

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

BULLETIN 605

FEBRUARY 9, 1944.

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS, IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS NO. 20 - SALE OF ALCOHOLIC BEVERAGES TO PERSON ACTUALLY OR APPARENTLY INTOXICATED, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 20 - 50 DAYS' SUSPENSION.

AUTOMATIC SUSPENSION - R. S. 33:1-31.1 - LICENSEE PAID FINE OF \$100. - LICENSE SUSPENDED FOR 50 DAYS IN DISCIPLINARY PROCEEDINGS - APPLICATION TO LIFT GRANTED UPON THE EXPIRATION OF 50 DAYS' SUSPENSION.
2. LICENSED PREMISES - HEREIN OF IMPROPRIETY OF RUNNING "SAVINGS CLUB" FOR PATRONS ON SUCH PREMISES - SAME CONSTITUTES PRACTICE UNDULY DESIGNED TO INCREASE CONSUMPTION OF ALCOHOLIC BEVERAGES.
3. MORAL TURPITUDE - CRIME OF LEWDNESS FOUND TO INVOLVE MORAL TURPITUDE.

DISQUALIFICATION - APPLICATION TO LIFT - GOOD CONDUCT FOR FIVE YEARS LAST PAST AND NOT CONTRARY TO PUBLIC INTEREST - APPLICATION TO LIFT GRANTED.
4. ACTIVITY REPORT FOR JANUARY, 1944.
5. DISCIPLINARY PROCEEDINGS - ILLEGAL PURCHASE OF ALCOHOLIC BEVERAGES BY RETAILER FROM PERSON OTHER THAN THE HOLDER OF A NEW JERSEY MANUFACTURER'S OR WHOLESALER'S LICENSE, IN VIOLATION OF RULE 15 OF STATE REGULATIONS NO. 20 - 40 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.
6. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO PETITION TO LIFT UPON CORRECTION OF ILLEGAL SITUATION AND THE EXPIRATION OF AT LEAST 60 DAYS' SUSPENSION.
7. DISCIPLINARY PROCEEDINGS - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - ILLEGAL SITUATION CORRECTED - 10 DAYS' SUSPENSION.
8. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - DISCREPANCY IN PROOF, ACIDS, SOLIDS AND COLORING MATTER - 30 DAYS' SUSPENSION.
9. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - ILLEGAL SITUATION CORRECTED - 10 DAYS' SUSPENSION.
10. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - ILLEGAL BEER TAPS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 22 - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO PETITION TO LIFT UPON CORRECTION OF ILLEGAL SITUATION AND THE EXPIRATION OF AT LEAST 20 DAYS' SUSPENSION.

The first part of the report deals with the general situation of the country. It is a very interesting and informative document. The second part of the report deals with the specific details of the situation. It is a very detailed and thorough document. The third part of the report deals with the conclusions of the investigation. It is a very clear and concise document. The fourth part of the report deals with the recommendations of the investigation. It is a very practical and useful document.

The first part of the report deals with the general situation of the country. It is a very interesting and informative document. The second part of the report deals with the specific details of the situation. It is a very detailed and thorough document. The third part of the report deals with the conclusions of the investigation. It is a very clear and concise document. The fourth part of the report deals with the recommendations of the investigation. It is a very practical and useful document.

The first part of the report deals with the general situation of the country. It is a very interesting and informative document. The second part of the report deals with the specific details of the situation. It is a very detailed and thorough document. The third part of the report deals with the conclusions of the investigation. It is a very clear and concise document. The fourth part of the report deals with the recommendations of the investigation. It is a very practical and useful document.

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

BULLETIN 605

FEBRUARY 9, 1944.

1. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS, IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS NO. 20 - SALE OF ALCOHOLIC BEVERAGES TO PERSON ACTUALLY OR APPARENTLY INTOXICATED, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 20 - 50 DAYS' SUSPENSION.

AUTOMATIC SUSPENSION - R. S. 33:1-31.1 - LICENSEE PAID FINE OF \$100. - LICENSE SUSPENDED FOR 50 DAYS IN DISCIPLINARY PROCEEDINGS - APPLICATION TO LIFT GRANTED UPON THE EXPIRATION OF 50 DAYS' SUSPENSION.

In the Matter of Disciplinary)
Proceedings against)

ROSARIA REPICI,)
T/A REPICI'S HOTEL,)
201 West Main Street,)
Hamilton Township,)
P.O. Mays Landing, N. J.,)

Holder of Plenary Retail Consump-)
tion License C-10 issued by the)
Township Committee of Hamilton)
Township.)
-----)

CONCLUSIONS
AND
ORDER

In the Matter of the Application)
of)

ROSARIA REPICI)

To Lift Automatic Suspension of)
Plenary Retail Consumption License)
C-10 issued by the Township Com-)
mittee of Hamilton Township.)
-----)

Philip L. Lipman, Esq., Attorney for Defendant-licensee.
Milton H. Cooper, Esq., Attorney for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

The following charges were preferred against the defendant-
licensee:

"1. On Saturday night, October 9, 1943, and on Sunday
afternoon, October 10, 1943, you sold alcoholic beverages
to Marion ---, Seaman Jay --- and Seaman Joseph ---, minors,
and also on Sunday afternoon, October 10, 1943, you sold
alcoholic beverages to Alice ---, a minor, in violation of
R. S. 33:1-77.

"2. On the dates and at the times as aforesaid, you sold,
served and delivered and allowed, permitted and suffered
the service and delivery of alcoholic beverages to the
aforementioned individuals, persons under the age of
twenty-one (21) years, and allowed, permitted and suffered
the consumption of alcoholic beverages by such persons upon

your licensed premises, in violation of Rule 1 of State Regulations No. 20.

"3. On the dates and at the times as aforesaid, you sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages to the aforementioned individuals, persons actually or apparently intoxicated, and on Sunday afternoon, October 10, 1943, you sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages to Wilfred --- and George ---, also persons actually and apparently intoxicated, and allowed, permitted and suffered the consumption of alcoholic beverages by all such persons on the licensed premises, in violation of Rule 1 of State Regulations No. 20."

Defendant pleaded guilty to charges (1) and (2) and entered a plea of not guilty to charge (3).

The testimony of the witnesses in the instant case discloses that on Saturday, October 9, 1943, and on Sunday, October 10, 1943, respectively, alcoholic beverages were sold and served by the licensee to one Marion ---, 15 years of age, and two sailor companions, both minors. On Sunday, October 10, 1943, in addition to the three minors aforementioned, alcoholic beverages were served to Alice ---, who was also a minor.

Wilfred ---, a civilian, characterized as having been apparently intoxicated at the time he was sold alcoholic beverages, testified that he was on the licensed premises on the Saturday evening and also on the Sunday afternoon in question. Even though there is some evidence in the case that he had been drinking quite freely on both occasions, I am not convinced by the testimony that he was sold or served with alcoholic beverages when actually or apparently intoxicated. However, as to one George ---, another civilian, who was drinking at the licensed premises on Sunday, October 10, 1943, there appears to be no doubt from the testimony adduced that he was actually intoxicated when served with alcoholic beverages by the licensee. Marion ---, the 15-year old girl, testified that after George --- had left the table in the rear room he used the wall and the bar for support in order to reach the bar-room. At the bar George held his head and, when he spoke, Marion said she could not understand him. Thereafter she stated that she saw George being served beer by the licensee. Alice --- testified that when she entered the premises on Sunday George was asleep at a table in the back room but subsequently joined their party. Alice said that when she happened to observe him at the bar she "would say he was absolutely drunk." Joseph ---, one of the sailors, testified regarding the condition of George as follows: "He was sitting on a chair, half off, against the bar with his arm over the bar. He would look at me through the corner of his eye and could not hold his head straight. When he talked I could not understand him." Wilfred ---, the civilian, and Joseph --- stated that they saw George being served with alcoholic beverages by the licensee when actually intoxicated. George himself admitted that he had no recollection whatsoever of leaving the tavern and did not remember accompanying the sailors, the girls and Wilfred to an automobile for the purpose of taking a ride.

Even though the sailors and the two girls aforementioned had several drinks each, the evidence presented is not sufficient to sustain the charge that they were actually or apparently intoxicated when served with alcoholic beverages. As indicated above, I am satisfied, however, that George was intoxicated at the time beer

was sold and served to him by the licensee.

The usual penalty for sale to a minor where there are no aggravating circumstances is ten days. Re Frater, Bulletin 576, Item 2. In the instant case, however, four minors were sold, served and permitted, by the licensee, to consume alcoholic beverages on the licensed premises and, moreover, one of the minors was only 15 years of age. More than the minimum penalty must be imposed. On this charge a suspension of thirty days is fully warranted. As to charge (3), I find that the sale of alcoholic beverages was made to George after he was actually intoxicated. For this violation the defendant's license should be suspended for twenty days.

A petition has been filed herein to lift the automatic suspension of the license resulting from a conviction because of the sales to minors in the instant case. The licensee entered a plea of non vult in the criminal court to the charge aforesaid after indictment by the Grand Jury and was fined the sum of \$100. Said conviction automatically suspended her license for the balance of the term. R. S. 33:1-31.1. The license was picked up by inspectors of the Department of Alcoholic Beverage Control on December 13, 1943, and the licensed premises have been closed ever since that time. In view of the fact that defendant has no previous record, a fifty-day suspension appears to be a proper punishment for the violations committed herein. Therefore, the automatic suspension shall be lifted, effective February 1, 1944, at 7:00 A.M.

Accordingly, it is, on this 28th day of January, 1944,

ORDERED that the statutory automatic suspension of Plenary Retail Consumption License C-10 issued by the Township Committee of Hamilton Township to Rosaria Repici, t/a Repici's Hotel, for premises 201 West Main Street, Hamilton Township, be and the same is hereby lifted, effective at 7 A.M. on February 1, 1944, at which time the license may be returned to the licensee.

ALFRED E. DRISCOLL
Commissioner.

2. LICENSED PREMISES - HEREIN OF IMPROPRIETY OF RUNNING "SAVINGS CLUB" FOR PATRONS ON SUCH PREMISES - SAME CONSTITUTES PRACTICE UNDULY DESIGNED TO INCREASE CONSUMPTION OF ALCOHOLIC BEVERAGES.

January 17, 1944.

Mr. William and Pietra Zappulla
Newark, 3, New Jersey

Dear Mr. and Mrs. Zappulla:

On checking through our files, I note that, quite some time ago, agents of this Department found that you were conducting a so-called "savings club", known as "The W. J. Z. Savings Club", at your tavern at the above address.

Apparently, the membership of this "club" is composed of customers who deposit money with you at various times (usually on Friday nights). You in turn act as custodian of the money, which you place in a special account in your bank. These deposits accumulate until certain dates in June and December of each year, at which times each member then receives the amount of money placed by him in your custody. Members are not permitted to withdraw prior to the fixed distribution dates, except in cases of "emergency".

In other words, it appears that you are operating what amounts to a bi-annual Christmas Club at your tavern. The agents report that, when they made their check, the "club" had assumed such thriving proportions that it was necessary for you to hire and pay a bookkeeper-and-treasurer.

I note Mr. Zappulla's claim, when questioned by the agents, that no direct charge is made to members for your services in operating the "club" and that members are not allowed to buy drinks or bottles of alcoholic beverages and charge these purchases against the funds they have deposited with you. However, it is clear that you are not operating the "club" and paying the bookkeeper-and-treasurer merely as a philanthropy! Mr. Zappulla admits that the "club" is a means of retaining patrons and that he invariably anticipates that, whenever deposits or withdrawals are made, the patrons will generally buy "a drink or two".

There is grave possibility that, in engaging in this "savings club" scheme, you are actually doing a type of banking business in violation of the banking laws of the State.

However, wholly apart from that aspect, I thoroughly disapprove of any such schemes at licensed premises. Taverns are not proper places to serve as banks for the funds of patrons. If you wish to encourage a spirit of thrift in your customers, urge them to join the real Christmas Clubs at the various banks or to start regular savings accounts at those institutions.

I find that your "savings club" scheme is actually a practice designed to unduly increase the consumption of alcoholic beverages. Hence, pursuant to my powers under the Alcoholic Beverage Law (R. S. 33:1-39) I specially rule that, if you have not already done so, you immediately cease and desist from any such savings club scheme and that, within two weeks from the date hereof, you return to the members all funds which they have deposited with you.

Violation of this special ruling will be cause for suspension or outright revocation of your license.

Please let me have, by return mail, your immediate and solemn assurance that you will comply with the special ruling. Such letter should be signed by both of you.

Very truly yours,
ALFRED E. DRISCOLL
Commissioner.

3. MORAL TURPITUDE - CRIME OF LEWDNESS FOUND TO INVOLVE MORAL TURPITUDE.

DISQUALIFICATION - APPLICATION TO LIFT - GOOD CONDUCT FOR FIVE YEARS LAST PAST AND NOT CONTRARY TO PUBLIC INTEREST - APPLICATION TO LIFT GRANTED.

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

CONCLUSIONS
AND
ORDER

Case No. 316.

-----)
BY THE COMMISSIONER:

In 1936 petitioner was convicted in a Court of Common Pleas for lewdness and sentenced to a penitentiary for a term of three

months. The crime in question involves moral turpitude. Re Case No. 488, Bulletin 561, Item 3, and cases cited therein.

Petitioner represents that he has been law-abiding for at least the past five years and seeks removal of his disqualification from working for a liquor licensee or holding a liquor license in this State by reason of his conviction of a crime involving moral turpitude, pursuant to R. S. 33:1-31.2.

Petitioner testified that at the present time he and his wife are owners of a rooming house; that the same is operated jointly by them; that he also desires to obtain other employment and, for that reason, desires his disqualification to be lifted.

Petitioner was formerly employed as a kitchen helper in a club which holds a plenary retail consumption license. It appears that in his application for an employment permit he stated he had never been convicted of crime. On the basis of such an application he obtained a permit. When the investigation was completed, the record of the previous conviction was obtained and, on December 29, 1943, his permit was picked up. Petitioner has now filed application for removal of such disqualification.

Three witnesses appeared on his behalf, all of whom testified that they have known him for over the past five years and attested to his good conduct since his last trouble. Each of the witnesses knew of his previous trouble and stated that since that time he has conducted himself as a law-abiding citizen and is considered sober and industrious and is well regarded in the community. The petitioner states that, because of the fact that the offense for which he was convicted occurred over seven years ago, he did not think it was necessary to give this information in his application for a permit and that at no time was it his intention to conceal any material fact. He further states that, if his disqualification is removed, it is his intention to re-apply to his previous employer and be hired as a kitchen man and that he has no intention of working in any other capacity.

The fact that petitioner made a false statement in his application for an employment permit causes me to hesitate to grant him relief in this proceeding. However, I shall give him the benefit of the doubt and accept his explanation that he did not deliberately conceal his conviction. He has been punished by being deprived of his employment permit since December 29, 1943. He has not been convicted of any crime during the past seven years and, under the circumstances, I conclude that his association with the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 1st day of February, 1944,

ORDERED that petitioner's statutory disqualification, because of the conviction disclosed herein, be and the same is hereby lifted in accordance with the provisions of R. S. 33:1-31.2.

ALFRED E. DRISCOLL
Commissioner.

4.

ACTIVITY REPORT FOR JANUARY, 1944

To: Alfred E. Driscoll, Commissioner

ARRESTS: Licensees and employees - - - - - 9 Bootleggers - - - - - 6
Total number of persons arrested - - - - - 15

SEIZURES: Still - 1 to 50 gallons daily capacity - - - - - 0
50 gallons and more daily capacity - - - - - 0
Total number of stills seized - - - - - 0
Mash - gallons - - - - - 0
Motor vehicles - Trucks - - - - - 0
Passenger cars - - - - - 1
Total number of motor vehicles seized - - - - - 1
Beverage alcohol - gallons - - - - - 0
Brewed malt alcoholic beverages (beer, ale, etc.) - gallons - - - - - 11.30
Wine - gallons - - - - - 251.20
Distilled alcoholic beverages (whiskey, brandy, etc.) gallons - - - - - 5.70

RETAIL LICENSEES:

Total number of premises inspected - - - - - 1,304
Total number of bottles gauged - - - - - 8,948
Total number of premises where violations were found - - - - - 72
Total number of violations found - - - - - 74
Type of violations found:
Illicit (bootleg) liquor - - - 11 Improper beer tap markers - - - - - 0
Gambling devices - - - - - 0 Stock disposal permits necessary - - - 4
Prohibited signs - - - - - 0 No sign denoting legal sale
Unqualified employees - - - - 17 hours - off-premises consumption - - - 33
"Fronts" (concealed ownership) - 0 Other types of violations - - - - - 9

MILITARY AREA PATROL INSPECTIONS: - - - - - 653

STATE LICENSEES:

Premises inspected - - - - - 17
License applications investigated - - - - - 20

COMPLAINTS:

Investigated, reviewed and closed - - - - - 363
Investigation assigned, not yet completed - - - - - 246

LABORATORY:

Analyses made - - - - - 127
"Shake-up" cases (alcohol, water and artificial coloring) - - - - - 4
Liquor found to be not genuine as labeled - - - - - 7

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made - - - - - 16
Persons fingerprinted for non-criminal purposes - - - - - 173
Identification contacts with other enforcement agencies - - - - - 177
Motor vehicle identifications via N. J. State Police Teletype - - - - - 11

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - - 7
Cases instituted at Department - - - - - 24

HEARINGS HELD AT DEPARTMENT:

Total number of hearings held - - - - - 50
Appeals - - - - - 2 Seizures - - - - - 7
Disciplinary proceedings - - - 25 Tax revocations - - - - - 5
Eligibility - - - - - 10 Application for license - - - - - 1

PERMITS ISSUED:

Total number of permits issued - - - - - 541
Unqualified employees - - - - - 130
Solicitors - - - - - 54
Social affairs - - - - - 89
Home manufacture of wine - - - - - 104
Disposal of alcoholic beverages - - - - - 84
Miscellaneous permits - - - - - 80

Respectfully submitted,
Sydney B. White

5. DISCIPLINARY PROCEEDINGS - ILLEGAL PURCHASE OF ALCOHOLIC BEVERAGES BY RETAILER FROM PERSON OTHER THAN THE HOLDER OF A NEW JERSEY MANUFACTURER'S OR WHOLESALER'S LICENSE, IN VIOLATION OF RULE 15 OF STATE REGULATIONS NO. 20 - 40 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary)
 Proceedings against)

JACK & JEAN HOLDING CORPORATION)
 24 Church Street)
 Paterson, 1, N. J.,)

CONCLUSIONS
 AND
 ORDER

Holder of Plenary Retail Consump-)
 tion License C-295, issued by the)
 Board of Alcoholic Beverage Control)
 of the City of Paterson.)

 Samuel Raff, Esq., Attorney for Defendant-Licensee.
 Harry Castelbaum, Esq., Attorney for Department of Alcoholic
 Beverage Control.

BY THE COMMISSIONER:

The defendant has pleaded guilty to charges alleging that (1) on November 22, 1943, it purchased two cases of alcoholic beverages from a non-licensee, and (2) between March and November 1943, it purchased alcoholic beverages from retail licensees for the purpose of resale.

The defendant, which holds a plenary retail consumption license, is privileged to purchase alcoholic beverages only from the holder of a New Jersey manufacturer's or wholesaler's license. Rule 15 of State Regulations No. 20.

On November 22, 1943, two ABC agents apprehended John T. Smith, secretary of the corporate defendant, while transporting two cases of tax-paid alcoholic beverages which he had just purchased on defendant's behalf from a non-licensee. Forfeiture proceedings of the liquor and the automobile in which it was being transported are presently pending and will be disposed of by separate conclusions.

Upon inspecting the corporate books, it was further ascertained that, on numerous occasions between March and November 1943, the defendant had purchased large quantities of tax-paid alcoholic beverages from other retail licensees for the purpose of resale at its tavern.

In attempted mitigation, the defendant pleads its inability to obtain its usual quota of alcoholic beverages from permissible sources because of the current scarcity. Economic stress, however, may not excuse a clear violation of the law.

The defendant, which has held its license for over four years, has not heretofore been cited in disciplinary proceedings. In addition, there is no evidence that the two cases of tax-paid liquor which the defendant purchased from the non-licensee were part of stolen or "hijacked" stock. Cf. Re Mylor, Bulletin 535, Item 6. On the other hand, the unlawful purchases forming the basis of the second charge, were not casual or isolated, but were extensively and systematically perpetrated over a long period of time. Cf. Re Fessler, Bulletin 596, Item 2. Practices of this kind tend to disrupt the orderly traffic of alcoholic beverages in the state and anything less than rigorous enforcement would result in the

loss of control and supervision over this highly important phase of liquor administration. Under all of the circumstances, I shall suspend the license for forty days, with five days remitted for the guilty plea, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 28th day of January, 1944,

ORDERED that Plenary Retail Consumption License C-295, heretofore issued by the Board of Alcoholic Beverage Control of the City of Paterson, to Jack & Jean Holding Corporation, for premises 24 Church Street, Paterson, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 3:00 A.M. February 2, 1944 and terminating at 3:00 A.M. March 8, 1944.

ALFRED E. DRISCOLL
Commissioner.

6. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO PETITION TO LIFT UPON CORRECTION OF ILLEGAL SITUATION AND THE EXPIRATION OF AT LEAST 60 DAYS' SUSPENSION.

In the Matter of Disciplinary)
Proceedings against)

MURIEL DOREMUS,)
4201-4203 Park Avenue,)
Union City, New Jersey,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Con-)
sumption License C-48 issued by)
the Board of Commissioners of)
the City of Union City.)

Carmen LaCarrubba, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Attorney for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

The defendant has entered a plea of non vult to charges that she concealed the interest of her brother, Joseph W. Coupland, in the licensed premises and knowingly aided and abetted him to exercise the rights of her license.

Coupland, together with one William Kotze, in 1938 held a license for premises known as 1091 Bergenline Avenue, North Bergen. Proceedings were instituted against them by the local authorities and, effective January 13, 1939, their license was suspended for a period of ten days on charge of sales to minors. Decision was reserved on a charge of immoral activities and the third charge, involving sales during prohibited hours, was dismissed. About the same time Coupland was indicted by the Grand Jury of Hudson County charged with the crime of private indecency. On October 11, 1939 he was acquitted of said charge. While the charges were pending, Coupland withdrew from the partnership with Kotze who thereafter conducted the business in his own name.

However, Coupland apparently decided to continue in the liquor business and in 1940 purchased, in the name of his wife, Ella Coupland, a tavern at 137-41st Street, Union City, and

arranged to have the license placed in his wife's name. In January 1942 the license was transferred to premises known as 4201 Park Avenue, and in February 1942 transferred to 4201-4203 Park Avenue, Union City. In April 1942, because of Coupland's marital troubles, this license was transferred to one Emil Fred Oriol, a friend of Coupland's. In August 1942 Oriol entered the armed services of the United States and this time Coupland arranged to have the license transferred to a sister, Muriel Doremus, the present holder. She frankly states that she has no interest in the business whatsoever and that it is operated solely by and for the benefit of her brother. In the successive applications for renewal, and in the applications for transfers, Coupland's interest was never mentioned. He states that he was advised to do this because of his North Bergen difficulties and that on at least two occasions he proposed to have the "front" situation corrected but was advised not to do so. Regardless of whether or not this is the fact, a fair inference would be that he was fearful of a denial of his application and, to avoid such a possibility, arranged to have a "front" substituted for him. There is nothing in the record to indicate that these facts were known to the issuing authority.

The present illegal situation cannot be permitted to continue any longer. The license must be suspended for the balance of its term.

Coupland has indicated that he intends to make application for a transfer of the license to himself, thus correcting the "front" situation. If such application is made, the local issuing authority should carefully consider the question as to whether or not, in view of his entire record, Coupland is a fit person to hold a liquor license. If Coupland obtains a transfer of the license to himself, he may make application to me to have the suspension lifted. However, in view of the successive "front" violations, the suspension will not be lifted, in any event, until the expiration of sixty (60) days from the effective date thereof.

Accordingly, it is, on this 31st day of January, 1944,

ORDERED that plenary retail consumption license C-48, issued by the Board of Commissioners of the City of Union City to Muriel Doremus for premises 4201-4203 Park Avenue, Union City, be and the same is hereby suspended for the balance of its term, effective at 3:00 A.M. February 4, 1944; and it is further

ORDERED that, if the existing unlawful situation is corrected, application may be made to me to lift the suspension; provided, however, that in no event shall such suspension be lifted prior to the expiration of sixty (60) days from the effective date of the suspension.

ALFRED E. DRISCOLL

Commissioner

7. DISCIPLINARY PROCEEDINGS - FALSE ANSWER IN LICENSE APPLICATION
CONCEALING MATERIAL FACT - ILLEGAL SITUATION CORRECTED - 10 DAYS'
SUSPENSION.

In the Matter of Disciplinary)
Proceedings against)

OAK CAFE, INC.)
T/A Oak Cafe)
247 East Oak Avenue)
Wildwood, N. J.,)

Holder of Plenary Retail Con-)
sumption License C-43, issued by)
the Board of Commissioners of)
the City of Wildwood, and)
transferred during the pendency)
of these proceedings to)

CONCLUSIONS
AND
ORDER

HELEN D. STUSKI)

for the same premises.)
-----)

Irving Shenberg, Esq., Attorney for Defendant-Licensee.
Milton H. Cooper, Esq., Attorney for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

The defendant has pleaded non vult to a charge alleging that it falsely concealed in its license application that Stanley and Helen Stuski are the real and beneficial owners of all its corporate stock, in violation of R. S. 33:1-25.

In November 1941, when Stanley and Helen Stuski purchased all of the defendant's outstanding stock, they caused it to be placed in the name of a third person, who held it on their behalf. The Alcoholic Beverage Law at that time required that holders of more than ten per cent of the stock of a corporate licensee be five-year residents of this state. Since both Stanley and Helen Stuski were thus disqualified, they obtained a qualified person to act as a "front" for them.

While these proceedings were pending, the license was transferred to Helen D. Stuski, individually. She is a resident of this state and is apparently now fully eligible to hold a license in her own name. See the recent amendment to R. S. 33:1-25, which substituted a provision for a bona fide residence of no specified duration in place of the former five-year requirement.

In view of the plea and correction, and the fact that the defendant has no previous record, I shall suspend the license for a period of ten days. Cf. Re Starr, Bulletin 590, Item 2.

Accordingly, it is, on this 31st day of January, 1944,

ORDERED that Plenary Retail Consumption License C-43, issued by the Board of Commissioners of the City of Wildwood to Oak Cafe, Inc., t/a Oak Cafe, for premises 247 East Oak Avenue, Wildwood, and transferred during the pendency of these proceedings to Helen D. Stuski for the same premises, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 A.M. February 7, 1944 and terminating at 2:00 A.M. February 17, 1944.

ALFRED E. DRISCOLL
Commissioner.

8. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - DISCREPANCY IN PROOF, ACIDS, SOLIDS AND COLORING MATTER - 30 DAYS' SUSPENSION.

In the Matter of Disciplinary)
 Proceedings against)

PETER LaROSA)
 T/A CHEZ PAREE)
 179-181-183 South New York Avenue)
 Atlantic City, N. J.,)

CONCLUSIONS
 AND
 ORDER

Holder of Plenary Retail Consump-)
 tion License C-138, issued by the)
 Board of Commissioners of the City)
 of Atlantic City.)

Frank S. Farley, Esq., Attorney for Defendant-Licensee.
 Edward F. Ambrose, Esq., Attorney for Department of Alcoholic
 Beverage Control.

BY THE COMMISSIONER:

Defendant offers a plea of non vult on the following charge:

"On August 31, 1943, you possessed illicit alcoholic beverages at your licensed premises, viz., eight 4/5 quart bottles labeled 'Calvert Reserve Blended Whiskey 86.8 Proof' and two 4/5 quart bottles labeled 'Four Roses Fine American Whiskey A Blend of Straight Whiskies 90 Proof', which bottles contained alcoholic beverages not genuine as labeled; such possession being in violation of R. S. 33:1-50."

The plea will be accepted as fully equivalent to a plea of guilty for all pertinent purposes of the instant violation.

The record before me shows that a Junior Inspector of the Alcohol Tax Unit, Federal Internal Revenue Service, during a routine check on August 31, 1943, seized eleven bottles from the stock of the defendant. One of these bottles, an unopened bottle, labeled "Calvert Reserve Blended Whiskey" taken for comparison, was compared with the eight open bottles found at the back bar of the defendant's premises, being the entire open stock of this so-labeled liquor. This comparison showed some difference in proof, a considerable variance in acids and solids, and a wide difference in the amount of coloring matter. The other two opened bottles labeled "Four Roses Fine American Whiskey A Blend of Straight Whiskies", on comparison with an authentic sample, showed similar results.

I must find that the whiskey in the ten open bottles was not the whiskey named on the labels and that the said ten bottles had been refilled. Because of the fact that all the open stock of "Calvert Reserve" showed this variance, it is obvious that the defendant was engaging in a practice of deliberate chiseling and that his customers, asking for "Calvert Reserve", were not getting the product for which they were paying and which they had ordered.

I am very much concerned about this practice, particularly in view of the shortage of standard brands of liquor. The practice of refilling is contrary to law, and the chiseling involved in serving liquors other than those ordered is contrary to the letter, the purpose, and the intent of the law and the regulations. This practice, under the circumstances of present day shortages, can

lead to serious disregard of the law and is a "hang-over" from the days when the Volstead Act was so widely and openly disregarded. This practice, in the future, may well lead to the revocation of the license.

In considering the proper penalty for this case, however, I will be guided by the policy heretofore established. In view of all the circumstances in this case, and the prior record, I shall suspend the license for thirty days. Cf. Re Hrubec's Bar & Liquor Store, Inc., Bulletin 565, Item 3, and cases cited. In the future the penalty may well be much greater.

Accordingly, it is, on this 31st day of January, 1944,

ORDERED that Plenary Retail Consumption License C-138 issued by the Board of Commissioners of the City of Atlantic City to Peter LaRosa, t/a Chez Paree, for premises 179-181-183 South New York Avenue, Atlantic City, be and the same is hereby suspended for thirty (30) days, commencing at 12:01 A.M. February 7, 1944 and terminating at 12:01 A.M. March 8, 1944.

ALFRED E. DRISCOLL
Commissioner

9. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - ILLEGAL SITUATION CORRECTED - 10 DAYS' SUSPENSION.

In the Matter of Disciplinary and
Cancellation Proceedings against

PAL-MONT TAVERN, INC.,
Woodbridge Avenue & Meadow Rd.,
Raritan Twp. (Middlesex Co.),
Route 19,
New Brunswick, N. J.,

Holder of Plenary Retail Consump-
tion License C-9, issued by the
Board of Commissioners of Raritan
Township, Middlesex County.

In the Matter of Disciplinary
Proceedings against

MICHAEL PALAZZOLO,
10 Irving Street,
Piscatawaytown,
Raritan Township, N. J.,

Holder of Employment Permit No. 988
for the fiscal year 1942-43, issued
by the State Commissioner of
Alcoholic Beverage Control.

Klemmer Kalteissen, Esq. and Lewis D. Busch, Esq., Attorneys for
Defendant-Licensee and Defendant-Permittee.

Richard E. Silberman, Esq. and William F. Wood, Esq., Attorneys for
the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant-licensee pleaded non vult to four charges

alleging, in substance, that it falsely concealed in its license application for the fiscal year 1941-42 that Michael Palazzolo was the real and beneficial owner of all its corporate stock.

The defendant-licensee also admitted, as alleged in an order to show cause why its license should not be cancelled, that Michael Palazzolo, who held more than ten per cent of its corporate stock, was not a five-year resident of this state.

The defendant-permittee pleaded non vult to charges alleging, in substance, that he falsely concealed in his application for permit that he was the owner of the corporate stock of the defendant-licensee.

Michael Palazzolo became a resident of this state in August 1939. At that time, the Alcoholic Beverage Law (R. S. 33:1-25) required that a holder of more than ten per cent of the stock of a corporate licensee be a five-year resident of this state. Although his actual length of residence was disclosed in the application filed for the licensing year 1940-41, such fact was deliberately concealed in the application for the ensuing licensing year by causing the corporate stock to be held on his behalf by other persons.

Since the Alcoholic Beverage Law, as amended in March 1943, now provides for a bona fide residence of no specified duration in place of the former five-year requirement, Michael Palazzolo has transferred all of the corporate stock, except those for qualifying shareholders, into his own name.

In view of the plea and correction, and the fact that the defendant-licensee has no previous record, I shall suspend its license in the disciplinary proceedings for a period of ten days. This penalty is dispositive of the entire case and, accordingly, the cancellation proceedings are dismissed.

In addition, it may be noted that no useful purpose will be served by imposing any penalty in the proceedings against the defendant-permittee since, in view of the change in the residence requirement as aforesaid, he need no longer hold a permit for employment on licensed premises.

Accordingly, it is, on this 4th day of February, 1944,

ORDERED that Plenary Retail Consumption License C-9, issued by the Board of Commissioners of Raritan Township, Middlesex County, to Pal-Mont Tavern, Inc., Woodbridge Avenue & Meadow Rd., Raritan Twp. (Middlesex Co.), Route 19, New Brunswick, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 A.M. February 9, 1944 and terminating at 2:00 A.M. February 19, 1944.

ALFRED E. DRISCOLL
Commissioner.

10. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - ILLEGAL BEER TAPS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 22 - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO PETITION TO LIFT UPON CORRECTION OF ILLEGAL SITUATION AND THE EXPIRATION OF AT LEAST 20 DAYS' SUSPENSION.

In the Matter of Disciplinary)
 Proceedings against)

WILLIAM J. McCOLLIGAN,
 20 E. Monroe Street,
 Paulsboro, New Jersey,

CONCLUSIONS
 AND
 ORDER

Holder of Plenary Retail Consump-)
 tion License C-14 issued by the)
 Mayor and Borough Council of the)
 Borough of Paulsboro.)

Hendrickson & Wick, Esqs., Attorneys for Defendant-licensee.
 Edward F. Ambrose, Esq., Attorney for Department of Alcoholic
 Beverage Control.

BY THE COMMISSIONER:

The licensee has pleaded non vult to the following charges:

- (1) In his license application dated August 3, 1943, for a transfer of plenary retail consumption license from one Joseph Epifanio, he falsely concealed the fact that John H. McLaughlin was a partner in the licensed business;
- (2) Between the said date, August 3, 1943, and the present time, the licensee has permitted the said John H. McLaughlin to exercise the rights and privileges of the plenary retail consumption license so obtained;
- (3) On October 6, 1943, he possessed on his licensed premises a barrel from which beer of the Otto Erlanger Brewing Co. was being drawn through a spigot labeled "Schmidt's Beer," in violation of Rule 1 of State Regulations No. 22.

Reports on file by the ABC inspectors indicate that on August 3, 1943, the defendant-licensee obtained a transfer of the current plenary retail consumption license from one Joseph Epifanio and that, in answer to Question 30 in the application, he stated that no individual other than the applicant (licensee) had any interest in the license applied for or in the business to be conducted thereunder. It further appears from said reports that, since August 3, 1943, the licensed premises have been operated for the joint benefit of the licensee and one John H. McLaughlin, a resident of Paulsboro, owner and proprietor of a cigar store and poolroom in said municipality. It further appears that the interest of the said John H. McLaughlin arose as the result of an agreement between him and the licensee whereby the licensee was to contribute his experience and McLaughlin was to advance the purchase price of the said license and business; that McLaughlin actually advanced the sum of \$1200. toward the purchase price of the same, the remainder of the purchase price, in the sum of \$600. being later paid out of the proceeds of the business.

On October 6, 1943, an inspector from the Department of Alcoholic Beverage Control found a spigot marked "Schmidt's" attached to a one-half barrel of Erlanger beer. The licensee stated, as to this violation, that the Erlanger plunger or spigot was not working properly and that he used the Schmidt spigot until such time as he was able to obtain a new one from the Erlanger Company or have the other repaired. It appears, however, that the licensee at the time of the inspector's visit had Schmidt beer in stock on his premises.

With respect to the "front" charge, the licensee states that neither he nor his partner, McLaughlin, thought it necessary to disclose such an interest and, to use his own words, "Why he has another business in town here and neither he or I thought it was necessary to have both of us on the license." A further explanation was offered at a later date that the application for transfer was prepared by a justice of the peace who was not sufficiently informed with respect to the procedure in cases involving licenses to sell alcoholic beverages. However, while the application for the transfer from Epifanio was still pending before the licensing authority, the licensee and McLaughlin called upon an attorney and had him prepare a partnership agreement and, after the transfer was actually granted, the licensee and McLaughlin opened a joint bank account in a local bank, in which account were deposited the profits of the business. Both the licensee and McLaughlin apparently felt it necessary to protect their financial interests but not necessary to acquaint the municipality, while it was granting them this privilege, of all of the facts surrounding this transaction in spite of the plain and understandable language contained in the application for transfer.

This Department has been advised that, since the investigation, an application was made to the municipal authorities for a transfer of the license to the defendant and John H. McLaughlin; that while this application was pending the said McLaughlin was indicted by the Gloucester County Grand Jury on charges of bookmaking and running a disorderly house in a poolroom and cigar store at 805 Delaware Street, Paulsboro; that on December 30, 1943, McLaughlin entered a plea of non vult in the Court of Quarter Sessions of Gloucester County to the charge of bookmaking and was sentenced to pay a fine of \$1000. Thereafter the application for transfer was withdrawn.

The present situation, therefore, is exactly as the Department found it on the date of its original investigation. The "front" situation can no longer be permitted to exist and the present license must be suspended for the balance of its term.

In the event the illegal situation is corrected, I will consider an application to lift the suspension, at which time the applicant will be given an opportunity to prove that he is the person solely interested in the license, and that any interest McLaughlin had acquired by reason of the partnership agreement has been completely and finally terminated. However, in view of all the circumstances, the suspension herein will not be lifted, in any event, until the expiration of twenty (20) days from the effective date thereof. If and when this happens, proper measures may be taken by me to make certain that McLaughlin will not be allowed upon the licensed premises.

Accordingly, it is, on this 4th day of February, 1944,

ORDERED that plenary retail consumption license C-14, issued by the Mayor and Borough Council of the Borough of Paulsboro to

William J. McColligan for premises 20 E. Monroe Street, Paulsboro, be and the same is hereby suspended for the balance of its term, effective at 1 A.M. February 8, 1944; and it is further

ORDERED that application may be made to me to lift the suspension; provided, however, that in no event shall such suspension be lifted prior to the expiration of twenty (20) days from the effective date of the suspension.

Alfred E. Driscoll
Commissioner.