

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

BULLETIN 799

APRIL 12, 1948.

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Livingston Township) - ILLICIT LIQUOR - SUSPENSION REIMPOSED UPON DENIAL OF APPLICATION FOR WRIT OF CERTIORARI.
2. SEIZURE - FORFEITURE PROCEEDINGS - WINE PRESS AND HOME MADE WINE MANUFACTURED WITHOUT PERMIT - OWNER'S REQUEST FOR LEAVE TO OBTAIN PERMIT TO VALIDATE MANUFACTURE REJECTED BECAUSE OF HIS ADDITIONAL OFFENSE OF UNLAWFUL SALE OF SUCH WINE - PROPERTY ORDERED FORFEITED.
3. DISCIPLINARY PROCEEDINGS (Perth Amboy) - GAMBLING - SUSPENSION REIMPOSED UPON DENIAL OF APPLICATION FOR WRIT OF CERTIORARI.
4. DISCIPLINARY PROCEEDINGS (Sayreville) - POSSESSION OF OBSCENE PHOTOGRAPHS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Camden) - POSSESSION OF PIN BALL MACHINE - SUSPENSION REIMPOSED UPON DENIAL OF APPLICATION FOR WRIT OF CERTIORARI.
6. DISCIPLINARY PROCEEDINGS (Rockaway Borough) - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (North Arlington) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Perth Amboy) - HOLDER OF SOLICITOR'S PERMIT EMPLOYED BY A RETAILER OF ALCOHOLIC BEVERAGES - PERMIT SUSPENDED FOR 5 DAYS.
9. DISCIPLINARY PROCEEDINGS (Cape May City) - SUSPENSION FOR BALANCE OF TERM, WITH LEAVE TO PETITION TO LIFT UPON EXPIRATION OF 30 DAYS AND CORRECTION OF ILLEGAL SITUATION - TRANSFER OF LICENSE GRANTED BY MUNICIPAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.
10. ACTIVITY REPORT FOR MARCH 1948.
11. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1st, 1947 TO MARCH 31st, 1948 AS REPORTED TO THE COMMISSIONER OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R. S. 33:1-19.
12. DISCIPLINARY PROCEEDINGS (Camden) - FALSE STATEMENT IN APPLICATION - AIDING AND ABETTING FORMER LICENSEE TO EXERCISE PRIVILEGES OF A LICENSE BY PERPETRATING FRAUD ON ISSUING AUTHORITY - PRIOR RECORD OF FORMER LICENSEE - LICENSE REVOKED.
13. DISCIPLINARY PROCEEDINGS (Ewing Township) - PURCHASE OF ALCOHOLIC BEVERAGES BY RETAILER FROM OTHER THAN NEW JERSEY MANUFACTURER OR WHOLESALER IN VIOLATION OF RULE 15 OF STATE REGULATIONS NO. 20 - SUSPICIOUS CIRCUMSTANCES - LICENSE SUSPENDED FOR 60 DAYS.
14. SEIZURE - FORFEITURE PROCEEDINGS - PURCHASE OF ALCOHOLIC BEVERAGES BY RETAIL LICENSEE FROM UNLAWFUL SOURCE - CLAIM FOR RETURN DENIED BECAUSE OF FAILURE OF CLAIMANT TO PROVE OWNERSHIP - ALCOHOLIC BEVERAGES FORFEITED.
15. STATE LICENSES - NEW APPLICATIONS FILED.

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

BULLETIN 799

APRIL 12, 1948.

1. DISCIPLINARY PROCEEDINGS -- ILLICIT LIQUOR - SUSPENSION REIMPOSED
UPON DENIAL OF APPLICATION FOR WRIT OF CERTIORARI.

In the Matter of Disciplinary)
Proceedings against)

CHARLES ENGLISH)
343 W. Mt. Pleasant Ave.)
Livingston, N. J.,)

O R D E R

Holder of Plenary Retail Consump-)
tion License C-7, issued by the)
Township Committee of the)
Township of Livingston.)
-----)

BY THE COMMISSIONER:

On February 25, 1947, License C-7 held by defendant was suspended for a period of twenty-five days after he had been found guilty of possessing illicit alcoholic beverages in violation of R. S. 33:1-50. Re English, Bulletin 752, Item 8. Prior to the actual commencement of the suspension, defendant advised me that he intended to apply to the New Jersey Supreme Court for a writ of certiorari to review my decision herein and, accordingly, I postponed the effective date of said suspension until the entry of a further order herein.

On March 27, 1947, an application for a writ of certiorari made to a single Justice of the New Jersey Supreme Court was denied and, on March 16, 1948, a further application for a writ of certiorari made to the New Jersey Supreme Court sitting en banc was also denied. See Bulletin 798, Item 6.

The twenty-five-day suspension will now be reinstated against the plenary retail consumption license now held by defendant.

Accordingly, it is, on this 23rd day of March, 1948,

ORDERED that Plenary Retail Consumption License C-7 for the present licensing year issued by the Township Committee of the Township of Livingston to Charles English for premises at 343 W. Mt. Pleasant Avenue, Livingston, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. March 30, 1948, and terminating at 2:00 a.m. April 24, 1948.

ERWIN B. HOCK
Commissioner.

2. SEIZURE - FORFEITURE PROCEEDINGS - WINE PRESS AND HOME MADE WINE MANUFACTURED WITHOUT PERMIT - OWNER'S REQUEST FOR LEAVE TO OBTAIN PERMIT TO VALIDATE MANUFACTURE REJECTED BECAUSE OF HIS ADDITIONAL OFFENSE OF UNLAWFUL SALE OF SUCH WINE - PROPERTY ORDERED FORFEITED.

In the Matter of the Seizure)	Case No. 7219
on February 3, 1948, of a)	
quantity of home made wine and)	
a wine press, at 7 Wayne Avenue,)	ON HEARING
in the City of Paterson, County)	CONCLUSIONS AND ORDER
of Passaic and State of New)	
Jersey.)	

 Theodore B. Rosenberg, Esq., Attorney for Saverio Corsetti.
 Harry Castelbaum, Esq., appearing for Department of Alcoholic
 Beverage Control.

BY THE COMMISSIONER:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1 of the Revised Statutes, to determine whether ten 50-gallon barrels of wine, one 30-gallon barrel of wine, two 5-gallon jugs of wine and a wine press, seized on February 3, 1948 from Saverio Corsetti at 7 Wayne Avenue, Paterson, New Jersey, constitute unlawful property and should be forfeited.

It appears that the State Department of Alcoholic Beverage Control received a specific complaint that wine was being sold illegally by Corsetti at a club located at 46 Wayne Avenue, Paterson. When ABC agents questioned Corsetti concerning the complaint, he readily admitted that he sold wine to his friends at the club as a means of support. The reason, he stated, was because he was unable to work by reason of illness. Corsetti informed the ABC agents that his stock of wine was stored in the cellar of his home. The agents went there, with Corsetti, and found the above mentioned wine and wine press.

Corsetti told the agents that he had manufactured the wine in October 1947, and had not obtained a permit from the State Department of Alcoholic Beverage Control authorizing him to manufacture wine.

When the matter came on for hearing pursuant to R. S. 33:1-66, Saverio Corsetti appeared with counsel and sought return of the wine and wine press on the claim that his failure to obtain a permit was inadvertent.

At such hearing, counsel for Corsetti admitted that the facts were as stated. His plea was that, because Corsetti had fully cooperated with the agents, he should be given a second chance; that is, permitted to apply for a wine permit and obtain return of the wine and press.

This plea might be worthy of consideration if the unlawful activities merely involved unlawful manufacture of the wine. In that event, ignorance of the law covering manufacture of wine for home use by an otherwise law-abiding person has been accepted as justification for issuance of a validating permit in lieu of forfeiture of wine seized because unlawfully manufactured. See Seizure Case No. 6800, Bulletin 670, Item 4, which discusses at length the underlying reasons for such action.

However, sale of home-made wine is unlawful and cannot be tolerated. Speakeasy or bootlegging activities are not minimized by urgent need of funds. Everyone should know by this time that it is unlawful to sell alcoholic beverages without a license. Hence, Corsetti's sale of the wine was not a violation of the law committed in good faith and unwittingly -- the only ground upon which I am authorized to return property subject to forfeiture. R.S.33:1-66(e).

The wine is illicit and subject to forfeiture because manufactured without a permit or license. It is likewise illicit because, as appears obvious by his unlawful sales in the past, Corsetti intended to sell the wine unlawfully. R. S. 33:1-1(i). Such illicit wine and the wine press seized therewith constitute unlawful property subject to forfeiture. R. S. 33:1-1(y); R. S. 33:1-2; R. S. 33:1-66.

The evidence does not justify return of such property to Corsetti; hence his request for such return is denied.

Accordingly, it is DETERMINED and ORDERED that the seized property, more fully described in Schedule "A" hereinafter set forth, constitutes unlawful property and that the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and that it be retained for the use of hospitals and State, county and municipal institutions, or destroyed in whole or in part, at the direction of the Commissioner.

Dated: March 23, 1948.

ERWIN B. HOCK
Commissioner.

SCHEDULE "A"

- 10 - 50-gallon barrels of wine
- 1 - 30-gallon barrel of wine
- 2 - 5-gallon jugs of wine
- 1 - wine press

3. DISCIPLINARY PROCEEDINGS - GAMBLING - SUSPENSION REIMPOSED UPON DENIAL OF APPLICATION FOR WRIT OF CERTIORARI.

In the Matter of Disciplinary Proceedings against)
 BILLY URBANSKI, INC.)
 320 State Street)
 Perth Amboy, N. J.,)
 Holder of Plenary Retail Consumption License C-18 issued by the Board of Commissioners of the City of Perth Amboy.)
 -----)

O R D E R

BY THE COMMISSIONER:

It appearing that by Conclusions and Order herein dated February 3, 1948, the license held by the defendant was suspended for a period of ten days (Bulletin 793, Item 3), and

It further appearing that said suspension was stayed in order to afford the defendant an opportunity to apply for a writ of certiorari to review said Conclusions and Order, and

It further appearing that, by order dated March 22, 1948, the Supreme Court denied defendant's application for a writ of certiorari;

It is, on this 24th day of March, 1948,

ORDERED that the ten-day suspension of License C-18, held by Billy Urbanski, Inc., for premises 320 State Street, Perth Amboy, shall commence at 2:00 a.m. March 29, 1948, and terminate at 2:00 a.m. April 8, 1948, in lieu of the effective dates of said suspension fixed in the original order herein.

ERWIN B. HOCK
Commissioner.

4. DISCIPLINARY PROCEEDINGS - POSSESSION OF OBSCENE PHOTOGRAPHS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 JOSEPH P. LOCHS
 82 Main Street
 Sayreville, N. J.,
 Holder of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Sayreville.

CONCLUSIONS AND ORDER

 Joseph P. Lochs, Defendant-licensee, Pro Se.
 Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded guilty to charges (1) alleging that he allowed, permitted, suffered and possessed on his licensed premises obscene, indecent, lewd, lascivious and disgusting photographs in violation of Rule 17 of State Regulations No. 20, and (2) that he allowed, permitted and suffered lewdness and immoral activity on his licensed premises in that he exhibited and displayed the aforementioned photographs in his barroom in violation of Rule 5 of State Regulations No. 20.

The photographs were of women in various poses which were without a doubt lewd and lascivious. The photographs were displayed on the inside of a glass door of a cabinet over the back bar and were plainly visible from the front of the bar. Such "art" has no place on licensed premises. The photographs were intended to be and actually were of a suggestive nature. The defendant's only excuse was that when he took over the licensed business several months ago the photographs had been left there by his predecessor in business.

In this case the violation is more aggravated than in Re Paula, Bulletin 798, Item 9, because of the vulgarity of the pictures. Under the circumstances I shall suspend the license for a period of twenty days. Five days will be remitted because of the plea, leaving a net suspension of fifteen days.

Accordingly, it is, on this 24th day of March, 1948,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Sayreville to Joseph P. Lochs, for premises 82 Main Street, Sayreville, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. March 30, 1948, and terminating at 2:00 a.m. April 14, 1948.

ERWIN B. HOCK
 Commissioner.

5. DISCIPLINARY PROCEEDINGS - POSSESSION OF PIN BALL MACHINE -
SUSPENSION REIMPOSED UPON DENIAL OF APPLICATION FOR WRIT OF
CERTIORARI.

In the Matter of Disciplinary)
Proceedings against)

PLAZA OPERATING COMPANY (a corp.))
T/a PLAZA HOTEL, BAR & RESTAURANT)
S.E. cor. 5th & Cooper Streets)
Camden, N. J.,)

O R D E R

Holder of Plenary Retail Consump-)
tion License C-62, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Camden.)
-----)

BY THE COMMISSIONER:

It appearing that by Conclusions and Order herein dated February 25, 1948, the license held by the defendant was suspended for a period of ten days (Bulletin 796, Item 3), and

It further appearing that said suspension was stayed in order to afford the defendant an opportunity to apply for a writ of certiorari to review said Conclusions and Order, and

It further appearing that, on March 22, 1948, the Supreme Court en banc denied the defendant's application for a writ of certiorari;

It is, on this 24th day of March, 1948,

ORDERED that the ten-day suspension of License C-62, held by Plaza Operating Company (a corp.), t/a Plaza Hotel, Bar & Restaurant, for premises s.e. cor. 5th & Cooper Streets, Camden, shall commence at 2:00 a.m. March 27, 1948, and terminate at 2:00 a.m. April 6, 1948, in lieu of the effective dates of said suspension fixed in the original order herein.

ERWIN B. HOCK
Commissioner.

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

In the Matter of Disciplinary Proceedings against)

VINCENT T. FERRONE)
T/a FERRONE'S LIQUOR STORE)
77 W. Main Street)
Rockaway Borough, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-1, issued by the Mayor and Council of the Borough of Rockaway.)
-----)

Shuback and Orr, Esqs., Attorneys 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 sold alcoholic beverages to a minor, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

The file herein discloses that on January 21, 1948, Ernest ---, who was then nineteen years of age, purchased a pint bottle of Muscatel wine from defendant's son who was then in charge of defendant's premises.

Defendant has presented two affidavits wherein it is alleged that, prior to the sale, the minor exhibited to defendant's son a birth certificate which indicated that he had been born in 1926. It is clear, however, that the minor did not falsely represent in writing that he was twenty-one years of age or over and, hence, defendant has not established a defense under the provisions of R.S. 33:1-77. The defendant is guilty as charged.

Since defendant has no prior record, and the violation herein does not appear to be an aggravated one, the usual ten-day penalty will be imposed. Five days will be remitted for the plea, leaving a net penalty of five days.

Accordingly, it is, on this 29th day of March, 1948,

ORDERED that Plenary Retail Distribution License D-1, issued by the Mayor and Council of the Borough of Rockaway to Vincent T. Ferrone, t/a Ferrone's Liquor Store, for premises 77 W. Main Street, Rockaway Borough, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. April 5, 1948, and terminating at 9:00 a.m. April 10, 1948.

ERWIN B. HOCK
Commissioner.

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

In the Matter of Disciplinary Proceedings against THOMAS & WILLIAM SWEET T/a PIKE TAVERN 340 Belleville Pike North Arlington, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-11, issued by the Borough Council of the Borough of North Arlington.

Thomas & William Sweet, Defendant-licensees, Pro Se. Edward F. Ambrose, Esc., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendants pleaded guilty to a charge alleging that they possessed illicit alcoholic beverages at their licensed premises, to wit, four 4/5 quart bottles labeled "Canadian Club Blended Canadian Whisky", all of which were not genuine as labeled, in violation of R. S. 33:1-50.

The four bottles in question were part of the defendants' stock of thirty-four open containers tested by an ABC agent on February 11, 1948.

In April 1941, when the defendants operated under a corporate license, they received a three-day suspension imposed by the local issuing authority for sales during prohibited hours. Because of the lapse of time since that violation, and the dissimilarity of the offense, I shall not consider the present violation aggravated thereby. The license will be suspended for a period of twenty days, less five days for the plea, leaving a net suspension of fifteen days. Re Albino, Bulletin 782, Item 6.

Accordingly, it is, on this 23th day of March, 1948,

ORDERED that Plenary Retail Consumption License C-11, issued by the Borough Council of the Borough of North Arlington to Thomas & William Sweet, t/a Pike Tavern, 340 Belleville Pike, North Arlington, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. April 5, 1948, and terminating at 2:00 a.m. April 20, 1948.

ERWIN B. HOCK Commissioner.

8. DISCIPLINARY PROCEEDINGS - HOLDER OF SOLICITOR'S PERMIT EMPLOYED BY A RETAILER OF ALCOHOLIC BEVERAGES - PERMIT SUSPENDED FOR 5 DAYS.

In the Matter of Disciplinary)
Proceedings against)

GEORGE JUGAN)
306 Lawrie Street)
Perth Amboy, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Solicitor's Permit)
No. 2311, issued by the State)
Commissioner of Alcoholic)
Beverage Control.)

George Jugan, Defendant-permittee, Pro Se.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

The defendant, who holds a solicitor's permit issued by the State Commissioner, has pleaded guilty to the following charge:

"From January 23, 1948 to February 8, 1948, while you were interested in the wholesaling of alcoholic beverages by reason of your employment as a solicitor for Post Liquor Distributors, Inc., holder of a New Jersey plenary wholesale license, you were, at the same time, also interested in the retailing of alcoholic beverages at the retail licensed premises of Mary & John V. Hoffman, t/a Hoffie's Tavern, 403 New Brunswick Avenue, Perth Amboy, New Jersey, by reason of your employment on said retail licensed premises, in violation of R. S. 33:1-43."

For a period of two weeks, while the retail licensees were vacationing in Florida, the defendant managed their saloon on a straight salary basis. Such employment is prohibited by the provisions of the Alcoholic Beverage Law (R. S. 33:1-43). The defendant's lack of knowledge that he was violating the law does not excuse the offense.

For the reason stated in Re Gursky, Bulletin 747, Item 2, I shall suspend the defendant's permit for five days.

Accordingly, it is, on this 29th day of March, 1948,

ORDERED that Solicitor's Permit No. 2311, issued to George Jugan by the State Commissioner of Alcoholic Beverage Control, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. April 5, 1948, and terminating at 9:00 a.m. April 10, 1948.

ERWIN B. HOCK
Commissioner.

- 9. DISCIPLINARY PROCEEDINGS - SUSPENSION FOR BALANCE OF TERM, WITH LEAVE TO PETITION TO LIFT UPON EXPIRATION OF 30 DAYS AND CORRECTION OF ILLEGAL SITUATION - TRANSFER OF LICENSE GRANTED BY MUNICIPAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

In the Matter of Disciplinary Proceedings against)

CLEMENTINE MOLES RICHARDSON)
 T/a RICHARDSON'S HOTEL)
 217-19-21 Jackson Street)
 Cape May City, N. J.,)

ON PETITION
 O R D E R

Holder of Plenary Retail Consumption License C-10, issued by the Board of Commissioners of the City of Cape May City.)

-----)
 T. Millet Hand, Esq., Attorney for Petitioner Thomas Moles.
 William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

On February 17, 1948, I suspended defendant's license C-10 for the balance of its term, effective 1:00 a.m. March 1, 1948, after she had pleaded non vult to charges alleging in substance that she was holding the license as a "front" for her brother, Thomas Moles. Re Richardson, Bulletin 794, Item 12. In said order it was provided that, if the unlawful situation were actually corrected, a petition might be filed with me to lift the suspension after at least thirty days of the suspension had been served.

Pursuant to said leave, Thomas Moles has filed a verified petition wherein he set forth that on March 8, 1948 the Board of Commissioners of the City of Cape May City transferred the license in question, subject to the suspension heretofore imposed, from Clementine Moles Richardson to Thomas Moles. The petition further sets forth that Thomas Moles is qualified to hold said license.

It appearing from the facts set forth in the verified petition that the unlawful situation has been corrected, and it further appearing that the thirty-day suspension has already expired, the suspension will be lifted, effective immediately.

Accordingly, it is, on this 31st day of March, 1948,

ORDERED that the suspension heretofore imposed be lifted, and that Plenary Retail Consumption License C-10, issued by the Board of Commissioners of the City of Cape May City, be and the same is hereby restored to full force and operation, effective immediately.

ERWIN B. HOCK
 Commissioner.

April 2, 1948

10. ACTIVITY REPORT FOR MARCH 1948

ARRESTS:		
Total number of persons arrested	-----	17
Bootleggers	-----	16
ABC agent impersonators	-----	1
SEIZURES:		
Motor vehicles - cars	-----	1
Stills - 50 gallons or under	-----	4
Alcohol - gallons	-----	32.77
Mash - gallons	-----	400.00
Distilled alcoholic beverages - gallons	-----	15.95
Wine - gallons	-----	67.96
Brewed malt beverages - gallons	-----	25.23
RETAIL LICENSEES:		
Premises inspected	-----	651
Premises where alcoholic beverages were gauged	-----	770
Bottles gauged	-----	12,289
Premises where violations were found	-----	30
Violations found	-----	33
Type of violations found:		
Unqualified employees	-----	10
Probable fronts	-----	4
Disposal permit necessary	-----	3
Gambling devices	-----	2
Prohibited signs	-----	2
Regulations 38 sign not posted	-----	1
Other mercantile business	-----	1
Other violations	-----	10
STATE LICENSEES:		
Premises inspected	-----	14
License applications investigated	-----	17
COMPLAINTS:		
Complaints assigned for investigation	-----	321
Investigations completed	-----	366
Investigations pending	-----	174
LABORATORY:		
Analyses made	-----	130
"Shake-up" cases (alcohol, water and artificial color) - bottles	-----	5
Liquor found to be not genuine as labeled - bottles	-----	45
IDENTIFICATION BUREAU:		
Criminal fingerprint identifications made	-----	22
Persons fingerprinted for non-criminal purposes	-----	216
Identification contacts made with other enforcement agencies	-----	162
Motor vehicle identifications via N. J. State Police Teletype	-----	11
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	-----	11
Violations involved:		
Sale during prohibited hours	-----	4
Permitting brawls on premises	-----	2
Sale to minors	-----	2
Possessing chilled beer (DL licensee)	-----	1
Permitting gambling on premises (numbers writing)	-----	1
Sale to intoxicated persons	-----	1
Unqualified employees	-----	1
Cases instituted at Department	-----	19
Violations involved:		
Sale under Fair Trade price	-----	4
Permitting immoral activity on premises	-----	4
Possessing illicit liquor	-----	4
Fraud in application	-----	3
Sale to non-members by clubs	-----	1
Sale to intoxicated persons	-----	1
Permitting hostesses on premises	-----	1
Unqualified employees	-----	1
Conducting business as a nuisance	-----	1
Sale at discount	-----	1
Sale during prohibited hours	-----	1
Storage off licensed premises	-----	1
Permitting bookmaking on premises	-----	1
Cases brought by municipalities on own initiative and reported to Department	-----	14
Violations involved:		
Sale to minors	-----	8
Sale during prohibited hours	-----	4
Permitting gambling on premises (cards)	-----	1
Permitting immoral activity on premises	-----	1
Sale to intoxicated persons	-----	1
Permitting brawls on premises	-----	1
Permitting persons of ill repute on premises	-----	1
Permitting solicitation for immoral activity	-----	1
HEARINGS HELD AT DEPARTMENT:		
Total number of hearings held	-----	34
Appeals	-----	1
Disciplinary proceedings	-----	17
Eligibility	-----	6
Seizures	-----	4
Tax revocations	-----	2
Applications for licenses	-----	4
PERMITS ISSUED:		
Total number of permits issued	-----	832
Social affairs	-----	316
Solicitors	-----	159
Disposal of alcoholic beverages	-----	154
Employment	-----	114
Special wine	-----	1
Miscellaneous	-----	88

11. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1ST, 1947 TO MARCH 31ST, 1948
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 No. Issued	Fees Paid	Limited Retail Distribution		Seasonal Retail Consumption		Number Surren- dered, 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			
Atlantic	485	\$ 196,353.66	65	\$ 22,277.12	13	\$ 1,270.21						563	\$ 219,900.
Bergen	823	295,590.00	288	75,024.60	59	6,026.31	44	\$ 1,830.31	6	\$ 1,473.75	6	1214	379,944.
Burlington	185	71,062.94	28	7,528.76	37	5,118.64	1	25.00				251	83,735.
Camden	454	216,208.08	83	29,610.99	64	6,339.10			3	975.00	7	597	253,133.
Cape May	133	65,724.16	11	3,700.00	12	1,250.00						156	70,674.
Cumberland	81	35,108.23	13	3,500.00	28	3,760.00						122	42,368.
Essex	1378	759,419.39	349	199,258.00	92	12,438.90	34	1,700.00				1853	972,716.
Gloucester	107	31,300.00	13	2,800.00	12	1,187.50						132	35,287.
Hudson	1564	676,675.08	297	117,310.00	70	8,265.25	75	3,174.36			4	2002	805,424.
Hunterdon	80	22,925.00	6	1,597.20	5	600.00						91	25,122.
Mercer	424	187,386.58	51	14,300.00	43	5,834.78			1	99.43	1	518	207,620.
Middlesex	634	251,292.88	71	18,460.00	48	3,982.73	4	175.00				756	273,910.
Monmouth	556	271,491.58	109	36,368.95	27	3,200.00	8	308.32	26	9,699.10	29	697	321,067.
Morris	352	114,867.94	87	27,394.06	34	3,625.00	1	25.00	5	844.31	8	471	146,756.
Ocean	191	98,775.72	41	16,816.00	13	1,394.11						245	116,985.
Passaic	887	345,147.95	164	47,093.77	34	4,156.14	11	500.00			3	1093	396,897.
Salem	50	18,900.00	7	1,300.00	9	775.00						66	20,975.
Somerset	185	67,360.00	34	7,754.66	18	1,840.00						237	76,954.
Sussex	172	43,140.00	14	2,530.00	4	210.00			1	225.00	1	190	46,105.
Union	547	285,800.00	142	53,262.74	57	6,625.00	17	827.26				763	346,515.
Warren	148	41,230.00	17	3,407.50	24	2,455.00			2	199.87	2	189	47,292.
TOTALS	9436	\$4,095,759.19	1890	\$691,294.35	703	\$80,253.67	195	\$8,565.25	44	\$13,516.46	62	12206	\$4,889,388.

Respectfully submitted,
John H. Michelson,
Deputy Commissioner.

ERWIN B. HOCK, Commissioner.

12. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN APPLICATION - AIDING AND ABETTING FORMER LICENSEE TO EXERCISE PRIVILEGES OF A LICENSE BY PERPETRATING FRAUD ON ISSUING AUTHORITY - PRIOR RECORD OF FORMER LICENSEE - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against)

JOHN J. BRESLIN)
T/a NEW DEAL CAFE)
700 Mt. Vernon Street)
Camden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-207, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

John J. Breslin, Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded non vult to charges alleging that (1) in his application dated June 24, 1947 he falsely concealed the fact that Howard S. Wentzell was the real owner of the licensed business, in violation of R. S. 33:1-25; and (2) from June 22, 1947 until the present time, he knowingly aided and abetted Howard S. Wentzell to exercise the privileges of his license contrary to R. S. 33:1-26, thereby himself violating R. S. 33:1-52.

Howard S. Wentzell, operator of the licensed premises since repeal of the National Prohibition Law, pleaded non vult, while the holder of a license for the 1946-47 fiscal year, to a charge alleging that on November 22, 1946 he permitted a brawl upon his licensed premises. By order dated March 26, 1947, I suspended his license for the balance of its term. In so doing, I stated, "I shall suspend the license for the balance of the licensing year and permit the local issuing authority to determine, in the event that application therefor is made, whether he is worthy of receiving a renewal of his license privileges". Re Wentzell, Bulletin 757, Item 3.

Before the end of the 1946-47 licensing period, however, defendant applied to the local issuing authority for a transfer of the license issued to Wentzell. His application was granted. Defendant also obtained a renewal of said license for the current fiscal year.

It appears that as a result of the brawl in which Wentzell was a participant, criminal and civil proceedings were instituted against him. According to Wentzell, in order to "protect" his property from an adverse judgment, he transferred the building, business and license to defendant.

During the course of an investigation by an ABC agent, both the defendant and Wentzell signed statements wherein they alleged that the transactions between them were bona fide. Subsequently, however, defendant and Wentzell admitted that the former statements given to the ABC agent were untrue and that Wentzell is the sole owner of the licensed business. This scheme, allegedly to defraud a potential judgment creditor, resulted in a fraud upon the local issuing authority because the local issuing authority did not have an opportunity to pass upon the personal fitness of Wentzell to renew his license. Moreover, a fraud was practiced upon the State Commissioner by the original statements made by defendant and Wentzell to an ABC agent.

The mere recital of the past record, coupled with the fraudulent transactions, demonstrates that the only proper penalty that may here be imposed is an outright revocation of the license.

Accordingly, it is, on this 29th day of March, 1948,

ORDERED that Plenary Retail Consumption License C-207, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to John J. Breslin, t/a New Deal Cafe, for premises 700 Mt. Vernon Street, Camden, be and the same is hereby revoked, effective immediately.

ERWIN B. HOCK
Commissioner.

13. DISCIPLINARY PROCEEDINGS - PURCHASE OF ALCOHOLIC BEVERAGES BY RETAILER FROM OTHER THAN NEW JERSEY MANUFACTURER OR WHOLESALER IN VIOLATION OF RULE 15 OF STATE REGULATIONS NO. 20 - SUSPICIOUS CIRCUMSTANCES - LICENSE SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary Proceedings against)

FRANK VEGOTSKY)
Prospect St. & Olden Avenue)
Extension)
Ewing Township)
P.O. RFD Trenton, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-5, issued by the Township Committee of Ewing Township.)
-----)

Lord & Hughes, Esqs., by Vincent E. Hull, Esq., Attorney for Defendant-licensee.

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

BY THE COMMISSIONER:

The defendant pleaded non vult to a charge alleging that he obtained three cases of alcoholic beverages from a person not a holder of a New Jersey manufacturer's or wholesaler's license, in violation of Rule 15 of State Regulations No. 20.

On November 5, 1947, several ABC agents found the three cases of whiskey in question in a rear storeroom of the defendant's licensed premises. The serial numbers on the cases had been obliterated. No other whiskey was in the storeroom. In the cellar the agents observed about twenty-five unopened cases of whiskey, upon all of which the serial numbers remained intact.

Sidney Vegotsky, the defendant's brother and manager of the licensed premises, admitted that he had defaced the serial numbers. He explained that, because of several recent robberies at the store, the defendant was short of whiskey and that only that morning he had obtained the three cases from the licensed premises operated by his mother, Soffi Vegotsky, who also holds a retail distribution license in Ewing Township. When, shortly thereafter, Soffi Vegotsky was interviewed by the ABC agents, she was vociferous in her denial that Sidney Vegotsky had obtained any liquor from her on that day or any other time, and insisted that the three cases of whiskey found at defendant's store had not been obtained from her and had never formed a part of her liquor stock.

Testimony given at the forfeiture proceedings of the three cases of whiskey (see Bulletin 799, Item 14) only further hopelessly confuses the picture. Sidney Vegotsky's testimony is so replete with inconsistencies as not to be worthy of any belief. Soffi Vegotsky's statement, in a sworn petition for return of the whiskey, that she "is informed and verily believes" that Sidney Vegotsky had taken the three cases of whiskey from her premises without her knowledge carries no probative force, especially in view of her prior positive statement to the contrary made on the day of the seizure.

The removal of the serial numbers from the three cases of whiskey carries with it serious implications. Enforcement officials experienced such situations with monotonous regularity during the period of liquor scarcity when black marketeers wished to prevent liquor from being traced to its source. On many occasions, they have encountered defacement of serial numbers in connection with "hijacked" or stolen liquor.

Upon a careful study of the entire record, I find that the whiskey was not obtained from Soffi Vegotsky, as the defendant contends. On the contrary, the only logical inference from all the evidence is that the defendant was involved in some nefarious practice, the exact nature of which must remain the subject of speculation largely because of the complete lack of credibility that must be attached to the testimony of the defendant's manager. In any event, this case is not representative of those wherein it appears that nothing more than a sale from one retailer to another is involved.

In cases concerning a purchase from a non-licensee, where there has been a frank and plausible disclosure of the offense, I have imposed a forty-day penalty. Cf. Re Keuper, Bulletin 709, Item 1. In this case, however, I am confronted with the inconsistent and unreliable testimony offered by the defendant, with the result that I am left in the dark as to the source of the liquor and the true circumstances surrounding the violation. A revocation of the license, considering the defendant's otherwise clear record, would be unnecessarily harsh. However, a suspension for a period of sixty days, taking the plea into account, is amply warranted and such will be the order.

Accordingly, it is, on this 9th day of April, 1948,

ORDERED that Plenary Retail Distribution License D-5, issued by the Township Committee of Ewing Township to Frank Vegotsky, for premises Prospect St. & Olden Avenue Extension, Ewing Township, be and the same is hereby suspended for a period of sixty (60) days, commencing at 9:00 a.m. April 15, 1948, and terminating at 9:00 a.m. June 14, 1948.

ERWIN B. HOCK
Commissioner.

14. SEIZURE - FORFEITURE PROCEEDINGS - PURCHASE OF ALCOHOLIC BEVERAGES BY RETAIL LICENSEE FROM UNLAWFUL SOURCE - CLAIM FOR RETURN DENIED BECAUSE OF FAILURE OF CLAIMANT TO PROVE OWNERSHIP - ALCOHOLIC BEVERAGES FORFEITED.

In the Matter of the seizure of)
three cases of whiskey on November)
5, 1947, from Frank Vegotsky, at his)
store premises located at the corner)
of Prospect Street and Olden Avenue)
Extension, in the Township of)
Ewing, County of Mercer and State of)
New Jersey.)

Case No. 7198

ON HEARING
CONCLUSIONS AND ORDER

-----)

Lord & Hughes, Esqs., by Vincent E. Hull, Esq., Attorney for
Claimant.

Harry Castelbaum, Esq., appearing for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

The only issue involved in this proceeding is whether three cases of whiskey seized from the licensed premises of Frank Vegotsky should be returned to his mother, the claimant herein, Soffi Vegotsky. Each is the holder of a separate plenary retail distribution license in Ewing Township, N. J.

It is undisputed that the three cases of whiskey are the proper subject of seizure and forfeiture under the authority of the Alcoholic Beverage Law (R. S. 33:1-66(c)), which stamps all alcoholic beverages sold in violation of rules and regulations as unlawful property. It is admitted that the cases of whiskey were not purchased by Frank Vegotsky from the holder of a New Jersey manufacturer's or wholesaler's license or pursuant to a special permit. Indeed, it is insisted that they were purchased by Frank Vegotsky from the claimant. Either of these eventualities is interdicted by the provisions of Rule 15 of State Regulations No. 20.

An insurmountable difficulty to my recognizing the claim for return is that there is no proof of title to these three cases of whiskey in the claimant. On November 5, 1947, the day of the seizure, she was interrogated by several ABC agents and emphatically denied that she had sold or delivered any whiskey to Frank Vegotsky on that day or at any other time, and strenuously insisted that the cases of whiskey in question had never been in her possession and had not been obtained from her premises by Frank Vegotsky or by anyone acting on his behalf. For a more detailed analysis of the circumstances surrounding the instant seizure see the disciplinary proceedings against Frank Vegotsky, decided simultaneously herewith, Bulletin 799, Item 13.

After the institution of these proceedings, and in connection herewith, the claimant executed a petition in which she alleges that she "is informed and verily believes" that the three cases of whiskey were removed, without her knowledge, from her premises by her son, Sidney Vegotsky, who is the manager of the licensed premises operated by Frank Vegotsky.

Ordinarily, it would be possible to trace the distribution of the whiskey from the manufacturer to the wholesale jobber and thence to the retailer. This may be accomplished because of the requirement that each case of whiskey carry a distinguishing serial number. However, the serial numbers originally imprinted on the three cases involved herein had been obliterated prior to their seizure, rendering it impossible to determine whether any or all of them had ever been sold to the claimant or had ever been in her lawful possession.

In this posture of the case, I have no alternative other than to deny the claimant's request for return.

In view of the foregoing disposition, no question can arise concerning the claimant's good faith or whether she unwittingly violated the liquor laws. Cf. R. S. 33:1-66(e).

Accordingly, it is DETERMINED and ORDERED that the alcoholic beverages, more fully described in Schedule "A" attached hereto, constitute unlawful property, and that the same be and hereby are forfeited in accordance with the provisions of R. S. 33:1-66, and that they be retained for the use of hospitals and State, county and municipal institutions, or destroyed in whole or in part at the direction of the State Commissioner of Alcoholic Beverage Control.

Dated: April 9, 1948.

ERWIN B. HOCK
Commissioner.

SCHEDULE "A"

12 - 4/5 quart bottles "Imperial" whiskey
24 - pint bottles "Golden Wedding" whiskey
24 - pint bottles "Calvert Reserve" whiskey

15. STATE LICENSES - NEW APPLICATIONS FILED.

Alexander Bovone, t/a Coles Street Winery
44 Coles Street
Jersey City, N. J.

Application filed March 25, 1948 for transfer of Plenary Winery License (with retail privileges) V-23 from Vincent Di Stanlo, t/a Coles Street Winery.

Vincent J. Sparacino and Vincent Lanza, Jr.
T/a Veterans Beer Distributors
228 Union Ave.

Elwood, RFD 1, Hammonton, N. J.

Application filed April 1, 1948 for State Beverage Distributor's License.

L. J. Barry Beverages, Inc.
45 East Bigelow St.
Newark, N. J.

Application for Limited Wholesale License filed April 5, 1948.

American Express Field Warehousing Corporation
12-14 Lafayette St.
Trenton, N. J.

Application for Public Warehouse License filed April 8, 1948.

Erwin B. Hock
Commissioner.