

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

BULLETIN 1468

September 5, 1962

TABLE OF CONTENTSITEM

1. APPELLATE DECISIONS - EILEEN CORP. v. RAMSEY.
2. APPELLATE DECISIONS - FOSTER v. PATERSON.
3. DISCIPLINARY PROCEEDINGS (Hoboken) - NUISANCE (IMMORAL ACTIVITY, INDECENT LANGUAGE, FEMALE SOLICITING DRINKS, HOSTESS ACTIVITY, EMPLOYING FEMALE BARTENDER, INDECENT MATTER, SERVING DRINKS OTHER THAN ORDERED) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE DURING PROHIBITED HOURS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
5. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN HOME - ILLICIT ALCOHOLIC BEVERAGES AND CASH COMMINGLED WITH MARKED MONEY ORDERED FORFEITED.
6. SEIZURE - FORFEITURE PROCEEDINGS - ALCOHOLIC BEVERAGES POSSESSED WITH INTENT TO SELL WITHOUT A LICENSE - CLAIM ABANDONED AT HEARING - ALCOHOLIC BEVERAGES ORDERED FORFEITED.
7. APPEAL CASES - JULY 1, 1961, THROUGH JUNE 30, 1962.
8. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA. (Paterson).
9. DISQUALIFICATION REMOVAL PROCEEDINGS - 5 YEARS GOOD CONDUCT SHOWN - APPLICATION TO LIFT DISQUALIFICATION GRANTED.
10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES SOLD AT LESS THAN FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA. (Orange)
11. DISCIPLINARY PROCEEDINGS (Orange) - ORDER POSTPONING SENTENCE PREVIOUSLY IMPOSED.
12. DISCIPLINARY PROCEEDINGS (Jersey City) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
13. STATE LICENSES - NEW APPLICATIONS FILED.

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

BULLETIN 1468

September 5, 1962.

1. APPELLATE DECISIONS - EILEEN CORP. v. RAMSEY.

EILEEN CORP.,)	
Appellant,)	
v.	)	ON APPEAL
	)	CONCLUSIONS
BOROUGH COUNCIL OF THE	)	AND ORDER
BOROUGH OF RAMSEY,)	
Respondent.)	

John D. Morrison, Esq., Attorney for Appellant.
Bruce H. Losche, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent whereby it suspended appellant's license for ten days effective March 27, 1962, after appellant was adjudged guilty of a charge alleging that on February 3, 1962, it sold and delivered an alcoholic beverage to a minor on its licensed premises, in violation of Rule 1 of State Regulation No. 20. The licensed premises are located at Interstate Shopping Center, Route 17, Ramsey.

"Upon the filing of the appeal an order was entered on March 27, 1962, staying respondent's order of suspension until further order of the Director. R.S. 33:1-31.

"In its petition of appeal appellant alleges respondent's action was erroneous in that there were not sufficient legal findings to support the charge.

"Respondent in its answer denies that such is the fact.

"The attorneys for both parties agreed to submit upon the transcript of the testimony taken in the disciplinary proceedings heard by respondent on March 26, 1962. The procedure is authorized by Rule 8 of State Regulation No. 15. Both parties submitted briefs to me pursuant to Rule 14 of said Regulation.

"The record discloses that prior to the hearing appellant entered a plea of not guilty to the following charge:

'On February 3, 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., Gail ---, age 19, in violation of Rule #1 of State Regulation No. 20.'

"It appears from the transcript of the testimony that respondent called as its only witness Gail---.

"Gail -- (19 years old, as appeared from her birth certificate introduced in evidence) testified (under subpoena) that on February 3, 1962, while in the licensed premises to engage in a bowling match with a girl friend, she met Vincent Palmeri, an acquaintance; that Vincent told her he was leaving for Germany and asked her to buy him a drink before he left; that she walked to the bar and, without being questioned about her age, ordered, paid for and was served a mixed drink of Seagram's Seven whiskey and 7 Up soda by Hugh Grady (the bartender) identified at hearing; that she carried the drink to Palmeri and that she did not consume any part of the drink.

"On cross-examination Gail testified that she had known Palmeri for about six or seven months; that he is twenty-two years of age and that she believes she paid fifty cents for the drink.

"At the end of the Borough's case the attorney for appellant moved to dismiss the charge on the ground that the evidence was insufficient to sustain the charge; that Gail appears to be an adult, and that the respondent failed to prove a prima facie case. The motion was denied.

"Hugh Grady, on behalf of appellant, testified that on February 3, 1962, he was the bartender on duty at the licensed premises; that on the evening in question Gail purchased a drink from him; that 'I would not venture to say what drink she ordered' and that he 'cannot truthfully say I recall serving her a drink on that specific night, no.'

"In the brief submitted by appellant's attorney it is contended that the testimony of the minor discloses that she ordered a drink of '7 & 7;' that the drink was not an alcoholic beverage; that the minor was not qualified to give proper and legal testimony concerning the content of the drink and for that reason the testimony was insufficient to find the licensee guilty of the charge. I find no merit to this contention.

"The testimony of the minor is that she ordered '7 & 7'-- Seagram's Whiskey and 7 Up which he (the bartender) gave me.' It has been long established that, even though no sample of the beverage served to or consumed by the minor was available for chemical analysis, testimony of the minor or any other person that the minor ordered an alcoholic beverage by name (e.g., beer, whiskey, rye highball, Tom Collins, etc.) and that a drink was served pursuant to that order creates the permissible inference that the minor was actually served the beverage ordered. It further warrants judicial notice of the fact that such beverage had an alcoholic content of more than one-half of one per cent. by volume and hence constitutes an 'alcoholic beverage' within the statutory definition at R.S. 33:1-1(b). See State v. Marks, 65 N.J.L. 84, 87; Lewinsohn v. U.S., 278 F. 421, 425, 426; Re LaCorte, Bulletin 469, Item 1; R.S. 33:1-1.1. Holmes v. Cavicchia, 29 N.J. Super. 434 (reprinted in Bulletin 1003, Item 1).

"Bearing in mind the seriousness of the charge and that the lack of corroboration is not fatal in disciplinary proceedings, I have carefully examined all the evidence in the case, together with the briefs filed by the attorneys for their respective clients, and find as a fact that on February 3, 1962, the licensee sold, served and delivered and allowed, permitted and

suffered the sale, service and delivery of an alcoholic beverage to Gail --- (a minor, 19 years of age) in and upon its licensed premises, as charged. Under the circumstances, the appellant has failed to sustain the burden of establishing that the action of the respondent was erroneous (Rule 6 of State Regulation No. 15). I recommend, therefore, that an order be entered affirming respondent's action and dismissing the appeal, and fixing the effective dates for suspension imposed by respondent and stayed pending the entry of the order within."

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

After carefully considering the evidence in the case and the briefs filed with the Hearer by the attorneys for the litigants, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

The license is now under suspension by the local issuing authority until midnight June 15, 1962, for an offense which occurred subsequent to the offense referred to herein.

Accordingly, it is, on this 13th day of June 1962,

ORDERED that the action of respondent be and the same is hereby affirmed; and it is further

ORDERED that the ten-day suspension heretofore imposed by respondent, and stayed during the pendency of this appeal, be restored to commence at Midnight June 15, 1962, terminating at Midnight June 25, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

2. APPELLATE DECISIONS - FOSTER v. PATERSON.

THOMAS FOSTER,)	
Appellant,)	
v.	)	ON APPEAL
	)	CONCLUSIONS
	)	AND ORDER
BOARD OF ALCOHOLIC BEVERAGE)	
CONTROL FOR THE CITY OF)	
PATERSON,)	
Respondent.)	

Miller and Platt, Esqs., by Alan B. Rothstein, Esq., Attorneys
for Appellant

Theodore D. Rosenberg, Esq., by William J. Rosenberg, Esq.,
Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent whereby it denied an application for a person-to-person transfer of plenary retail consumption license C-248 from Bernard Doornbos, t/a Doc's Tavern, to appellant for premises 219 Water Street, Paterson. Two of the three members of the respondent Board

voted to deny the appellant's application for transfer and one member thereof abstained from voting.

"The petition of appeal alleged that the action of the respondent was erroneous and should be reversed for the following reasons:

- a. Appellant was arrested but never was convicted of receiving stolen goods and said complaint was dismissed.
- b. The Appellant has never served any time in the Passaic County Jail or any other Jail.
- c. Appellant has never been guilty of any crime involving moral turpitude, and therefore, Respondent's denial was arbitrary, unjust, unconstitutional, prejudicial and contrary to the Rules, orders regulations and laws of this Department and of the State of New Jersey.

"The answer filed by respondent contends that respondent's denial of appellant's application for transfer 'was justified and based upon all the facts and circumstances presented to it.'

"It appears from the record of the Passaic County Bureau of Criminal Identification that on November 10, 1945, when appellant was apparently 17 years old, he was adjudged a disorderly person and sentenced to ten days in the County Jail. Appellant testified that he never served any time because of this conviction, but appellant's attorney stated for the record that he communicated with the County Jail and the person in charge of the records disclosed that appellant actually served four days of the sentence before being released. The aforesaid record from said Bureau of Criminal Identification also disclosed that on July 12, 1954, and October 11, 1955, respectively, appellant had been fined for motor vehicle violations. A local police questionnaire presented at the hearing herein pertaining to liquor licensees and signed by appellant discloses that on February 10, 1962, appellant was fined \$55 for violation of a city ordinance for operating a poolroom without a license. Appellant explained that he had operated the poolroom in question for approximately four years but had sold the establishment and had consented to the transfer of the license in connection therewith. However, appellant claims he believed the date of the transfer would be on February 5, 1962, whereas the license had actually been transferred during the previous January. On February 2, 1962, the authorities closed the poolroom and charges preferred for the violation resulted in the fine aforementioned.

"The only matter to be determined in the within appeal is whether or not, under the circumstances presented herein, appellant is a proper person to be entrusted with a liquor license.

"In Caggy's Tavern, Inc. v. Montclair, Bulletin 1053, Item 1, wherein the personal fitness of an applicant for a liquor license was discussed, the Director stated:

'It is entirely competent for a municipal issuing authority to confine its selection of licensees to those who have clearly demonstrated that they are worthy persons to receive the privilege of a license. Hodanish v. Trenton, Bulletin 121, Item 6.

A determination by a municipal issuing authority that just cause exists for the denial of an application should, on appeal, be given considerable weight. Orofino v. Millburn, Bulletin 45, Item 15. The sale of intoxicating liquor is in a class by itself. Paul v. Gloucester, 50 N.J.L. 585, 595. "No one has a right to demand a license; license is a special privilege granted to the few, denied to the many." Ibid. 596. As Mr. Justice Field stated in Crowley v. Christensen, 137 U.S. 86: "There is no inherent right in a citizen to thus sell intoxicating liquors by retail; it is not a privilege of a citizen of the State or of a citizen of the United States." See also Meehan v. Jersey City, 73 N.J.L. 382, 387; Bumball v. Burnett, 115 N.J.L. 254, 255. Cf. Clark v. West Orange, Bulletin 631, Item 7.

"In Hodanish v. Trenton, supra, the late Commissioner Burnett stated:

'There is no conviction against appellant, let alone conviction for a crime involving moral turpitude. Nevertheless, it is competent for municipal issuing authorities to confine their selection of licensees to those who are clearly worthy.***'

See also Adler v. Camp, Bulletin 256, Item 5; cf. Florence Methodist Church et als. v. Florence et al., Bulletin 1074, Item 2.

"Even though appellant's record apparently does not statutorily disqualify him from being associated with the liquor industry in this State, the members of the respondent Board who voted to deny the transfer in question were of the opinion that the public interest would not best be served by said transfer.

"I find nothing in the record indicating, or even suggesting, that the refusal by the respondent to grant the transfer of the license was inspired by improper motives. Under the Alcoholic Beverage Law (R.S. 33:1-24), each local issuing authority is enjoined 'to investigate applicants' for licenses. The obvious reason for casting such duty and responsibility upon the issuing authority is to insure that the privileges of a liquor license are entrusted only to those who are deemed to be worthy thereof.

"Under the circumstances appearing herein, nothing has been presented to indicate that the respondent's determination is either unreasonable or arbitrary, nor was there any abuse of discretion on the part of the respondent. It is recommended, therefore, that an order be entered affirming respondent's action and dismissing the appeal."

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

Having carefully considered the entire record herein, including the transcript of the proceedings, exhibits and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 21st day of June 1962,

ORDERED that the action of respondent Board of Alcoholic Beverage Control for the City of Paterson be and the same is hereby affirmed, and that the appeal herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - NUISANCE (IMMORAL ACTIVITY, INDECENT LANGUAGE, FEMALES SOLICITING DRINKS, HOSTESS ACTIVITY, EMPLOYING FEMALE BARTENDER, INDECENT MATTER, SERVING DRINKS OTHER THAN ORDERED) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

ANNELIESE GERMER
39 Second Street
Hoboken, New Jersey

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-162, issued by the Municipal
Board of Alcoholic Beverage Control of the
City of Hoboken.

Stephen K. Sullivan, Jr., Esq., Attorney for licensee.
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to the following charge:

"On May 9, 12 and 16, 1962, you 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 lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon the licensed premises; in that you, while acting as a bartender on your licensed premises, accepted and consumed numerous drinks of alcoholic beverages at the expense of or as a gift from customers and patrons; made overtures to male patrons to purchase numerous drinks of alcoholic beverages for consumption by yourself and others; allowed, permitted and suffered a female employed on your licensed premises to accept and consume numerous drinks of alcoholic beverages at the expense of or as a gift from customers and patrons; allowed, permitted and suffered unescorted females frequenting your licensed premises to make overtures to male patrons and customers to purchase numerous drinks of alcoholic beverages for consumption by them; allowed, permitted and suffered the employment of a female as a bartender on your licensed premises, contrary to Article VIII of Section 1(g) of an Ordinance adopted by the Mayor and Council of the City of Hoboken on December 7, 1955; allowed, permitted and suffered and had in your possession and displayed on your licensed premises an obscene, indecent, filthy, lewd, lascivious and

disgusting figurine or statue; served and allowed, permitted and suffered the service of non-alcoholic beverage drinks in place and stead of alcoholic beverage drinks and the substitution of alcoholic beverage drinks other than ordered and paid for; 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."

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Cf. Re Angioletti, Bulletin 1298, Item 3; Re Tallercio, Bulletin 1303, Item 6; Re Lisowski, Bulletin 1200, Item 5.

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

ORDERED that Plenary Retail Consumption License C-162, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Anneliese Germer for premises 39 Second Street, Hoboken, be and the same is hereby suspended for the balance of its term, effective 2:00 a.m. Tuesday, June 26, 1962; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Monday, August 20, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS -
PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS
5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

VICTOR CENTINARO
t/a "The Hot-Cha Tavern"
293 Third St. and 49 Coles St.
Jersey City 2, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-420, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Licensee, Pro se.

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on Sunday, June 3, 1962, before the opening hour, he sold alcoholic beverages in violation of municipal ordinance.

Licensee has a previous record of suspension of license by the Director for fifteen days, effective April 1, 1959, for sale in violation of State Regulation No. 38 and employment of bartender without identification card required by local ordinance. Re Centinaro, Bulletin 1276, Item 10.

The prior record of similar hours violation within the past five years considered, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Lynch, Bulletin 1435, Item 9.

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

ORDERED that Plenary Retail Consumption License C-420, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Victor Centinaro, t/a "The Hot-Cha Tavern", for premises 293 Third Street and 49 Coles Street, Jersey City, be and the same is hereby suspended for the balance of its term, effective 2:00 a.m. Monday, June 25, 1962; 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. Friday, July 20, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

5. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN HOME -
ILLICIT ALCOHOLIC BEVERAGES AND CASH COMMINGLED WITH MARKED
MONEY ORDERED FORFEITED.

In the Matter of a Seizure on	)	Case No. 10,658
June 25, 1961 of a bottle of)	
whiskey and \$31.00 in cash at	)	ON HEARING
the residence of Mrs. Minnie Graves,	)	CONCLUSIONS
114 North 17th Street, in the City	)	AND ORDER
of East Orange, County of Essex)	
and State of New Jersey.)	

Mrs. Minnie Graves, claimant, 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 Title 33, Chapter 1, Revised Statutes of New Jersey, and State Regulation No. 28, to determine whether a quantity of whiskey and \$31.00 in cash, described in a schedule attached hereto and made part hereof, seized on June 25, 1961 at the residence of Mrs. Minnie Graves, 114 North 17th Street, in the City of Each Orange, Essex County, New Jersey, constitute unlawful property and should be forfeited. When the matter came on for hearing pursuant to R.S. 33:1-66, Minnie Graves appeared and sought the return of the seized cash. Nobody sought the return of the whiskey.

The reports of ABC agents and other documents in the file, which were presented in evidence with the consent of the claimant, disclose the following facts:

As a result of information received by local police authorities that Mrs. Graves was selling whiskey without a license at her residence, several police officers went to the residence of Mrs. Graves and one of them purchased a drink of Seagram's V.O. whiskey, for which he paid her the sum of 75 cents. Thereupon, a raid was made on the said premises, and her stock of alcoholic beverages was seized, together with the sum of

\$31.00 which she had in her possession.

She was thereupon arrested, charged with sale of alcoholic beverages without a license, in violation of R.S. 33:1-50, was arraigned in the Municipal Court of East Orange, and held in bail for action of the Essex County Grand Jury.

A sample of the alcoholic beverages was analyzed by the Division chemist, who reports that it is a blended whiskey, fit for beverage purposes, with an alcoholic content by volume of 45 per cent. The illicit whiskey and the \$31.00 in cash seized therewith constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66.

The claimant, Minnie Graves, testified, in substance, that she admits selling the alcoholic beverages because she needed money to pay for a medical bill for her ailing mother. She decided that she would run a party at her home and make certain charges for food and drink. Since the police officer only wanted a drink, the price therefor was 75 cents. The sale to the police officer was allegedly the first sale that night, because the party didn't really get started until after 12:00 p.m. Of the \$31.00, \$15.00 or \$16.00 (she couldn't be sure) belonged to her mother, but she admitted that all of the money, including the money paid to her by the police officer, was commingled and was all in one pocket.

The records further disclose that the sale of alcoholic beverages by this claimant was part of a total enterprise at these premises, which included gambling, and it is inconceivable that during this entire evening when these unlawful activities took place, that no other drinks were sold by this claimant. Since the money received by her for the sale of the whiskey to the police officer was commingled with the other money, all of the money becomes unlawful property and is subject to forfeiture. By her own admission, there was no way of determining which money belonged to anyone else. I have concluded that all of the money belonged, in fact, to this claimant, and was seized as part of the property in question. Re Seizure Case No. 10,500, Bulletin 1411, Item 6. Since this money is clearly commingled with the marked money, it is subject to forfeiture. Seizure Case No. 10,349, Bulletin 1366, Item 2. Therefore, the claim of Minnie Graves for the return of the monies in question must be rejected. Seizure Case No. 10,646, Bulletin 1435, Item 5.

Since this claimant did not have any license authorizing her to sell alcoholic beverages, the illicit whiskey and the cash found on her possession constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(i); R.S. 33:1-2; R.S. 33:1-66. Seizure Case No. 9576, Bulletin 1212, Item 3; Seizure Case No. 10,044, Bulletin 1313, Item 6.

Accordingly, it is DETERMINED and ORDERED that the seized property, including the \$31.00 in cash, more fully described in Schedule "A" attached hereto, constitute unlawful property and the same be and hereby is forfeited, in accordance with the provisions of R.S. 33:1-66, and that the alcoholic beverages 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.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: June 21, 1962

SCHEDULE "A"

- 1 - quart bottle of rye whiskey (7/8 full)
- 6 - 4/5 quart bottles of various whiskies (1/4 full each)
- \$31.00 in cash, which included marked money.

6. SEIZURE - FORFEITURE PROCEEDINGS - ALCOHOLIC BEVERAGES
POSSESSED WITH INTENT TO SELL WITHOUT A LICENSE - CLAIM
ABANDONED AT HEARING - ALCOHOLIC BEVERAGES ORDERED
FORFEITED.

In the Matter of a Seizure on	)	Case No. 10,773
February 4, 1962 of a quantity of)	
alcoholic beverages at premises	)	ON HEARING
located at 37 Holland Street, in the	)	CONCLUSIONS
City of Newark, County of Essex and State	)	AND ORDER
of New Jersey.)	

Mrs. Elizabeth Archie, claimant, Pro Se.
I. Edward Amada, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether a quantity of alcoholic beverages, described in a schedule annexed hereto, seized on February 4, 1962, at 37 Holland Street, City of Newark, Essex County, New Jersey, constitutes unlawful property and should be forfeited.

When the matter came on for hearing, pursuant to R.S. 33:1-66, Elizabeth Archie appeared and stated that she was present at the hearing because she had received a notice of the hearing and was under the impression that she was required to appear. However, she stated that she desired to make no claim for the return of the said alcoholic beverages.

The records of this Division, which were admitted into evidence at the hearing, established that the property described in Schedule "A", alleged to constitute unlawful property, was seized from Mrs. Archie and that such property was used and possessed with intent to be used in unlawful alcoholic beverages activity and was being sold by Mrs. Archie, who did not have a license authorizing her to sell the said alcoholic beverages, in violation of the statute above referred to.

The seized alcoholic beverages are illicit because they were intended for sale without a license. R.S. 33:1-1(i). Such alcoholic beverages are subject to forfeiture. R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66.

Accordingly, it is DETERMINED and ORDERED that the seized

property constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66, and that they 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.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: June 21, 1962

SCHEDULE "A"

- 1 - quart bottle full of whiskey
- 1 - quart bottle approximately 1/3 full of whiskey
- 42 - 12 ounce cans full of beer
- 1 - 6 ounce bottle full of whiskey

7. APPEAL CASES - JULY 1, 1961, THROUGH JUNE 30, 1962.

TO: William Howe Davis, Director
FROM: Emerson A. Tschupp, Deputy Director

Cases Undecided June 30, 1961	28
Cases Filed for period July 1, 1961 through June 30, 1962	<u>74</u>
Total	102

Disposition

Affirmed	55
Reversed	15
Modified	3
Remanded	5
Withdrawn (after hearing)	2
Withdrawn (no hearing)	10
Undecided (3 cases heard)	
(9 " not ")	<u>12</u>
Total	102

Emerson A. Tschupp
Deputy Director

Dated: August 8, 1962

8. 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

FRANCES POLESHUCK
t/a ANDY'S TAVERN
343 - 21st Avenue
Paterson 3, N. J.

Holder of Plenary Retail Consumption
License C-258, issued by the Board
of Alcoholic Beverage Control for the
City of Paterson.

CONCLUSIONS
AND ORDER

Licensee, Pro se.

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

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on
Sunday, May 6, 1962, she sold twelve cans of beer 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, less five days for the plea entered, leaving a
net suspension of ten days. Re Sabo, Bulletin 1449, Item 3.

Accordingly, it is, on this 13th day of June, 1962,

ORDERED that Plenary Retail Consumption License C-258,
issued by the Board of Alcoholic Beverage Control for the City
of Paterson to Frances Poleshuck, t/a Andy's Tavern, 343 - 21st
Avenue, Paterson, be and the same is hereby suspended for ten
(10) days, commencing at 3:00 a.m. Tuesday, June 19, 1962,
and terminating at 3:00 a.m. Friday, June 29, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

9. DISQUALIFICATION REMOVAL PROCEEDINGS - 5 YEARS GOOD CONDUCT
SHOWN - APPLICATION TO LIFT DISQUALIFICATION GRANTED.

In the Matter of an Application to)	
Remove Disqualification because of a	)	CONCLUSIONS
Conviction, Pursuant to R.S. 33:1-31.2.	)	AND ORDER
Case No. 1699)	

BY THE DIRECTOR:

Applicant's criminal record discloses that on November 18, 1955, following a conviction on a charge of possession of lottery slips, he was sentenced to pay a fine of \$1,000 and to serve one to two years in New Jersey State Prison, from which institution he was paroled on October 8, 1956.

Commercialized gambling may or may not involve moral turpitude. Re Case No. 1018, Bulletin 956, Item 7. Where one is a principal or "lieutenant" in commercialized gambling, particularly where gambling is conducted on a large scale, it has been held that such gambling involves the element of moral turpitude. Re Case No. 667, Bulletin 1093, Item 7. Since applicant was convicted on November 18, 1955, as a principal, said conviction involves moral turpitude and he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

At the hearing held herein applicant (54 years old) testified that for the past twenty years he has resided at his present address; that he is a widower and lives with his two adult children and that for the past five years he has been employed as a vending machine mechanic and held various other odd jobs. Applicant further testified that he wishes to supplement his present income; that he has been offered employment as a part-time bartender; that he is asking for the removal of his disqualification to accept such employment and that, ever since his parole from prison on October 8, 1956, he has not been arrested or convicted of any crime.

The applicant produced three character witnesses (a public relations-publicity man, the owner of an auto body shop, and an attorney-at-law of New Jersey) who testified they have known applicant for over five years last past and that he now bears a reputation for being a law-abiding person. The Police Department of the municipality wherein applicant resides reports there are no complaints or investigations presently pending against the applicant.

Considering all of the aforesaid facts and circumstances, I am satisfied that applicant has conducted himself in a law-abiding manner for more than five years last past and that his association with the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 22nd day of June 1962,

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

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES SOLD AT LESS THAN FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

EUNICE SAPORITO
283 A & B Scotland Road
Orange, N. J.

Holder of Plenary Retail Consumption
License C-54, issued by the Municipal
Board of Alcoholic Beverage Control of
the City of Orange.

CONCLUSIONS
AND ORDER

Vreeland & Brown, Esqs., by Leonard G. Brown, 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 May 22, 1962, she sold one case of scotch whisky at less than filed price, in violation of Rule 5 of State Regulation No. 30.

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 Canal Liquor Co., Inc., Bulletin 1436, Item 9.

Accordingly, it is, on this 25th day of June, 1962,

ORDERED that Plenary Retail Consumption License C-54, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to Eunice Saporito for premises 283 A & B Scotland Road, Orange, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, July 2, 1962, and terminating at 2:00 a.m. Saturday, July 7, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING SENTENCE
PREVIOUSLY IMPOSED.

In the Matter of Disciplinary
Proceedings against

EUNICE SAPORITO
283 A & B Scotland Road
Orange, N. J.

AMENDED
ORDER

Holder of Plenary Retail Consumption
License C-54, issued by the Municipal
Board of Alcoholic Beverage Control of
the City of Orange.

Vreeland & Brown, Esqs., by Leonard G. Brown, Esq., Attorneys
for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

On June 25, 1962, I entered an order suspending the
license herein for a period of five days commencing July 2,
1962. The licensee requested that the imposition of the
suspension be deferred and, upon good cause appearing therefor,
I granted such application.

Accordingly, it is, on this 3d day of July, 1962,

ORDERED that the previous order of suspension herein
is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License C-54,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Orange to Eunice Saporito for premises 283 A & B
Scotland Road, Orange, be and the same is hereby suspended for
five (5) days, commencing at 2:00 a.m. Monday, July 9, 1962,
and terminating at 2:00 a.m. Saturday, July 14, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary
 Proceedings against

PRINCE BAR & GRILL, INC.
 370 Princeton Avenue
 Jersey City, N. J.

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption
 License C-158, issued by the Municipal
 Board of Alcoholic Beverage Control of
 the City of Jersey City.

 Licensee, by Sylvester Damiano, Treasurer, 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
 May 2, 1962, it possessed on the licensed premises an alcoholic
 beverage in a 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 (Re Hibbits, Bulletin 1451, Item 9), with remission of
 five days for the plea entered, leaving a net suspension of five
 days.

Accordingly, it is, on this 11th day of July, 1962,

ORDERED that Plenary Retail Consumption License C-158,
 issued by the Municipal Board of Alcoholic Beverage Control of
 the City of Jersey City to Prince Bar & Grill, Inc. for premises
 370 Princeton Avenue, Jersey City, be and the same is hereby
 suspended for five (5) days, commencing at 2:00 a.m. Monday,
 July 16, 1962, and terminating at 2:00 a.m. Saturday, July
 21, 1962.

WILLIAM HOWE DAVIS
 DIRECTOR

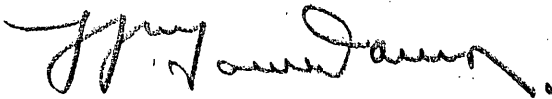
13. STATE LICENSES - NEW APPLICATIONS FILED.

Lloyd Beverage Company, Inc.
 12 Maclean Street
 Princeton, New Jersey

Application filed August 24, 1962 for
 place-to-place transfer of State Beverage
 Distributor's License SBD-7 from 10 Prospect
 Avenue, South Brunswick, New Jersey.

Laird & Company
 Laird Road
 Scobeyville, New Jersey

Application filed August 30, 1962 for
 Rectifier and Blender License.


 William Howe Davis
 Director