

20 nose avenue,
Madison,
Morris County, New Jersey.
STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

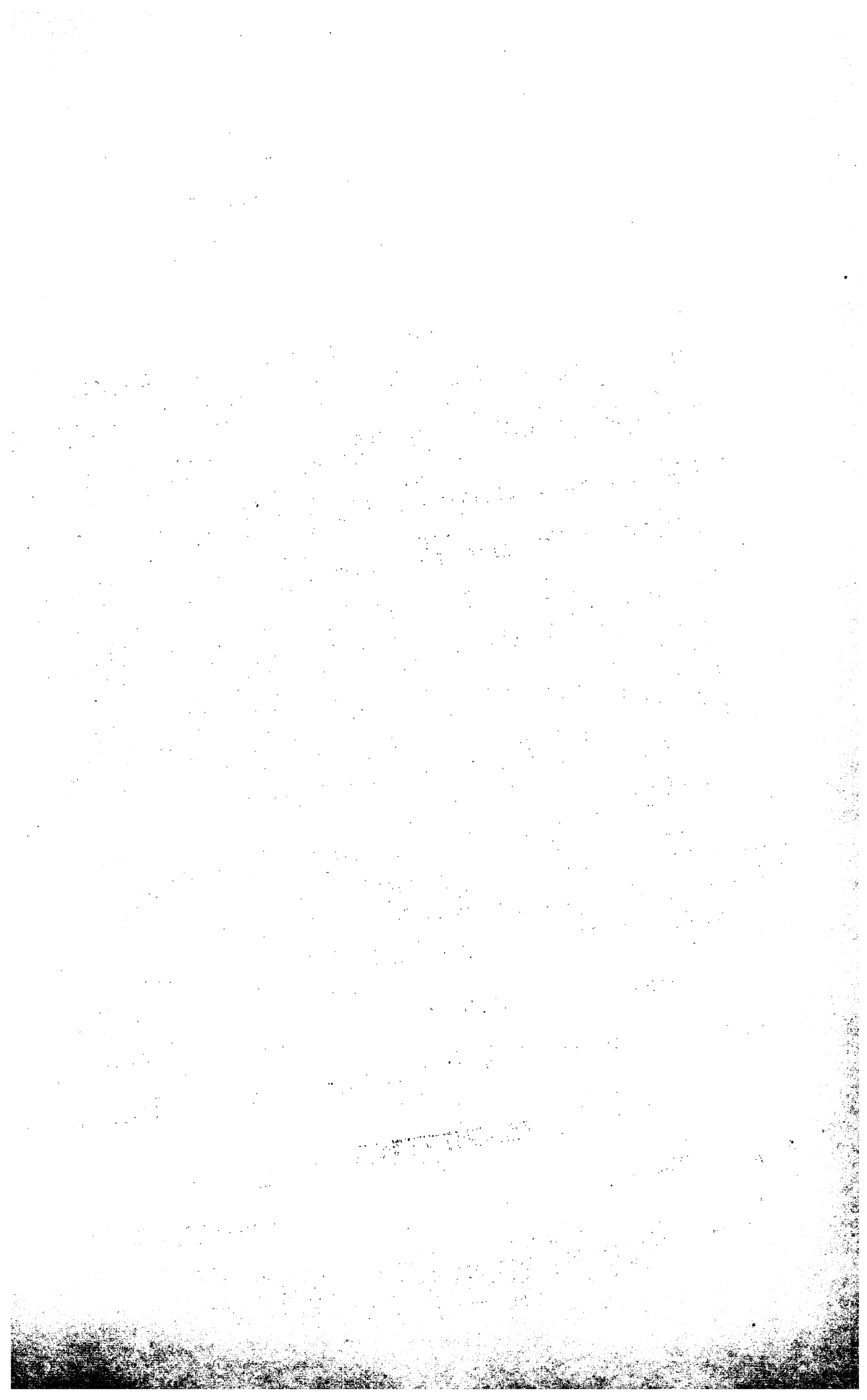
BULLETIN 889

NOVEMBER 28, 1950.

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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 889

NOVEMBER 28, 1950.

1. APPELLATE DECISIONS - THATCHER v. WASHINGTON TOWNSHIP (WARREN COUNTY)

CATHERINE THATCHER,)
Appellant,)

-vs-

TOWNSHIP COMMITTEE OF WASHINGTON)
TOWNSHIP, WARREN COUNTY,)
Respondent.

ON APPEAL
CONCLUSIONS AND ORDER

Henry W. Eckel, Jr., Esq., Attorney for Appellant.
Wilbur M. Rush, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from respondent's denial of application for transfer of a plenary retail consumption license from Joseph Altieri, Jr. to appellant, and from premises on Route #24 to premises located on Mine Hill Road, Washington Township.

A 1948-1949 plenary retail consumption license was held by John Altieri, Daniel Altieri and Joseph Altieri, Jr., t/a Altieri's Restaurant, for premises on Route #24. In March of 1949 the licensed building was completely destroyed by fire. By resolution, respondent (1) granted, subject to a completion-of-premises special condition, a transfer of the 1948-1949 license to an adjacent house; (2) authorized such transfer, effective as of June 29, 1949, for the sole purpose of permitting a 1949-1950 renewal; (3) granted a 1949-1950 renewal, subject to a completion-of-premises special condition; (4) authorized issuance of the 1949-1950 license for the sole purpose of permitting a 1950-1951 renewal; and (5) granted a 1950-1951 renewal (in the name of Joseph Altieri, Jr., John and Daniel having withdrawn from interest), subject to a completion-of-premises special condition.

The completion-of-premises special condition called for construction of a bar, rest rooms, kitchen and dining room. Nothing has been done toward making the indicated changes in the house for which the 1950-1951 license was conditionally granted.

On August 1, 1950, respondent denied appellant's application "by virtue of previous Resolutions concerning the C-2 license now held by the Clerk for the said Joseph Altieri, Jr...."

(With appellant's application which was filed July 19, 1950, was filed the following consent, dated July 18, 1950:

"I, Joseph Altieri, Jr., trading as Altieri's Restaurant, do hereby consent to the transfer of Plenary Retail Consumption License No. C-2, heretofore issued to me, to Catherine Thatcher, the applicant in the attached application for the transfer of said license.

(Signed) Joseph Altieri, Jr.
Trading as Altieri's Restaurant")

The petition of appeal alleges:

"The action of the respondent was erroneous in that: The previous minutes did not state that a transfer to a different premises could not be effected and therefore, such transfer to Catherine Thatcher for premises located on Mine Hill Road would have been valid and legal.

"The committee's neglect to renew the license, is a technicality, and as such should not stand in the way of a transfer or be binding."

Respondent's answer denies the petition's hereinabove quoted allegations and sets forth the following:

"FIRST SEPARATE DEFENSE.

"By way of further answer to the petition of appeal, this respondent says that on January 27, 1950, respondent Township Committee by resolution duly adopted granted a license to one Joseph Altieri, Jr., solely for the purpose of renewal and upon the further condition that the building be completed in accordance with the plans and specifications filed with the said respondent Township Committee. The special conditions imposed by the respondent were not met by the said Joseph Altieri, Jr., and respondent Township Committee in the exercise of its discretion denied the application of the appellant on the further ground that the conditions imposed by the Committee had not been met.

"SECOND SEPARATE DEFENSE.

"By way of further answer, respondent says that the application of the said Joseph Altieri, Jr. was granted solely for the purpose of renewal and not for the purpose of transfer, therefore the application of the appellant should be denied because no license existed which could be the subject of a transfer.

"THIRD SEPARATE DEFENSE.

"Respondent denied the application on the further ground that public convenience and necessity would not be served by transferring the license to the appellant herein.

"FOURTH SEPARATE DEFENSE.

"The denial of the appellant's application rests in the sound discretion of respondent, and in the exercise of that discretion respondent denied said application, and in the absence of proof of abuse of that discretion, the decision of respondent should not be disturbed."

Respondent had jurisdiction to grant the 1949-1950 license for the sole purpose of permitting a renewal and to grant the 1950-1951 renewal application subject to the completion-of-premises special condition, but the 1950-1951 license could not have been actually issued to Joseph Altieri, Jr. unless and until the premises were duly completed in compliance with the special condition. (See Passarella v. Board of Commissioners, 1 N. J. Superior, 313.) As hereinabove indicated, the special condition was not complied with and, thus, there was not a renewal license issued and, in that situation, no license in being which was transferable from person to person or from person to person and place to place. Respondent, however, would not have been without authority to grant an application for person-to-person and place-to-place transfer if, prior to such granting, it had passed a resolution authorizing actual issuance of the 1950-1951 license to Joseph Altieri, Jr. for the sole purpose of permitting a

transfer. (See Atlantic County Licensed Beverage Assn. and Montoro v. Township of Hamilton, Powell and Schrul, Bulletin 879, Item 5.) But respondent did not pass such a resolution, and it seems clear that in the absence thereof there was no license, legally in being and effect, to transfer.

Of course, respondent was under no legal compulsion to pass the indicated resolution and grant appellant's application. As stated in Re Campbell, Bulletin 682, Item 13:

"No one has a 'right' to....a license transfer. A retail license is, at most, a privilege, authorized by the State to be conferred, but which the municipal issuing authority may deny in the exercise of sound discretion. (See Meehan v. Jersey City, 73 N.J.L. 382.) It follows that it is not mandatory for a municipal issuing authority to....grant a transfer to an applicant simply because he is not disqualified under the law -- Revised Statutes, 33:1-25...."

It appears from the testimony of Mr. Levi Kries, a member of respondent Committee, that appellant's application was unanimously denied for the reason (in addition to that set forth in the denying-resolution and respondent's answer herein) that the Committee members felt there was no community need for a license at appellant's premises located in the Bowerstown section of Washington Township. It appears, further, that numerous written objections to the granting of appellant's application were filed with the Township Committee, and that approximately thirty-two persons appeared in objection at the local hearing held pursuant to Rule 8 of State Regulations No. 6. At the hearing herein no testimony, save that of appellant, was presented to demonstrate public need for a license in the Bowerstown section. On the general merits I do not find, from the evidence before me, that respondent abused its discretionary power in denying appellant's application.

Respondent's action will be affirmed.

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

ORDERED that respondent's action herein appealed from be and the same is hereby affirmed, and that the appeal herein be and the same is hereby dismissed.

ERWIN B. HOCK
Director.

2. APPELLATE DECISIONS - JENSEN v. WASHINGTON TOWNSHIP, WARREN COUNTY.

HAROLD W. JENSEN,)

Appellant,)

-vs-

TOWNSHIP COMMITTEE OF WASHINGTON)
TOWNSHIP, WARREN COUNTY,)

Respondent.)

ON APPEAL
CONCLUSIONS AND ORDER

Edward E. Stover, Esq., Attorney for Appellant.
Wilbur M. Rush, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from respondent's denial of an application for transfer of a plenary retail consumption license, for premises on Route #24, from Joseph Altieri, Jr. to appellant.

The facts pertinent to the Altieri license, up to and including respondent's conditional granting of a 1950-1951 renewal, are set forth in Thatcher v. Washington (decided herewith, Bulletin 889, Item 1.)

The Petition of Appeal, herein, alleges:

"The action of the respondent was erroneous in that: Transferee simply sought the transfer of the same obligation as heretofore issued to Joseph Altieri, Jr. and Appellant agreed to perform the same conditions as heretofore filed by Joseph Altieri, Jr. and filed with his application a consent of said Joseph Altieri, Jr. to said transfer and that Appellant was first in point of time in filing for application for transfer and should be given precedence of the application of Catherine Thatcher, who, at the time of her application did not properly advertise for transfer since her premises were not complete so that an unconditional transfer of the license could be had to her."

Earlier time of filing application does not, in itself, afford preferential consideration. "First come first served" is not a rule or principle in the issuance of liquor licenses or the granting of license transfers. Even if this were not so, appellant's allegation in the matter is not well taken, nor is the allegation concerning Catherine Thatcher's advertising and premises. The Thatcher application, the merits of which are not in issue in this appeal, was denied. (Bulletin 889, Item 1.)

Respondent's Answer alleges, in part:

"Respondent further says that the application of appellant did not contain a valid consent to the proposed transfer."

At the hearing herein, Mr. Levi Kries, a member of respondent Township Committee, testified that one of the reasons why the application was denied was because the Township Attorney had advised the Committee members that the consent appended to appellant's application would not be a consent to a transfer of the 1950-1951 license.

The evidence shows that on June 13, 1949, the following letter was written on the stationery of appellant's attorney herein:

"June 13, 1949

"Township Committee,
Washington Township
Washington, New Jersey

"Gentlemen:

We, John Altieri, Joseph Altieri, Jr. and Daniel Altieri, trading as Altieri Bros. do hereby consent to the transfer of License CB-2 of licensed premises on Route 24, Washington, New Jersey, to

Very truly yours,
(Signed) John Altieri
Joseph Altieri, Jr.
Daniel Altieri."

The "consent" in the letter of June 13, 1949 was executed in blank and no subsequent consent to the transfer was ever given. The hereinabove quoted letter was filed with appellant's application on July 18, 1950 (obviously an application for transfer of a 1950-1951 license), and in that letter the name "Harold W. Jensen" had been inserted after the word "to".

Our Alcoholic Beverage Law provides that application for person-to-person transfer "shall be signed and sworn to by the person to whom the transfer of license is sought and shall bear the consent in writing of the licensee to such transfer...." (R.S. 33:1-26, Paragraph 4 -- underscoring added.) It is plain that the alleged consent, executed in blank on June 13, 1949, was not given with respect to or in contemplation of a specific transfer of license and, thus, there is the gravest doubt that such "consent" could properly be deemed a valid consent within the intent and effect of the quoted mandatory provision of the statute. But even though contrary argument on that point were assumed to have merit, it is patent that the alleged consent herein was not a consent to transfer of a 1950-1951 license. As noted, the alleged consent was signed on June 13, 1949 (during the 1948-1949 license year) and the transfer application was filed on July 18, 1950 (after the 1948-1949 and 1949-1950 licenses had expired). I find that the "consent" herein was not a valid consent under the statute to transfer of a 1950-1951 license and, thus, that respondent had no jurisdiction to grant appellant's application. My determination on this ground makes it unnecessary to consider here other issues raised in the appeal.

Respondent's action will be affirmed.

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

ORDERED that respondent's action herein appealed from be and the same is hereby affirmed, and that the appeal herein be and the same is hereby dismissed.

ERWIN B. HOCK
Director.

3. APPELLATE DECISIONS - PHILMORE LIQUOR SALES INC. v. CLIFTON.

PHILMORE LIQUOR SALES INC.,)
)
 Appellant,)
)
 -vs-)
)
 MUNICIPAL COUNCIL OF THE CITY)
 OF CLIFTON,)
)
 Respondent.)
 -----)

ON APPEAL
ORDER

Jacob Paer, Esq., Attorney for Appellant.
 John G. Dluhy, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from the refusal of respondent to grant a transfer of the plenary retail distribution license held by Catherine Mozulay to appellant, and from premises 795 Main Avenue to premises 527 Piaget Avenue, Clifton.

Subsequent to the hearing of the within appeal, the parties hereto have entered into a written stipulation agreeing to a discontinuance of the proceeding. No cause appearing to the contrary,

It is, on this 13th day of November, 1950,

ORDERED that the appeal herein be and the same is hereby dismissed.

ERWIN B. HOCK
 Director.

4. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (ALLOWING PROSTITUTE ON LICENSED PREMISES) - HOSTESS - UNQUALIFIED EMPLOYEE - SALE TO INTOXICATED PERSON - SALE DURING PROHIBITED HOURS - PERMITTING PREMISES TO REMAIN OPEN DURING PROHIBITED HOURS - CHARGES ALLEGING SALE TO MINOR AND SALE IN OTHER THAN ORIGINAL CONTAINER FOR OFF-PREMISES CONSUMPTION DISMISSED - LICENSE REVOKED.

In the Matter of Disciplinary)
 Proceedings against)
)
 CHARLES PECORINO)
 T/a AGGIE'S SHACK)
 366 Main Street)
 Lodi, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
 License C-14 for the 1949-50 and)
 1950-51 licensing years, issued by)
 the Mayor & Council of the Borough)
 of Lodi.)

-----)
 Charles Pecorino, Defendant-licensee, Pro Se.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to charges which may be summarized as follows:

- (1) Permitting lewdness and immoral activities in and upon his licensed premises, in violation of Rule 5 of State Regulations No. 20.

- (2) Permitting a female employee to accept drinks at the expense of patrons, in violation of Rule 22 of State Regulations No. 20.
- (3) Knowingly employing a non-resident without necessary employment permit from the State Director of the Division of Alcoholic Beverage Control, in violation of Rule 4 of State Regulations No. 13.
- (4) Permitting service of alcoholic beverages to and consumption by a person actually or apparently intoxicated, in violation of Rule 1 of State Regulations No. 20.
- (5) Permitting the sale and service of alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20.
- (6) Permitting the sale and service of alcoholic beverages and the consumption thereof during prohibited hours, in violation of a local ordinance.
- (7) Permitting the licensed premises to remain open during prohibited hours, in violation of a local ordinance.
- (8) Selling alcoholic beverages in other than original containers for off-premises consumption, in that such containers were opened, thereby destroying their original characters, before making delivery thereof to the purchasers, in violation of R. S. 33:1-2.

At the conclusion of the within proceeding the attorney appearing for the Division moved, because of the inability to locate the minor in question, that charge (5) be nolle prossed. The motion is hereby granted.

As to charge (8): Although the testimony showed that, on one occasion when ABC agents were present, patrons purchased bottles of beer which were opened by the defendant and then taken by said patrons into the adjoining restaurant which was not part of the licensed premises and there consumed with meals, no date for the alleged violation is established in the official record of testimony. Although it would appear that the deficiency in the record was the result of stenographic error by the reporter (who is no longer in the employ of this Division), in all fairness, charge (8) is hereby dismissed.

The testimony of an ABC agent discloses that he and a fellow agent arrived at defendant's licensed premises about 1:00 a.m. on Saturday, June 3, 1950. They proceeded to the rear part of the bar and observed two men tending bar. These men were subsequently identified as the defendant and one Frank Yuppa, bartender. The ABC agent testified that he observed a "blonde girl" standing near a piano, singing various songs. Other evidence disclosed that this girl is the person referred to in charges (2) and (3) and that she is a resident of New York State and does not hold an employment permit. The agent further testified that, while this girl was singing, he discussed her with the licensee who said, "Yes, she is a pretty nice girl, but she is a ----" (a word descriptive of an act too low, vulgar and disgusting to repeat here, but meaning a person who practices acts of sexual perversion upon males), adding that his wife was "pretty mad" because he had hired "a ----" (same word). Then, in foul and obscene language, the licensee told the agent that he was running the business the way he thought it should be run, finally saying, "I have got one girl here, and I know she can't take care of all of the boys, so I am going to get some more girls."

Continuing his testimony, the agent testified that, upon completion of her performance, the girl entertainer proceeded to the bar where she was served a drink by the bartender. The man, in whose company the girl appeared to be, paid for the drink. The girl entertainer and her male companion then left the licensed premises. When the bartender called this fact to the defendant's attention, he was advised by the defendant that "it was none of his business to watch but to tend bar". Immediately thereafter the licensee told the agent and his fellow agent that, if they wanted to get "fixed up", he would introduce them to the singer and they could take her out to their car and have sexual intercourse with her (this latter in vulgar, obscene language). The licensee then volunteered that "if the girl wanted to go out and 'lay' for somebody in a car, that was her business to make a few extra bucks as long as they did it on the outside, not the inside, he didn't care what they did."

Shortly thereafter the girl returned to the licensed premises, proceeded to the bar and, a few minutes later, went back to the microphone to sing a few songs, at the conclusion of which the defendant called her and introduced her to the ABC agents, referring to them as two friends of his. The entertainer then exclaimed, "Do I have to take care of everybody you point out to me? I am tired, I don't feel good." She then returned to a place at the bar and consumed a drink with and at the expense of the man with whom she had previously been seated.

The ABC agent further testified that, upon arriving at the licensed premises, he observed a woman, later identified as the wife of the defendant, seated at the bar. The witness described her appearance as follows: "Her facial condition was distorted, flushed and bleary-eyed" -- and characterized her condition as "drunk". He then testified that, despite her condition and although she had to be assisted to the ladies' room on three occasions by her husband and other patrons, she was served whiskey by the defendant-licensee and that, later, she had to be helped out of the licensed premises.

The agent also testified that he and his fellow agent remained upon the licensed premises after 3:00 a.m., at which time there were five or six other patrons in the tavern; that the main lights were then extinguished by the bartender, Frank Yuppa; that, at 3:05 a.m., Mrs. Pecorino, Marie Reid and a man re-entered the licensed premises and that, at 3:12 a.m., two more men entered the licensed premises. The agent further testified that Mrs. Pecorino and Marie Reid were served drinks of whiskey after 3:05 a.m.; that the two men last above mentioned and the two agents were served glasses of beer after 3:12 a.m. and that the agents consumed their beer. The operative ordinance prohibited the sale, service or delivery of alcoholic beverages and the suffering of consumption of alcoholic beverages on licensed premises between 3:00 a.m. and 6:00 a.m. on weekdays, and required the licensed premises to be closed between said hours.

It was agreed by the licensee that the testimony of the other ABC agent who attended the hearing, if called as a witness, would be "the same" as that given by his fellow agent.

Defendant admitted discussing the female entertainer with the ABC agents, but denied that he told them the girl was available for immoral purposes. He testified that he had hired the girl as an entertainer from a New York agency, and that he knew nothing about her character. He also testified that his wife was sick on the morning in question and that she only had soda to drink.

Agnes Pecorino, wife of the defendant, testified that she was ill on the morning of June 3, 1950, and, because of a feeling of nausea, requested her husband to escort her to the ladies' room. The witness, although claiming to have "stomach trouble" and to be under the doctor's care and contending that she is "not allowed to drink", nevertheless admitted having "a couple of shots" before leaving the tavern. She claimed that, upon her return, she had only a glass of birch beer.

Frank DeMarco, a witness produced by the defendant, testified that he was in the licensed premises in the early morning of June 3; that he left the tavern with Agnes Pecorino and another person and returned about 2:55 a.m.; that he did not observe Agnes Pecorino drink any alcoholic beverages; that she complained to him of feeling nauseated; that she walked to the ladies' room and that drinks were not served after 2:55 a.m. when he returned to the licensed premises. However, the ABC agent testified at the hearing that he had never seen Mr. DeMarco before the hearing and that DeMarco was not on the licensed premises on the morning of June 3, 1950.

After carefully reviewing the testimony of all of the witnesses, I am satisfied as to the truth and veracity of the testimony of the ABC agents as to the conversations and other events which took place on the licensed premises on the dates in question. I, therefore, find defendant guilty as to charges (1), (2), (3), (4), (6) and (7).

These violations, considering their nature and number, disclose a most deplorable condition -- one which cannot be permitted to continue. From the full record before me it is obvious that this licensee has not only shown a callous disregard for both state and local regulations, but has demonstrated a shocking lack of appreciation for and understanding of fundamental decencies and proprieties in the operation of the licensed business and, thus, is not a proper person to hold a liquor license. Re Baldino and Panasiuk, Bulletin 871, Item 10. Hence, the only appropriate penalty is outright revocation.

Accordingly, it is, on this 13th day of November, 1950,

ORDERED that Plenary Retail Consumption License C-14, issued for the 1949-50 and 1950-51 licensing years by the Mayor and Council of the Borough of Lodi to Charles Pecorino, t/a Aggie's Shack, for premises 366 Main Street, Lodi, be and the same is hereby revoked, effective immediately.

ERWIN B. HOCK
Director.

5. DISCIPLINARY PROCEEDINGS - HOLDER OF SOLICITOR'S PERMIT AIDED AND ABETTED ILLEGAL SALE OF ALCOHOLIC BEVERAGES AND TRANSPORTED ALCOHOLIC BEVERAGES, NOT IN THE COURSE OF HIS EMPLOYER'S BUSINESS, IN VEHICLE LICENSED FOR USE IN EMPLOYER'S BUSINESS - PERMIT SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against)

MAX FREEDMAN)
427 Murray Street)
Elizabeth, N. J.,)

CONCLUSIONS AND ORDER

Holder of Solicitor's Permit)
No. 778, issued by the Director of)
the Division of Alcoholic Beverage)
Control.)

-----)

Max Freedman, Defendant-permittee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) he aided and abetted the illegal sale of alcoholic beverages, in violation of R. S. 33:1-52; and (2) he transported alcoholic beverages, not in the course of his employer's business, in an automobile licensed by a licensee (his employer), in violation of R.S. 33:1-50.

An examination of the Division's file in the instant case discloses that defendant was employed as a solicitor by a plenary wholesale licensee. While so employed, defendant purchased alcoholic beverages from his employer for personal use by falsely representing that said alcoholic beverages were ordered by the holder of a plenary retail distribution license. The alcoholic beverages were transported in a motor vehicle leased to defendant's employer. The motor vehicle was duly licensed for use in the employer's business and bore proper transportation insignia. However, the use of said motor vehicle by the defendant for transportation of alcoholic beverages for personal use constituted a violation of the terms of said license.

Illegal activities such as participated in by the defendant indicate a disregard of the conditions and restrictions of his solicitor's permit.

Taking into consideration the plea entered herein, I shall suspend defendant's permit for a period of twenty days.

Accordingly, it is, on this 2nd day of November, 1950,

ORDERED that Solicitor's Permit No. 778, issued by the Director of the Division of Alcoholic Beverage Control to Max Freedman, 427 Murray Street, Elizabeth, be and the same is hereby suspended for a period of twenty (20) days, commencing at 9:00 a.m. November 10, 1950, and terminating at 9:00 a.m. November 30, 1950.

ERWIN B. HOCK
Director.

6. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN LICENSE APPLICATION - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF LICENSE - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against

ELIZABETH HOPPE
T/a BUDD LAKE STORE
State Highway #6
Mt. Olive Township
P.O. Budd Lake, N. J.,

Holder of Plenary Retail Distribution License D-1, issued by the Township Committee of the Township of Mount Olive, and transferred during the pendency of these proceedings to

ELIZABETH S. HOPPE and
MARTHA J. YOUNG,
T/a BUDD LAKE STORE,

for the same premises.

CONCLUSIONS
AND
ORDER

Edward C. Gunther, 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 the following charges:

"1. In your application dated June 3, 1950, filed with the Mount Olive Township Committee, upon which you obtained your current plenary retail distribution license, you falsely stated 'No' in answer to Question 30, which asks: 'Has any individual....other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?', whereas in truth and fact Martha Young had such an interest in that she was co-owner with you of the said business; said false statement being in violation of R. S. 33:1-25.

"2. From on or about September 4, 1945 until the present time, you knowingly aided and abetted Martha Young to exercise, contrary to R. S. 33:1-26, the rights and privileges of your successive plenary retail distribution licenses; thereby yourself violating R. S. 33:1-52."

The file herein discloses that on September 4, 1945, defendant Elizabeth S. Hoppe purchased the business conducted at the above mentioned premises. The plenary retail distribution license which had been issued for the premises in question was thereafter duly transferred to Elizabeth S. Hoppe. It appears, however, that, on the same day the bill of sale was executed whereby the business was purchased by defendant, she and Martha Young entered into a written partnership agreement whereby they agreed to become partners in the licensed business. Since September 4, 1945, they conducted the licensed business as partners although, at the time the charges were served, the liquor license remained in the name of Elizabeth Hoppe alone. So far as appears, Martha Young was at all times eligible to hold a retail license in the State of New Jersey. Defendant has represented that she never realized that she was violating the law in failing to have the license in the name of both partners.

Defendant has no prior record. On October 16, 1950, the license in question was transferred by the local issuing authority to Elizabeth S. Hoppe and Martha J. Young, t/a Budd Lake Store, subject to the outcome of these disciplinary proceedings and to any penalty imposed herein. While the transfer apparently corrects the illegal situation and prevents a continuance of the illegal operation, it does not change the fact that the law was violated and that proper punishment must be imposed. I shall suspend the license for a period of twenty days. Re Russo, Bulletin 741, Item 4.

Accordingly, it is, on this 2nd day of November, 1950,

ORDERED that Plenary Retail Distribution License D-1, issued by the Township Committee of the Township of Mount Olive to Elizabeth Hoppe, t/a Budd Lake Store, for premises on State Highway #6, Mount Olive Township, and transferred during the pendency of these proceedings to Elizabeth S. Hoppe and Martha J. Young, t/a Budd Lake Store, for the same premises, be and the same is hereby suspended for twenty (20) days, commencing at 9:00 a.m. November 8, 1950, and terminating at 9:00 a.m. November 28, 1950.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against

FRANK HOLINKO, JR.
22 Jackson Street
Passaic, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-107, issued by the Board of Commissioners of the City of Passaic.

Frank Holinko, Jr., Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he possessed in his 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 August 29, 1950, an inspector employed by the Alcohol Tax Unit, Internal Revenue Service, Treasury Department, seized on defendant's premises one quart bottle labeled "Calvert Reserve Blended Whiskey" when his field test indicated that the contents thereof were not genuine as labeled. Subsequent analysis by a Federal chemist disclosed that the contents of the seized bottle varied in acids, solids and color from the contents of a genuine sample of the same product.

At the time of the seizure defendant alleged that the violation was due to the dishonesty of a part-time bartender who has been discharged. Nevertheless, a licensee is strictly responsible for any "refills" found in his stock of liquor.

Defendant has no prior record. I shall, therefore, suspend defendant's license for the minimum period of fifteen days, less five days for the plea, leaving a net suspension of ten days. See Bulletin 884, Item 11.

Accordingly, it is, on this 31st day of October, 1950,

ORDERED that Plenary Retail Consumption License C-107, issued by the Board of Commissioners of the City of Passaic to Frank Holinko, Jr., for premises 22 Jackson Street, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. November 6, 1950, and terminating at 3:00 a.m. November 16, 1950.

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)

JAMES DiTULLIO)
2085 Lemoine Avenue)
Fort Lee, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Fort Lee.)
-----)

James DiTullio, Defendant-licensee, Pro Se.
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 possessed on his licensed premises alcoholic beverages in a bottle bearing a label which did not describe its contents, in violation of Rule 27 of State Regulations No. 20.

On October 3, 1950, an ABC agent seized on defendant's licensed premises a 4/5 quart bottle labeled "Old Grand Dad Kentucky Straight Bourbon Whiskey" when his field tests indicated a variance in the contents thereof from the whiskey as described on the label. An analysis by the Division chemist confirmed this finding and established that said bottle contained an alcoholic beverage not truly described on its label.

Defendant has no previous adjudicated record. Therefore, I shall suspend defendant's license for the minimum period of fifteen days, less a remission of five days for the plea entered herein, leaving a net suspension of ten days. Re Hayer, Bulletin 873, Item 7.

Accordingly, it is, on this 16th day of November, 1950,

ORDERED that Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Fort Lee to James DiTullio, for premises 2085 Lemoine Avenue, Fort Lee, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. November 27, 1950, and terminating at 3:00 a.m. December 7, 1950.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)
)
 ELIZABETH LUKACS)
 T/a AL'S GRILL)
 407 Somerset Street)
 Franklin Township (Somerset County))
 P.O. RFD 16, New Brunswick, N.J.,)
 Holder of Plenary Retail Consumption License C-9, issued by the Township Committee of Franklin Township.)

CONCLUSIONS AND ORDER

 Strong & Strong, Esqs., by John V.R. Strong, Esq., Attorneys 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 she possessed on her licensed premises alcoholic beverages in bottles bearing labels which did not truly describe the contents thereof, in violation of Rule 27 of State Regulations No. 20.

On August 7, 1950 an inspector employed by the Alcohol Tax Unit, Internal Revenue Service of the Federal Treasury Department, seized on defendant's licensed premises one 4/5 quart bottle labeled "Calvert Reserve Blended Whiskey" and one 4/5 quart bottle labeled "Carstairs White Seal Blended Whiskey" when his field test indicated that the contents of said bottles were not genuine as labeled. Subsequent analysis by a Federal chemist disclosed that the contents of the seized bottles were not genuine as labeled.

Defendant admits refilling the bottles but claims that in each instance she refilled the bottle with the contents of a similarly named alcoholic beverage. In any event, a retail licensee is not permitted to refill bottles.

Defendant has no prior adjudicated record. I shall suspend the license for the minimum period of fifteen days, less five days for the plea, leaving a net suspension of ten days. Re Nurse, Bulletin 680, Item 7.

Accordingly, it is, on this 13th day of November, 1950,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Committee of Franklin Township to Elizabeth Lukacs, t/a Al's Grill, 407 Somerset Street, Franklin Township (Somerset County), be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. November 20, 1950, and terminating at 2:00 a.m. November 30, 1950.

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)

JOHN ZBOREZNY)
T/a TEWKSBURY INN)
Main & King Streets)
Tewksbury)
P.O. Oldwick, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Tewksbury.)

John Zborezny, Defendant-licensee, Pro Se.
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 possessed on his licensed premises alcoholic beverages in a bottle bearing a label which did not describe its contents, in violation of Rule 27 of State Regulations No. 20.

On October 4, 1950, an ABC agent examined thirty-eight bottles of alcoholic beverages on defendant's licensed premises and seized a 4/5 quart bottle of "Gallagher & Burton's Black Label Blended Whiskey" when his field tests indicated that the contents thereof were not genuine as labeled. Subsequent analysis by a Division chemist disclosed that the contents of the seized bottle were not genuine as labeled.

Defendant has no previous adjudicated record. I shall suspend defendant's license for a period of fifteen days, less five days' remission for the plea entered herein, leaving a net suspension of ten days. Re Bevan, Bulletin 883, Item 8.

Accordingly, it is, on this 16th day of November, 1950,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Tewksbury to John Zborezny, t/a Tewksbury Inn, for premises Main & King Streets, Tewksbury, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. November 27, 1950, and terminating at 2:00 a.m. December 7, 1950.

ERWIN B. HOCK
Director.

11. STATE LICENSES - NEW APPLICATIONS FILED.

Boyce Motor Lines, Inc.

241-43-45-47-49-51-53 Colden Street, Jersey City, N. J.

Application for additional warehouse at Municipal Dock, Foot of Burnet Street, New Brunswick, New Jersey, filed November 6, 1950.

Jacob Lee

N/S Route #25, Mansfield Township, P.O. RFD 1, Bordentown, N. J.

Application for additional Limited Winery License (2500 gallons) filed November 8, 1950.

Leonard Kreusch Inc.

60 Park Place, Newark, N. J.

Application for Wine Wholesale License filed November 10, 1950.

W. A. Haller Corporation

1429 Walnut St., Philadelphia, Pa.

Application for Plenary Wholesale License filed November 14, 1950.

Chester Distributing Co., Inc.

18 & 20 Mellon Street, Trenton, N.J.

Application for Wine Wholesale License filed November 14, 1950.

Chester Distributing Co., Inc.

18 & 20 Mellon Street, Trenton, N. J.

Application for Limited Wholesale License filed November 14, 1950.

Charles D. Hook

Director.