two of the bottles were labeled 'Seagram's Seven Crown American Blended Whiskey, 86 Proof' and one bottle was labeled 'Calvert Reserve American Blended Whiskey, 86 Proof' (the basis of the charge herein); that he seized the eight bottles, sealed them with wax in the presence of William Kopp (president of the corporate licensee), gave a receipt for the entire seizure to Mr. Kopp and locked the bottles in the trunk of his car; that on the following morning he removed the bottles from his car and delivered them to the Division's chemist, at the Division's laboratory, and that the eight bottles were in his possession from the time of the seizure until he turned them over to the chemist as aforesaid.

"The chemist (whose qualifications as an expert chemist were admitted by the attorney for the licensee) testified that on June 6, 1962, Agent O turned over to him the seized bottles, including the three bottles in question (marked S-1, S-2 and S-3 in evidence); that he analyzed the contents of the aforesaid three bottles; that he found that they were high in solids; that, in addition, he found the contents of one of the bottles of Seagram's (S-1) low in acids; that none of the three bottles contained the genuine product as described by their respective labels, and that the bottles were in the laboratory vault from June 6, 1962, until the day of the within hearing.

"On cross examination the chemist reiterated the pertinent parts of his direct examination and described in detail the manner

in which he analyzed the contents of the three bottles in question upon which he based his aforesaid findings.

"William Kopp (president of the corporate licensee) testified that he has operated the licensed premises for the past twenty months; that he, his wife, a former bartender (discharged about June 15, 1962), Barbara M. Rogenski, Clara A. Osborne and Doris Eiselli (three of his seven employees) were the only persons who had access to the bar and the liquor on the back bar; that his price for the alcoholic beverages in question is thirty-five cents per shot; that they are two of his cheapest brands; that his other brands of liquor sell for sixty and seventy cents per shot and that neither he nor anyone else to his knowledge had tampered with the three bottles in question.

"Barbara M. Rogenski, Doris Eiselli (barmaids) and Clara A. Osborne (cleaning lady and barmaid), testifying on behalf of the licensee, substantially corroborated the testimony of Mr. Kopp and denied that they tampered with the three bottles in question.

"It was stipulated by counsel that the testimony of Doris Kopp (wife of William Kopp), if examined, would be the same as that given by Mr. Kopp and the barmaids.

"I have carefully reviewed the evidence adduced herein, together with the exhibits and the memorandum submitted by licensee's attorney, and I find that the agent performed his duties in the customary and accepted manner; that the aforesaid three questionable bottles were in fact those possessed by the licensee upon its premises, and that the contents of said bottles were not the genuine product of the named brands. Hence I conclude that the Division has established the truth of the charge by a fair preponderance of the believable evidence, and I recommend that the licensee be found guilty as charged.

"Since the licensee has no prior adjudicated record, it is further recommended that its license be suspended for a period of twenty days, the minimum penalty imposed in 'refill' cases involving three bottles. Re Voacolo Holding Corp., Bulletin 1478, Item 8."

Pursuant to Rule 6 of State Regulation No. 16, exceptions to the Hearer's Report and written argument thereto were filed with me by the attorney for the licensee.

I have carefully examined the entire record herein. Admitting for the purpose of argument, as contended by licensee's attorney, that Mr. Kopp (president of the corporate licensee) was personally innocent of and did not participate in the violation in question (and there is no testimony to the contrary), nevertheless the licensee is responsible for the acts of its employees (Rule 33 of State Regulation No. 20).

I have given consideration to various letters addressed to me certifying to the fine character and reputation of the president of licensee corporation, which I do not for a moment question. If this case involved an aggravated situation which might have warranted a greater penalty than the minimum recommended by the Hearer, the character letters in question might have been considered in mitigation thereof. Under the circumstances, I shall not disturb the penalty recommended by the Hearer, and I shall, therefore, accept the recommendations contained in the Hearer's Report.

Accordingly, it is, on this 18th day of December 1962,

ORDERED that plenary retail consumption license C-1, issued by the Mayor and Borough Council of the Borough of Lindenwold to Kopp's Colony Inn Corp., for premises at Carlton, Maple, Walnut & Bryant Avenues, Lindenwold, be and the same is hereby suspended for twenty (20) days, commencing at 3 a.m. Wednesday, January 2, 1963, and terminating at 3 a.m. Tuesday, January 22, 1963.

WILLIAM HOWE DAVIS  
DIRECTOR

7. SEIZURE - FORFEITURE PROCEEDINGS - UNREGISTERED STILL, APPURTENANT EQUIPMENT AND ALCOHOLIC BEVERAGES ORDERED FORFEITED - MOTOR VEHICLE RETURNED TO INNOCENT LIENOR UPON PAYMENT OF COSTS - PADLOCKING WAIVED.

In the Matter of the Seizure )  
on July 7, 1962 of three gallons ) Case No. 10,860  
of alcoholic beverages, fifty )  
pounds of cornmeal, and a ) On Hearing  
Chrysler sedan in and upon a dwelling, )  
Box No. 588 Somerset Street, in the ) Conclusions and Order  
City of New Brunswick, County of )  
Middlesex and State of New Jersey. )  
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Milton S. Kramer, Esq., attorney for claimant, Associates Discount Corporation.  
John H. Mitchell, claimant, Pro Se.  
Leslie Katchen, property owner, Pro Se.  
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 Chapter 1 and 2, Revised Statutes of New Jersey and State Regulation No. 28 to determine whether numerous still parts, appliances, accessories, three gallons of alcoholic beverages, fifty pounds of cornmeal, miscellaneous property, and a Chrysler sedan described in a schedule attached hereto and made part hereof, seized on July 7, 1962, at premises Box No. 588, Somerset Street, New Brunswick, N. J., constitute unlawful property and should be forfeited; and further to determine whether the premises should be padlocked.

When the matter came on for hearing pursuant to R.S. 33:1-66 and R.S. 33:2-4, an appearance was entered on behalf of the Associates Discount Corporation which sought recognition of its alleged claim on the Chrysler sedan.

An appearance was entered on behalf of John H. Mitchell, the owner of the motor vehicle who, at first, indicated that he sought the return of the motor vehicle but upon further questioning admitted that he responded to the notice to appear but, in fact, made no claim either for the motor vehicle or the still parts. No one appeared to claim any of the still parts.

Leslie Katchen, the owner of the said premises, also appeared, and opposed the padlocking of the said premises.

Reports of ABC agents and other documents in the file, presented in evidence with the consent of the claimants, disclosed the following facts: As a result of certain information received by this Division that an illicit still was in operation at the aforementioned premises, ABC agents, armed with a search warrant, and

accompanied by local police on July 7, 1962 raided the said premises, and in the cellar thereof found and seized a makeshift still, consisting of a 50 gallon drum used as a cooker, eight 55 gallon drums filled with cornmeal, three one-gallon jugs of corn whiskey, a ten-gallon glass jug, and a 50-pound bag of cornmeal, and other still appliances. In the driveway of the premises the agents found and seized a Chrysler sedan, in the trunk of which was contained three empty one-gallon jugs with evidence that the jugs had contained illicit alcoholic beverages. The car bore New Jersey license plates which were registered in the name of John H. Mitchell, Box No. 588, Somerset Street, New Brunswick, N. J.

Further investigation of the premises disclosed that the same were occupied by the said John H. Mitchell, Leo Washington and one Carol Williams and her infant son, who sublet part of the premises from John H. Mitchell. A sample of the contents of the alcoholic beverages were analyzed by the Division chemist, who reports that it is alcohol and water, fit for beverage purposes, with an alcoholic content, by volume, of 47.5 percent. A sample of mash was analyzed by the chemist who reports that it is mash fit for distillation of alcohol therefrom, fit for beverage purposes, in the absence of bichloride of mercury.

Neither the still nor any of its parts was registered with the Director of the Division of Alcoholic Beverage Control, and they constitute unlawful property subject to forfeiture. R.S. 33:2-1. The seized alcohol is illicit because of the absence of any tax stamps on any of the containers. R.S. 33:1-1(i), R.S. 33:1-88. Such illicit still, the still equipment, the ingredients used in the manufacture of the said illicit alcohol and all the personal property contained in said premises constitute unlawful property, and are subject to forfeiture; and the premises are subject to padlocking. R.S. 33:1-1(i) and (y); R.S. 33:1-2; R.S. 33:1-66; R.S. 33:2-2, 5.

John H. Mitchell who, as indicated hereinabove, appeared in response to the statutory notice served upon him, admitted that he had signed a voluntary statement in which he set forth the fact that he was operating the said still while living at the above premises, and that he used the Chrysler sedan referred to in the schedule attached hereto, in connection with such operation.

He further testified that this Chrysler sedan was financed by the Associates Discount Corporation and that he represented to its agents that he had an annual income in 1961 of about \$1900.00. He was employed by Mr. Leo Washington, a tenant in the subject premises, who was a sub-contractor for the Petrillo Construction Company, and Mitchell earned anywhere from \$40.00 to \$100.00 a week, depending upon the number of days on which he was actually employed.

He stated that in order to purchase this car he had to make a loan of \$200.00 from the Beacon Finance Co. On cross-examination, however, he admitted that he told the representative of the claimant, Associates Discount Corporation he earned \$120.00 a week as an average weekly salary.

Frank Churchill, manager of the Maplewood, New Jersey, office of the Associates Discount Corporation, presented in evidence a conditional sales contract executed by John H. Mitchell, embracing the Chrysler sedan referred to hereinabove, and testified to the facts and circumstances relating to that transaction as follows: Prior to purchasing this contract from the dealer who sold this motor vehicle to Mitchell he obtained a telephoned credit statement from the dealer regarding the said Mitchell. This procedure was the usual procedure used by this claimant, and the information reflected

the fact that Mitchell was separated from his wife; had lived in New Market for two years prior thereto and that he was employed by the Petrillo Construction Co. as a mason; that prior thereto he had served in the U.S. Air Force for thirteen and one-half years; and he gave as his credit references Sears, Roebuck and Co. in New Brunswick and Guardian Loan in East Brunswick. These two references were checked and proved satisfactory.

The records also show that Mitchell presented a withholding statement which showed his place of employment and earnings of \$125.00 a week for the year 1961. He further stated that there was now due on the said vehicle the sum of \$1745.44 plus interest and that the present retail value for this car is \$1335.00.

At a continued hearing in this matter, Bert Mosenthine, the credit manager for claimant was called to refute the testimony of Mitchell with respect to his representation as to his earnings during the year 1961. Mosenthine stated that he saw an accounting statement for 1961 for Mitchell which reflected annual earnings of \$7200.00. This statement contained the names of about 15 employees of Washington Contracting Co. which was a sub-contractor of Petrillo Construction Co. The witness made the following notation: "Works, through Washington Contracting Company, saw withholding statement for 1961, he made \$7,200.00". As a result of this information received from Mitchell he approved the purchase of this conditional sales contract covering the sale of this car to Mitchell, from the dealer.

Leslie Katchen, the owner of the premises in which the still was located, testified that he has been the owner of these premises for the past two years and that he rented it to Mitchell about a year ago. He stated that he is in business in that area and drives past the property every day, but had no occasion to enter since Mitchell paid the rent to him at his office.

Since Mitchell had undertaken to make repairs to the interior of the premises he felt that it was not necessary to inspect the interior of the premises. From the exterior the premises appeared to be in good condition, needed no repairs, had not accumulation of garbage, nor was there any other factor which tended to arouse suspicion.

He stated further that the property is in close proximity to a pistol range used by the police officers of the City of New Brunswick and there was no odor or any other matter of a suspicious nature which attracted attention of any of the local officers passing said premises.

I am satisfied from the evidence presented that Mitchell did, in fact, represent that he earned substantially more than he testified to, and that the claimant, Associates Discount Corporation, acted upon the information as testified to by its representatives. I am further satisfied that this claimant acted in good faith and did not know or have any reason to suspect that Mitchell would be involved in the unlawful manufacture or transportation of unlawful alcoholic beverages for which the vehicle would be used.

I shall therefore recognize the lien of the Associates Discount Corporation to the extent of the balance due them, namely \$1745.44. It appears that the appraised retail value of the Chrysler sedan does not exceed the amount of the lien claim and the costs of its seizure and storage; therefore, such motor vehicle will be returned to Associates Discount Corporation upon payment of the costs of seizure and storage. Seizure Case No. 10,448, Bulletin 1383, Item 5.

I am also satisfied that Leslie Katchen, the owner of the property, did not know or have any reason to believe that his premises would be used for the unlawful manufacture of alcoholic beverages or that there was a still contained therein. Under these circumstances, padlocking will be waived. Seizure Case No. 9700, Bulletin 1252, Item 6.

Accordingly, it is DETERMINED and ORDERED that if, on or before the 31st of December, 1962, Associates Discount Corporation pays the costs incurred in the seizure and storage of the Chrysler sedan described in Schedule "A" such motor vehicle will be returned to it; and it is further

DETERMINED and ORDERED that the balance of the seized property, more fully described in Schedule "A", attached hereto, constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66 and R.S. 33:2-5, and that it 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.

Dated: December 20, 1962

WILLIAM HOWE DAVIS  
DIRECTOR

SCHEDULE "A"

- 3 - gallons of alcoholic beverages
- 50 - lbs. of cornmeal
- 1 - Chrysler sedan, Serial Number M-511 103817,  
Engine Number 103817, N.J. Registration GPR 915.

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Anna Zadansky  
 t/a Mike's Bar & Grill  
 859 Beatty Street  
 Trenton 10, New Jersey  
 Holder of Plenary Retail Consumption License C-84, issued by the City Council of the City of Trenton.

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CONCLUSIONS  
 AND  
 ORDER

Licensee, Pro se.  
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 23, 1962, she possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re New World Bar, Inc., Bulletin 1480, Item 12.

Accordingly, it is, on this 19th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-84, issued by the City Council of the City of Trenton to Anna Zadansky, t/a Mike's Bar & Grill, for premises 859 Beatty Street, Trenton, be and the same is hereby suspended for five (5) days, commencing at 2:00 A.M. Monday, January 7, 1963, and terminating at 2:00 A.M. Saturday, January 12, 1963.

WILLIAM HOWE DAVIS  
 DIRECTOR

9. 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  
 Davidson Liquors, Inc.  
 571 Grand St., 133 Manning Ave.  
 & rear of 573 Grand St.  
 Jersey City, New Jersey  
 Holder of Plenary Retail Consumption License C-17, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS

AND

ORDER

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 Licensee, by Leonard Davidson, President, Pro se.  
 Harry D. Gross, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, November 18, 1962, it sold a half-pint bottle of liqueur 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 Galamb, Bulletin 1485, Item 10.

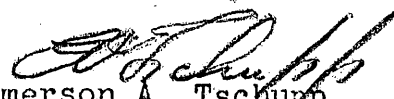
Accordingly, it is, on this 20th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-17, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Davidson Liquors, Inc. for premises 571 Grand Street, 133 Manning Avenue and rear of 573 Grand Street, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 A.M. Monday, January 7, 1963, and terminating at 2:00 A.M. Thursday, January 17, 1963.

WILLIAM HOWE DAVIS  
 DIRECTOR

10. STATE LICENSES - NEW APPLICATION FILED.

Rosa Wine Co. Inc.  
 830 Raymond Boulevard  
 Newark, New Jersey  
 Application filed February 11, 1963 for Plenary Winery License.

  
 Emerson A. Tschupp  
 Acting Director