

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 903

APRIL 23, 1951

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street, Newark 2, N. J.

BULLETIN 903

April 23, 1951

RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1950 TO MARCH 31, 1951

| | 1st Quarter July, Aug., Sept. | | | 2d Quarter Oct., Nov., Dec. | | | 3d Quarter Jan. Feb. Mar. | | | Total |
|--|----------------------------------|--|--|--------------------------------|--|--|------------------------------|--|--|-----------|
| ARRESTS: | | | | | | | | | | |
| Total number of persons arrested | 79 | | | 50 | | | 54 | | | 183 |
| Licensees and employees | 21 | | | 14 | | | 13 | | | 48 |
| Bootleggers | 57 | | | 36 | | | 40 | | | 133 |
| ABC agent impersonator | 1 | | | 0 | | | 1 | | | 2 |
| SEIZURES: | | | | | | | | | | |
| Motor vehicles - cars | 9 | | | 10 | | | 2 | | | 21 |
| - trucks | 0 | | | 1 | | | 3 | | | 4 |
| Stillis - over 50 gallons | 2 | | | 3 | | | 5 | | | 10 |
| - 50 gallons or under | 6 | | | 6 | | | 3 | | | 15 |
| Alcohol - gallons | 0. | | | 35.51 | | | 86.39 | | | 121.90 |
| Mash - gallons | 3,580.00 | | | 2,640.00 | | | 24,118.83 | | | 30,338.83 |
| Distilled alcoholic beverages - gallons | 163.65 | | | 36.97 | | | 25.00 | | | 225.62 |
| Wine - gallons | 74.34 | | | 17.51 | | | 429.57 | | | 521.42 |
| Brewed malt alcoholic beverages - gallons | 46.78 | | | 37.48 | | | 38.66 | | | 122.92 |
| RETAIL LICENSEES: | | | | | | | | | | |
| Premises inspected | 2,087 | | | 2,638 | | | 3,051 | | | 7,776 |
| Premises where alcoholic beverages were gauged | 1,856 | | | 2,670 | | | 2,174 | | | 6,700 |
| Bottles gauged | 35,264 | | | 44,968 | | | 37,426 | | | 117,658 |
| Premises where violations were found | 72 | | | 208 | | | 249 | | | 529 |
| Violations found | 98 | | | 225 | | | 279 | | | 602 |
| Type of violations found: | | | | | | | | | | |
| Unqualified employees | 46 | | | 25 | | | 50 | | | 121 |
| Regulation #38 sign not posted | 9 | | | 23 | | | 14 | | | 46 |
| Prohibited signs | 1 | | | 25 | | | 16 | | | 42 |
| Other mercantile business | 9 | | | 4 | | | 6 | | | 19 |
| Gambling devices | 5 | | | 2 | | | 6 | | | 13 |
| Improper beer taps | 3 | | | 6 | | | 4 | | | 13 |
| Probable fronts | 3 | | | 6 | | | 1 | | | 10 |
| Disposal permit necessary | 2 | | | 3 | | | 3 | | | 8 |
| Other violations | 20 | | | 131 | | | 179 | | | 330 |
| STATE LICENSEES: | | | | | | | | | | |
| Premises inspected | 19 | | | 62 | | | 58 | | | 139 |
| License applications investigated | 38 | | | 31 | | | 36 | | | 105 |
| COMPLAINTS: | | | | | | | | | | |
| Complaints assigned for investigation | 1,076 | | | 1,349 | | | 1,309 | | | 3,734 |
| Investigations completed | 1,041 | | | 1,251 | | | 1,179 | | | 3,471 |
| Investigations pending | - | | | - | | | 165 | | | 165 |
| LABORATORY: | | | | | | | | | | |
| Analyses made | 403 | | | 394 | | | 389 | | | 1,186 |
| "Shake-up" cases (alcohol, water & artificial color) | 32 | | | 41 | | | 24 | | | 97 |
| Liquor found to be not genuine as labeled - bottles | 20 | | | 12 | | | 8 | | | 40 |
| IDENTIFICATION BUREAU: | | | | | | | | | | |
| Criminal fingerprint identifications made | 77 | | | 42 | | | 54 | | | 173 |
| Persons fingerprinted for non-criminal purposes | 671 | | | 447 | | | 511 | | | 1,629 |
| Identification contacts w/other enforcement agencies | 565 | | | 350 | | | 488 | | | 1,403 |
| MV identifications via N.J.St. Police Teletype | 26 | | | 16 | | | 47 | | | 89 |
| DISCIPLINARY PROCEEDINGS: | | | | | | | | | | |
| Cases transmitted to municipalities | 44 | | | 24 | | | 47 | | | 115 |
| Violations involved: | | | | | | | | | | |
| Sale during prohibited hours | 10 | | | 10 | | | 22 | | | 42 |
| Sale to minors | 17 | | | 6 | | | 8 | | | 31 |
| Permitting brawls on premises | 5 | | | 3 | | | 2 | | | 10 |
| Permitting bookmaking on premises | 2 | | | 3 | | | 4 | | | 9 |
| Sale to non-members by clubs | 4 | | | 0 | | | 3 | | | 7 |
| Permitting females to tend bar | 2 | | | 1 | | | 4 | | | 7 |
| Permitting gambling (cards, pool-selling, darts) | 2 | | | 3 | | | 0 | | | 5 |
| Sale outside scope of license | 3 | | | 1 | | | 0 | | | 4 |
| Sale to intoxicated persons | 2 | | | 0 | | | 1 | | | 3 |
| Sale by retailer on credit | 1 | | | 0 | | | 1 | | | 2 |
| Possessing chilled beer (3L licensee) | 1 | | | 1 | | | 0 | | | 2 |
| Failure to afford view into premises during prohibited hours | 0 | | | 2 | | | 4 | | | 6 |
| Permitting lottery activity (baseball pool) | 0 | | | 1 | | | 0 | | | 1 |
| Possessing contraceptives on premises | 0 | | | 0 | | | 2 | | | 2 |
| Permitting hostesses on premises | 0 | | | 0 | | | 1 | | | 1 |
| Permitting women at the bar | 0 | | | 0 | | | 1 | | | 1 |
| Cases instituted at Division | 27 | | | 59* | | | 49** | | | 135 |
| Violations involved: | | | | | | | | | | |
| Possessing illicit liquor | 10 | | | 8 | | | 7 | | | 25 |
| Sale to minors | 1 | | | 8 | | | 9 | | | 18 |
| Permitting immoral activity on premises | 5 | | | 7 | | | 6 | | | 18 |
| Fraud and front | 4 | | | 8 | | | 3 | | | 15 |
| Sale during prohibited hours | 3 | | | 6 | | | 6 | | | 15 |
| Mislabeling beer taps | 2 | | | 6 | | | 4 | | | 12 |
| Delivery without bona fide invoices | 3 | | | 2 | | | 2 | | | 7 |

*2 include cancellation proceedings: (1) licensee not a bona fide club at time license application was made; (2) for club's lack of continuous possession of club quarters for 3 years prior to application.

**1 includes cancellation proceedings (licensee not a bona fide club at time license application was made)

| | 1st Quarter July, Aug., Sept. | | | 2d quarter Oct., Nov., Dec. | | | 3d quarter Jan., Feb., Mar. | | | Total |
|--|----------------------------------|--|--|--------------------------------|--|--|--------------------------------|--|--|--------|
| DISCIPLINARY PROCEEDINGS (Cont'd) | | | | | | | | | | |
| Cases instituted at Division (Cont'd) | | | | | | | | | | |
| Violations involved: | | | | | | | | | | |
| Sale to non-members by clubs | 1 | | | 3 | | | 2 | | | 6 |
| Possessing contraceptives on premises | 2 | | | 2 | | | 1 | | | 5 |
| Permitting hostesses on premises | 1 | | | 3 | | | 0 | | | 4 |
| Sale outside scope of license | 2 | | | 0 | | | 0 | | | 2 |
| Conducting business as a nuisance | 1 | | | 1 | | | 0 | | | 2 |
| Peddling alcoholic beverages from vehicle | 1 | | | 1 | | | 0 | | | 2 |
| Permitting pin ball machines on premises | 1 | | | 0 | | | 1 | | | 2 |
| Employee soliciting without permit | 1 | | | 0 | | | 0 | | | 1 |
| Wholesaler failing to notify of change of employees | 1 | | | 0 | | | 0 | | | 1 |
| Permitting persons of ill repute on premises | 1 | | | 0 | | | 0 | | | 1 |
| Failure to display license certificate | 1 | | | 0 | | | 0 | | | 1 |
| Sale below Fair Trade price | 0 | | | 3 | | | 3 | | | 6 |
| Permitting bookmaking on premises | 0 | | | 2 | | | 4 | | | 6 |
| Failure to file notice of change in application | 0 | | | 3 | | | 1 | | | 4 |
| Permitting prostitutes on premises | 0 | | | 2 | | | 0 | | | 2 |
| Transporting in unlicensed vehicle | 0 | | | 2 | | | 0 | | | 2 |
| Transporting without invoice | 0 | | | 2 | | | 0 | | | 2 |
| Permittee engaging in conduct prohibited to employer | 0 | | | 2 | | | 0 | | | 2 |
| Serving women at bar | 0 | | | 1 | | | 1 | | | 2 |
| Storage off licensed premises | 0 | | | 1 | | | 1 | | | 2 |
| Illegal activity connected with licensed premises | 0 | | | 1 | | | 0 | | | 1 |
| Retailer bottling without license | 0 | | | 1 | | | 0 | | | 1 |
| Retailer soliciting from house to house | 0 | | | 1 | | | 0 | | | 1 |
| Solicitor aiding and abetting wash sale | 0 | | | 1 | | | 0 | | | 1 |
| Unauthorized transportation | 0 | | | 1 | | | 0 | | | 1 |
| Failure to afford view into premises during prohibited hours | 0 | | | 1 | | | 0 | | | 1 |
| Aiding and abetting unlicensed transportation | 0 | | | 1 | | | 0 | | | 1 |
| Wholesaler giving "free goods" to retailer | 0 | | | 1 | | | 0 | | | 1 |
| Conviction of crime involving moral turpitude | 0 | | | 1 | | | 0 | | | 1 |
| Hindering investigation | 0 | | | 0 | | | 6 | | | 6 |
| Permitting gambling (betting, cards) | 0 | | | 0 | | | 3 | | | 3 |
| Employing unqualified persons | 0 | | | 0 | | | 3 | | | 3 |
| Sale to intoxicated persons | 0 | | | 0 | | | 3 | | | 3 |
| Permitting lottery activity on premises | 0 | | | 0 | | | 2 | | | 2 |
| Licensee working while drunk | 0 | | | 0 | | | 1 | | | 1 |
| Employee working while drunk | 0 | | | 0 | | | 1 | | | 1 |
| Permitting act of violence on premises | 0 | | | 0 | | | 1 | | | 1 |
| Permitting brawls on premises | 0 | | | 0 | | | 1 | | | 1 |
| Furthering illegal activity | 0 | | | 0 | | | 1 | | | 1 |
| Violation of special condition | 0 | | | 0 | | | 1 | | | 1 |
| Cases brought by municipalities on own initiative and reported to Division | 17 | | | 27 | | | 42 | | | 86 |
| Violations involved: | | | | | | | | | | |
| Sale to minors | 8 | | | 11 | | | 13 | | | 32 |
| Permitting brawls on premises | 4 | | | 6 | | | 9 | | | 19 |
| Sale during prohibited hours | 3 | | | 5 | | | 10 | | | 18 |
| Permitting bookmaking on premises | 2 | | | 3 | | | 6 | | | 11 |
| Hindering investigation | 2 | | | 0 | | | 3 | | | 5 |
| Permitting gambling on premises | 1 | | | 0 | | | 1 | | | 2 |
| Permitting persons of ill repute on premises | 0 | | | 2 | | | 1 | | | 3 |
| Conducting business as a nuisance | 0 | | | 1 | | | 2 | | | 3 |
| Furthering illegal activity | 0 | | | 1 | | | 1 | | | 2 |
| Sale to intoxicated persons | 0 | | | 1 | | | 0 | | | 1 |
| Failure to make timely payment for license | 0 | | | 1 | | | 0 | | | 1 |
| Permitting immoral activity | 0 | | | 0 | | | 3 | | | 3 |
| Sale on Election Day | 0 | | | 0 | | | 2 | | | 2 |
| Serving women at bar | 0 | | | 0 | | | 1 | | | 1 |
| Permitting females to tend bar | 0 | | | 0 | | | 1 | | | 1 |
| Permitting lottery activity on premises | 0 | | | 0 | | | 1 | | | 1 |
| Permitting act of violence on premises | 0 | | | 0 | | | 1 | | | 1 |
| Employing unqualified persons | 0 | | | 0 | | | 1 | | | 1 |
| Licensee working while drunk | 0 | | | 0 | | | 1 | | | 1 |
| CANCELLATION PROCEEDINGS instituted at Division | | | | | | | | | | |
| Violation involved: Club's lack of continuous possession of club quarters for 3 years prior to application | 0 | | | 1 | | | 0 | | | 1 |
| HEARINGS HELD AT DIVISION: | | | | | | | | | | |
| Total number of hearings held | 92 | | | 112 | | | 104 | | | 308 |
| Appeals | 20 | | | 7 | | | 16 | | | 43 |
| Disciplinary proceedings | 29 | | | 54 | | | 61 | | | 144 |
| Eligibility | 17 | | | 17 | | | 8 | | | 42 |
| Seizures | 20 | | | 19 | | | 12 | | | 51 |
| Tax revocation | 1 | | | 8 | | | 4 | | | 13 |
| Applications for license | 2 | | | 0 | | | 2 | | | 4 |
| Application for permit | 2 | | | 7 | | | 0 | | | 9 |
| Application for certificate | 0 | | | 0 | | | 1 | | | 1 |
| Order to show cause | 1 | | | 0 | | | 0 | | | 1 |
| PERMITS ISSUED: | | | | | | | | | | |
| Total number of permits issued | 7,667 | | | 3,381 | | | 2,019 | | | 13,067 |
| Employment | 2,100 | | | 327 | | | 403 | | | 2,830 |
| Solicitors | 2,960 | | | 169 | | | 267 | | | 3,396 |
| Disposal of alcoholic beverages | 336 | | | 280 | | | 296 | | | 912 |
| Social affairs | 1,125 | | | 1,022 | | | 717 | | | 2,864 |
| Special wine | 199 | | | 1,238 | | | 30 | | | 1,467 |
| Miscellaneous | 947 | | | 345 | | | 306 | | | 1,598 |

2. APPELLATE DECISIONS - PORT OF NEW YORK AUTHORITY v. NEWARK
AND RAFF;
PORT OF NEW YORK AUTHORITY v. NEWARK

THE PORT OF NEW YORK AUTHORITY,)

Appellant,)

-v-

MUNICIPAL BOARD OF ALCOHOLIC BEVERAGE)
CONTROL OF THE CITY OF NEWARK, AND)
NATHAN N. RAFF,)

Respondents.)

On Appeal

THE PORT OF NEW YORK AUTHORITY,)

Appellant,)

-v-

MUNICIPAL BOARD OF ALCOHOLIC BEVERAGE)
CONTROL OF THE CITY OF NEWARK,)

Respondent.)

R. E. and A. D. Watson, Esqs., by Russell E. Watson, Esq., Attorneys
for Appellant.

Charels Handler, Esq., by George B. Astley, Esq., Attorney for
Respondent Municipal Board.

H. Warner Doremus, Esq., Attorney for Respondent Nathan N. Raff.

Jack L. Cohen, Esq., Attorney for Hays Newark Rest. Inc.

BY THE DIRECTOR:

These appeals were filed from the action of respondent Municipal Board in granting an application filed by respondent Raff for a plenary retail consumption license for premises at 118-130 Stockton Street, and also from the action of said Board in denying an application filed by Hays Newark Rest. Inc. for the transfer of a license from Grant Lunch Corporation to Hays Newark Rest. Inc. and from premises at 74-76 Market Street to premises at 400 Delaney Street. The last mentioned premises are located in the Port Authority Truck Terminal, Newark.

After a hearing of said appeals had been held, written stipulations of dismissal entitled in each of the two cases mentioned above were filed with me. Therein the attorneys for the respective parties stipulated and agreed that "the above action be dismissed without prejudice, and without costs to any of the parties." No reason, therefore, appearing to the contrary,

It is, on this 22nd day of March, 1951,

ORDERED that the above appeals be and the same are hereby dismissed without prejudice and without costs to any of the parties.

ERWIN B. HOCK,
Director

3. APPELLATE DECISIONS - HAYS NEWARK REST. INC. v. NEWARK AND RAFF.

| | | |
|---------------------------------|---|-----------|
| HAYS NEWARK REST. INC., |) | |
| Appellant, |) | |
| -v- |) | On Appeal |
| MUNICIPAL BOARD OF ALCOHOLIC |) | |
| BEVERAGE CONTROL OF THE CITY OF |) | O R D E R |
| NEWARK, AND NATHAN N. RAFF, |) | |
| Respondents. |) | |

-----)

Jack L. Cohen, Esq., Attorney for Appellant.
 Charles Handler, Esq., by George B. Astley, Esq., Attorney for
 Respondent Municipal Board.
 H. Warner Doremus, Esq., Attorney for Respondent Nathan N. Raff.

BY THE DIRECTOR:

This appeal was filed from the action of respondent Municipal Board in granting an application filed by respondent Raff for a plenary retail consumption license for premises at 118-130 Stockton Street, Newark.

After the appeal was heard, a written stipulation of dismissal was filed with me. Therein the attorneys for the respective parties stipulated and agreed that the action be dismissed without prejudice and without costs to any of the parties.

No reason appearing to the contrary, it is, on this 13th day of April, 1951,

ORDERED that the appeal herein be and the same is hereby dismissed without prejudice and without costs to either of the parties.

ERWIN B. HOCK,
 Director

4. DISCIPLINARY PROCEEDINGS - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - ILLEGAL SITUATION CORRECTED - SUSPENSION FOR BALANCE OF TERM LIFTED UPON EXPIRATION OF 25 DAYS FROM EFFECTIVE DATE OF SUSPENSION.

| | | |
|--|---|-------------|
| In the Matter of Disciplinary |) | |
| Proceedings against |) | |
| HARRY COHEN & MOLLIE KORNFELD, |) | |
| t/a LA RUMBA BAR, |) | |
| 705 MADISON AVENUE |) | On Petition |
| LAKEWOOD, NEW JERSEY, |) | |
| Holder of Plenary Retail Consumption |) | O R D E R |
| License C-32, issued by the Township |) | |
| Committee of the Township of Lakewood. |) | |

Milton Miller, Esq., Attorney for Harry Cohen & Mollie Kornfeld,
 Petitioners.

BY THE DIRECTOR:

On March 20, 1951, I suspended defendants' license No. C-32 for the balance of its term, effective at 2 a.m. March 24, 1951, after they had pleaded non vult to charges alleging in substance that they had "farmed out" their license to Joseph Cunio and had failed to file with the issuing authority notice of this change in the facts set forth in their license application. Re Cohen & Kornfeld, Bulletin 901, Item 6. In said Order leave was given to file a petition for relief if and when the illegal situation was corrected.

Pursuant to said leave, defendants herein have filed a verified petition, and a hearing thereon has been held in accordance with the provisions of said Order.

From the verified petition it appears that defendants herein and Joseph Cunio have entered into a written agreement terminating the prior verbal agreement and further agreeing that Joseph Cunio shall be employed hereafter as a bartender only at a stated salary. From the testimony given at the hearing it appears that the license was "farmed out" to Joseph Cunio, who is apparently eligible to hold a retail license in New Jersey, because defendants were not making a profit from the operation of the bar; that defendants realize that the former verbal arrangement was illegal and that hereafter they will operate the bar. I conclude that the illegal situation has been corrected.

Under all the circumstances, I shall lift the suspension after it has been in effect for a period of twenty-five (25) days. Twenty-five days from the effective date of the suspension previously imposed will have expired at 2 a.m. April 18, 1951. I shall lift the suspension at that time.

Accordingly, it is, on this 13th day of April, 1951,

ORDERED that the suspension heretofore imposed be lifted, and that plenary retail consumption license C-32, issued by the Township Committee of the Township of Lakewood to Harry Cohen & Mollie Kornfeld, t/a La Rumba Bar, for premises 705 Madison Avenue, Lakewood, be restored to full force and operation at 2 a.m. April 18, 1951. Until that time the suspension heretofore imposed shall remain in full force and effect.

ERWIN B. HOCK,
Director

5. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

STAGE COACH INN, INC.,
Route No. 6
South Hackensack, N. J.,

Holder of Plenary Retail Consumption
License C-5, issued by the Township
Committee of the Township of South
Hackensack.

CONCLUSIONS
AND ORDER

Stage Coach Inn, Inc., Defendant-licensee, by Vincent Castora, Pres.
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage
Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that it possessed illicit alcoholic beverages at its licensed premises, in violation of Rule 27 of State Regulations No. 20.

On December 21, 1950, an agent of the Federal Treasury Department, Alcohol Tax Unit, while on defendant's licensed premises, seized three 4/5-quart bottles labeled "Canadian Club Blended Canadian Whisky" when his tests indicated that the contents of said bottles were not genuine as labeled. Subsequent analysis by the Federal Department's chemist disclosed that the contents of the seized bottles varied in acids, solids and color from the contents of a genuine sample of the same product.

Defendant sets forth in mitigation of penalty that an employee refilled the bottles in question with another Canadian whisky. However, the mere possession of an illicit alcoholic beverage on licensed premises constitutes a violation. Cedar Restaurant and Cafe Co. v. Hock, 135 N.J.L. 156.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of 20 days, less 5 days' remission for the plea entered herein, leaving a net suspension of 15 days. Re Rutka, Bulletin 882, Item 5.

Accordingly, it is, on this 21st day of March, 1951,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of South Hackensack to Stage Coach Inn, Inc., Route No. 6, South Hackensack, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3 a.m., March 28, 1951, and terminating at 3 a.m., April 12, 1951.

ERWIN B. HOCK,
Director

6. AUTOMATIC SUSPENSION - SALE TO MINORS - LICENSE PREVIOUSLY SUSPENDED BY LOCAL ISSUING AUTHORITY FOR 10 DAYS - APPLICATION TO LIFT GRANTED AT EXPIRATION OF 15 DAYS FROM EFFECTIVE DATE OF SUSPENSION.

In the Matter of a Petition by)

MICHAEL PETRISON,)
T/A CLUB REDWOOD,)
490 Market Street,)
Saddle River, New Jersey,)

To Lift the Automatic Suspension)
of Plenary Retail Consumption)
License C-9, issued by the Town-)
ship Committee of the Township)
of Saddle River.)

On Petition

CONCLUSIONS AND ORDER

Herbert F. Myers, Jr., Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein that on March 28, 1951, petitioner pleaded guilty in a Criminal Judicial District Court of Bergen County to a charge of selling alcoholic beverages to minors and that, as a result of said plea, he was sentenced to pay a fine of \$50., which fine has been paid.

It further appears from the petition, and from the records of the Division of Alcoholic Beverage Control, that the Township Committee of the Township of Saddle River had previously conducted disciplinary proceedings and suspended petitioner's license for a period of ten days effective from 6 a.m. March 19, 1951, to 6 a.m. March 29, 1951, after the petitioner herein had pleaded non vult in said proceedings to charges of selling alcoholic beverages to, and permitting the consumption of alcoholic beverages by, four minors on his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The criminal proceedings and the charges in the disciplinary proceedings were based upon the same facts. Because of the criminal conviction, the license of petitioner herein has been automatically suspended for the balance of its term. R.S. 33:1-31.1. The license certificate was picked up by an Inspector employed by the Division of Alcoholic Beverage Control on March 29, 1951. The petition herein requests that the automatic suspension be lifted.

The case concerns the sale to, and consumption of alcoholic beverages by, four minors, two of whom were then seventeen years of age and two of whom were then sixteen years of age.

It has been the policy of this Division to lift an automatic suspension when, and only when, a license has been suspended for what appears, in view of all the facts, to be a sufficient penalizing length of time. Under the facts of this case, a suspension for at least twenty days (less five days for the plea) should have been imposed in the disciplinary proceedings conducted by the Township Committee. Allowing for the time already served, a total suspension of fifteen (15) days will have been served at 6 a.m. April 3, 1951. The automatic suspension will not be lifted until that time.

Accordingly, it is, on this 30th day of March, 1951,

ORDERED that the automatic suspension of the license aforesaid be lifted, effective at 6 a.m. April 3, 1951. Until then the license stands suspended.

ERWIN B. HOCK,
Director

7. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

CAPT. STEPHEN T. SCHOONMAKER
POST 1429 V.F.W.,
33 Bedford Avenue,
Teaneck, New Jersey,

Holder of Club License CB-142, issued by the Director of the Division of Alcoholic Beverage Control.

CONCLUSIONS
AND ORDER

Capt. Stephen T. Schoonmaker Post 1429, V.F.W., Defendant-licensee,
by Walter Luther, Commander.
Edward F. Amborse, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it allowed, permitted and suffered gambling (card game for money) in and upon its licensed premises, in violation of Rule 7 of State Regulations No. 20.

On Saturday, March 3, 1951, agents of the State Division of Alcoholic Beverage Control, entering the licensed premises, found a card game (stud poker) for money in full swing. Seven members of the club were engaged in playing the game.

Defendant has no prior adjudicated record. Under all of the circumstances, I shall suspend the license for ten days. Remitting five days because of the plea will leave a net suspension of five days.

Accordingly, it is, on this 26th day of March, 1951,

ORDERED that Club License CB-142, issued by the Director of the Division of Alcoholic Beverage Control to Capt. Stephen T. Schoonmaker Post 1429 V.F.W., 33 Bedford Avenue, Teaneck, be and the same is hereby suspended for a period of five (5) days, commencing at 2 a.m., April 2, 1951, and terminating at 2 a.m., April 7, 1951.

ERWIN B. HOCK,
Director

8. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD -
 LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
 Proceedings against

JOSEPH MAIONE,
 T/A JIM'S TAVERN
 Route 25, near Ward Avenue,
 Bordentown, New Jersey,

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption
 License C-6, issued by the Township
 Committee of the Township of
 Bordentown.

-----)
 Boscarell & Boscarell, Esqs., Attorneys for Defendant-licensee.
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages on his licensed premises to minors, in violation of Rule 1 of State Regulations No. 20.

On March 3, 1951, at about 1 a.m., ABC agents who were present in defendant's licensed premises observed the sale and service of a glass of whiskey to Seaman Donald E. ---, who was then nineteen years of age, and a glass of beer to Seaman Donald L. ---, who was then twenty years of age. The sale and service was made by William Battaglia who was then acting as a bartender in defendant's premises. After the minors had partially consumed their drinks, the agents identified themselves, seized the drinks and obtained a statement from the bartender in which he admitted that he had sold and served the drinks to the minors.

In attempted mitigation defendant alleges that Battaglia had been hired as a part-time employee and had been working only a few hours before the violation was committed. He also alleges that he had cautioned this employee to observe all rules and regulations, and that he has discharged him for disobeying instructions. Nevertheless a licensee is responsible for the acts of his agents and employees. Essex Holding Corp. v. Hock, 136 N.J.L. 28.

Defendant has a prior record. On May 26, 1948, his license was suspended for a period of twenty days after he had pleaded non vult to charges alleging in effect that he had "farmed out" his license to his son. Re Maione, Bulletin 806, Item 1. I shall suspend defendant's license for a period of fifteen days, and remit five days for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 22nd day of March, 1951,

ORDERED that plenary retail consumption license C-6, issued by the Township Committee of the Township of Bordentown to Joseph Maione, t/a Jim's Tavern, for premises on Route 25, near Ward Avenue, Bordentown, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. April 2, 1951, and terminating at 2 a.m. April 12, 1951.

ERWIN B. HOCK,
 Director

9. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES
BELOW FAIR TRADE MINIMUM - LICENSE SUSPENDED FOR 10 DAYS
LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

PHILIP ROSEN,
308-310 Sixteenth Avenue,
Newark 3, New Jersey

Holder of Plenary Retail Distribution
License D-115, issued by the
Municipal Board of Alcoholic Beverage
Control of the City of Newark.

CONCLUSIONS
AND ORDER

Samuel Poleshuck, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold alcoholic beverages at retail for a price below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

On February 28, 1951, defendant sold to an agent of the State Division of Alcoholic Beverage Control on his licensed premises one case (12 4/5-quart bottles) of "Good Old Guckenheimer White Label Blended Whiskey" for the price or sum of \$36.45. The minimum consumer price for the above mentioned whiskey, as listed in the then current "Complete List of New Jersey Minimum Resale Prices of Alcoholic Beverages" was \$3.38 per 4/5 quart, less 5% on case-lot purchases, or a total price per case of 12 bottles of \$38.52.

Defendant has no prior adjudicated record. I shall suspend the license for 10 days. Remitting 5 days because of the plea will leave a net suspension of 5 days. Re Alebras, Bulletin 858, Item 7.

Accordingly, it is, on this 19th day of March, 1951,

ORDERED that Plenary Retail Distribution License D-115, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Philip Rosen, for premises 308-310 Sixteenth Avenue, Newark, be and the same is hereby suspended for a period of five (5) days, commencing at 9 a.m., March 26, 1951, and terminating at 9 a.m., March 31, 1951.

ERWIN B. HOCK,
Director

10. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED
FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

LEM RESTAURANT CORPORATION,
Sylvan Avenue and Chestnut St.,
Englewood Cliffs,
P.O. Fort Lee, New Jersey

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-7, issued by the Mayor and
Council of the Borough of Englewood
Cliffs.

Nathan Robins, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it possessed on its 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 Regulations No. 20.

On February 9, 1951, an agent of the Alcohol Tax Unit, Internal Revenue Service, United States Treasury Department, examined the contents of thirty-two bottles on defendant's premises and seized one 4/5 quart bottle labeled "Canadian Club Blended Canadian Whisky" when his field test indicated a variance between the label on the bottle and the contents thereof. Subsequent analysis by a Federal chemist disclosed that the contents of the seized bottle varied substantially in acids, solids and coloring from the contents of a genuine sample of the same product.

In alleged mitigation defendant has presented to me an affidavit of Melville Steinberg, Vice-President and General Manager of defendant corporation, wherein he sets forth that defendant's premises were recently renovated and that as many as eight men were employed on the premises during the course of the renovation. In the affidavit he states that he believes that one of the workmen, or a bartender who has since been discharged, may have refilled the seized bottle with cheaper whiskey. Nevertheless the licensee is responsible for any "refills" found upon its licensed premises.

Defendant has no prior record. I shall suspend its license for the minimum period of fifteen days. Re Rudolph, Bulletin 680, Item 1. Remitting five days for the plea will leave a net suspension of ten days.

Accordingly, it is, on this 13th day of April, 1951,

ORDERED that plenary retail consumption license C-7, issued by the Mayor and Council of the Borough of Englewood Cliffs to Lem Restaurant Corporation, for premises at Sylvan Avenue and Chestnut Street, Englewood Cliffs, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. April 23, 1951, and terminating at 2 a.m. May 3, 1951.

ERWIN B. HOCK,
Director

11. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED
FOR 10 DAYS, LESS 5 FOR PLEA

In the Matter of Disciplinary
Proceedings against

JOSEPH KLECAN and
SAMUEL P. OLSTEIN,
T/A LAKEHURST INN
4 Union Avenue,
Lakehurst, New Jersey,

)
)
) CONCLUSIONS
) AND ORDER
)
)
)

Holder of Plenary Retail Consumption
License C-5, issued by the Borough
Council of the Borough of Lakehurst.

Robert F. Novins, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they sold, served and delivered, and allowed, permitted and suffered the service and delivery of an alcoholic beverage on their licensed premises to a minor, in violation of Rule 1 of State Regulations No. 20.

On February 24, 1951, ABC agents who were then in defendants' premises observed the sale of a glass of beer by Joseph Klecan, one of the licensees, to Seaman Apprentice Edward R. ---, U.S.N., a minor, then 20 years of age. It is alleged that the minor had previously exhibited a card indicating he was 22 years of age but, admittedly, no written statement misrepresenting the minor's age was secured and, in the absence of such a statement, no defense has been established under the provisions of R. S. 33:1-77. Defendants are guilty as charged.

Defendants have no prior adjudicated record. In the absence of aggravating circumstances, I shall suspend the license for the minimum, 10 days. Re Dolan and Reininger, Bulletin 777, Item 7. Remitting 5 days because of the plea will leave a net suspension of 5 days.

Accordingly, it is, on this 20th day of March, 1951,

ORDERED that Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Lakehurst to Joseph Klecan and Samuel P. Olstein, t/a Lakehurst Inn, for premises 4 Union Avenue, Lakehurst, be and the same is hereby suspended for a period of five (5) days, commencing at 2 a.m., March 26, 1951, and terminating at 2 a.m., March 31, 1951.

ERWIN B. HOCK,
Director

12. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - LICENSE
SUSPENDED FOR 3 DAYS, LESS 1 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

ALEXANDER WADIAK,
T/A AL'S TAVERN,
535 Roosevelt Avenue,
Carteret, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-26, issued by the Borough
Council of the Borough of Carteret.)

Alexander Wadiak, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he allowed on his licensed premises a beer tap bearing a marker which did not truly indicate the brand of beer in the barrel to which the tap was connected, in violation of Rule 26 of State Regulations No. 20.

During the course of a routine inspection of defendant's premises on February 28, 1951, an ABC agent found that a half-barrel of R & H beer was connected to a tap which contained a Pabst beer knob marker. The knob marker was reversed.

Defendant has advised me that, when he placed the half-barrel of R & H beer on tap, he "had no R & H tap handy so I reversed a Pabst tap." He also advised me that he had a barrel of Pabst beer connected to another tap which was properly labeled. Nevertheless it appears, as defendant admits, that the half-barrel of R & H beer was connected to a tap which was not properly labeled.

Defendant has no prior record. I shall suspend the license for three days (the minimum period heretofore imposed in similar cases). Remitting one day for the plea will leave a net suspension of two days. Re Fauble, Bulletin 891, Item 12.

Accordingly, it is, on this 19th day of March, 1951,

ORDERED that plenary retail consumption license C-26, issued by the Borough Council of the Borough of Carteret to Alexander Wadiak, t/a Al's Tavern, for premises 535 Roosevelt Avenue, Carteret, be and the same is hereby suspended for two (2) days, commencing at 2 a.m. March 26, 1951, and terminating at 2 a.m. March 28, 1951.

ERWIN B. HOCK,
Director

13. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - PRIOR
RECORD OF ONE OF DEFENDANTS - LICENSE SUSPENDED FOR
5 DAYS.

In the Matter of Disciplinary
Proceedings against

FANNIE JANE RIDDLE &
CESARE FRANZIA,
T/A BLUE STAR INN
17 Third Avenue,
Long Branch, New Jersey,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption
License C-41, issued by the Board of
Commissioners of the City of Long
Branch.

Ira J. Katchen, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The defendants pleaded non vult to the charge that, on
March 15, 1951, they possessed an unlabeled beer tap in their
licensed premises, in violation of Rule 26 of State Regulations
No. 20.

An ABC agent, on routine inspection of the defendants' licen-
sed premises on the day in question, found that beer was being
drawn from a barrel marked "Schmidt's" through a spigot having no
label thereon.

Defendant Cesare Francia, when holder of a license in his
individual name, had his license suspended, effective October 31,
1949, for a period of five days, as a result of his plea of non
vult to a charge of sale of alcoholic beverages to a minor.
Bulletin 858, Item 10.

Under all the circumstances, including consideration of the
plea entered herein, I shall suspend defendants' license for five
days.

Accordingly, it is, on this 16th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-41, issued
by the Board of Commissioners of the City of Long Branch to Fannie
Jane Riddle & Cesare Francia, t/a Blue Star Inn, for premises 17
Third Avenue, Long Branch, be and the same is hereby suspended for
a period of five (5) days, commencing at 2 a.m., April 23, 1951,
and terminating at 2 a.m., April 28, 1951.

ERWIN B. HOCK,
Director

14. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS AND FAILURE TO HAVE LICENSED PREMISES CLOSED DURING SAID HOURS, IN VIOLATION OF A LOCAL REGULATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

MICHAEL A. MILLO, JR.,
138 Midland Avenue,
Garfield, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-23, issued by the City
Council of the City of Garfield.

Emil J. Sadloch, Esq., Attorney for Defendant-licensee.
Vincent T. Flanagan, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) he sold alcoholic beverages on his licensed premises on Sunday, April 1, 1951, between 5 a.m., and 12 o'clock noon; and (2) failed to have his licensed premises closed during said hours; both in violation of a local ordinance.

On Sunday, April 1, 1951, at about 11 a.m., ABC agents entered defendant's premises, purchased alcoholic beverages from the defendant, and made known their identity to him. When the agents entered, there were seven patrons in the licensed premises, each of whom had alcoholic beverages in front of him.

Defendant has no previous adjudicated record. I shall suspend his license for fifteen days. Cf. Re Dabrowski, Bulletin 687, Item 8. Remitting five days for the plea will leave a net suspension of ten days.

Accordingly, it is, on this 16th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-23, issued by the City Council of the City of Garfield to Michael A. Millo, Jr for premises 138 Midland Avenue, Garfield, be and the same is hereby suspended for a period of ten (10) days, commencing at 4 a.m., April 23, 1951, and terminating at 4 a.m., May 3, 1951.

ERWIN B. HOCK,
Director

15. STATE LICENSES - NEW APPLICATIONS FILED.

C & E Distributors, Inc.

476-78 Market Street, Newark, New Jersey

Application filed April 9, 1951 for Limited Wholesale License

Eastern Motor Express, Inc.

541 Johnston Avenue, Jersey City, New Jersey

Application filed April 10, 1951 for additional premises at 411 North Clinton Street, Trenton, New Jersey under Transportation License T-71.

Coastline Transportation Co., Inc.

Parker & Logan Avenues, Trenton, N. J.

Application filed April 13, 1951 for Transportation License.

Charles C. Meseroll, t/a Union Parcel Service

707 Chestnut Street, Union, New Jersey

Application filed 4/16/51 for transfer Transportation License from Mike Hocko.

Ernest J. Hock

Director