

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

BULLETIN 595

NOVEMBER 23, 1943.

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

BULLETIN 595

NOVEMBER 23, 1943.

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 - EMPLOYMENT OF NON-RESIDENT BARMAID, IN VIOLATION OF R. S. 33:1-26 AND RULE 1 OF STATE REGULATIONS NO. 11 - 15 DAYS' SUSPENSION, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

ENRICO HARRY TERSIGNI )  
T/a HARRY'S CAFE )  
Highway connecting Route )  
24 and 28 )  
Pohatcong Township )  
P.O. Phillipsburg, R.D., N.J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-8, issued by the )  
Township Committee of the Township )  
of Pohatcong. )  
----- )

Francis L. Thompson, Esq., Attorney for Defendant-Licensee.  
Edward F. Ambrose, Esq., Attorney for Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded non vult to charges alleging: (1) and (2) he sold alcoholic beverages to minors at his licensed premises, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20, and (3) he employed a non-resident barmaid who did not possess an employment permit, in violation of R. S. 33:1-26 and Rule 1 of State Regulations No. 11.

On July 28, 1943 ABC agents observed two minors at defendant's tavern, each of whom was served three glasses of beer by the barmaid. Upon questioning the minors, the agents ascertained that one was two weeks shy of eighteen years of age and that the other lacked six days of being twenty years old.

The barmaid, a resident of Pennsylvania, does not appear to have been employed regularly by the defendant. In response to a question as to whether she was paid for her services, she replied, "No, I just come up here with my sister...to clean up and help out in return for Harry (the defendant) helping my sister's husband.... on his farm...." However, the fact that the barmaid, who does not reside in this state, was only a casual employee, does not dispense with the necessity of her first procuring the requisite employment permit. See Rule 1 of State Regulations No. 11.

In the absence of any previous record against the defendant, the usual penalties of ten days on the first two charges and five days on the third charge will be imposed. Re Lombardi, Bulletin 588, Item 8 (sales to minors); Re Rubin, Bulletin 458, Item 8 (non-resident employee). Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 10th day of November, 1943,

ORDERED, that Plenary Retail Consumption License C-8, heretofore issued by the Township Committee of the Township of Pohatcong to Enrico Harry Tersigni, t/a Harry's Cafe, for premises on Highway connecting Route 24 and 28, Pohatcong Township, be and the same is hereby suspended for a period of ten (10) days, commencing at 6:00 A. M. November 15, 1943 and terminating at 2:00 A.M. November 25, 1943.

ALFRED E. DRISCOLL  
Commissioner.

2. APPELLATE DECISIONS - WAGNER v. CARLSTADT.

AGNES GRELLA WAGNER, )  
t/a ROSE GARDEN BAR AND GRILL, )  
Appellant, )  
-vs- )  
MAYOR AND COUNCIL OF THE )  
BOROUGH OF CARLSTADT, )  
Respondent )  
----- )

ON APPEAL  
CONCLUSIONS AND ORDER

Charles L. Bertini, Esq., Attorney for Appellant.

BY THE COMMISSIONER:

Appellant appealed herein from denial of her application to transfer License C-16 from 338 Route 17 to 274 Broad Street and State Highway 17, Borough of Carlstadt.

Prior to the date fixed for hearing, the attorney for appellant advised the Department that his client had entered into a contract to purchase the premises at 338 Route 17 and that, if she obtained title to said premises, she intended to abandon this appeal. No one appeared at the hearing scheduled to be held herein on November 9, 1943. Rule 10 of State Regulations No. 14 provides that the failure of appellant to appear at the time and place designated for the hearing of an appeal shall be cause for dismissal.

Accordingly, it is, on this 15th day of November, 1943,

ORDERED, that the within appeal be and the same is hereby dismissed.

ALFRED E. DRISCOLL  
Commissioner.

3. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS, IN VIOLATION OF LOCAL ORDINANCE - PREVIOUS RECORD - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against )

CAMDEN FOURTH WARD DEMOCRAT (OR DEMOCRATIC) CLUB )  
450 Mickle Street )  
Camden, N. J., )

CONCLUSIONS AND ORDER

Holder of Club License CB-13 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. )  
----- )

William T. Cahill, Esq., Attorney for Defendant-Licensee.  
Edward F. Ambrose, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee, holder of Club License CB-13 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden, through its attorney, pleads non vult to the sale of alcoholic beverages on Sunday, September 19, 1943, in violation of a municipal ordinance.

At the time the violation of the ordinance was discovered by investigators of the Department of Alcoholic Beverage Control, one Bart Quarino, a member of the Board of Trustees and also Secretary of the club, was in charge thereof. The minimum penalty if this were a first offense for a Sunday hours violation would ordinarily be a suspension of the license for a period of fifteen days. However, on two previous occasions the defendant's license has been suspended for a similar violation. On the first occasion, the license was suspended by the local issuing authority for two days, effective April 15, 1940. On the second occasion, the license was suspended by the Commissioner for a period of twenty-five days, effective June 16, 1942. See Re Camden Fourth Ward Democratic Club, Bulletin 517, Item 1. This being the third adjudicated offense for sales of alcoholic beverages on Sundays in violation of the local law, a revocation of the license is warranted. The violation in the instant case is aggravated by the fact that a member of the Board of Trustees who is also the Secretary of the Club actively participated in the violation of the municipal ordinance. The method used by the defendant in its effort to evade the local ordinance is reminiscent of the operation of a "speakeasy" during the National Prohibition period. There is no excuse for this type of violation by a club licensee. A political club, presumably interested in government, should be in the forefront of those who observe the law.

I shall revoke the defendant's license for the reasons set forth above.

Accordingly, it is, on this 15th day of November, 1943,

ORDERED, that Club License CB-13, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Camden Fourth Ward Democrat (or Democratic) Club, for premises 450 Mickle Street, Camden, be and the same is hereby revoked, effective immediately.

ALFRED E. DRISCOLL  
Commissioner.

4. APPELLATE DECISIONS - BABBITT v. SCOTCH PLAINS.

Case #2 )  
BERNYCE BABBITT, )  
t/a BABBITT'S GROCERY, )  
Appellant, )  
-vs- )  
TOWNSHIP COMMITTEE OF THE )  
TOWNSHIP OF SCOTCH PLAINS, )  
Respondent )  
----- )

ON APPEAL  
CONCLUSIONS AND ORDER

Albert H. Kaufman, Esq., Attorney for Appellant.  
Harry E. Bernstein, Esq., Attorney for Respondent.

BY THE COMMISSIONER:

The prior appeal between these parties was remanded to respondent for the purpose of taking formal action upon the application for renewal of appellant's license. Babbitt v. Scotch Plains, Bulletin 588, Item 2. Thereafter respondent adopted a resolution denying the application. This appeal was filed from said action of respondent.

On the date set for hearing herein, a discontinuance was filed by the attorneys for the respective parties. No reason appearing why the appeal should not be dismissed,

It is, on this 15th day of November, 1943,

ORDERED, that the within appeal be and the same is hereby dismissed.

ALFRED E. DRISCOLL  
Commissioner.

5. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS (ELECTION DAY), IN VIOLATION OF RULE 2 OF STATE REGULATIONS NO. 20 - 15 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against )

FRANK ALBEITZ )  
T/a YE OLDE TAVERN )  
482 West Side Avenue )  
Jersey City, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-113, issued by the Board of Commissioners of the City of Jersey City. )  
----- )

Frank Albeitz, Defendant-Licensee, Pro Se.  
Milton H. Cooper, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee pleads guilty to a charge that, on November 2, 1943, General Election Day, he sold alcoholic beverages in violation of Rule 2 of State Regulations No. 20.

Several investigators of the Department of Alcoholic Beverage Control visited the licensed premises during prohibited hours on General Election Day and made a purchase of two glasses of beer.

Inasmuch as the licensee has no previous adjudicated record and the violation is barren of aggravating circumstances, I shall impose the minimum penalty. I shall suspend the defendant's license for a period of fifteen days, five of which will be remitted because of the plea of guilty entered herein, making a net suspension of the license for a period of ten days. Re Langton, Bulletin 590, Item 10.

Accordingly, it is, on this 15th day of November, 1943,

ORDERED, that Plenary Retail Consumption License C-113, issued by the Board of Commissioners of the City of Jersey City to Frank Albeitz, t/a Ye Olde Tavern, for premises 482 West Side Avenue, Jersey City, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 A.M. November 22, 1943, and terminating at 2:00 A.M. December 2, 1943.

ALFRED E. DRISCOLL  
Commissioner.

6. DISCIPLINARY PROCEEDINGS - FRONT - EXERCISING THE RIGHTS AND PRIVILEGES OF LICENSE PRIOR TO ACQUISITION OF SAME, IN VIOLATION OF R. S. 33:1-26 - 30 DAYS' SUSPENSION.

In the Matter of Disciplinary Proceedings against )

FRED MEASE )  
T/a FREDDIE'S GRILL )  
212 N. Black Horse Pike )  
Runnemede, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Runnemede. )  
----- )

Fred Mease, Pro Se.  
Milton H. Cooper, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded non vult, with a statement, to the following charge:

"From December 13, 1933 and until August 1, 1943, you exercised the rights and privileges of the successive plenary retail consumption licenses then being held by your wife, Matilda Mease, for various premises in the Borough of Runnemede, N. J., in violation of R. S. 33:1-26."

Defendant admits that at all times he has been the real owner of the license in question and the business conducted thereunder. It appears that he was born in Greece and came to this country in 1917. Shortly thereafter, he took out his first papers for naturalization and enlisted in the armed forces. He alleges that he then believed his first papers and oath of enlistment made him a citizen. He was honorably discharged after eight years of service.

Defendant claims the original 1933 license was issued to him and that, subsequently, he was indicted for possessing and passing counterfeit money. Defendant also claims that, on the advice of the local issuing authority, the license for the 1934-35 fiscal year was issued in the name of his wife because of the pendency of this indictment. (It is difficult for me to believe that a municipal issuing authority charged with the primary responsibility for the enforcement of the law, R. S. 33:1-24, would deliberately advise defendant to violate the same). In December 1934 defendant was found not guilty of the counterfeit charge. Despite his acquittal, the license was renewed in the name of defendant's wife at the beginning of the fiscal year 1935-36 and each fiscal year thereafter, to and including the year beginning July 1, 1943.

Defendant testified that in January 1940 he learned that he was not a citizen, whereupon he completed his naturalization and became a citizen within a period of three months. In July 1943 defendant and his wife were divorced. The license was transferred to defendant on August 1, 1943. Defendant represents that his failure to have the license transferred to him after his acquittal on the counterfeit charge was because he did not realize he was violating the law. It is axiomatic that ignorance of the law is no excuse.

While the Departmental records indicate the original 1933 license was issued in the name of defendant's wife, there is no dispute as to the existence of the illegal situation from July 1, 1934 to August 1, 1943. It is also clear that defendant was disqualified from being a liquor licensee because of his alienage until October 1937, when, upon the ratification of the reciprocal trade treaty between this country and Greece, citizens of the latter country became entitled to hold liquor licenses in this state.

As to penalty: The usual penalty for a "front" situation concealing the interest of disqualified non-citizens is sixty days. Re Scharmberg, Bulletin 540, Item 4; Re Rodeo, Inc., Bulletin 546, Item 7; Re Katsch & Paulsen, Bulletin 551, Item 9; Re Gebhardt, Bulletin 555, Item 11; Re D'Anna, Bulletin 565, Item 12. Where, as in the instant case, the alienage disqualification was removed upon the ratification of the reciprocal trade treaty between this country and Greece, I imposed a penalty of thirty days. Re Bourpulis, Bulletin 586, Item 1.

I shall suspend this license for a period of thirty days.

Accordingly, it is, on this 16th day of November, 1943,

ORDERED, that Plenary Retail Consumption License C-1, heretofore issued by the Borough Council of the Borough of Runnemede to Fred Mease, t/a Freddie's Grill, for premises 212 N. Black Horse Pike, Runnemede, be and the same is hereby suspended for a period of thirty (30) days, commencing at 2:00 A.M. November 22, 1943 and terminating at 2:00 A.M. December 22, 1943.

ALFRED E. DRISCOLL  
Commissioner.

7. MORAL TURPITUDE - CRIME OF ASSAULT WITH INTENT TO KILL INVOLVES MORAL TURPITUDE.

DISQUALIFICATION - APPLICATION TO LIFT - FACTS EXAMINED - 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. )  
Case No. 283. )  
----- )

CONCLUSIONS  
AND ORDER

BY THE COMMISSIONER:

In May 1918 petitioner pleaded guilty to the crime of assault with intent to kill and was sentenced to serve five to twelve years in a state prison. The crime involved moral turpitude. He was released on parole on July 9, 1921. Apparently, petitioner was not fingerprinted as his fingerprint returns disclose no convictions.

Petitioner represents that he has been law-abiding for at least five years last past, and hence, pursuant to R. S. 33:1-31.2, 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.

Petitioner has held a liquor license and operated a tavern in this State continuously since 1936 and alleges that he has at all times revealed his conviction of the crime in question in his license applications filed with the local issuing authority. His record as a licensee is clear except that in August 1936 he was sentenced to pay a fine of \$50.00 and costs for selling alcoholic beverages during prohibited hours in violation of a local ordinance. The sentence was later suspended. There is no record of any disciplinary proceedings against him by the Department of Alcoholic Beverage Control.

A farmer who has known petitioner for more than twenty years as a neighbor testified that during such time petitioner has conducted himself in a law-abiding manner and has had a good reputation in the community. Similar testimony was given by another farmer who has known petitioner socially for thirteen years and a housewife who has known him as a neighbor for ten years.

While petitioner has held a liquor license despite his disqualification, he has not concealed his criminal record in his license applications. Apparently, he was ignorant of the fact that he was disqualified because of his conviction and filed this application when he learned there was a question as to his eligibility. As petitioner acted in good faith and the operation of the tavern does not appear to have resulted from any deliberate attempt to evade the provisions of the Alcoholic Beverage Law, the petition should not be denied on this ground. Re Case No. 219, Bulletin 515, Item 2; Re Case No. 198, Bulletin 505, Item 2; Re Case No. 200, Bulletin 554, Item 3, and cases cited therein; Re Case No. 261, Bulletin 561, Item 12.

I find that petitioner has conducted himself in a law-abiding manner during the five years immediately past. I conclude that his continued association with the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 16th day of November, 1943,

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

ALFRED E. DRISCOLL  
Commissioner.

8. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO PERSONS ACTUALLY OR APPARENTLY INTOXICATED, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 20 - 40 DAYS' SUSPENSION, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

EDWARD L. KERWIN )  
Rock Avenue and West 4th Street )  
Piscataway Township )  
P. O. Plainfield, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of Piscataway Township. )  
----- )

Maurice M. Bernstein, Esq., Attorney for Defendant-Licensee.  
Milton H. Cooper, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee pleaded non vult to a charge that he sold, served, delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages to two members of the armed forces in uniform when they were actually and apparently intoxicated, and allowed, permitted and suffered the consumption of such beverages by said persons.

The plea will be accepted for the purpose of the instant proceedings as being the equivalent of a guilty plea.

A consideration of the evidence presented by the Department convinces me that the defendant permitted the service of alcoholic beverages to the two soldiers while they were actually and apparently intoxicated, contrary to Rule 1 of State Regulations No. 20. The military police who observed the actions of the soldiers in the licensed premises for some time before they were served report that the latter were boisterous, unsteady in their walk, and annoyed the other patrons. A subsequent blood test by army doctors confirmed the report that the soldiers were intoxicated.

The defendant-licensee urged in mitigation that neither he nor his bartender, who made the service, believed the men were drunk. In the face of the observations by the military police and the A. B. C. agents, I am unable to accept the defendant's statement. Rule 1 of State Regulations No. 20 was deliberately designed to prohibit the service of alcoholic beverages to persons who are either "actually" or "apparently" intoxicated.

Defendant-licensee has no previously adjudicated record. I shall impose the minimum suspension of forty days (Re Sacco, Bulletin 589, Item 4), and remit five days thereof for the plea. Cf. Re Reit, Bulletin 548, Item 10.

Accordingly, it is, on this 16th day of November, 1943,

ORDERED, that Plenary Retail Consumption License C-7, heretofore issued by the Township Committee of Piscataway Township to Edward L. Kerwin for premises on Rock Avenue and West 4th Street, Piscataway Township, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 2:00 A.M. November 19, 1943 and terminating at 2:00 A.M. December 24, 1943.

ALFRED E. DRISCOLL  
Commissioner.

9. MORAL TURPITUDE - CRIME OF RECEIVING STOLEN GOODS INVOLVES MORAL TURPITUDE.

DISQUALIFICATION - APPLICATION TO LIFT - FACTS EXAMINED - 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. 302.  
-----)

BY THE COMMISSIONER:

Petitioner is before me to remove his disqualification by reason of his conviction of a crime involving moral turpitude, under the provisions of R. S. 33:1-31.2. It appears that the fingerprint record from the Bureau of Identification of the State of New Jersey shows no convictions against petitioner. However, in his petition, petitioner admits his arrest in June 1938 on a charge of receiving stolen goods and admits that in a court of criminal jurisdiction he pleaded non vult on October 5, 1938 to said crime. This appears also from the records in the municipality where the arrest was made. The sentence of the court after the plea seems to have been merely to place the petitioner on probation for five years. The records of the probation office show that he was discharged from probation with improvement on June 5, 1939 by order of the court.

There further appears on the municipal record three convictions in connection with the petitioner's business for violations of a taxi ordinance. Mere violations of an ordinance to regulate business do not in this case constitute crime. It also appears that he was arrested as a disorderly person in 1929. While petitioner claims he was not convicted, the records show that he was. Sentence was suspended. In any event, a conviction of being a disorderly person does not constitute a crime. Re Case No. 377, Bulletin 458, Item 5.

The crime of receiving stolen goods does involve moral turpitude, however. Re Case No. 488, Bulletin 561, Item 3, and cases cited therein. In view of the record before me, I will consider the petition to remove.

Five years have now elapsed since the conviction which did not involve confinement in any reformatory or other penal institution. Petitioner now alleges that he has conducted himself in a law-abiding manner during the five year period immediately past and produces before me three witnesses, all of whom testify to that effect, and they further testify that the petitioner's reputation, generally, is good, and that in their opinion his association with the alcoholic beverage industry will not be contrary to the public interest.

Two of these witnesses are connected with the petitioner in business. They know him and know his family and many of the people with whom he associates. They have known him from fourteen to sixteen years. The other witness is a personal acquaintance who lives in the same house, has lived in the same neighborhood and has known petitioner for more than ten years. She is well acquainted with his family and associates with them socially.

In view of the testimony produced herein, I find that applicant has conducted himself in a law-abiding manner for the five years immediately past, and I believe that his association with the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 16th day of November, 1943,

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

ALFRED E. DRISCOLL  
Commissioner.

10. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS, IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS NO. 20 - 10 DAYS' SUSPENSION.

In the Matter of Disciplinary Proceedings against

ETHEL GOODALL & JOSEPH MURPHY  
T/a TROPICAL HUT & BAR  
Circle, Bridgewater Township  
P.O. R.F.D. Somerville, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-16, issued by the Township Committee of the Township of Bridgewater.

Ethel Goodall, Co-partner, for Defendant-Licensee.  
Milton H. Cooper, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee is charged with the sale of alcoholic beverages to and permitting the consumption of alcoholic beverages by two minors on September 18, 1943, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

The licensee, on the return date of said notice, appeared and offered a plea of guilty to the charges.

It appears from an examination of the record that the minors were eighteen and twenty years of age. Since there are no aggravating circumstances and this is licensee's first adjudicated offense, I would ordinarily impose a minimum penalty of a suspension for ten days with a remission of five days for the plea of guilty. However, this plea of guilty was not entered until the return date of the notice, at the hearing.

In a bulletin dated October 28, 1943, Re Free Bridge Tavern, Inc., Bulletin 591, Item 12, I gave full and fair warning to licensees facing charges that if they desired a plea of guilty to be considered in mitigation of the penalty, the plea must be entered promptly. See also Re Jagielski, Bulletin 593, Item 6. The reason for requiring a plea before the day fixed for the trial is to save the Department the expense and trouble of producing witnesses and preparing for trial. In the instant case the Department had brought

all its witnesses to Newark for the hearing. One of the witnesses was compelled to take time from her work in a defense plant. The licensee's excuse for her neglect was that she did not read the letter accompanying the charges carefully and did not understand the requirement of the advance plea. I see no reason why she should not have understood the letter. The pertinent paragraph is clear and unequivocal. It reads as follows:

"If, on the other hand, you intend to enter a plea of guilty to the charges and want your confession of guilt to be considered by the Commissioner as a possible mitigating circumstance in the case, you should, in order to expedite the matter, enter the plea three days in advance of the date of the hearing. Such plea may, if you wish, be entered by letter."

The practice of remitting part of the penalty for a prompt plea grew out of the Commissioner's desire to save the State money and time. If the remission is not going to have such an effect, there is no purpose in granting such remission. I am constrained to deny to the licensee in this case and to licensees, generally, in future similar instances, any remission for a plea of guilty unless entered strictly in accordance with the letter of transmittal. Cf. Re Free Bridge Tavern, Inc., supra. I shall suspend the license for ten days.

Accordingly, it is, on this 18th day of November, 1943,

ORDERED, that Plenary Retail Consumption License C-16, issued by the Township Committee of the Township of Bridgewater to Ethel Goodall and Joseph Murphy, t/a Tropical Hut & Bar, for premises at Circle, Bridgewater Township, be and the same is hereby suspended for ten (10) days, commencing at 2:00 A.M. November 22, 1943 and terminating at 2:00 A.M. December 2, 1943.

ALFRED E. DRISCOLL  
Commissioner.

11. STATE LICENSEES - SPECIAL RULING - GIFTS OF ALCOHOLIC BEVERAGES TO EMPLOYEES AND FRIENDS FORBIDDEN - HEREIN OF THE WARTIME CHALLENGE TO THE LIQUOR INDUSTRY.

November 18, 1943

With the approach of the Christmas and New Year Holiday Season of 1943-1944, the Department is again receiving requests from wholesale State licensees for permission to present to their employees and friends gifts of alcoholic beverages.

In view of the apparent scarcity of distilled spirits and the inability of many retailers to obtain sufficient quantities of alcoholic beverages to meet the demand of the consuming public, I am not warranted in granting these requests. Manufacturers and wholesalers who are sincerely interested in protecting their future in the liquor business and maintaining an orderly market in New Jersey will recognize the necessity for directing every ounce of available alcoholic beverages into normal channels, thereby easing the plight of the retailer and helping to meet the demands of the consumers of this State.

Accordingly, I am specially ruling that wholesale State licensees may not award alcoholic beverages as gifts to their salesmen, friends or others during the Holiday Season of 1943-44 or during any other period of the year.

I anticipate that all licensees will strictly comply with this ruling.

This is an appropriate time to again remind the industry that the alternative to putting the State in the liquor business is for private enterprise to demonstrate its ability to meet the present crucial test. Licenses are granted to meet public convenience and necessity. State and municipal licensees must, at this time, unite in placing the requirements of public convenience and necessity above everything else. Available supplies must be distributed equitably among all retail licensees. The latter, in turn, are under obligation to insure an equitable distribution to the entire consuming public of this State. There must be no favoritism. Combination sales are not permissible. Premiums, whether direct or indirect, may not be charged.

OPA regulations should be observed. The Federal Government has taken the position that the regulation of maximum prices is a matter for the Federal Government. Hence, the fixing of maximum prices is not presently within the province of this Department. It is, nonetheless, important to note that continued price chiseling may ultimately lead to something approaching Prohibition.

I challenge the industry to prove its right as a private enterprise to survive the war.

ALFRED E. DRISCOLL  
Commissioner.

12. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS (ELECTION DAY) IN VIOLATION OF RULE 2 OF STATE REGULATIONS NO. 20 - PREVIOUS RECORD - 18 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against )

JOSEPH GOLAK )  
T/a ROYAL DINER )  
S/S Route 28 - 1 1/2 miles west )  
of North Branch )  
Branchburg Township )  
P. O. North Branch, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-3 issued by the Township Committee of Branchburg Township. )

Joseph Golak, Defendant-Licensee, Pro Se. )  
Milton H. Cooper, Esq., Attorney for Department of Alcoholic Beverage Control. )

BY THE COMMISSIONER:

Defendant-licensee pleads guilty to sale of alcoholic beverages during prohibited hours on General Election Day, November 2, 1943, in violation of Rule 2 of State Regulations No. 20.

The usual penalty in the absence of a previous record for a violation of this character is fifteen days. See Re Petkevis, Bulletin 592, Item 7. However, in May 1942 defendant pleaded guilty to a charge of permitting gambling on his licensed premises, as a result

of which his license was suspended by the local issuing authority for three days. Under the circumstances, I shall suspend the defendant's license for a period of eighteen days. Five days will be remitted for the plea of guilty entered herein.

Accordingly, it is, on this 19th day of November, 1943,

ORDERED, that Plenary Retail Consumption License C-3, issued by the Township Committee of Branchburg Township to Joseph Golak, t/a Royal Diner, for premises S/S Route 28, 1 1/2 miles west of North Branch, Branchburg Township, be and the same is hereby suspended for a period of thirteen (13) days, commencing at 2:00 A.M. November 26, 1943 and terminating at 2:00 A.M. December 9, 1943.

ALFRED E. DRISCOLL  
Commissioner.

13. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 AND LOCAL ORDINANCE - 15 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against )

MARY ELLEN COMERFORD )  
1 Tappan Street )  
Kearny, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution License D-31 issued by the Town Council of the Town of Kearny. )  
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Harold Heller, Esq., Attorney for Defendant-Licensee.  
Harry Castelbaum, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee pleads guilty to the sale of alcoholic beverages on Sunday in violation of Rule 1 of State Regulations No. 38 and of an ordinance adopted by the Town Council of the Town of Kearny on July 1, 1934, as amended on April 28, 1943.

The file discloses that an investigator of the Department of Alcoholic Beverage Control purchased a bottle of wine from the defendant on Sunday, October 10, 1943.

Inasmuch as the defendant has no previous adjudicated record and because no aggravating circumstances appear herein, I shall impose the minimum penalty for the instant violation. I shall suspend the license for a period of fifteen days with a remission of five days for the guilty plea, making a net suspension of ten days.

Accordingly, it is, on this 19th day of November, 1943,

ORDERED, that Plenary Retail Distribution License D-31, issued by the Town Council of the Town of Kearny to Mary Ellen Comerford for premises 1 Tappan Street, Kearny, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 A.M. November 29, 1943 and terminating at 2:00 A.M. December 9, 1943.

ALFRED E. DRISCOLL  
Commissioner.

14. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO A MINOR, IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS NO. 20 - 15 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against WILLY ZERR T/a HOLLYWOOD BAR & GRILL Springfield Road & Highway Rte. 29 Union Township, Union County, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-40, issued by the Township Committee of Union Township.

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

BY THE COMMISSIONER:

Defendant-licensee pleads guilty to the sale of alcoholic beverages to minors in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

The file discloses that, on November 3, 1943, one William Hans M----, a youth seventeen years of age, purchased two bottles of beer from the licensee.

The usual penalty for sale of alcoholic beverages to a minor, where no aggravating circumstances appear, is ten days. However, in the instant case it is necessary, before imposing a penalty, to take into consideration the youthfulness of William Hans M---- and the fact that the defendant has previously violated the law at another place of business which he operates in the Borough of Kenilworth. The license held by him in the latter municipality was suspended by its local issuing authority for four days, effective May 19, 1941, after defendant was adjudged guilty of sales of alcoholic beverages to minors.

Under all the circumstances, I shall suspend the defendant's license for a period of fifteen days, with a remission of five days for the guilty plea, or a net suspension of ten days.

Accordingly, it is, on this 19th day of November, 1943,

ORDERED, that Plenary Retail Consumption License C-40, issued by the Township Committee of Union Township to Willy Zerr, t/a Hollywood Bar & Grill, for premises Springfield Road and Highway Route 29, Union Township, Union County, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 A. M. November 29, 1943 and terminating at 3:00 A. M. December 9, 1943.

ALFRED E. DRISCOLL Commissioner.

15. NEW JERSEY FAIR TRADE PRICE LIST - SUPPLEMENT TO AND CORRECTION  
OF PRICE LIST APPEARING IN BULLETIN 594.

November 16, 1943

The following supplement and amendment to Bulletin 594 is hereby promulgated and published, viz.:

Page 4, under The Stagg-Finch Distillers Corp., is corrected to read:

"CRESTA BLANCA SOUVENIR WINES		
Port and Sherry	Fifths	\$1.10
Haut Sauterne, Burgundy and Chablis	Fifths	1.29
Sauterne, Claret and Riesling	Fifths	1.21
CHATEAU CRESTA BLANCA WINE		
Sauterne	Fifths	1.57
DUBONNET WINE	Quarts	1.72
(Made in U.S.A.)	31 oz.	1.68
	30 oz.	WITHDRAWN"

The foregoing prices as thus corrected will be effective immediately.

*Alfred E. Driscoll*  
Commissioner.