

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

BULLETIN 902

APRIL 9, 1951.

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5408 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

TO THE EDITOR OF THE JOURNAL OF POLYMER SCIENCE
PART A: POLYMER LETTERS EDITION
I am pleased to inform you that the manuscript
entitled "Synthesis and Properties of
Poly(ethylene terephthalate) Grafts
with Poly(vinylidene fluoride) Side
Chains" has been accepted for publication
in the above journal. The article will
appear in the next issue, which is
scheduled for publication in the
month of [Month] 19[Year].

The article is a result of the collaborative
efforts of the following authors:
[Author Name], [Author Name],
[Author Name], and [Author Name].
I am grateful to the National Science
Foundation for their generous support
of this work under Grant No. [Grant Number].
I also wish to thank [Name] for
his assistance in the preparation of
the manuscript.

Very truly yours,
[Author Name]
[Title]
[Department]
[Institution]

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

BULLETIN 902

APRIL 9, 1951.

1. COURT DECISIONS - IN RE SCHNEIDER - ORDER OF DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

No. A-246-50, September Term, 1950

In the Matter)

of)

The Appeal of SAM SCHNEIDER from)
an Order of the Director of the)
Division of Alcoholic Beverage)
Control, dated December 27th, 1950.)
- - - - -)

Argued March 12, 1951. Decided March 26, 1951.

Before Judges McGeehan, Jayne, and Wm. J. Brennan, Jr.

Mr. Walter D. Van Riper argued the cause for appellant.

Mr. Samuel B. Helfand, Deputy Attorney General, argued the cause for respondent (Mr. Theodore D. Parsons, Attorney General of New Jersey).

The opinion of the Court was delivered by

JAYNE, J.A.D.

On December 27, 1950, the Director of the Division of Alcoholic Beverage Control suspended for the remainder of its term the plenary retail consumption license theretofore issued to the appellant for the premises known as the Ocean House at Toms River.

The formal charge from which the suspension of the license ensued was that:

"On June 21, 1950 and on divers dates prior thereto, you allowed, permitted and suffered lewdness and immoral activities in and upon your licensed premises, viz., the renting of rooms for purposes of illicit sexual intercourse: in violation of Rule 5 of State Regulations No. 20."

The Director stated, "I am satisfied that the ABC agents' testimony portrays a true picture of events which took place at the times in question."

We quote his summary of the testimony adduced at the hearing:

"An ABC agent testified that on Saturday, June 17, 1950, at 12:01 a.m., he and a fellow-agent visited defendant's licensed premises. The witness described the premises as follows: 'It is a large frame building operating as a hotel. They have rooms on the second and third floors and a package goods department in the front of it. Part of the building consists of a grocery store front and as you enter to the barroom, through a stairway, he has a large oval shaped bar.' The ABC agent testified that he entered into conversation with the defendant and inquired from him whether he and his companion might hire rooms as they had a 'couple of girls'

and would 'like to use the rooms for an hour or so to have intercourse with them.' The defendant, according to the testimony of the witness, stated, 'I don't give a --- if you use it for an hour or a week as long as I get paid for the room,' and agreed to let them have rooms, each room's rent to be \$5 per couple. In response to the agent's inquiry regarding baggage, the defendant said, 'No, you don't need any baggage, you register as "Mr. and Mrs."' The agent testified that he told the defendant that the girls were not there, but he would let him know when he needed a room.

"The witness further testified that the agent who accompanied him on June 17, 1950, and three other ABC agents arrived in the vicinity of defendant's licensed premises on Wednesday night, June 21, 1950. The witness testified that he and the agent who had accompanied him on the previous occasion entered the premises together at 9:30 p.m. They took positions at the bar near one of the other agents who had preceded them into the premises and thereupon again engaged in conversation with the defendant. The witness testified that he told the licensee that they would like to hire a couple of rooms as they brought a couple of girls, married women, and would want the room for about an hour for the purpose of engaging in sexual intercourse. The licensee reassured the agents that it was not necessary that they have baggage. The licensee thereupon spoke to his wife and the latter approached the agents, saying, 'Sam told me you fellows want to rent a couple of rooms.'

"The wife, subsequently identified as Rose Schneider, led the two agents to the second floor and showed them two rooms, Nos. 11 and 12, which the agents agreed to hire. Each agent thereupon signed the register -- one as Mr. and Mrs. Frank Arthur and the other as Mr. and Mrs. Warner. Upon inquiry by Mrs. Schneider as to 'Where are the women?', the agent answered, 'Well, they are two married women; they don't want to come here in the hotel with us because they are afraid of getting into trouble.' Mrs. Schneider then said, according to the agent's testimony, 'These girls don't come from Toms River?' 'No, they are not from Toms River,' the agent replied. Mrs. Schneider then said, 'That's good, I don't want to get into trouble with anybody if they know what is going on around here.' Each agent paid Rose Schneider \$5 for the respective rooms, the numbers of the money being used therefor having previously been noted. The agents then ordered a bottle of wine and four glasses, all of which were brought to them by Rose Schneider, for which payment to her in the amount of \$1 was made. The agent testified that Mrs. Schneider, when leaving the room, said, 'Have a good time, boys.'"

In our examination of the transcript of the evidence we note significantly the answers of the appellant to the following questions:

"Q. They say if anybody else was coming in the room with them? A. Not that I know of."

"Q. Were you told at any time, or did you know that these men intended to bring women in the hotel? A. Not that I know of."

"Q. Do you recall that at least two agents testified this morning that when you entered the room, they said to you 'What are these two men doing here?' and you said 'These men are waiting for their wives.' Is that what you said when you first went in Room 12? A. I don't know."

The Director's factual conclusion that the licensee-appellant rented "rooms for purposes of illicit sexual intercourse" is adequately warranted by the evidence. The proceedings are civil in nature and not criminal. Kravis v. Hock, 137 N. J. Law 252 (Sup. Ct. 1948).

It is acknowledged that the agents who obtained the accommodations never had any intention of using them for the purpose of sexual intercourse and that no women accompanied the agents or were expected to participate in the plan.

The insistence of counsel for the appellant is that the order under review was not justified as a matter of law.

The legislature empowered the commissioner (Director, R. S. 52:17B-51) to "make such general rules and regulations and such special rulings and findings as may be necessary for the proper regulation and control of the manufacture, sale and distribution of alcoholic beverages" embracing such subjects, inter alia, as disorderly houses, prostitution, orderliness, and decency. R. S. 33:1-39.

In pursuance of that authority Rule 5 of State Regulations No. 20 was promulgated, which reads:

"No licensee shall allow, permit or suffer in or upon the licensed premises any lewdness, immoral activity, or foul, filthy or obscene language or conduct, or any brawl, act of violence, disturbance or unnecessary noise; nor shall any licensee allow, permit or suffer the licensed place of business to be conducted in such manner as to become a nuisance."

Anent the intent and construction of the Alcoholic Beverage Control Law the legislature declared, "This chapter is intended to be remedial of abuses inherent in liquor traffic and shall be liberally construed." R. S. 33:1-73.

The governmental power extensively to regulate the conduct of those privileged to maintain premises for the sale of intoxicating liquors especially by retail has uniformly been accorded broad judicial support. Meehan v. Excise Commissioners, 73 N. J. Law 382 (Sup. Ct. 1906), affirmed 75 N. J. Law 557 (E. & A. 1908); Franklin Stores Co. v. Burnett, 120 N. J. Law 596 (Sup. Ct. 1938); Phillipsburg v. Burnett, 125 N. J. Law 157 (Sup. Ct. 1940); Grant Lunch Corp. v. Driscoll, 129 N. J. Law 408 (Sup. Ct. 1943), affirmed 130 N. J. Law 554 (E. & A. 1943), cert. den. 320 U. S. 801, 88 L. Ed. 484, 64 S. Ct. 430 (1944).

"The whole machinery of the Alcoholic Beverage Control statute is designed to control and keep within limits a traffic which, unless tightly restrained, tends toward abuse and debasement." Kravis v. Hock, 135 N. J. Law 259 (Sup. Ct. 1947), reversed on other grounds, 136 N. J. Law 161 (E. & A. 1947).

"The liquor business is one that must be carefully supervised and it should be conducted by reputable people in a reputable manner." Zicherman v. Driscoll, 133 N. J. Law 586 (Sup. Ct. 1946).

And then moreover, it must be understood that a license to vend intoxicating liquor is not a contract. Lantz v. Hightstown, 46 N. J. Law 102, 107 (Sup. Ct. 1884); Meehan v. Excise Commissioners, supra. It is not property. R. S. 33:1-26. In reality it is merely a temporary permit or privilege to pursue an occupation otherwise illegal. Voight v. Board of Excise,

59 N. J. Law 358 (Sup. Ct. 1896); Drozdowski v. Sayreville, 133 N. J. Law 536 (Sup. Ct. 1946); Takacs v. Horvath, 3 N. J. Super. 433 (Ch. Div. 1949).

And so the words of Justice Van Syckel speaking for the Court of Errors and Appeals in Paul v. Gloucester County in 1888, 50 N. J. Law 585, continue to reverberate: "The sale of intoxicating liquor has, from the earliest history of our state, been dealt with by legislation in an exceptional way. It is a subject by itself, to the treatment of which all the analogies of the law, appropriate to other topics, cannot be applied." Hudson Bergen, &c., Ass'n v. Hoboken, 135 N. J. Law 502 (E. & A. 1947); Essex Holding Corp. v. Hock, 136 N. J. Law 28 (Sup. Ct. 1947). It is a business which may be restricted by "such conditions as will limit to the utmost its evils." Crowley v. Christensen, 137 U. S. 86; 34 L. Ed. 620 (1890). The responsibility of a licensee may in some circumstances be imposed where, regardless of his knowledge, there is a failure to prevent the prohibited conduct by those entrusted with the management of the licensed premises. Essex Holding Corp. v. Hock, supra; Cedar Restaurant & Cafe Co. v. Hock, 135 N. J. Law 156 (Sup. Ct. 1947); Galsworthy, Inc. v. Hock, 3 N. J. Super. 127 (App. Div. 1949).

It is in this state of the law that we are at liberty to construe Rule 5 of the Regulations liberally within the boundaries of its obvious intent and object. It is to be at once recognized that the Regulations apply fundamentally to the behavior and responsibilities of the licensee. It would be fantastic to suppose that a licensee who himself personally disobeys the regulation does not "allow, permit and suffer" the occurrence of the violation. However, in the present case the licensee allowed, permitted and suffered his wife to engage in the undertaking. We are therefore confronted with the question whether the mere renting of bedrooms in the licensed premises by a licensee with the belief and intention that they will be occupied for the purposes of illicit sexual intercourse is an immoral activity within the signification of Rule 5. We answer the question in the affirmative.

The appellant was charged with renting the rooms for an illegal purpose. A purpose is that which one sets before oneself as an object to be attained; the end or aim to be kept in view in any plan, measure, exertion or operation; design; intention. Webster's New International Dict. (2d ed.); vide, Sawter v. Shoenthal, 83 N. J. Law 499, 500 (E. & A. 1912). It would seem that the commission of an overt act on the licensed premises in furtherance or promotion or encouragement of an illicit purpose is in itself an immoral activity comprehended by the scope of the regulatory rule.

In the determination of the present appeal we are not concerned with whether the appellant's activity constituted an indictable common law or statutory crime. Cf. State v. Baldino, 11 N. J. Super. 158 (App. Div. 1951); State v. Damorjian, 204 N. W. 498 (Sup. Ct. Wis. 1925). We are dealing here with a purely disciplinary measure and its alleged infraction.

The pith of the criticism of the action of the Director in suspending the enjoyment of the license is that the appellant should have been exonerated because despite his unbecoming and objectionable

intent and purpose, illicit sexual intercourse was (1) not in fact in this instance committed on the licensed premises, and (2) its commission was not in reality anticipated by the investigating agents. In what respect those circumstances exculpate the licensee from the profligacy of his own deliberate misconduct is not clear. So far as the appellant as the licensee of the premises could act, he made the accommodations available and conferred his permission to utilize them in an immoral pursuit.

The point advocated in behalf of the appellant that the investigators sought nothing more than evidence is not a novel one in proceedings implicating alleged violations of license privileges. Vide, Black v. MacMahon, 130 N. J. Law 323 (Sup. Ct. 1943); State Board of Medical Examiners v. Coleman, 132 N. J. Law 64 (Sup. Ct. 1944).

Here, too, the Director has construed the promulgated regulatory rule to be sufficient to encompass the impugned conduct of the appellant. Cf. Bowles v. Seminole Rock & Sand Co., 335 U. S. 410, 414, 89 L. Ed. 1700, 65 S. Ct. 1215 (1945).

The object manifestly inherent in the rule with which we are here concerned is primarily to discourage and prevent not only lewdness, fornication, prostitution, but all forms of licentious practices and immoral indecency on the licensed premises. The primary intent of the regulation is to suppress the inception of any immoral activity, not to withhold disciplinary action until the actual consummation of the apprehended evil.

"Immorality" is not necessarily confined to matters sexual in their nature. In a given context the word may be construed to encircle acts which are contra bonos mores, inconsistent with rectitude and the standards of conscience and good morals. Its synonyms are: corrupt, indecent, depraved, dissolute; and its antonyms are: decent, upright, good, right. Webster's International Dict. (2d ed.)

The order of the Director of the Division of Alcoholic Beverage Control here subjected to review is affirmed.

2. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - HINDERING INVESTIGATION - ALLOWING ACTS OF VIOLENCE ON LICENSED PREMISES - EMPLOYING UNQUALIFIED PERSON - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary Proceedings against)

JOHN GONNELLA)
141 High St.)
Newark 4, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-172, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Alexander J. Matturri and James Del Mauro, Esqs., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to charges as follows:

"1. On Sunday, January 28, 1951, at about 2:00 p.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages at retail in original containers for consumption off the licensed premises, viz., two quart bottles of Ballantine beer; in violation of Rule 1 of State Regulations No. 38, which prohibits any such sale or delivery at any time on Sunday.

"2. On January 28, 1951, while an inspector and an investigator of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety were conducting an investigation at your licensed premises, you, by your agent and employee, Lawrence Gonnella, hindered and failed to facilitate such investigation; in violation of R. S. 33:1-35.

"3. On January 28, 1951, you allowed, permitted and suffered in and upon your licensed premises acts of violence, viz., physical attacks resulting in bodily injury upon the person of George N. Anderson, an inspector of the Division of Alcoholic Beverage Control, by Lawrence Gonnella, a person employed by you as a bartender, in violation of Rule 5 of State Regulations No. 20.

"4. On January 28, 1951 and prior thereto, you knowingly employed and had connected in a business capacity with you on your licensed premises Lawrence Gonnella, a person who has been convicted of crimes involving moral turpitude, viz., the crimes of assault and battery with intent to commit robbery in 1926, larceny in 1928, entering and larceny in 1931, and assault and battery and robbery in 1933; in violation of Rule 1 of State Regulations No. 13."

It appears from the record that two agents of the Division of Alcoholic Beverage Control visited the licensed premises of the defendant on Sunday, January 28, 1951, one entering the premises at approximately 1:50 p.m. and the second entering about five minutes thereafter.

The first agent testified that, upon entering the premises, he sat at the bar and was served a bottle of beer by Jerry Del Mauro, who was the only person tending bar at that time. Shortly thereafter this agent noticed a man, subsequently identified as Lawrence Gonnella, a brother of the defendant-licensee, in street clothes on a "balcony" taking off his suit coat and putting on a white jacket. According to this agent, Lawrence Gonnella came down the stairs, went behind the bar, and proceeded to take some empty bottles from the bar, open full bottles, and place "filler corks" in the new bottles. The agent testified that he saw Lawrence Gonnella serve several drinks to patrons, collect money for the drinks, and ring up sales on the cash register. Lawrence Gonnella also served this agent a bottle of beer and took money in payment therefor. The agent then told Lawrence Gonnella that he wished to purchase two quarts of beer to take out. Lawrence Gonnella went to a cooler from which he obtained two quart bottles of beer and, in a bag provided by Jerry Del Mauro, handed the package to the agent over the bar. The agent gave Lawrence Gonnella a one-dollar bill which the latter took to the cash register and returned with twenty cents change. At this point, this agent testified, Lawrence Gonnella said to him, "Now, when you take them bottles out, if anybody stops you, drop them on the sidewalk. We are not supposed to sell this on Sunday."

This agent then walked to the other side of the bar where the second agent was seated, and both agents identified themselves to Lawrence Gonnella. The two agents and Lawrence Gonnella walked to the "balcony", where the latter refused to make any statement or identify himself. The first agent further testified that he took the package containing the two quart bottles of beer and started to go down four steps from the "balcony" to the floor of the barroom when he was "shoved" by Lawrence Gonnella, falling down the stairs and breaking one of the two bottles of beer. This agent then stated that he ran to the front door of the licensed premises but was "grabbed" by Lawrence Gonnella who apparently was attempting to knock the remaining bottle of beer from the agent's hands. Both this agent and Lawrence Gonnella fell to the floor and the second bottle of beer was broken, causing a rather severe cut on the wrist of the agent and a minor cut on the face of Lawrence Gonnella. This agent stated that Lawrence Gonnella got up and that he saw him go to the "balcony", take off the white coat, put on his suit jacket, and then leave the premises. In the meantime, a patron on the premises had obtained a towel and some peroxide for the purpose of dressing the agent's cut wrist.

The second agent testified that he was unable to go to the assistance of the first agent because patrons blocked his path. There was nothing to indicate that this action on the part of the patrons was necessarily deliberate. The second agent stated that he had not seen Lawrence Gonnella enter the premises or put on the white jacket. He testified that he merely saw Lawrence Gonnella behind the bar in a white jacket, that he witnessed the service of several drinks by Lawrence Gonnella, that he heard the first agent ask Lawrence Gonnella for two quarts of beer and Lawrence Gonnella tell him to drop the bottles if anyone stopped him. The second agent further testified that he saw Lawrence Gonnella hit the first agent with his shoulder knocking the agent down the steps.

Both agents testified that after the incident had occurred at the front door Jerry Del Mauro denied that he knew Lawrence Gonnella.

At the hearing, Lawrence Gonnella denied that he was employed on the licensed premises. He testified that he was present on the licensed premises to celebrate his birthday with three friends, who presented him with a necktie. He stated that he had taken off his

coat and gone behind the bar to try on the necktie. Lawrence Gonnella, however, admitted that the first agent had asked him for two quarts of beer and that he had taken money in payment therefor. Lawrence Gonnella denied that he served anyone else or that he was wearing a white jacket. He admitted that he had attempted to knock the bottles out of the first agent's hands, testifying, "When we got near the door I went a little haywire and knocked the bottles out of his hands. We both went down and he got cut and I got cut also." Lawrence Gonnella denied the incident concerning the agent's being pushed off the stairs from the "balcony" to the barroom floor.

John Gonnella, the defendant-licensee, who admittedly was not on the licensed premises during the above related events, denied that his brother, Lawrence, was an employee. He further testified that there were only two white jackets on the licensed premises at the time and both were size 38 (Lawrence Gonnella having testified that he wore a size 44 suit).

Jerry Del Mauro testified that he had relieved the defendant-licensee while the latter went home to eat; that neither he nor Lawrence Gonnella wore a white jacket and that the latter had neither served the agents nor gone behind the bar. He further testified that he did not see the alleged assault on the agent and that he knew nothing of it until a patron called for a towel to assist the agent.

A patron, testifying on behalf of the defendant, admitted that he saw Lawrence Gonnella sell two quarts of beer to the agent but says that he did not see him serve anyone else. He further testified that he saw no one fall down the stairs from the "balcony" to the barroom floor and denied that Lawrence Gonnella wore a white jacket. With respect to the alleged gift of a necktie to Lawrence Gonnella, he testified that even though he knew the latter only to say "hello" to, he participated in the purchase of the birthday tie. A second patron also testified that Lawrence Gonnella did not have on a white jacket and that the latter did not serve anyone.

Thus there is some conflict between the testimony of the agents, on the one hand, and the witnesses produced on behalf of the licensee, on the other hand. However, the testimony of the agents is more worthy of belief than that of the person causing the disturbance, who surely has a personal interest in minimizing his part in the incident, and that of casual (and friendly) customers at the bar. I believe the testimony of the agents and am convinced that it fairly depicts the events which occurred on the licensed premises.

From all of the testimony it is clear that Lawrence Gonnella performed some services in connection with the licensed business; that he sold the first agent two quarts of beer and thereafter attempted to destroy the beer when the agent endeavored to leave the premises. With respect to these activities it must be remembered that the term "employment", as used in the State Regulations, embraces all persons whose services are utilized in furtherance of the licensed business notwithstanding the absence of a technical employer-employee relationship. Cf. Kravis v. Hock, 137 N. J. L. 252; Re Washington Cafe (A Corp.), Bulletin 896, Item 2; Re William Street Bar & Grill, Inc., Bulletin 466, Item 8. Consequently, I conclude that Lawrence Gonnella was employed on the licensed premises within the contemplation of the State Regulations, and I therefore find the defendant guilty as to Charges (1), (2) and (3).

With respect to Charge (4), Lawrence Gonnella's criminal record as disclosed by the State Bureau of Identification was admitted by stipulation between the attorney for the Division and the attorney for the licensee. This record is lengthy and contains a number of convictions of crimes which involve moral turpitude, such as assault and battery with intent to commit robbery, larceny, entering and larceny, assault and battery, and robbery. The licensee admitted

that he knew that his brother, Lawrence, had a "record" and that "he had some difficulty with the law". Consequently, I find the defendant guilty as to Charge (4).

Although the defendant has no prior adjudicated record, the charges herein might well warrant outright revocation. Cf. Re Arnold, Bulletin 683, Item 6. However, in consideration of all of the attendant circumstances, I shall suspend the license for a period of ninety days.

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

ORDERED that Plenary Retail Consumption License C-172, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to John Gonnella, for premises 142 High Street, Newark, be and the same is hereby suspended for a period of ninety (90) days, commencing at 2:00 a.m. March 27, 1951, and terminating at 2:00 a.m. June 25, 1951.

ERWIN B. HOCK
Director.

3. DISCIPLINARY PROCEEDINGS - CLUB LICENSE - LICENSE CANCELLED FOR FAILURE TO OBTAIN FROM DIRECTOR CERTIFICATE UNDER PROVISIONS OF RULE 5 OF STATE REGULATIONS NO. 7 - CERTIFICATE ISSUED IN ACCORDANCE WITH REQUEST CONTAINED IN PETITION.

In the Matter of Disciplinary Proceedings against)

AMERICAN BRIDGE ASSOCIATION,)
NORTH JERSEY UNIT)
343 Washington St.)
Newark, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-62 for the 1949-50 licensing year, and now holder of Club License CB-62 for the 1950-51 licensing year, both issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

-----)
Perry E. Belfatto, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant was served with an order to show cause why its license (issued for the 1949-50 licensing year) should not be suspended, revoked or cancelled and declared null and void for the following reason:

"Said license was improvidently issued in violation of Rule 4 of State Regulations No. 7, in that your club had not been in exclusive continuous possession and use of a clubhouse or club quarters for at least three (3) years continuously immediately prior to the submission, on June 9, 1949, of your application for license."

At the hearing held on the return day of the order to show cause, defendant through counsel admitted that prior to about March 1, 1948, when it signed a five-year lease for its present premises, it never had exclusive continuous possession of any club quarters, it having previously held its meetings (under temporary arrangements) at the homes of various members or at the Urban League or other places of civic or public nature. Although defendant claimed to be a constituent unit of a qualified national organization or association and, as such, to be eligible to hold a club

license (see Rule 5 of State Regulations No. 7), defendant conceded that the Municipal Board of Alcoholic Beverage Control of the City of Newark had issued the original license (effective February 25, 1948) and renewed the license for the years 1948-49, 1949-50 and 1950-51, without requiring defendant to present a certificate stating that satisfactory proof of its status as such constituent unit had been submitted to the Commissioner (now Director) of Alcoholic Beverage Control. Such a certificate is necessary in order to qualify under the Rule.

Prior to the hearing defendant filed a petition with me requesting me to issue a certificate to the effect that satisfactory proof has now been submitted to me that it has been duly credentialed by the American Bridge Association, which, according to the petition, is a national organization in active operation in this state for more than ten years. With my consent, testimony upon said petition was heard on the return day of the order to show cause.

From the undisputed evidence offered by defendant, it appears that defendant was organized some time between 1934 and 1937 and has been in active operation in this state continuously since its inception although it was not incorporated until 1948; and that the American Bridge Association, a national organization, through its affiliate local units (of which defendant is one) has been in active operation in this state for a similar period of time. The objects of American Bridge Association as set forth in its Constitution are: (1) to foster, encourage and develop the game of Contract Bridge and other later developments of the game; (2) to unite all bridge players into one group, using identical laws and procedure in its bridge games, both public and private; and (3) to sponsor, supervise and conduct duplicate tournaments through which contestants may be rated.

Considering all the evidence, I conclude that American Bridge Association is a national association organized for social and recreational purposes, which has been in active operation in New Jersey for at least three years continuously immediately prior to June 9, 1949, and that defendant is a constituent unit of American Bridge Association.

From all the evidence, it appears that the issuance of the original license and the renewals thereof were technically improper because of the failure of defendant to obtain a certificate under the provisions of Rule 5 of State Regulations No. 7. I shall, therefore, cancel the license which defendant now holds. I shall, however, issue a certificate in accordance with the request contained in the petition. It is to be understood, however, that my certificate applies only with respect to Rule 5 of State Regulations No. 7; that action on any club license application hereafter made by defendant will rest, subject to appeal, with the Municipal Board of Alcoholic Beverage Control, which action is to be taken on the merits and in contemplation of all legal requirements, including the provisions of the Municipal Board's Club License Regulations adopted June 29, 1934.

Accordingly, it is, on this 15th day of March, 1950,

ORDERED that Club License CB-62, for the 1950-51 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to American Bridge Association, North Jersey Unit, for premises 343 Washington Street, Newark, be and the same is hereby cancelled, effective at 2:00 a.m. March 19, 1951.

ERWIN B. HOCK
Director.

4. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (STRIP TEASE DANCE, INDECENT LANGUAGE) - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

STEPHEN BAJEWICZ
T/a STEVE'S TAVERN
S/S Clayton Rd., Fries Mill
Franklin Township (Gloucester County)
P.O. Franklinville, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-14, issued by the Township Committee of the Township of Franklin.

Fred A. Gravino, Esq., Attorney 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 allowed, permitted and suffered lewd, indecent and immoral activities (a strip tease dance by female entertainers and the telling of indecent, filthy, disgusting and suggestive stories by a male entertainer) on his licensed premises, in violation of Rule 5 of State Regulations No. 20.

On Saturday night, January 13, 1951, and early Sunday morning, January 14, 1951, agents of the State Division of Alcoholic Beverage Control observed a female entertainer employed by the licensee on the licensed premises perform a "strip tease dance", including "bumps" and "grinds" and ending with practically complete nudity. On the night of Saturday, January 27, 1951, and early the next (Sunday) morning, other agents present on defendant's licensed premises observed a similar performance by a different female entertainer. This performance, in addition to its "strip tease" aspect, included a routine in which the performer, getting down on "all fours", indulged in sexually suggestive movements of her body in a manner calculated to appeal to, arouse and inflame the passions of both the male and female customers. Cf. Re Ferdinand, Bulletin 850, Item 2. Following this "act" a male master of ceremonies told several stories, vulgar, indecent and broadly suggestive in their context.

Such "shows" have no place on licensed premises. This is defendant's only adjudicated violation.

I shall suspend the license for thirty days. Remitting five days for the plea will leave a net suspension of twenty-five days. Cf. Re Ferdinand, supra.

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

ORDERED that Plenary Retail Consumption License C-14, issued by the Township Committee of the Township of Franklin to Stephen Bajewicz, t/a Steve's Tavern, for premises S/S Clayton Rd., Fries Mill, Franklin Township (Gloucester County), be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. April 2, 1951, and terminating at 3:00 a.m. April 27, 1951.

ERWIN B. HOCK
Director.

REPORT OF ACTIVITY FOR MARCH 1951

5.		
ARRESTS:		
Total number of persons arrested	- - - - -	15
Licensees and employees	- - - - - 3	
Bootleggers	- - - - - 11	
ABC agent impersonator	- - - - - 1	
SEIZURES:		
Motor vehicles & trucks	- - - - -	2
Still - over 50 gallons	- - - - -	1
- 50 gallons or under	- - - - -	1
Mash - gallons	- - - - -	4,250.00
Distilled alcoholic beverages - gallons	- - - - -	2.37
Wine - gallons	- - - - -	380.17
Brewed malt alcoholic beverages - gallons	- - - - -	14.12
RETAIL LICENSEES:		
Premises inspected	- - - - -	1,082
Premises where alcoholic beverages were gauged	- - - - -	778
Bottles gauged	- - - - -	13,668
Premises where violations were found	- - - - -	75
Violations found	- - - - -	78
Type of violations found:		
Unqualified employees	- - - - - 13	Other mercantile business - - - - - 2
Gambling devices	- - - - - 4	Disposal permit necessary - - - - - 2
Improper beer taps	- - - - - 4	Prohibited signs - - - - - 1
Reg. #38 sign not posted	- - - - - 2	Probable front - - - - - 1
		Other violations - - - - - 49
STATE LICENSEES:		
Premises inspected	- - - - -	22
License applications investigated	- - - - -	8
COMPLAINTS:		
Complaints assigned for investigation	- - - - -	466
Investigations completed	- - - - -	411
Investigations pending	- - - - -	165
LABORATORY:		
Analyses made	- - - - -	140
"Shake-up" cases (alcohol, water and artificial color) - bottles	- - - - -	6
Liquor found to be not genuine as labeled - bottles	- - - - -	2
IDENTIFICATION BUREAU:		
Criminal fingerprint identifications made	- - - - -	13
Persons fingerprinted for non-criminal purposes	- - - - -	162
Identification contacts made with other enforcement agencies	- - - - -	157
Motor vehicle identifications via N. J. State Police Teletype	- - - - -	6
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	- - - - -	8
Violations involved:		
Sale during prohibited hours	- - - - - 4	Sale to non-members by clubs - - - - - 1
Failure to afford view into premises during prohibited hours	- - - - - 2	Sale to intoxicated persons - - - - - 1
Bookmaking on premises	- - - - - 1	Sale to minors - - - - - 1
Cases instituted at Division	- - - - -	15
Violations involved:		
Mislabeling beer taps	- - - - - 4	Brawls on premises - - - - - 1
Sale to minors	- - - - - 3	Employee working while drunk - - - - - 1
Employing unqualified persons	- - - - - 2	Fraud and front - - - - - 1
Gambling on premises (cards)	- - - - - 2	Sale during prohibited hours - - - - - 1
Possessing illicit liquor	- - - - - 2	Hindering investigation - - - - - 1
Sale under Fair Trade price	- - - - - 1	Permitting immoral activity on premises - 1
Sale to intoxicated persons	- - - - - 1	Furthering illegal activity - - - - - 1
Cases brought by municipalities on own initiative and reported to Division	- - - - -	8
Violations involved:		
Brawls on premises	- - - - - 4	Delivery without bona fide invoices - - 1
Sale to minors	- - - - - 3	Employing unqualified persons - - - - - 1
Permitting immoral activity on premises	- - - - - 1	Bookmaking on premises - - - - - 1
		Hindering investigation - - - - - 1
		Sale during prohibited hours - - - - - 1
HEARINGS HELD AT DIVISION:		
Total number of hearings held	- - - - -	30
Appeals	- - - - - 3	Seizures - - - - - 5
Disciplinary proceedings	- - - - - 18	Tax revocation - - - - - 2
Eligibility	- - - - - 2	
PERMITS ISSUED:		
Total number of permits issued	- - - - -	647
Employment	- - - - - 119	Social affairs - - - - - 252
Solicitors	- - - - - 80	Special wine - - - - - 1
Disposal of alcoholic beverages	- - - - - 97	Miscellaneous - - - - - 98

Dated: April 2, 1951.

ERWIN B. HOCK, DIRECTOR

6. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1950 TO MARCH 31, 1951 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

C L A S S I F I C A T I O N O F L I C E N S E S

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surrendered Expired	Number Licenses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	488	\$204,179.18	70	\$ 25,500.00	18	\$ 1,675.00						576	\$ 231,354.18
Bergen	815	297,400.00	296	78,927.00	70	6,810.82	62	\$2,741.79	6	\$ 1,559.91	7	1242	387,439.52
Burlington	186	72,325.00	30	8,300.00	38	5,400.00	1	25.00				255	86,050.00
Camden	456	217,236.98	82	31,575.00	65	6,171.84			1	375.00	1	603	255,358.82
Cape May	133	65,750.00	11	3,700.00	15	1,586.03						159	71,036.03
Cumberland	81	34,800.00	14	3,650.00	29	3,910.00						124	42,360.00
Essex	1377	759,847.67	350	203,197.95	99	13,178.42	33	1,650.00			3	1856	977,874.04
Gloucester	107	34,650.00	13	2,950.00	14	1,389.32						134	38,989.32
Hudson	1559	676,032.92	298	117,810.00	78	9,395.68	73	3,091.71			1	2007	806,330.31
Hunterdon	79	24,350.00	6	1,850.00	6	667.00						91	26,867.00
Mercer	425	255,000.00	51	20,600.00	55	7,710.14			1	107.50	1	531	283,417.64
Middlesex	634	300,209.24	71	21,695.00	69	6,518.97	5	160.34				779	328,583.55
Monmouth	549	274,546.51	112	38,450.00	33	3,812.26	11	410.00	30	12,902.21	31	704	330,120.98
Morris	353	118,515.00	95	30,200.00	41	4,048.42	10	400.80	5	862.50	5	499	154,026.72
Ocean	192	105,084.15	46	19,049.97	16	2,176.78						254	126,310.90
Passaic	881	360,663.23	166	51,030.00	35	4,299.66	15	696.16			1	1096	416,689.05
Salem	50	19,000.00	7	1,300.00	14	1,122.47						71	21,422.47
Somerset	186	75,485.84	36	9,760.00	23	2,522.14						245	87,767.98
Sussex	173	45,955.00	17	3,355.00	9	534.86	1	50.00	1	225.00	1	200	50,119.86
Union	547	291,586.40	142	57,150.00	65	7,268.36	30	1,412.08			1	783	357,416.84
Warren	151	41,805.00	17	3,307.50	30	2,906.05			2	255.44	2	198	48,273.99
TOTALS	9422	\$4,274,422.12	1930	\$733,357.42	822	\$93,104.22	241	\$10,637.88	46	16,287.56	54	12407	\$5,127,809.20

BULLETIN 902

ERWIN B. HOCK, DIRECTOR

Respectfully submitted,

John H. Michelson, Deputy Director.

7. DISCIPLINARY PROCEEDINGS - POSSESSING FILTHY STATUETTE ON LICENSED PREMISES, IN VIOLATION OF RULE 17 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary Proceedings against)
 JOSEPH J. CRONAUER and L. MAY)
 CRONAUER)
 T/a BAND BOX INN)
 Int. Reservoir Rd. & Mt. Hope Rd.)
 Rockaway Township)
 P. O. Rockaway, RD 1, N. J.,)
 Holders of Plenary Retail Consumption License C-3, issued by the)
 Township Committee of the Township)
 of Rockaway.)

CONCLUSIONS AND ORDER

 Paul Colvin, Esq., Attorney for Defendant-licensees.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded not guilty to a charge alleging that they allowed, permitted and suffered upon their licensed premises and had in their possession obscene, indecent, filthy, lewd, lascivious and disgusting representations comprised in two certain statuettes; in violation of Rule 17 of State Regulations No. 20.

At the hearing held herein an ABC agent testified that he and two other ABC agents visited defendants' licensed premises on Thursday, February 15, 1951; that they entered the licensed premises about 1:00 a.m. and remained for about an hour. The agent testified that, about fifteen minutes after they entered, Joseph J. Cronauer, one of the licensees who was tending bar, took the two statuettes in question from the back-bar and placed them in front of the agents. It would serve no useful purpose to describe the statuettes which undoubtedly were obscene and indecent in character. The agent testified that there were six other patrons in the licensed premises at the time the statuettes were exhibited.

On behalf of defendants, Joseph J. Cronauer testified that the agents had asked to see the statuettes; that he showed them to the agents and then "set them back by the bottles". He testified at that time there was only one other male patron at the bar. Irrespective of the number of patrons in the tavern, it is apparent that the obscene and indecent statuettes were allowed, permitted and suffered to be on the licensed premises, in violation of Rule 17 of State Regulations No. 20.

Since it clearly appears that the violation was committed by Joseph J. Cronauer (one of the partners), defendants are guilty as charged. This is true even if the other partner, L. May Cronauer, as she testified at the hearing, never saw the statuettes on the licensed premises. Re Dilione, Bulletin 898, Item 4. I find defendants guilty as charged.

Defendants have no prior adjudicated record. I shall suspend defendants' license for ten days. Re Club Benmar, Inc., Bulletin 874, Item 9.

Accordingly, it is, on this 14th day of March, 1951,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Rockaway to Joseph J. Cronauer and L. May Cronauer, t/a Band Box Inn, for premises at Int. Reservoir Rd. & Mt. Hope Rd., Rockaway Township, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. March 20, 1951, and terminating at 3:00 a.m. March 30, 1951.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

NORTH JERSEY COUNTRY CLUB, INC.)
T/a NORTH JERSEY COUNTRY CLUB)
Hamburgh Turnpike, Preakness)
Wayne Township)
P. O. Paterson, RD 1, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Wayne.)
-----)

North Jersey Country Club, Inc., Defendant-licensee, by Walter A. Lindell, Vice-President.

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 on its licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe the contents thereof, in violation of Rule 27 of State Regulations No. 20.

On November 10, 1950, an agent of the Alcohol Tax Unit, Internal Revenue Service, United States Treasury Department, during a routine inspection of defendant's licensed premises, seized thereon one quart bottle labeled "Carstairs White Seal Blended Whiskey" when his field tests indicated a variance between the label on the bottle and the contents thereof. Subsequent analysis by a Federal chemist confirmed this finding and disclosed that said bottle had been refilled with an alcoholic beverage other than the whiskey described on the label.

Defendant has no prior adjudicated record.

I shall suspend the license for the minimum period usual in violations of this nature, fifteen days, Re Rudolph, Bulletin 680, Item 1. Remitting five days because of the plea will leave a net suspension of ten days.

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

ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Wayne to North Jersey Country Club, Inc., t/a North Jersey Country Club, for premises Hamburgh Turnpike, Preakness, Wayne Township, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. March 26, 1951, and terminating at 3:00 a.m. April 5, 1951.

ERWIN B. HOCK
Director.

9. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING EFFECTIVE DATES OF SUSPENSION.

In the Matter of Disciplinary Proceedings against)

NORTH JERSEY COUNTRY CLUB, INC.)
T/a NORTH JERSEY COUNTRY CLUB)
Hamburgh Turnpike, Preakness)
Wayne Township)
P. O. Paterson, RD 1, N. J.,)

ON PETITION
O R D E R

Holder of Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Wayne.)
-----)

Petitioner, by Eric Heise, Steward.

BY THE DIRECTOR:

It appearing that, by Order dated March 19, 1951, petitioner's license was suspended for a period of ten days commencing at 3:00 a.m. March 26, 1951, and terminating at 3:00 a.m. April 5, 1951, and

It further appearing from a verified petition submitted by the licensee that, prior to receipt of notice of said suspension, the licensee had entered into arrangements for a dinner and wedding reception to be held at its licensed premises on the evening of Saturday, March 31, 1951, and that approximately one hundred and sixty persons were expected to attend said dinner and reception, and

It appearing to my satisfaction that numerous innocent persons will suffer undue hardship if said affair is not held as scheduled;

It is, on this 21st day of March, 1951,

ORDERED that the suspension imposed herein shall commence at 3:00 a.m. March 26, 1951, and continue in effect until 3:00 a.m. March 31, 1951; that thereafter said suspension shall be lifted until 3:00 a.m. April 1, 1951, when it shall again become effective and continue in effect until 3:00 a.m. April 6, 1951.

ERWIN B. HOCK
Director.

10. STATE LICENSES - NEW APPLICATIONS FILED.

Ferris & Rossborough, Inc.
31 Central Ave., Newark, N. J.
Application filed March 30, 1951 for Transportation License.

Samuel Klein, Inc.
901-03-05-07-09 Railroad Ave., Asbury Park, N. J.
Application filed April 2, 1951 for transfer of State Beverage Distributor's License from Samuel Klein.

Director.