

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

BULLETIN 336

JULY 25, 1939.

1. DISCRIMINATORY PRICES AND DISCOUNTS - THE ACT DOES NOT FIX PRICES - WHOLESALERS OR MANUFACTURERS MAY CHARGE WHAT THEY PLEASE PROVIDING ONLY THAT THEY DO NOT DISCRIMINATE DIRECTLY OR INDIRECTLY BETWEEN RETAILERS.

Gentlemen:

We would like to ask you a few questions regarding the recent law passed in your state on the sale of wines and liquors by the wholesaler to the retailer.

First, is there any list of prices set up by your office which the wholesaler must adhere to when selling to retailers?

Second, is it necessary for the wholesaler to adhere to the prices as set up by the Wholesale Association of New Jersey?

Third, may the wholesaler set his own prices as long as he does not discriminate between his customers, also is the wholesaler allowed to have a one and five case price on all brands of wines and liquors?

Yours very truly,
Henry Kelly & Sons, Inc.

July 17, 1939

Henry Kelly & Sons, Inc.,
New York, N. Y.

Gentlemen:

I have before me yours re Chapter 87, P.L. 1939 (Bulletin 324, Item 13), which prohibits wholesalers and manufacturers from discriminating, directly or indirectly, in price between retailers in this State.

There is no "list of prices" fixed by the State Commissioner to which the wholesaler or manufacturer must adhere when selling to retailers. The statute, although empowering the State Commissioner to adopt regulations concerning "maximum discounts, rebates, free goods, allowances and other inducements", confers no authority to fix actual prices at which liquor may be sold at wholesale.

I take your mention of the "Wholesale Association of New Jersey" to refer to the New Jersey Institute of Wine and Spirits Distributors, Inc., a voluntary association of wholesalers and manufacturers licensed to do business in this State. Prices or discounts set up by that Institute are merely voluntary standards imposed by its members upon themselves and have no official status.

A wholesaler or manufacturer may set his own prices so long as he does not discriminate. The law does not take away his right to charge what he pleases, providing that he does not discriminate, directly or indirectly, between retailers. So, in the absence of State regulation to the contrary, a wholesaler or manufacturer may have one price for a 1-case lot and another price for a 5-case lot, provided all retailers are treated alike.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

New Jersey State Library

2. SEIZURES - CONFISCATION PROCEEDINGS - LIQUOR AND TRUCK TRANSPORT-
ING IT WITHOUT TRANSIT INSIGNIA RELEASED UPON TERMS.

In the Matter of the Seizure of a)
Chevrolet truck and a quantity of)
alcoholic beverages contained)
therein on the public highway in)
the City of Hackensack, County of)
Bergen and State of New Jersey.)
- - - - -)

ON HEARING
CONCLUSIONS AND ORDER

Edward McCauley, President of the Jersey National Liquor Corporation, for the Jersey National Liquor Corporation.
Mark L. Schimel, Treasurer of the Rapid Service Express Co., Inc., for the Rapid Service Express Co., Inc.
Harry Castelbaum, Esq., for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

On March 14, 1939, police officers of the City of Hackensack observed a Chevrolet truck being used to transport a quantity of alcoholic beverages, and concluded that such transportation was illegal because the truck bore no transit insignia. They seized the motor vehicle and alcoholic beverages contained therein, and turned them over to this Department as unlawful property under the provisions of R. S. Title 33, Chapter 1.

Rapid Service Express Co., Inc., the owner of the motor vehicle, thereafter obtained the return of the truck upon payment to the Commissioner, under protest, of the sum of \$125.00, its appraised retail value. The alcoholic beverages remained in the Department's possession pending hearing to determine whether they should be confiscated.

The express company entered into a written stipulation that the Commissioner should hold a hearing (in the manner provided for by the statute) and determine whether the \$125.00 (representing the truck) should be forfeited or returned to the company; and agreed that such determination should be dispositive of any and all rights it had acquired when it made the payment.

A hearing was duly held pursuant to the stipulation and to the statute, at which appearances were entered for Rapid Service Express Co., Inc., and for the Jersey National Liquor Corporation, which claimed ownership of the alcoholic beverages and requested their return. They both admitted that the alcoholic beverages, although tax paid, were technically illicit because they were transported in an unlicensed vehicle.

Under the statute, illicit alcoholic beverages and the vehicle used in their transportation are subject to confiscation. The liquor company (which has held a plenary wholesale license since 1934) urged that it should be relieved of the forfeiture of the alcoholic beverages because it had acted in good faith and had been unwittingly involved in the violation.

The liquor company presented evidence that it sold the alcoholic beverages in question to a Camden customer, who had engaged the express company to pick up its purchases; that Boasi, a driver employed by the express company, while at the liquor company's licensed premises on other business, volunteered to take the alcoholic beverages (which were ready for shipment) in order

to avoid calling for them on his regular trip; that one of the liquor company's employees noticed that the truck bore no transportation insignia, questioned Boasi, and was informed by him that the express company had a special permit to transport alcoholic beverages in the truck; that thereupon the employee, under the honest impression that he could rely upon Boasi's statement, permitted him to pick up the alcoholic beverages. Boasi admitted that this is what had occurred.

Since the liquor company's employee observed that Boasi's truck did not bear transit insignia, and nevertheless permitted him to place the alcoholic beverages for transportation in the truck, it must present clear and convincing proof that it was an honest mistake in order to obtain relief from the forfeiture of such beverages.

I am convinced from the evidence that the liquor company's employee did not attempt to evade the law wilfully, but on the contrary endeavored to make certain that the vehicle could legally be used to transport alcoholic beverages. Although he should have known better, he apparently relied upon Boasi's statement and was misled. Furthermore, although the liquor company has held a wholesale license since 1934, this is the first time that it has been involved in a violation of the liquor laws.

I therefore find the Jersey National Liquor Corporation acted in good faith and unknowingly violated the Act. It further appears that the purchaser of the alcoholic beverages has relinquished whatever claim it might have by reason of their delivery to the common carrier (the express company). Accordingly, the alcoholic beverages will be returned to the Jersey National Liquor Corporation, provided it pays the costs involved in the seizure, and further provided it complies with whatever requirements may be imposed by the State Tax Department, Beverage Tax Division.

As to the Rapid Service Express Co., Inc.: It has been licensed to transport alcoholic beverages since 1934, and at the time of the seizure had obtained transit insignia for all of its vehicles except the truck in question. The treasurer of the company testified that the reason that a transit insignia had not been obtained for this truck was because it was not to be used for any purpose, due to a disagreement with his "partner" (the only other stockholder in the company).

The treasurer further testified that Boasi was permitted to take the truck on the day in question to deliver general merchandise, and that he exceeded his authority when he picked up the alcoholic beverages. However, the express company, as a licensee, is accountable, irrespective of the innocence of its officers, for a violation committed by its employee in the conduct of its business. Cf. Re Jacobs, Bulletin 315, Item 8.

The real issue is whether the express company should be penalized herein by the loss of the money which it paid to obtain the return of the truck. Since it was licensed to transport alcoholic beverages, had proper transit insignia for its other vehicles, and has since obtained insignia for the truck in question, payment of a license fee for a special permit to cover the unauthorized transportation will serve as a sufficient deterrent. I shall therefore entertain an application by the Rapid Service Express Co., Inc., for a special permit, the fee for which will be Twenty-five (\$25.00) Dollars, to validate the transportation it engaged in in the instant case, and in addition, it is to pay the costs involved in the seizure of the motor vehicle.

Accordingly, it is the Commissioner's order that there shall be deducted from the \$125.00 paid by the Rapid Service Express Co., Inc., under protest, (1) the sum of Twenty-five (\$25.00) Dollars to be applied as the fee for the special permit aforementioned, and (2) the costs due, paid or incurred in connection with the seizure of the motor vehicle. The balance of the money is to be returned to Rapid Service Express Co., Inc. when the permit is issued.

Dated: July 18, 1939. D. FREDERICK BURNETT, Commissioner.

3. SEIZURES - CONFISCATION PROCEEDINGS - PROPERTY FORFEITED.

In the Matter of the Seizure on)
June 14, 1939, of a still in a)
section of woodland in the vicinity) ON HEARING
of Centreton-Porchtown Road, near) CONCLUSIONS AND ORDER
the Elmer-Norma Road, in Pittsgrove)
Township, County of Salem and State)
of New Jersey.)

Appearance:

Harry Castelbaum, Esq., for the State Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

On June 14, 1939, officers of this Department, investigating a complaint that a wildcat still was in operation in the woods near the junction of the Centreton-Porchtown Road and the Elmer-Norma Road in Pittsgrove Township, followed a woods road past a small farmhouse and saw a lookout station about 100 feet beyond the barn. Observing the approach of the agents, the lookout set off the alarm and escaped into the woods. Just past the lookout station the road was blocked by a transverse two-inch pipe about two feet above the ground. Ahead in a clearing was a large still away from which three men were observed running. After fruitlessly pursuing the men, the agents returned to the still and found the steam pressure so high that imminent explosion was averted only by breaking the steam pipe from the boiler to the pumps with a sledge hammer. The still, equipment and alcoholic beverages listed in Schedule "A" annexed hereto, were seized as unlawful property pursuant to R. S. 33:2.

The records of this Department show no still registration certificate issued with respect to the seized still. Under the statute an unregistered still and articles used or adaptable for use in connection therewith are subject to confiscation. No person having appeared to contest the proceedings and no cause appearing why confiscation should not result in the instant case, it is the Commissioner's determination and order that the seized property constitutes unlawful property and is forfeited in accordance with the provisions of R. S. 33:2-5 and 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 Commissioner.

Dated: July 19, 1939. D. FREDERICK BURNETT, Commissioner.

SCHEDULE "A"

- 1 - Copper Dephlegmator
- 1 - Copper Column
- 2 - Copper Preheaters
- 1 - Scranton Steam Pump
- 2 - Worthington Steam Pumps
- 2 - Steam Boilers
- 18 - 55-gallon Drums with Molasses
- 9 - Wooden Vats with Mash
- 4 - Tanks
- 4 - 55-gallon empty Drums
- 22 - 5-gallon Cans of Alcohol
- 15 - 100-pound bags of Sugar
- 74 - Empty 5-gallon Cans
- Miscellaneous Personal Property

4. APPELLATE DECISIONS - BOOTH v. WAY.

LOUISA M. BOOTH,)
)
 Appellant,)
)
 -vs-)
)
 HONORABLE PALMER M. WAY, JUDGE)
 OF THE COURT OF COMMON PLEAS)
 IN AND FOR CAPE MAY COUNTY, and)
 ISSUING AUTHORITY,)
)
 Respondent)
 -----)

ON APPEAL
CONCLUSIONS

Robert Bright, Esq., Attorney for Appellant.
No appearance on behalf of Respondent.

BY THE COMMISSIONER:

Appellant appeals from the imposition on her plenary re-tail consumption license of the following condition:

"That all cabaret and music upon the licensed premises shall cease each night, except Saturday, not later than 11:00 P.M."

The same condition was imposed upon the license which she held for the prior fiscal year pursuant to Conclusions in Booth v. Way, Bulletin 267, Item 11.

The present appeal was originally instituted by Lou Booth, Inc., a corporation, to which, on April 26, 1939, respondent granted the license for the fiscal year 1939-1940, for premises at 1800 Surf Avenue, City of North Wildwood. After said appeal had been filed, notification of a hearing to be held on July 6, 1939, was sent to each of twenty-one objectors who appeared at the previous appeal hearing held in Booth v. Way, supra, and also to all owners and tenants of property within a radius of one block of the licensed premises.

At the hearing held on July 6, 1939, appellant herein filed an amended petition, reciting that Lou Booth, Inc. had withdrawn its

application and that appellant had applied for a renewal of her license for the present fiscal year, which application was to be acted upon by respondent on July 12, 1939. The proceedings herein were thereupon amended by substituting the name of "Louisa M. Booth" as appellant instead of "Lou Booth, Inc." and evidence was taken which, it was agreed, should apply to any condition thereafter imposed by respondent if and when respondent issued a license to Louisa M. Booth. Our records show that, on July 12, 1939, respondent issued a plenary retail consumption license to Louisa M. Booth for the premises in question, and imposed the same condition referred to above.

Appellant's testimony shows that because all types of music upon her licensed premises have been prohibited after 11:00 P.M. on weekdays, she had lost a large amount of business during the time she has operated; that she desires permission to have music, produced by string instruments, piano and organ, until 2:00 A.M. on every morning of the week. Only two objectors appeared at the hearing, neither of whom made any substantial objection to the type of relief requested herein.

On the evidence I am satisfied that the condition imposed works an undue hardship upon appellant and, in its present form, is unnecessary to protect the peace and quiet of the neighborhood.

The condition imposed by respondent on July 12, 1939, when plenary retail consumption license C-122 was issued to Louisa M. Booth for premises 1800 Surf Avenue, North Wildwood, is therefore modified to read as follows:

"All cabaret upon the licensed premises shall cease each night, except Saturday, between 11:00 P.M. and the closing hour on the following morning, and all music upon the licensed premises shall cease between 2:00 A.M. and the closing hour on every day of the week."

D. FREDERICK BURNETT,
Commissioner.

Dated: July 18, 1939.

5. SEIZURES - CONFISCATION PROCEEDINGS - PADLOCK DENIED.

In the Matter of the Seizure,)
on June 6, 1939, of a still, a)
quantity of household furniture)
and other miscellaneous personal)
property, at 90 Crescent Avenue,)
in the Borough of Cliffside Park,)
County of Bergen, State of New)
Jersey.)
- - - - -)

CONCLUSIONS
AND ORDER

Harry Castelbaum, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Investigators of this Department discovered an unregistered alcohol still in a dwelling at 90 Crescent Avenue, Borough of Cliffside Park. They seized the still equipment and appurtenant paraphernalia (described in Schedule "A" annexed hereto) as unlawful property under the provisions of R. S. Title 33, Chapter 2.

At a hearing held to determine whether the seized property should be confiscated and the premises padlocked, no one appeared to contest the forfeiture of the seized property. William H. Hinners, Secretary of Carwill Security and Investment Corporation (hereafter referred to as Carwill), owner of the realty, appeared for the purpose of avoiding padlocking of the premises.

The evidence shows that four persons arrested on the premises on June 6, 1939 in connection with the operation of the seized still signed statements in which they alleged that they had been employed by one Carlos Duran; that on April 25, 1939, Carwill had leased the premises to Carlos Duran and Louese Duran, his wife, for a period of one year to commence on May 1, 1939, at a yearly rental of \$720.00; that George W. Preston, the real estate agent who manages the property on behalf of Carwill, investigated various references furnished by Duran and found them to be satisfactory; that neither the real estate agent nor any officer of Carwill visited the property between May 1, 1939 and June 6, 1939 or knew of the existence of the still on the premises; that the property was rented to another tenant on July 1, 1939. In view of the foregoing, good cause has been shown why a padlocking penalty should not be imposed.

No cause has been shown why confiscation of the still, household furniture and other miscellaneous property should not result in the instant case.

Accordingly, it is determined that the seized property constitutes unlawful property, and it is ordered that the same be and hereby is forfeited, in accordance with the provisions of R. S. 33:2-5, and it is further ordered that said property shall be retained for the use of hospitals and State, county and municipal institutions, or that said property may be destroyed in whole or in part, at the direction of the Commissioner.

D. FREDERICK BURNETT,
Commissioner.

Dated: July 19, 1939.

SCHEDULE "A"

- 2 - 100 gallon copper cookers with copper preheaters and attached burners
- 1 - 100 gallon copper cooker with copper preheater and attached burner
- 2 - 50 gallon galvanized cookers
- 1 - 25 gallon galvanized cooker
- 5 - 5 gallon cans of alcohol
- 60 - 50 gallon drums with mash
- 28 - empty 5 gallon cans
- Household furniture, including a living room set, radio, kitchen set, etc.
- Miscellaneous personal property.

6. SEIZURES - CONFISCATION PROCEEDINGS - PADLOCK DENIED.

In the Matter of the Seizure of a still at 261 Outlook Boulevard, Cliffwood Beach, in the Township of Madison, County of Middlesex and State of New Jersey.
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On Hearing CONCLUSIONS and ORDER

Appearances:

Matilda Bengtsen, Pro Se.

Investigators of this Department discovered an unregistered alcohol still in a dwelling at 261 Outlook Boulevard, Cliffwood Beach. They seized the still equipment and appurtenant paraphernalia (described in Schedule "A" annexed hereto) as unlawful property under the provisions of R.S. Title 33, Chapter 2.

At a hearing duly held to determine whether the seized property should be confiscated and the premises padlocked, no one appeared to contest the forfeiture of the seized property. Matilda Bengtsen, one of the owners of the realty, appeared and sought to avoid padlocking of the premises.

Under the statute, an unregistered still, and articles used or adaptable for use in connection therewith, are subject to confiscation and, in addition, a padlocking penalty may be imposed upon the premises in or upon which the still is found. No cause is here shown why confiscation should not result in the instant case, but the Commissioner is satisfied from the evidence presented that the premises should not be padlocked.

Matilda Bengtsen's demeanor and conduct at the hearing indicated that she is a respectable, law abiding citizen. She testified that she and her husband own their own home in Cranford but presently reside in Montclair because it is more convenient to her husband's place of employment; that they own the typical summer bungalow in Cliffwood Beach where the still was found; that some months prior to the seizure a Mr. Vanderee visited her in Montclair and stated that he had observed a "For Rent" sign on the bungalow and desired to rent it; that Vanderee stated that his home was in Trenton and his business that of exhibiting moving pictures in high schools; that she and her husband were favorably impressed with Vanderee's appearance, and rented the bungalow to him; that Vanderee paid the rent to them at Montclair and they had no occasion to visit the premises, and therefore were unaware that the still had been installed therein. She further testified that the premises are now vacant and will be occupied by her daughter if they are not padlocked. In view of the foregoing, good cause has been shown why a padlocking penalty should not be imposed.

Accordingly, it is the Commissioner's determination and order that the seized property constitutes unlawful property, is forfeited in accordance with the provisions of R.S. Sec. 33:2-5, and shall be retained for the use of hospitals and State, county and municipal institutions or may be destroyed in whole or in part at the direction of the Commissioner.

Dated: July 7, 1939.

D. FREDERICK BURNETT
Commissioner

SCHEDULEE "A"

- 1 - 25 gallon copper cooker
- 1 - copper coil
- 1 - steel tank
- 15 - 5 gallon cans (empty)
- Miscellaneous personal property

7. ADVERTISING - BEER FOR GOLFERS - HEREIN OF "HOLE IN ONE"

July 20, 1939

National Brewing Company,
Baltimore, Maryland.

Gentlemen:

My attention is directed to a placard illustrating your bottled product, and reading:

"HOLE IN ONE"

The National Brewing Co.
of
Baltimore, Maryland

will give one case of:-

NATIONAL
Premium Beer

for each hole in one.

See your 'Pro' for details

 Professional

Under the New Jersey Alcoholic Beverage Law, a gift of alcoholic beverages by a licensee is a sale. R. S. 33:1-1. Your limited wholesale license authorizes sales only to manufacturers, wholesalers and licensed retailers. It does not authorize sales to consumers. It is, therefore, not permissible for you to distribute beer in the above manner to consumers even though they accomplish the miraculous.

I direct that you withdraw the offer and cease from such distribution forthwith, and desire your written assurance by return mail. Violation is cause for the suspension or revocation of your license.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

8. CLUB LICENSES - MEMBERSHIP - JUNIOR MEMBERSHIP OR MERE AFFILIATION WILL NOT SUFFICE TO CONSTITUTE BONA FIDE MEMBERSHIP IN THE CLUB ITSELF.

Dear Sir:

The young men of South Orange have planned to form a junior branch of the Societa Savoia de Mutuo Soccorso, which is located at 31 Third Street, South Orange. The Societa has a club license from the Village to sell liquor, beer and wine. As all the young men are above the age of twenty-one it would not be illegal to sell beer to them; but a problem has arisen which must be settled before the Societa can accept the young men as a junior club upon which I wish to have your advice.

Is it legally possible for the Societa to accept this junior membership without impairing its liquor license?

If the junior club is formed must they assume the Societa's name in order to have the use of its license, and be governed by its officers, or may they assume the name Junior Savoia Society, and while affiliated with the Societa, yet be governed by their own officers?

As the license is issued to the Societa Savoia de Mutuo Soccorso, would the Junior Savoia Society, be a separate and distinct club, thus render it impossible to use the Societa's club license?

The purpose of the junior group, while being affiliated with the mother lodge, wishes to be governed by its own officers, to take part in all types of athletics under its own name. We have planned to reimburse the Societa by paying yearly house dues for the use of its club rooms.

If this is not possible I wish that if you have any suggestions as to how we can be affiliated with the Societa, that you will state them in your reply. No step will be taken until I have received your reply, as the Junior members do not want to place the Societa at odds with your office and the law enforcement officers themselves.

Yours truly,
Carmen Magliaro

July 20, 1939

Mr. Carmen Magliaro,
South Orange, N. J.

Dear Mr. Magliaro:

I have your letter inquiring whether a junior order or auxiliary may be formed in which the members will be entitled to the privileges of a club license now held by the mother organization, Societe Savoia Di Mutuo Soccorso, 31 - 3rd Street, South Orange.

You state that the younger members purpose to be governed by separate officers, adopt a new name and pay dues to the parent lodge for the use of the club rooms.

The answer to your inquiry is in the negative. The holder of a club license may sell alcoholic beverages only to its

own members, and bona fide guests. The junior members, under your proposed plan, would not be members of the mother organization, but rather of a distinct and separate entity.

I have heretofore ruled that a club licensee may not sell alcoholic beverages to members of a women's auxiliary. Re Peditto, Bulletin 179, Item 7.

In order that the younger individuals, whom you say are all over twenty-one years of age, may have the privileges of the license held by the senior society, they must be governed by the same officers, be subject to the same rules and by-laws, use the same name and club quarters, and pay dues for the same facilities, as do the members of the senior society. In short, they must be bona fide members of the club itself. Mere affiliation will not do.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

9. DISCIPLINARY PROCEEDINGS - NEWARK LICENSEES - SALES AFTER HOURS.

In the Matter of Disciplinary)
Proceedings against)
KINNEY CLUB, INC.)
36 Arlington Street,)
Newark, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Con-)
sumption License C-12 issued)
by the Municipal Board of)
Alcoholic Beverage Control of)
the City of Newark.)

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Stanton J. MacIntosh, Esq., Attorney for the Department of
Alcoholic Beverage Control

Kinney Club, Inc., by Herman Pontesof, Secretary-Treasurer

BY THE COMMISSIONER:

The licensee by its Secretary-Treasurer has pleaded guilty to charges of (a) sale of alcoholic beverages and (b) keeping the licensed premises open during prohibited hours in violation of local ordinance.

The usual penalty for each violation is five days, or a total of ten days.

By entering this plea in ample time before the day fixed for hearing, the licensee has cooperated with the Department and thereby saved the time and expense incident to proving the Department's case. The license will, therefore, be suspended for five days instead of the usual ten.

Subsequent to the institution of these proceedings, the above designated license expired and has been renewed by the issuance of Plenary Retail Consumption License C-970.

Accordingly, it is on this 20th day of July, 1939,

ORDERED that Plenary Retail Consumption License C-970 heretofore issued to Kinney Club, Inc. by the Municipal Board of Alcoholic Beverage Control of the City of Newark, be and the same is hereby suspended for the period of five days, effective July 23, 1939, at 3 A.M. (Daylight Saving Time).

D. FREDERICK BURNETT
Commissioner

10. DISCIPLINARY PROCEEDINGS - FAIR TRADE - SALES AT CUT RATES.

In the Matter of Disciplinary Proceedings against)

WILLIAM KELLY)
t/a Kelly's Bar & Grill)
2205 Atlantic Avenue,)
Atlantic City, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-72, issued by the Board of Commissioners of the City of Atlantic City.)

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Ellamarye H. Failor, Attorney for the Department of Alcoholic Beverage Control.

Milton W. Glenn, Esq., Attorney for Licensee.

BY THE COMMISSIONER:

The licensee has pleaded guilty to a charge of selling liquor at his licensed premises on May 23, 1939 in violation of Rule 6 of State Regulations No. 30. His license will, therefore, be suspended for five days instead of the usual ten.

Subsequent to the institution of these proceedings, the above mentioned license has expired and has been renewed by the issuance of Plenary Retail Consumption License C-136 (1939-40).

Accordingly, it is on this 21st day of July, 1939,

ORDERED, that Plenary Retail Consumption License C-136 (1939-40), heretofore issued to William Kelly, t/a Kelly's Bar & Grill, by the Board of Commissioners of the City of Atlantic City, be and the same is hereby suspended for a period of five (5) days. Pursuant to Notice of December 17, 1938, Bulletin 289, Item 1, the effective date of such suspension is reserved for future determination.

D. FREDERICK BURNETT
Commissioner

Street and Almira Avenue, the objections filed by persons residing in the vicinity, and the existence of a licensed place nearby, which should be able to take care of the needs of approximately eight hundred people who live in this section of the Township.

The action of respondent is, therefore affirmed.

D. FREDERICK BURNETT
Commissioner

Dated: July 22, 1939.

12. DISQUALIFICATION - APPLICATION TO LIFT - GRANTED.

In the Matter of an Application)
to Remove Disqualification because)
of a Conviction, Pursuant to)
R.S. 33:1-31.2 (as amended by)
Chapter 350, P.L. 1938))
Case No. 63.)
.)

CONCLUSIONS
AND
ORDER

BY THE COMMISSIONER:

In January 1924 petitioner was convicted of maintaining a disorderly house and fined \$200. In October 1928 she pleaded non vult to another charge of maintaining a disorderly house and was sentenced to serve three months in a county penitentiary. In January 1929 she pleaded guilty in a Federal court to a charge of violating the National Prohibition Act and was placed on probation for three years. Her probation officer reports that she made a fair adjustment during the period of probation. Petitioner has not been convicted of any crime since 1929.

The evidence shows that, in 1935, she married and that she has not been engaged in any business since that time. At the hearing herein she testified that, during the period between 1924 and 1929, her mother conducted a boarding house and saloon and that petitioner herein took the blame for the manner in which these premises were conducted in an effort to shield her mother. Whether this testimony is true or not need not be decided herein because, in view of the convictions, it must be taken as a fact that petitioner was responsible for the manner in which those premises were conducted. However, it appears that petitioner has not been convicted of any crime for more than ten years.

At the hearing five witnesses, who had known petitioner for twenty-one, nine, twelve, thirty-two and eight years respectively, testified that, since 1923, she has been a law-abiding citizen.

The Chief of Police of the municipality in which she resides has certified that there are no pending investigations or complaints against her.

I am satisfied from the evidence that petitioner has conducted herself in a law-abiding manner for more than ten years last past; that, despite her bad record previous to 1929, she has rehabilitated herself, and I conclude, therefore, that her association with the alcoholic beverage industry will not be contrary to the interests of that industry.

It is, therefore, on this 22nd day of July, 1939

ORDERED that petitioner's disqualification from holding a license or being employed by a licensee, because of the convictions referred to herein, be and the same is hereby removed, in accordance with R.S. 33:1-31.2 (as amended by Chapter 350, P.L. 1938).

D. FREDERICK BURNETT
Commissioner

13. DISCIPLINARY PROCEEDINGS - FAIR TRADE - SALES AT CUT RATES.

In the Matter of Disciplinary)
Proceedings against)

AMBROSE CLARK, JR.)
t/a Colonial Liquor Store)
19 E. Main Street)
Millville, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail)
Distribution License D-2,)
issued by the Board of)
Commissioners of the City of)
Millville.)

.)

Ellamarye H. Failor, Attorney for the Department of Alcoholic
Beverage Control.
Ambrose Clark, Jr., Pro Se.

BY THE COMMISSIONER:

The licensee has pleaded guilty to a charge of selling liquor at his licensed premises on June 16, 1939 in violation of Rule 6 of State Regulations No. 30. His license will, therefore, be suspended for five days instead of the usual ten.

Subsequent to the institution of these proceedings, the above mentioned license has expired and has been renewed by the issuance of Plenary Retail Distribution License D-2 (1939-40).

Accordingly, it is on this 22nd day of July, 1939,

ORDERED, that Plenary Retail Distribution License D-2 (1939-40), heretofore issued to Ambrose Clark, Jr., t/a Colonial Liquor Store, by the Board of Commissioners of the City of Millville, be and the same is hereby suspended for a period of five (5) days. Pursuant to Notice of December 17, 1938, Bulletin 289, Item 1, the effective date of such suspension is reserved for future determination.

D. FREDERICK BURNETT
Commissioner

14. DISCIPLINARY PROCEEDINGS - FAIR TRADE - SALES AT CUT RATES.

In the Matter of Disciplinary)
Proceedings against)

HAROLD V. MEGRONIGAL)
908 Shore Road,)
Somers Point, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Con-)
sumption License C-4, issued)
by the Common Council of the)
City of Somers Point.)

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Ellamarye H. Failor, Attorney for the Department of Alcoholic
Beverage Control.

Frank P. Mulligan, Esq., Attorney for Licensee.

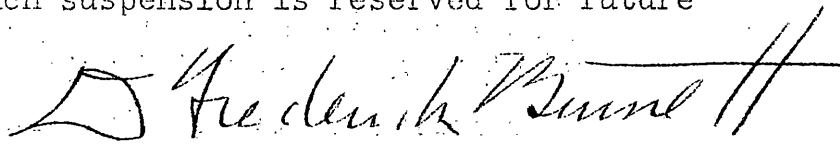
BY THE COMMISSIONER:

The licensee has pleaded guilty to a charge of sell-
ing liquor at his licensed premises on May 23, 1939 in
violation of Rule 6 of State Regulations No. 30. His license
will, therefore, be suspended for five days instead of the
usual ten.

Subsequent to the institution of these proceedings,
the above mentioned license has expired and has been renewed
by the issuance of Plenary Retail Consumption License C-4
(1939-40) to Harold V. Megronigle (who is the same person).

Accordingly, it is on this 22nd day of July, 1939,

ORDERED, that Plenary Retail Consumption License C-4
(1939-40), heretofore issued to Harold V. Megronigle by the
Common Council of the City of Somers Point, be and the same
is hereby suspended for a period of five (5) days. Pursuant
to Notice of December 17, 1938, Bulletin 289, Item 1, the
effective date of such suspension is reserved for future
determination.



Commissioner

