

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

BULLETIN 790

JANUARY 8, 1948.

TABLE OF CONTENTS

ITEM

1. APPELLATE DECISIONS - TRUXON v. ATLANTIC CITY.
2. DISCIPLINARY PROCEEDINGS (Paterson) - PERMITTING FEMALE EMPLOYEES TO ACCEPT BEVERAGES AS GIFTS FROM CUSTOMERS, IN VIOLATION OF RULE 22 OF STATE REGULATIONS NO. 20 - SERVING ALCOHOLIC BEVERAGES OTHER THAN ORDERED, IN VIOLATION OF RULE 23 OF STATE REGULATIONS NO. 20 - UNQUALIFIED EMPLOYEES - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Pleasantville) - REVOCATION OF PERMIT REDUCED TO SUSPENSION FOR BALANCE OF TERM.
4. DISCIPLINARY PROCEEDINGS (Bound Brook) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
5. APPELLATE DECISIONS - SUBURBAN COCKTAIL LOUNGE, INC. v. EAST ORANGE.
6. APPELLATE DECISIONS - HOUSTON v. LODI.
7. ACTIVITY REPORT FOR DECEMBER, 1947.
8. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1st, 1947 TO DECEMBER 31st, 1947 AS REPORTED TO THE COMMISSIONER OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R. S. 33:1-19.
9. DISCIPLINARY PROCEEDINGS (Camden) - SALE OF ALCOHOLIC BEVERAGES TO MINORS - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (West New York) - LICENSE ISSUED IN VIOLATION OF P. L. 1947, CHAP. 94 - LICENSE SURRENDERED - RULE TO SHOW CAUSE DISCHARGED.
11. DISCIPLINARY PROCEEDINGS (Camden) - FALSE ANSWER IN APPLICATION FOR LICENSE CONCEALING MATERIAL FACT (NON-RESIDENCE) - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR 10 DAYS.
12. DISCIPLINARY PROCEEDINGS (Atlantic City) - 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.
13. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM IN VIOLATION OF RULE 6 OF STATE REGULATIONS NO. 30 - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
14. DISCIPLINARY PROCEEDINGS (Nutley) - PERMITTING BOOKMAKING AND GAMBLING ON LICENSED PREMISES - POSSESSION OF OBSCENE PRINTING - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

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

BULLETIN 790

JANUARY 8, 1948.

1. APPELLATE DECISIONS - TRUXON v. ATLANTIC CITY.

JAMES A. TRUXON, trading as )  
TRUXON'S LIQUOR STORE AND BAR, )  
Appellant, )

-vs-

BOARD OF COMMISSIONERS OF THE )  
CITY OF ATLANTIC CITY, )  
Respondent. )

ON APPEAL  
CONCLUSIONS AND ORDER

----- )  
Coulomb, McAllister & Hunter, Esqs., by Robert N. McAllister, Esq., )  
Attorneys for Appellant. )  
Leon Leonard, Esq., by Daniel J. Dowling, Esq., Attorney for )  
Respondent. )

BY THE COMMISSIONER:

This is an appeal from conditions imposed upon appellant's plenary retail consumption license. When respondent renewed said license for the current fiscal year, it imposed (by Resolution of June 30, 1947) the following conditions:

"That the said licensee shall at all times keep the windows and doors of the portion of the licensed premises known as 1403 Arctic Avenue blacked out; that the door in the aforesaid portion of said premises shall not be kept open but may be unlocked and used for immediate ingress and egress to and from the premises; and that no packaged goods are to be advertised or displayed in the windows and doors of said premises."

Revised Statutes 33:1-52 provides:

"Subject to rules and regulations, each issuing authority by resolution, first approved by the commissioner, may impose any condition or conditions to the issuance of any license deemed necessary and proper to accomplish the objects of this chapter and secure compliance with the provisions hereof, and all such licenses shall become effective only upon compliance with the conditions so stated and shall be revocable for subsequent violation thereof."

The question to be decided, therefore, is whether, under all the circumstances of this case, I shall approve the conditions imposed upon the license.

The evidence herein discloses that appellant obtained a plenary retail consumption license shortly after Repeal for premises known as 1403 Arctic Avenue. In 1935 he obtained a transfer of his license to cover enlarged premises known as 1401-1403 Arctic Avenue. Thereupon he moved his bar to the portion of the premises known as 1401 and used the portion of his premises known as 1403 as a "drinking room". This situation continued for many years until appellant recently installed counters and shelves in the portion of his premises known as 1403 Arctic Avenue, formerly used as a "drinking room". He has also erected a partition separating this portion of his premises

from the barroom, but the partition permits free public access between both parts of his licensed premises.

The conditions considered herein were apparently imposed because appellant intends to set up a package goods department in the portion of his premises known as 1403 Arctic Avenue. The holder of a plenary retail consumption license may sell alcoholic beverages for consumption on the premises, and may also sell alcoholic beverages in original containers for consumption off the premises. South Jersey Retail Liquor Dealers Ass'n v. Burnett, 125 N.J.L. 105. It does not appear from the record that there was any reason for the conditions except for the purpose of limiting to an extent the conduct of the package goods business. A somewhat similar special condition was expressly disapproved in Re Whitman, Bulletin 512, Item 6. See also DiCanio v. Atlantic City, Bulletin 765, Item 4; Nardone v. Newark, Bulletin 764, Item 1. On the evidence presented herein, I can find no valid reason for sustaining any of the conditions imposed on appellant's license.

The conditions were imposed after certain plenary retail distribution licensees in the City of Atlantic City had objected to renewal of appellant's license because, as they alleged, he had not complied with the provisions of Section 3(c) of an ordinance of the City of Atlantic City approved July 16, 1936, as amended August 10, 1939. The objectors had alleged further that there was no need for any additional package goods stores. But the evidence herein establishes that appellant has complied with the cited section of the ordinance. Appellant has merely rearranged his existing licensed premises. The present case does not involve any question concerning enlargement of existing licensed premises. Cf. Peters v. Bloomfield, Bulletin 697, Item 1; Mark v. Newark, Bulletin 705, Item 10; Trio Bar Corporation v. Hightstown, Bulletin 776, Item 1.

Since no valid ground appears for imposing the conditions upon appellant's license, I do, in accordance with the provisions of R. S. 33:1-32, disapprove said conditions. It follows, therefore, that the conditions will be set aside.

Accordingly, it is, on this 24th day of December, 1947,

ORDERED that the action of respondent, in imposing the conditions set forth above upon appellant's license, be and the same is hereby reversed and the said conditions be and the same are hereby declared to be void and of no effect.

ERWIN B. HOCK  
Commissioner.

2. DISCIPLINARY PROCEEDINGS - PERMITTING FEMALE EMPLOYEES TO ACCEPT BEVERAGES AS GIFTS FROM CUSTOMERS, IN VIOLATION OF RULE 22 OF STATE REGULATIONS NO. 20 - SERVING ALCOHOLIC BEVERAGES OTHER THAN ORDERED, IN VIOLATION OF RULE 23 OF STATE REGULATIONS NO. 20 - UNQUALIFIED EMPLOYEES - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against FRANK PAUL ELIA 20 Smith Street Paterson 1, N. J., Holder of Plenary Retail Consumption License C-202 issued by the Board of Alcoholic Beverage Control of the City of Paterson.

CONCLUSIONS AND ORDER

Reuben H. Reiffin, Esq., Attorney for Defendant-licensee. Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded non vult to charges alleging that he (1) allowed, permitted and suffered females employed on the licensed premises to accept beverages at the expense of customers, in violation of State Regulations No. 20, Rule 22; (2) served alcoholic beverages other than ordered, in violation of State Regulations No. 20, Rule 23; and (3) employed four non-residents who did not hold employment permits, in violation of State Regulations No. 13, Rule 4.

On many occasions between July 16, 1947 and September 5, 1947, some seven or more girls employed to work on the licensed premises as singers were observed drinking at the expense of the tavern customers; in fact, they spent most of their time between "numbers" so engaged. The agents of the Department purchased drinks for the girls, often at the solicitation of the bartender. On most of these occasions the employees ordered "Scotch". They were usually served a "Scotch" type liquor. On September 5, 1947, four of the "singer employees" were non-residents of New Jersey. They did not have permits as required by the Regulations.

It is obvious that the "singers" were employed as much for their social graces as for their talent as singers, and that the whole operation, including the substitution of a "Scotch" type liquor for "Scotch", was carried on to add to the income of the licensee.

Under all the circumstances, including the long period over which the alleged practice continued, I am constrained to wonder if the licensee is a fit person to be entrusted with the privilege conferred by a liquor license. The practices carried on at his premises will not be tolerated. I shall suspend defendant's license for sixty days, with a remission of five days for the plea, leaving a net suspension of fifty-five days. Re Savastano, Bulletin 637, Item 7.

Accordingly, it is, on this 23rd day of December, 1947,

ORDERED that Plenary Retail Consumption License C-202, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Frank Paul Elia, for premises 20 Smith Street, Paterson, be and the same is hereby suspended for a period of fifty-five (55) days, commencing at 3:00 a.m. January 6, 1948, and terminating at 3:00 a.m. March 1, 1948.

ERWIN B. HOCK Commissioner.

3. DISCIPLINARY PROCEEDINGS - REVOCATION OF PERMIT REDUCED TO SUSPENSION FOR BALANCE OF TERM.

In the Matter of Disciplinary Proceedings against )

HANS HANSEN )  
729 South Main Street )  
Pleasantville, N. J., )

Holder of Employment Permit No. 3752 (for the 1946-47 fiscal year), issued by the State Commissioner of Alcoholic Beverage Control. )

CONCLUSIONS AND ORDER

----- )  
In the Matter of an Application to Remove Disqualification because of a Conviction, Pursuant to R. S. 33:1-31.2. )

Case No. 648 (Hans Hansen). )  
----- )

BY THE COMMISSIONER:

On June 9, 1947, Employment Permit No. 3752, then held by defendant, was revoked after he had pleaded guilty to a charge alleging that he falsified his application for said permit. See Bulletin 767, Item 11.

At the request of defendant's wife, who alleges that she and her children have suffered hardship as a result of said ruling, I have agreed to reconsider the penalty imposed in the disciplinary proceedings and have permitted Hans Hansen to file an application for relief pursuant to R. S. 33:1-31.2.

It appears that prior to June 9, 1947, Hans Hansen had been employed as a cook in a large hotel which is licensed for the sale of alcoholic beverages in Atlantic City. As a result of the revocation of his employment permit he was forced to discontinue said employment, was unemployed for some time, and recently obtained a position as a cook in a restaurant in Philadelphia. He knows no other trade or business. The hotel in Atlantic City, which is near his home, has offered to reemploy him if he receives the necessary permit from this Department.

The order heretofore entered prevented defendant from obtaining a permit for a period of two years. R. S. 33:1-31. Defendant deliberately concealed his conviction in applying for a permit, but I conclude that he has been sufficiently punished for his false statement. Hence I shall amend the order heretofore entered to provide for a suspension of the permit for the balance of its term, instead of a revocation thereof.

As to the application to remove disqualification: In August 1933 applicant was convicted of a crime involving moral turpitude. He has no other criminal record. At the hearing held herein three businessmen who have known petitioner for more than five years testified that he has been law-abiding during that time. The Chief of Police of Pleasantville has certified, in writing, that no complaints or investigations concerning the petitioner are pending. I am satisfied that applicant has conducted himself in a law-abiding manner for at least five years last past, and that his association with the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 23rd day of December, 1947,

ORDERED that the order entered on June 9, 1947 in the above entitled disciplinary proceedings be amended by striking therefrom the word "revoked" and inserting in place thereof the words "suspended for the balance of its term"; and it is further

ORDERED that petitioner's statutory disqualification, because of his conviction in August 1933, be and the same is hereby removed in accordance with the provisions of R. S. 33:1-31.2. Petitioner, an alien, may file a new application for an employment permit.

ERWIN B. HOCK  
Commissioner.

4. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

ADAM ROMANO )  
T/a CIRCLE BAR )  
15 West Main Street )  
Bound Brook, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Bound Brook. )  
----- )

Giuliano & Giuliano, Esqs., by Anthony Giuliano, Esq., Attorneys for Defendant-licensee.

William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded non vult to a charge alleging that he possessed eight bottles of alcoholic beverages, all of which bottles contained alcoholic beverages not genuine as labeled, in violation of R. S. 33:1-50.

The eight bottles in question were part of the defendant's open stock of 92 bottles tested by an ABC agent on November 18, 1947. The contents of all of these bottles, on being chemically analyzed, disclosed that they varied in substantial respects from genuine samples of the same products.

The licensee has no previous adjudicated record. I shall, therefore, suspend the license for a period of thirty days (Re Tomasello, Bulletin 726, Item 7), less five days for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 23rd day of December, 1947,

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Bound Brook to Adam Romano, t/a Circle Bar, for premises 15 West Main Street, Bound Brook, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. January 5, 1948, and terminating at 2:00 a.m. January 30, 1948.

ERWIN B. HOCK  
Commissioner.

5. APPELLATE DECISIONS - SUBURBAN COCKTAIL LOUNGE, INC. v. EAST ORANGE.

SUBURBAN COCKTAIL LOUNGE, )  
 INC., )  
 Appellant, )  
 -vs- )  
 MUNICIPAL BOARD OF ALCOHOLIC )  
 BEVERAGE CONTROL OF THE CITY )  
 OF EAST ORANGE, )  
 Respondent )

ON APPEAL  
CONCLUSIONS AND ORDER

-----  
 George R. Sommer, Esq., Attorney for Appellant.  
 Walter C. Ellis and Donald Karrakis, Esqs., Attorneys for Respondent.  
 Herman C. Silverstein, Esq., Attorney for Essex County Retail Liquor  
 Stores Association.  
 Peter A. Williams, Esq., Attorney for East Orange Retail Liquor  
 Dealers Association.

BY THE COMMISSIONER:

This is an appeal from the action of the respondent in imposing a special condition upon a plenary retail consumption license issued to appellant on July 1, 1947. The condition in question provides that:

"The only front entrance and exit to the first floor of the entire premises shall be through number 64, except as to the Fire Exit between numbers 60 and 62 and the entrance to the cellar of number 64. The opening in the dividing wall between number 62 and the Fire Exit as shown on the plans shall be widened to 9 feet. The dividing wall between the Fire Exit and the front room of number 60 shall be so constructed so that 9 feet in width of the same shall be of clear glass above the height of 3 feet above the floor, corresponding with the opening in the wall of number 62. There shall be no hardware on the exterior of the front door of number 60 and it shall be the duty of the licensee to prevent the same from being used at all times. The door leading from the Fire Exit to the street shall have hardware on the inside only, which Fire Exit shall be used only in emergencies. The exterior of the Fire Exit door shall be marked 'Fire Door' on the outside. A further condition of the license shall be that the ground floor of number 64 shall contain the Bar and Number 62 shall be used for dining purposes. The licensee shall have no sign or lettering on the outside of the premises using the following words:

- 'Package Goods Store'
- 'Retail Liquor Store'
- 'Bottle Goods'

or similar language designating the premises as a retail package goods store, however, the sign as shown on the present plans shall remain as is."

In its memorandum of law filed herein, appellant states that

"The only condition in the license that appellant has any objection to is the condition which prevents people from entering the package goods store located in the portion of the building known as #60 from the street."

The only question, therefore, is whether, in accordance with the provisions of R. S. 33:1-52, I should approve that portion of the aforesaid condition which provides:

"The only front entrance and exit to the first floor of the entire premises shall be through #64 except as to the fire exit between Nos. 60 and 62, and the entrance to the cellar of #64."

When appellant obtained its license on July 1, 1946, the licensed premises were described therein as "rear of 60 and 62 Brick Church Plaza". This was the same premises as described in the amended application filed for said license.

On August 7, 1946, appellant applied to respondent for a transfer of its license to "60-62-64 Brick Church Plaza". This application was apparently made at that time because extensive alterations, in accordance with plans filed with the building department on March 11, 1946, were then nearing completion. These plans called for a modern barroom at "#64", replacing a dilapidated building which had been demolished; a remodeled restaurant at "#62" replacing the main portion of the premises previously licensed, and a new store built on the front portion of "#60" in front of a kitchen (previously licensed) which is still in existence on the rear of "#60". In addition to the entrances to the new building described in the condition, the plans called for an additional entrance to the new portion of the building erected at "#60" wherein appellant operates a package goods department. Respondent denied the application to transfer the license. Appellant thereupon appealed to the Commissioner of Alcoholic Beverage Control. On the date set for hearing, the parties hereto and the objectors requested that the matter be remanded to the local issuing authority, and an order was entered remanding the matter to said Municipal Board for reconsideration. Suburban Cocktail Lounge, Inc. v. East Orange, Bulletin 737, Item 7.

As a result of the order remanding the aforesaid case, the Municipal Board granted the transfer for which application had been made, subject, however, to the same conditions considered herein. It should be noted that the appellant accepted these conditions at the time this transfer was granted. When the license was renewed for the present fiscal year, the same conditions were imposed and thereupon appellant filed this appeal.

Appellant relies upon the case of Nardone v. Newark, Bulletin 764, Item 1, and cases therein cited. The same principle is set forth in DiCanio v. Atlantic City, Bulletin 763, Item 4. Those cases, however, do not involve a situation in which a licensee seeks to enlarge his premises so as to include additional premises not previously licensed.

No one is entitled to a transfer as a matter of right, and a transfer to enlarged premises may be granted or denied in the sound discretion of the local issuing authority. This principle is illustrated in the following cases: Peters v. Bloomfield, Bulletin 697, Item 1; Mark v. Newark, Bulletin 703, Item 10; Trio Bar Corp. v. Hightstown, Bulletin 776, Item 1; in each of which cases a denial of a transfer was upheld on appeal.

In the present case it seems to be clear that the transfer to the enlarged premises could not have been obtained unless appellant agreed to the condition considered herein. Having obtained the benefit of the transfer, it now seeks to set aside the condition to which it voluntarily agreed and without which it could not have obtained the transfer. The case is very similar in its facts to Sandras v. Newark, Bulletin 777, Item 1, wherein it appeared that the transfer to enlarged premises would never have been granted except upon the condition imposed by the local issuing authority. In the Sandras case, the condition was approved and the appeal was dismissed.

It is to be pointed out that the portion of the condition of which appellant complains merely prevents it from opening a new entrance to its enlarged premises. It may sell alcoholic beverages for on-premises consumption or off-premises consumption, or both, provided its customers use the entrance at #64, which entrance appears to be adequate.

Under all the circumstances, I shall approve the conditions in accordance with the provisions of R. S. 33:1-32, and affirm the action of respondent.

Accordingly, it is, on this 29th day of December, 1947,

ORDERED that the action of respondent be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed.

ERWIN B. HOCK  
Commissioner.

6. APPELLATE DECISIONS - HOUSTON v. LODI.

JOHN HOUSTON and EDWARD HOUSTON, )  
Appellants, )  
-vs- )  
MAYOR AND COUNCIL OF THE BOROUGH )  
OF LODI, )  
Respondent )

ON APPEAL  
O R D E R

Feld & Breitner, Esqs., Attorneys for Appellants.  
Martin J. DiMaria, Esq., Attorney for Respondent.

BY THE COMMISSIONER:

This is an appeal from the respondent's refusal to transfer to the appellants a plenary retail consumption license held by Harry Alesso for premises located at 74 Sidney Street, Lodi, N. J.

At the appeal hearing, question arose concerning the extent of the premises presently licensed to Harry Alesso. Subsequent negotiations between the parties resulted in an agreement by the appellants to limit the licensed premises to a "one-story frame structure, approximately 22' by 20', located to the rear of the dwelling at 74 Sidney Street".

The respondent thereupon adopted a resolution requesting the State Commissioner to remand the proceedings "for the purpose of having the license transferred to the appellants for the limited licensed premises" as hereinabove described.

Since no reason appears to the contrary,

It is, on this 29th day of December, 1947,

ORDERED that the proceedings herein be and the same are hereby remanded to the respondent for its further action consistent with the aforesaid resolution.

ERWIN B. HOCK  
Commissioner.

ACTIVITY REPORT FOR DECEMBER, 1947

7.

ARRESTS:

Bootleggers - - - - -	7
Total number of persons arrested - - - - -	7

SEIZURES:

Brewed malt beverages - gallons - - - - -	13.03
Distilled alcoholic beverages - gallons - - - - -	.20
Illicit alcohol - gallons - - - - -	.50
Motor vehicles - cars - - - - -	1

RETAIL LICENSEES:

Total number of premises inspected - - - - -	800
Total number of premises where alcoholic beverages were gauged - - - - -	745
Total number of bottles gauged - - - - -	12,218
Total number of premises where violations were found - - - - -	39
Total number of violations found - - - - -	88
Type of violations found:	
Illicit liquor - bottles - - - - -	35
Improper beer taps - - - - -	3
Gambling devices - - - - -	1
Disposal permit necessary - - - - -	4
Unqualified employees - - - - -	31
Prohibited signs - - - - -	2
Regulations 38 sign not posted - - - - -	5
Other mercantile business - - - - -	1
Probable front - - - - -	1
Other violations - - - - -	5

STATE LICENSEES:

License applications investigated - - - - -	9
Premises inspected - - - - -	11

COMPLAINTS:

Complaints assigned for investigation - - - - -	242
Complaints investigated, reviewed and closed - - - - -	296
Investigations completed, not closed administratively - - - - -	24
Investigations assigned, not yet completed - - - - -	160

LABORATORY:

Analyses made - - - - -	114
"Shake-up" cases (alcohol, water and artificial color) - bottles - - - - -	6
Liquor found to be not genuine as labeled - - - - -	32

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made - - - - -	5
Persons fingerprinted for non-criminal purposes - - - - -	168
Identification contacts made with other enforcement agencies - - - - -	170
Motor vehicle identifications via N.J. State Police Teletype - - - - -	8

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - -	16
Violations involved:	
Sale during prohibited hours - - - - -	8
Permitting bookmaking on premises - - - - -	4
Hindering investigation - - - - -	1
Mislabeling beer taps - - - - -	1
Permitting brawls on premises - - - - -	1
Permitting hostesses on premises - - - - -	1
Sale to intoxicated persons - - - - -	1
Sale to minors - - - - -	1
Cases instituted at Department - - - - -	11
Violations involved:	
Possessing illicit liquor - - - - -	5
Fraud and front - - - - -	2*
Permitting bookmaking on premises - - - - -	1
Permitting immoral activity on premises - - - - -	1
Permitting hostesses on premises - - - - -	1
Sale to non-members by clubs - - - - -	1
Sale under Fair Trade price - - - - -	1
Serving women at a bar - - - - -	1
Unqualified employees - - - - -	1**

\*1 includes cancellation proceedings  
 \*\* including proceedings to cancel employment permit

Cases brought by municipalities on own initiative and reported to Department - - - - -	4
Violations involved:	
Sale during prohibited hours - - - - -	1
Sale to minors - - - - -	1
Permitting gambling (cards) on premises - - - - -	1
Possessing slot machines on premises - - - - -	1

Cancellation proceedings instituted at Department - - - - -	1
License issued in excess of quota and state limitation.	

HEARINGS HELD AT DEPARTMENT:

Total number of hearings held - - - - -	35
Appeals - - - - -	3
Disciplinary proceedings - - - - -	20
Eligibility - - - - -	7
Seizures - - - - -	4
Tax Revocation - - - - -	1

PERMITS ISSUED:

Total number of permits issued - - - - -	779
Employment - - - - -	104
Solicitors - - - - -	110
Social affairs - - - - -	256
Disposal of alcoholic beverages - - - - -	126
Special wine - - - - -	122
Miscellaneous - - - - -	81

ERWIN B. HOCK,  
 Commissioner.

8. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1ST, 1947 TO DECEMBER 31ST, 1947 AS REPORTED TO THE COMMISSIONER 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, Revoked, 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	484	\$ 196,246.02	64	\$ 22,250.00	13	\$ 1,270.21						561	\$ 219,766.23
Bergen	823	295,590.00	288	75,024.60	58	5,975.07	39	\$ 1,747.92	6	\$ 1,473.75	6	1208	379,811.34
Burlington	185	71,062.94	27	7,500.00	36	5,050.00	1	25.00				249	83,637.94
Camden	454	216,344.52	82	29,509.62	64	6,339.10			3	975.00	4	599	253,168.24
Cape May	133	65,724.16	11	3,700.00	12	1,250.00						156	70,674.16
Cumberland	81	35,108.23	13	3,500.00	28	3,760.00						122	42,368.23
Essex	1377	757,919.39	349	199,258.00	90	12,252.61	34	1,700.00				1850	971,130.00
Gloucester	107	31,300.00	13	2,800.00	12	1,187.50						132	35,287.50
Hudson	1563	676,775.82	297	117,310.00	66	8,059.25	73	3,054.39			3	1996	805,199.46
Hunterdon	80	22,925.00	6	1,597.20	5	600.00						91	25,122.20
Mercer	423	187,050.00	51	14,300.00	43	5,834.78			1	99.43	1	517	207,284.21
Middlesex	634	251,410.00	71	18,460.00	46	3,903.56	4	175.00			1	754	273,948.56
Monmouth	556	271,491.58	106	35,609.87	27	3,200.00	8	308.32	26	9,699.10	29	694	320,308.87
Morris	352	114,867.94	87	27,394.06	34	3,625.00	1	25.00	5	844.31	7	473	146,756.31
Ocean	190	98,525.01	41	16,985.00	12	1,350.00						243	116,860.01
Passaic	887	345,147.95	164	47,093.77	33	4,115.55	11	500.00			1	1094	396,857.27
Salem	50	18,900.00	7	1,300.00	9	775.00						66	20,975.00
Somerset	185	67,360.00	34	7,754.66	17	1,781.64						236	76,896.30
Sussex	172	43,140.00	14	2,520.00	4	210.00			1	225.00	1	189	46,105.00
Union	546	285,300.00	142	53,262.74	57	6,625.00	17	827.26				762	346,015.00
Warren	148	41,230.00	17	3,407.50	24	2,455.00			2	199.87	2	189	47,292.37
TOTALS	9430	\$4,093,418.56	1884	\$690,547.02	690	\$79,619.27	188	\$8,362.89	44	\$13,516.46	55	12181	\$4,885,464.20

Respectfully submitted,  
 John H. Michelson,  
 Deputy Commissioner.

9. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

KAXIMIERZ FOLEJEWSKI )  
942 Kaighn Avenue )  
Camden, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-167, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. )

----- )  
Bruce A. Wallace, Esq., Attorney for Defendant-licensee. )  
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control. )

BY THE COMMISSIONER:

Defendant pleads non vult to the following charges:

"1. On or about November 1, 1947, you sold alcoholic beverages to Dorothy ---, Willie Mae ---, William ---, Harold --- and John ---, minors; in violation of R. S. 33:1-77.

"2. On the occasion aforesaid, you sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages to Dorothy ---, Willie Mae ---, William ---, Harold --- and John ---, persons under the age of twenty-one (21) years, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons upon your licensed premises; in violation of Rule 1 of State Regulations No. 20."

The file in the instant case discloses that on November 1, 1947, at about 1:00 a.m., a girl thirteen years of age, another girl fifteen years of age, and three young men each nineteen years of age, visited defendant's licensed premises. One of the young men purchased four glasses of beer and a pint of wine, and another young man purchased a glass of beer. They carried the glasses of beer and the bottle of wine to the table where the other members of the party were seated. Each of the girls admitted that she drank a glass of beer and some of the wine. Two of the young men admitted that they each consumed a glass of beer and some wine, whereas the other young man stated that he had only consumed a glass of beer.

Defendant has held a license since Repeal and has no previous adjudicated record. However, in view of the number of minors involved, and particularly because of the youthfulness of the two girls, I shall suspend defendant's license for a period of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 29th day of December, 1947,

ORDERED that Plenary Retail Consumption License C-167, issued by the Municipal Board of Alcoholic Beverage Control of the City of

Camden to Kaximierz Folejewski, for premises 942 Kaighn Avenue, Camden, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. January 5, 1948, and terminating at 2:00 a.m. January 30, 1948.

ERWIN B. HOCK  
Commissioner.

10. DISCIPLINARY PROCEEDINGS - LICENSE ISSUED IN VIOLATION OF P. L. 1947, CHAP. 94 - LICENSE SURRENDERED - RULE TO SHOW CAUSE - DISCHARGED.

In the Matter of Cancellation )  
Proceedings against )

McDERMOTT'S BLUE FLAME CO., INC. )  
6600-6606 Hudson Boulevard )  
West New York, N. J., )

O R D E R

Holder of Plenary Retail Consump- )  
tion License C-83 issued by the )  
Board of Commissioners of the )  
Town of West New York. )  
----- )

Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The Board of Commissioners of the Town of West New York, by Resolution adopted December 3, 1947, granted Plenary Retail Consumption License C-83 to McDermott's Blue Flame Co., Inc. for the balance of the licensing year terminating June 30, 1948.

By Notice dated December 8, 1947, the licensee was ordered to show cause why its license should not be suspended, revoked or cancelled and declared null and void for the reasons that it had been improvidently issued (1) in violation of R. S. 33:1-12.14 (P.L. 1947, ch. 94), the State License Limitation Law, and (2) in violation of Section 1 of an Ordinance adopted December 22, 1936 by the Board of Commissioners of the Town of West New York, which limits the number of plenary retail consumption licenses in that municipality.

The Board of Commissioners of the Town of West New York, by Resolution adopted December 17, 1947, accepted surrender of the license, rescinded the Resolution adopted by the Board on December 3, 1947 granting the license, and declared the license to be null and void.

Accordingly, it is, on this 30th day of December, 1947,

ORDERED that the rule to show cause herein be and the same is hereby discharged.

ERWIN B. HOCK  
Commissioner.

11. DISCIPLINARY PROCEEDINGS - FALSE ANSWER IN APPLICATION FOR LICENSE CONCEALING MATERIAL FACT (NON-RESIDENCE) - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary Proceedings against )

EDWARD ZUBY )  
T/a FRIENDLY TAVERN )  
1921 South 4th Street )  
Camden, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-204 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. )  
----- )

Bruce A. Wallace, Esq., Attorney for Defendant-licensee.  
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleads non vult to a charge alleging that, in answer to Question 3 in the application for transfer to him of plenary retail consumption license for premises at 1921 So. 4th Street, Camden, and in the application for renewal thereof, he falsely listed his residence as Browns Mills, New Jersey, and also falsely stated "Yes" in answer to Question 27(a) that he was an actual and bona fide resident of New Jersey whereas in truth and fact he resided at 34-36 No. 23rd Street, Philadelphia, Pennsylvania; such false statements being in violation of R. S. 33:1-25.

Although defendant pleaded non vult to the charge, he alleges that he is now a bona fide resident of New Jersey and, hence, contends that the unlawful situation has been corrected.

The testimony of the defendant herein discloses that for more than twenty years last past he has been a member of a partnership conducting a paper box business in Philadelphia. His business requires him to travel from time to time to different parts of the United States. He is unmarried and has always rented a room as sleeping quarters in a building located at 34-36 No. 23rd Street, Philadelphia, which is near his business establishment. At the time of his naturalization in 1943, and subsequent registration pursuant to the Selective Service Act, he used a Philadelphia address, and voted in Philadelphia from the time of his naturalization to and including the 1946 election.

The law presumes that, when a person takes up his residence "animo manendi", his residence continues at that place despite temporary absence. Cadwalader v. Howell, 18 N.J.L. 138; Harrell v. Harrell, 39 N. J. Eq. 279; Valentine v. Valentine, 61 N. J. Eq. 400. From the facts set forth above it is apparent that defendant was a resident of Pennsylvania and hence he was not a bona fide resident of New Jersey at the time he filed the applications mentioned in the charge. I so conclude despite defendant's testimony that he then believed he was a resident of New Jersey because in 1937 he had purchased land in Browns Mills, New Jersey, upon which he erected a bungalow. The evidence indicates that between 1937 and 1939 he spent the greater part of his time in Browns Mills because of the condition of his health, and that thereafter he spent the summer season at the bungalow. Considering all the evidence, however, it appears that, at least until recently, he was in fact a resident of Pennsylvania, which is very strongly indicated by the fact that he voted in Philadelphia at the election held in November 1946.

It appears, however, that, shortly after the proceedings herein were instituted, defendant duly registered as a voter in Browns Mills, New Jersey. Investigation discloses that he voted from his Browns Mills address at the election held in November 1947, and that he now retains a room for his use in the bungalow at Browns Mills. The question of residence is, to a great extent, a matter of intent. Since defendant is unmarried, the usual test as to where he maintains his family cannot be applied in this case. From the additional evidence herein I find that defendant has now become a resident of the State of New Jersey and that the unlawful situation has been corrected.

Under all of the circumstances, I shall suspend his license for a period of ten days. Cf. Re Maresca, Bulletin 737, Item 2.

Accordingly, it is, on this 6th day of January, 1948,

ORDERED that Plenary Retail Consumption License C-204, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Edward Zuby, t/a Friendly Tavern, for premises 1921 So. 4th Street, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. January 12, 1948, and terminating at 2:00 a.m. January 22, 1948.

ERWIN B. HOCK  
Commissioner.

12. 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 )

ESTHER LEWIS )  
2100 Pacific Avenue )  
Atlantic City, N. J., )

Holder of Plenary Retail Consumption License C-109, issued by the Board of Commissioners of the City of Atlantic City, and transferred during the pendency of these proceedings to )

ESTHER LEWIS & MAX LEWIS, )  
T/a DUNLAP'S CAFE, )

for the same premises. )  
----- )

Esther Lewis, Defendant-licensee, Pro Se.  
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

CONCLUSIONS  
AND ORDER

BY THE COMMISSIONER:

The defendant pleaded non vult to charges alleging that (1) in her application for her current license she falsely concealed the interest of Max Lewis in the license and business conducted thereunder and (2) ever since November 26, 1943 she permitted the said Max Lewis to exercise the privileges of her various licenses.

It is admitted that, ever since November 1943, when the license in question was taken in the defendant's name, her husband has been an undisclosed partner in the business conducted thereunder. The latter, although not suffering any statutory disqualification, kept his interest concealed because of an outstanding money judgment against him.

Since the institution of these proceedings, the license has been placed in the names of both husband and wife, thus correcting the prior unlawful situation. The license will be suspended for a period of twenty days. Cf. Re Bruno, Bulletin 783, Item 11.

Accordingly, it is, on this 6th day of January, 1948,

ORDERED that License C-109, issued by the Board of Commissioners of the City of Atlantic City to Esther Lewis and transferred to Esther Lewis and Max Lewis, for premises 2100 Pacific Avenue, Atlantic City, be and the same is hereby suspended for a period of twenty (20) days, commencing at 7:00 a.m. January 13, 1948, and terminating at 7:00 a.m. February 2, 1948.

ERWIN B. HOCK  
Commissioner.

13. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGE BELOW FAIR TRADE MINIMUM IN VIOLATION OF RULE 6 OF STATE REGULATIONS NO. 30 - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

PHILIP C., MAXWELL M. & ISADORE SCHNEIDER )  
T/a SINDERS DRUG STORE )  
344½ Jackson Avenue )  
Jersey City 4, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-106, issued by the Board of Commissioners of the City of Jersey City. )  
----- )

John J. Meehan, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendants plead non vult to a charge alleging that they sold alcoholic beverages below the established Fair Trade price, in violation of Rule 6 of State Regulations No. 30.

On December 17, 1947, an investigator of the State Department of Alcoholic Beverage Control purchased from an employee of the licensee a twenty-ounce bottle of Imperial Grandjo, Vintage 1934 imported wine, for the price of \$1.29. The minimum retail price of said wine, as established in Bulletin 785, then in effect, was \$1.39 for a twenty-ounce bottle.

Defendants have no previous adjudicated record. I shall impose the minimum ten-day suspension, remitting five days thereof for the plea entered herein, leaving a net suspension of five days. Re Formisano, Bulletin 782, Item 1.

Accordingly, it is, on this 8th day of January, 1948,

ORDERED that Plenary Retail Distribution License D-106, issued by the Board of Commissioners of the City of Jersey City to Philip C., Maxwell M. & Isadore Schneider, t/a Sinders Drug Store, 344½ Jackson Avenue, Jersey City, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. January 19, 1948, and terminating at 9:00 a.m. January 24, 1948.

ERWIN B. HOCK  
Commissioner.

14. DISCIPLINARY PROCEEDINGS - PERMITTING BOOKMAKING AND GAMBLING ON LICENSED PREMISES - POSSESSION OF OBSCENE PRINTING - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

LOUIS FERRARA )  
T/a FERRARA'S TAVERN )  
12 Washington Avenue )  
Nutley, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-15, issued by the )  
Board of Commissioners of the )  
Town of Nutley. )

----- )  
Jerome B. Litvak, Esq.; Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee pleads non vult to the following charges:

"1. On December 6th and 8th, 1947, and on divers days prior thereto, you engaged in and allowed, permitted and suffered bookmaking and gambling on and about your licensed premises, in violation of Rule 7 of State Regulations No. 20.

"2. On December 8, 1947, you allowed, permitted and suffered on and about your licensed premises and had in your possession, matter containing obscene, indecent, filthy, lewd, lascivious and disgusting printings, writings, pictures and other such representations, viz., 'cartoon books'; in violation of Rule 17 of State Regulations No. 20."

On December 6th and 8th, 1947, ABC agents placed bets on horses with the defendant-licensee. After the ABC agents made their identity known to the defendant, they searched the licensed premises for gambling paraphernalia. Racing slips, racing forms, racing pads and pages of newspapers with racing news were found on the licensed premises. Two small paper booklets containing obscene cartoons and indecent printing were found on the back bar of the licensed premises. There is no evidence that the indecent booklets had ever been distributed or exhibited to patrons by the licensee.

I shall suspend defendant's license on the first charge for twenty days (Re Ferment, Bulletin 635, Item 5), and for ten days on the second charge. Remission of five days will be allowed for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 7th day of January, 1948,

ORDERED that Plenary Retail Consumption License C-15, issued by the Board of Commissioners of the Town of Nutley to Louis Ferrara, t/a Ferrara's Tavern, for premises 12 Washington Avenue, Nutley, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. January 12, 1948, and terminating at 2:00 a.m. February 6, 1948.

Commissioner.