

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

BULLETIN 881

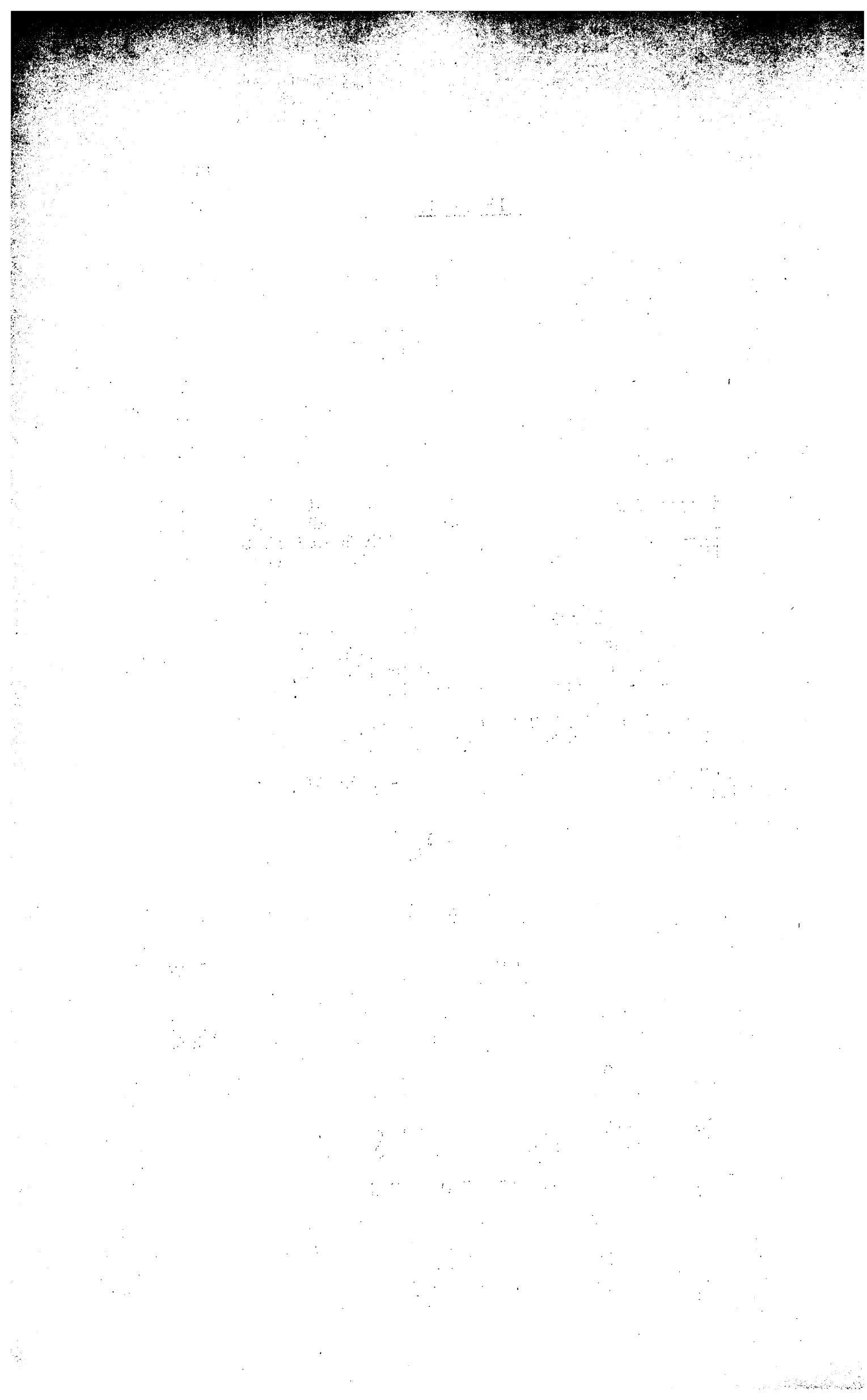
JULY 7, 1950

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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 881

JULY 7, 1950

1. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - FALSE STATEMENT IN LICENSE APPLICATION AS TO EXCLUSIVE CONTINUOUS POSSESSION AND USE OF CLUB QUARTERS FOR AT LEAST THREE YEARS - PRIOR RECORD - LICENSE REVOKED - CLUB HEREAFTER INELIGIBLE TO HOLD OR RECEIVE A LICENSE BECAUSE PRESENT REVOCATION IS SECOND REVOCATION OF LICENSE HELD BY CLUB.

In the Matter of Disciplinary Proceedings against

CLUB ESQUIRE, JR.,
703 Chestnut Street,
Camden, New Jersey.

CONCLUSIONS
AND ORDER

Holder of Club License CB-44, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

Herman M. Bell, Jr., Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charges:

"1. In your application dated November 18, 1949, filed with the Municipal Board of Alcoholic Beverage Control of Camden, upon which you obtained your current club license, you falsely stated 'Yes' in answer to Question 20, which asks: 'Has the club been in exclusive continuous possession and use of club quarters for at least three (3) years immediately prior to this application?', whereas in truth and fact you had not had exclusive continuous possession and use of club quarters for that period; said false statement being in violation of R.S. 33:1-25.

"2. In your aforesaid application in answer to Question 14, you falsely stated that Logan W. Carter, your president, resided at 2901 Saunders Street, Camden, New Jersey, whereas in truth and fact he resided at 2448 North 19th Street, Philadelphia, Pa.; said false statement being in violation of R.S. 33:1-25."

A license held by defendant for the 1946-47 licensing year was revoked (after defendant failed to renew said license) by order dated October 28, 1947. This order was entered after defendant had been found guilty on charges that it lacked active operation for three years prior to the issuance of the license, as required by Regulations No. 7. Re Club Esquire, Jr., Bulletin 781, Item 9.

The Club's defense to Charge 1 is that it continued to maintain quarters (one room of the premises occupied by it as licensed premises during the first half of 1947) from June 1947 until about February or March 1949, when it allegedly again acquired possession of the entire premises. A new written one-year lease, dated March 7, 1949, became effective April 1st of that year.

During the investigation the agent of the State Division of Alcoholic Beverage Control secured voluntary signed statements from the president and from the secretary of the defendant-club. These statements were sworn to by said officers and admitted in evidence. The president's statement contains the following pertinent questions and answers:

- "Q. Isn't it a fact that the club gave up its club quarters at 703 Chestnut St., Camden, N. J. in 1947 due to the fact that it didn't have funds to pay its rent to Mr. Denbo?
- "A. We gave up the second floor but we kept the first floor. We made an agreement with Mr. Denbo whereas we could still retain the use of the first floor for \$5 per month.
- "Q. Was the agreement for the use of the first floor for every day in the week?
- "A. No, it was just for a meeting of the club once a month which meeting was held on a Sunday.
- "Q. Then the club only held its monthly meeting at 703 Chestnut St., Camden, N. J. from June 1947 to the time it secured its present license?
- "A. Yes but it was from June 1947 to about the Spring of 1949 at which time the club again took over the whole premises.
- "Q. From June 1947 to the Spring of 1949 at which time the club only held its once a month meeting on a Sunday, did anyone else occupy the first floor or second floor of 703 Chestnut St., Camden, N. J.?
- "A. Only as heretofore explained relative to the Elk's Lodge. The premises during the time of June 1947 to 1949 was vacant. When we held our monthly meeting we used Mr. Denbo's table and chairs.
- "Q. Then the club only rented a meeting room once a month from Mr. Denbo from about June 1947 to the Spring of 1949, is that correct?
- "A. Yes, that is correct.
- "Q. Did the club have anything to do with the rooms on the first and second floors during the week and Sunday other than the club's meeting Sunday?
- "A. No."

The secretary's statement contains questions, the answers to which tend to corroborate the answers given to similar questions by the president:

- "Q. Did the Club Esquire, Jr. possess club quarters previous to the time it filed its application for an alcoholic beverage license on November 18, 1949?
- "A. No, but the club held a meeting once a month on the last Sunday in the month from about July 1947 to February 1949. We paid Mr. Denbo \$5 for use of a room at 703 Chestnut Street, Camden, N. J. for one Sunday meeting.

"Q. During the time the club held its Sunday meeting at 703 Chestnut St., Camden, N. J., July 1947 to February 1949 was the premises vacant?

"A. Yes, the place was for rent.

"Q. From July 1947 to February 1949 at which time the club held its Sunday monthly meeting at 703 Chestnut St., Camden, N. J., did the club members have access to the meeting room during the rest of the week?

"A. No, we only rented the room for that particular day. We did not have access to the premises the balance of the week. We only paid \$5 to Mr. Denbo for the meeting day. If we had used the building all the time we would have had to pay Mr. Denbo \$60 a month which we couldn't afford. After we lost our first license we had to give up our club quarters at 703 Chestnut St., Camden, N. J. as we could not afford to pay \$60 a month for rent.

"Q. To your knowledge did Mr. Denbo rent the entire premises at 703 Chestnut St., Camden, N. J. to anyone during the period of July 1947 to February 1949?

"A. Yes, the Elks for a three day period."

I am much more impressed by the truth of the answers made in the said statements during the course of the investigation than the attempted repudiation thereof at the hearing. Moreover, the Club's secretary said at the hearing, in answer to a question by the Division's prosecutor:

"Q. Do you recall being asked by Mr. Miller:

'Question: From July 1947 to February 1949 at which time the club held its Sunday monthly meeting at 703 Chestnut Street, Camden, New Jersey, did the club members have access to the meeting room during the rest of the week?

'Answer: No, we only rented the room for that particular day. We did not have access to the premises the balance of the week. We only paid five dollars to Mr. Denbo for the meeting day. If we had used the building all the time we would have had to pay Mr. Denbo sixty dollars a month which we couldn't afford...'

"Do you recall stating that?

"A. I do.

"Q. Isn't that statement true?

"A. That is true to the fact if we used the upstairs we would have to pay sixty dollars a month.

"Q. You didn't say upstairs, did you?

"A. If we used the upstairs we would have to pay sixty dollars a month.

"Q. Now, you didn't have access to the premises--if you had used the premises for the entire period during the week you would have to pay sixty dollars a month. Did you read the statement before you signed it?

"A. Yes, I read the statement.

"Q. Do you recall also being questioned by Mr. Miller:

'Question: Did the club have anything to do with the rooms on the first and second floors of 703 Chestnut Street, Camden, New Jersey during the week and Sundays other than the club's Sunday meeting room during the time of July 1947 to February 1949?

'Answer: No.'

"Do you recall that answer?

"A. Yes.

"Q. That is true, isn't it?

"A. That's true."

It further appears that the Club had no furniture or fixtures in the building from shortly after June 1947 till after March 1, 1949, from which time on it is apparent that it has had continuous possession. Renting a meeting room one day a month in which to hold a meeting is not the exclusive and continuous possession of club quarters required by the rule. State Regulations No. 7, Rule 4. Cf. Progressive Democratic Club, Bulletin 672, Item 3; North Camden Civic Club, Bulletin 705, Item 13; Twelve Aces Social Club, Bulletin 780, Item 1. Defendant clearly is guilty of Charge 1.

Because of the finding of guilt as to Charge 1, I shall revoke the license. Cf. Re Club Esquire, Jr., supra.

Under the circumstances, I need not determine whether or not defendant is guilty of Charge 2.

Since this is a second revocation, defendant is ineligible to hold or receive a license at any time after the effective date of the order entered herein. R.S. 33:1-31.

Accordingly, it is, on this 21st day of June, 1950,

ORDERED that Club License CB-44, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Club Esquire, Jr., for premises 703 Chestnut Street, Camden, be and the same is hereby revoked, effective 2 a.m., June 25, 1950.

ERWIN B. HOCK
Director.

2. DISCIPLINARY PROCEEDINGS - PLENARY WINERY LICENSEE - SALE OF WINE TO CONSUMERS WHERE LICENSEE DID NOT HAVE ADDITIONAL PRIVILEGE OF SELLING AT RETAIL - FAILURE TO FILE REQUISITE REPORTS WITH BEVERAGE TAX BUREAU, IN VIOLATION OF R.S. 54:45-1 AND R.S. 54:47-3 - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against)

ALEXANDER BOVONE,)
T/a COLES STREET WINERY,)
44 Coles Street,)
Jersey City 2, New Jersey,)

CONCLUSIONS AND ORDER

Holder of Plenary Winery License V-23,)
issued by the Director of the Division)
of Alcoholic Beverage Control.)

Alexander Bovone, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges as follows:

"1. On divers dates during the months of November and December 1949 and March 1950, you sold and distributed approximately 230 gallons of wines not pursuant to and within the terms of your plenary winery license to various persons in New Jersey other than wholesalers or retailers licensed in accordance with the Alcoholic Beverage Law or churches for religious purposes, contrary to R.S. 33:1-10(2)a; in violation of R.S. 33:1-2.

"2. You failed to file with the State of New Jersey, Department of the Treasury, Division of Taxation, Beverage Tax Bureau, requisite reports disclosing the alcoholic beverages manufactured, distributed, transported, stored, warehoused, withdrawn from storage, imported, purchased and sold by you during the months of November and December 1949 and March 1950, in that you filed for those months false reports of activity under your plenary winery license; in violation of R.S. 54:45-1 and R.S. 54:47-3."

Defendant secured his plenary winery license by transfer in May 1948, at which time the license permitted the sale, subject to conditions, of "wine at retail *** for consumption off the licensed premises" for an additional fee of \$100. His license for the 1948-49 license year was renewed with the same retail privilege. However, the license for the current license year, beginning July 1, 1949, does not carry the additional privilege of selling at retail because of the enactment of P.L. 1949, c. 276.

The violations charged here were obviously deliberate. The defendant sought to "cover up" his violations of the law by filing false reports with the Beverage Tax Bureau, a practice specifically prohibited by the provisions of R.S. 54:47-3.

The nature of the violations committed strike at the very foundation of proper liquor control. In view of the aggravating circumstances, I am convinced that the defendant's license should be revoked.

Accordingly, it is, on this 26th day of June, 1950,

ORDERED that Plenary Winery License V-23, issued by the Director of the Division of Alcoholic Beverage Control to Alexander Bovone, t/a Coles Street Winery, 44 Coles Street, Jersey City, be and the same is hereby revoked, effective at 7 a.m., June 29, 1950.

ERWIN B. HOCK
Director.

- 3. DISCIPLINARY PROCEEDINGS - PERMITTING FEMALE EMPLOYEE TO ACCEPT BEVERAGES AT EXPENSE OF CUSTOMERS - SALE FOR OFF-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES IN OTHER THAN ORIGINAL CONTAINER, IN VIOLATION OF R.S. 33:1-2 - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

RALPH GRIPPO,)
T/a UMBRIAGO'S,)
121 Hudson Street,)
Hoboken, New Jersey,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-90, issued by the)
Board of Commissioners of the City)
of Hoboken.)

Leo J. Berg, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

- "1. On Friday, May 5, 1950, you allowed, permitted and suffered Zelma Haricik, a female employed on your licensed premises, to accept beverages at the expense of and as a gift from customers and patrons; in violation of Rule 22 of State Regulations No. 20.
- "2. On Friday, May 5, 1950, at about 12:30 a.m., you sold alcoholic beverages not pursuant to and within the terms of your license as defined by R.S. 33:1-12(1) by selling four 12-ounce bottles of Budweiser beer in other than the original containers for consumption off the licensed premises, in that you opened such containers and thereby destroyed their original characters before making delivery thereof to the purchaser; in violation of R.S. 33:1-2."

The file herein discloses that, while ABC agents were present in defendant's premises during the early morning hours of May 5, 1950, they observed Zelma Haricik accept several drinks at the expense of male customers. Both of the agents purchased glasses of wine for her. On the morning in question, Zelma Haricik was tending bar in defendant's licensed premises.

While the agents were in defendant's premises a customer purchased four twelve-ounce bottles of beer from another bartender. The bartender removed the caps from the bottles before selling them. It is apparent that the bartender knew that the customer made the purchase of the beer for off-premises consumption. The bartender probably knew that the sale of alcoholic beverages in original containers for off-premises consumption was prohibited after 10 p.m. and before

9 a.m. on weekdays by State Regulations No. 38, and that he removed the caps from the bottles in an attempt to avoid a violation of said Regulations. However, under the terms of his license, defendant may sell alcoholic beverages for consumption off the licensed premises only in original containers, and the removal of the cap destroyed the character of the bottle as an original container. Re Slatnick & Weinstein, Bulletin 864, Item 10. I find defendant guilty as charged.

Defendant has no prior adjudicated record. I shall suspend the license for twenty days because of the violation set forth in Charge 1 (Re Arno, Bulletin 830, Item 1). I shall suspend the license for an additional period of fifteen days because of the violation set forth in Charge 2. Remitting five days for the plea will leave a net suspension of thirty days.

Accordingly, it is, on this 21st day of June, 1950,

ORDERED that plenary retail consumption license C-90, issued by the Board of Commissioners of the City of Hoboken to Ralph Grippo, t/a Umbriago's, for premises 121 Hudson Street, Hoboken, be and the same is hereby suspended for the balance of its term, commencing at 2 a.m. June 26, 1950; and it is further

ORDERED that if any license be issued to this licensee, or any other person, for the premises in question, for the 1950-51 licensing year, such license shall be under suspension until 2 a.m. July 26, 1950.

ERWIN B. HOCK
Director.

- 4. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - TRANSPORTATION OF ALCOHOLIC BEVERAGES, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 - SALE OF ALCOHOLIC BEVERAGES BEYOND TERMS OF LICENSE, IN VIOLATION OF R.S. 33:1-2 - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ANNA & NATHAN ROSENBERG,
571 Orange Street,
Newark 7, New Jersey,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-161, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Rosenthal & Gladstone, Esqs., Attorneys for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants plead non vult to charges alleging (1) that they sold alcoholic beverages at retail for a price below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30; (2) that they delivered alcoholic beverages to purchasers in their licensed vehicle bearing transportation insignia, without accompanying bona fide invoices, in violation of Rule 3 of State Regulations No. 17; and (3) that they sold alcoholic beverages in a manner outside the scope and terms of their plenary retail distribution license, in violation of R.S. 33:1-2.

On May 12, 1950, an ABC agent entered a chicken market conducted by Herman Rosenberg at 211 First Street, Elizabeth. Herman Rosenberg is the husband of Anna Rosenberg, one of defendant-licensees, and the father of Nathan Rosenberg, the other defendant-licensee. The agent asked Herman Rosenberg for two 4/5 quart bottles of Schenley whiskey and asked how much the bottles would cost. Herman Rosenberg then called his son, Nathan, at defendants' licensed premises in Newark, and permitted the agent to talk to his son over the telephone. The son, Nathan Rosenberg, quoted a price of \$7.80 for the two bottles, and told the agent that the bottles would be at the chicken market in Elizabeth whenever the agent called for them. On the following day the agent again entered the chicken market and received the two bottles from Herman Rosenberg after paying him the sum of \$7.80. Further investigation revealed that the bottles had been sent from the licensed premises in Newark to the chicken market in Elizabeth in defendants' licensed vehicle, but that they were not accompanied by any invoice as required by Rule 3 of State Regulations No. 17.

The minimum consumer price on said date for the whiskey in question was \$4.04 a 4/5 quart, and, hence, it is clear that his sale of two quarts for \$7.80 constituted a violation of Rule 5 of State Regulations No. 30.

It is also clear that the delivery of the alcoholic beverages was made without accompanying bona fide invoices as required by Rule 3 of State Regulations No. 17.

It may well be that the acceptance of the order received over the telephone by Nathan Rosenberg at licensed premises in Newark was permissible under the terms of the license held by defendants herein. However, it appears that the alcoholic beverages were delivered to unlicensed premises in Elizabeth and delivered from said premises to the purchaser upon the payment of the purchase price. Such delivery constitutes a sale. R.S. 33:1-1(w). From the facts herein it appears that the sale was made at unlicensed premises. R.S. 33:1-26 provides that the operation and effect of every license is confined to the licensed premises, and hence, I conclude that the sale was made in a manner outside the scope and terms of defendants' plenary retail distribution license.

Defendants have no prior adjudicated record. I shall suspend the license for ten days on each of the three charges, Re Kinney Wine & Liquor, Inc., Bulletin 878, Item 6; Re Foerster, Bulletin 846, Item 7, making a total of thirty days. Remitting five days for the plea will leave a net suspension of twenty-five days.

The suspension, which becomes effective on July 6, 1950, will operate against the renewal license issued to the defendants for the next licensing year. See State Regulations No. 16.

Accordingly, it is, on this 27th day of June, 1950,

ORDERED that Plenary Retail Distribution License D-161, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Anna & Nathan Rosenberg, for premises 571 Orange Street, Newark, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 9 a.m., July 6, 1950, and terminating at 9 a.m., July 31, 1950.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

FOUR TOWER'S, INC.)
T/a THE TOWERS)
1027 Pompton Avenue)
Cedar Grove, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-7, issued by the Board of Commissioners of the Township of Cedar Grove.)

Anthony Giuliano, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 28 of State Regulations No. 20.

On March 9, 1950, an inspector employed by the Alcohol Tax Unit, Internal Revenue Service, Treasury Department, examined forty bottles of alcoholic beverages on defendant's premises and seized a 4/5 quart bottle labeled "Canadian Club Blended Canadian Whisky" when field tests indicated that the contents thereof were not genuine as labeled. Subsequent analysis by a Federal chemist disclosed that the contents of the seized bottle were not genuine as labeled.

Defendant has no previous adjudicated record. I shall, therefore, suspend defendant's license for a minimum period of fifteen days, less five days' remission for the plea entered herein, leaving a net suspension of ten days. Re Weaver, Bulletin 851, Item 1.

The suspension, which becomes effective on July 3, 1950, will operate against the renewal license if issued to defendant, or against the license if transferred to any other person for the next licensing year. See State Regulations No. 16.

Accordingly, it is, on this 27th day of June, 1950,

ORDERED that any renewal for the 1950-51 licensing period of Plenary Retail Consumption License C-7, issued to Four Tower's, Inc., t/a The Towers, or any other person for premises 1027 Pompton Avenue, Cedar Grove, New Jersey, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:30 a.m., July 3, 1950, and terminating at 2:30 a.m., July 13, 1950.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against

ABE COHEN AND JEROME HIRSCHBERG, 773 Bergen Street, Newark 8, New Jersey,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-69, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Richard E. Seley, Esq., Attorney for Defendant-licensees. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded guilty to a charge alleging that they sold, served and delivered alcoholic beverages to a minor at their licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on the evening of Tuesday, May 23, 1950, PFC Carmen — —, eighteen years of age, entered defendants' premises and purchased from Jerome Hirschberg, one of the licensees, a pint bottle of Imperial whiskey. It further appears that no inquiry was made by the licensee, or by anyone else in the licensed premises, respecting the age of the minor.

In an attempt to mitigate the violation, defendants allege that the minor to whom the sale was made was in uniform and was not youthful in appearance. These facts do not excuse the violation because, admittedly, the minor was under the age of twenty-one years and no attempt is made to set up a defense under the provisions of R.S. 33:1-77.

Defendants have no prior adjudicated record. I shall suspend the license for a period of ten days. Remitting five days for the plea will leave a net suspension of five days.

The suspension, which becomes effective on July 3, 1950, will operate against the renewal license if issued to defendants, or against the license if transferred to any other person for the next licensing year. See State Regulations No. 16.

Accordingly, it is, on this 22nd day of June, 1950,

ORDERED that any renewal for the 1950-51 licensing period of plenary retail distribution license D-69, issued to Abe Cohen and Jerome Hirschberg, or any other person for premises 773 Bergen Street, Newark, be and the same is hereby suspended for a period of five (5) days, commencing at 9 a.m. July 3, 1950, and terminating at 9 a.m. July 8, 1950.

ERWIN B. HOCK Director.

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

In the Matter of Disciplinary Proceedings against

PARKER WINE & LIQUOR STORES INC.,
751 Bergen Avenue,
Jersey City 6, New Jersey,

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Distribution License D-10, issued by the Board of Commissioners of the City of Jersey City.

Defendant-licensee, by Fred Schwartz, Secretary-Treasurer.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

On June 3, 1950, the licensee, through its secretary-treasurer, sold three 4/5 quart bottles of Kinsey Gold Label Blended Whiskey to an ABC agent for the total sum of \$11. The minimum consumer price for the said beverage, as listed in the then current "List of Minimum Resale Prices", effective April 1, 1950, was \$3.99 per 4/5 quart, making the minimum resale price for the three bottles \$11.97.

Defendant has no prior adjudicated record. I shall suspend the license for ten days. Remitting five days for the plea will leave a net suspension of five days. Re Kinney Wine & Liquor, Inc., Bulletin 878, Item 6.

The suspension, which becomes effective on July 3, 1950, will operate against the renewal license if issued to defendant, or against the license if transferred to any other person for the next licensing year. See State Regulations No. 16.

Accordingly, it is, on this 26th day of June, 1950,

ORDERED that any renewal for the 1950-51 licensing period of Plenary Retail Distribution License D-10, issued to Parker Wine & Liquor Stores Inc., or any other person for premises 751 Bergen Avenue, Jersey City, be and the same is hereby suspended for a period of five (5) days, commencing at 9 a.m., July 3, 1950, and terminating at 9 a.m., July 8, 1950.

ERWIN B. HOCK
Director.

8. MORAL TURPITUDE - CRIME OF OPERATING A STILL SUBSEQUENT TO REPEAL INVOLVES MORAL TURPITUDE.

DISQUALIFICATION - LENGTHY CRIMINAL RECORD - APPLICATION TO LIFT DENIED.

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

CONCLUSIONS
AND ORDER

Case No. 850.

BY THE DIRECTOR:

In 1938 petitioner, convicted in a Federal District Court for "Conspiracy to Violate Internal Revenue Liquor Laws", was sentenced to 18 months in a Federal Penitentiary. Released therefrom, he was arrested and on May 22, 1940, after being found guilty of a violation of the Federal Internal Revenue Laws, i.e., Conspiracy to Operate Unregistered Still, sentenced by a Federal District Court to a term of two months in a County Jail. In August 1942, he was arrested and charged with "Conspiracy to Possess Still and Manufacture Liquor", in violation of Federal law. Sentenced by a Federal District Court to 15 months and a fine of \$700, he served his term in a Federal Penitentiary and was released on a "Poor Convict's Oath" in July 1944.

Prior to 1944, petitioner was arrested several times as "an undesirable" or under a "habitual criminal" ordinance, for which he usually paid a fine or "left town". He was arrested in 1948 on a charge of Aiding and Abetting Operation of a Gambling House (Horse Room). This charge was nolle prossed by a New Jersey Criminal Court on February 1, 1949.

A conviction for operating a still since Repeal is a conviction of a crime involving moral turpitude, within the meaning of R.S. 33:1-25,26. Cf. Re Case No. 601, Bulletin 779, Item 7.

Petitioner, prior to 1942, operated a ballroom business in Newark. After his release from the Federal Penitentiary in 1944 he worked as partner and then manager in an amusement enterprise in New Jersey; then started a recording business and managed a singer, also in New Jersey.

Although petitioner has not been convicted of a crime within the past five years, in view of the length and nature of his record since Repeal, I am not satisfied that his association with the alcoholic beverage industry will not be contrary to the public interest. I shall, therefore, deny petitioner relief.

Accordingly, it is, on this 28th day of June, 1950,

ORDERED that the petition herein be denied.

ERWIN B. HOCK
Director.

9. DISCIPLINARY PROCEEDINGS - EFFECTIVE DATE FIXED FOR SUSPENSION PREVIOUSLY IMPOSED UPON REOPENING OF BUSINESS.

In the Matter of Disciplinary Proceedings against

BUENA VISTA HOTEL CO. OF BELMAR, T/a BUENA VISTA HOTEL PAN-AMERICAN BAR, 105-107 Second Avenue, Belmar, New Jersey,

ORDER

Holder of Seasonal Retail Consumption License CS-7, issued by the Board of Commissioners of the Borough of Belmar.

BY THE DIRECTOR:

It appearing that by Order dated October 19, 1949, the license held by the above named defendant, for the period from May 1 to November 1, 1949, was suspended for fifteen days, and that subsequent order was to be entered fixing the suspension period after defendant obtained a renewal of said license for the period commencing May 1, 1950 (Re Buena Vista Hotel Co., Bulletin 858, Item 1), and

It further appearing that defendant has obtained a renewal of its license subject to the imposition of the suspension heretofore imposed, and that defendant's premises have been reopened for business;

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

ORDERED that seasonal retail consumption license CS-7, for the period from May 1 to November 1, 1950, issued by the Board of Commissioners of the Borough of Belmar to Buena Vista Hotel Co. of Belmar, t/a Buena Vista Hotel Pan-American Bar, for premises 105-107 Second Avenue, Belmar, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2 a.m. June 16, 1950, and terminating at 2 a.m. July 1, 1950.

ERWIN B. HOCK Director.

10. DISCIPLINARY PROCEEDINGS - EFFECTIVE DATE FIXED FOR SUSPENSION PREVIOUSLY IMPOSED UPON REOPENING OF BUSINESS.

In the Matter of Disciplinary)
Proceedings against)

JACK YOCHES,)
T/a NEW ATLANTIC HOTEL,)
240-250 Ocean & Pavilion Aves.,)
Long Branch, New Jersey,)

O R D E R

Holder of Seasonal Retail Consump-)
tion License CS-3, issued by the)
Board of Commissioners of the City)
of Long Branch.)

BY THE DIRECTOR:

It appearing that by Order dated September 26, 1949, the license held by the above named defendant, for the period from May 1 to November 1, 1949, was suspended for ten days, and that subsequent order was to be entered fixing the suspension period after defendant obtained a renewal of said license for the period commencing May 1, 1950 (Re Yoches, Bulletin 855, Item 3), and

It further appearing that defendant has obtained a renewal of his license and that defendant's premises have been reopened for business;

It is, on this 20th day of June, 1950,

ORDERED that Seasonal Retail Consumption License CS-3, for the period from May 1 to November 1, 1950, issued by the Board of Commissioners of the City of Long Branch to Jack Yoches, t/a New Atlantic Hotel, for premises 240-250 Ocean & Pavilion Aves., Long Branch, be and the same is hereby suspended for a period of ten (10) days, commencing at 3 a.m. June 21, 1950, and terminating at 3 a.m. July 1, 1950.

ERWIN B. HOCK
Director.

11. DISCIPLINARY PROCEEDINGS - EFFECTIVE DATE FIXED FOR SUSPENSION PREVIOUSLY IMPOSED UPON REOPENING OF BUSINESS.

In the Matter of Disciplinary Proceedings against)

VERSAILLES ENTERPRISES, INC.,)
 T/a THE VERSAILLES HOTEL,)
 412 Ocean Avenue,)
 Long Branch, New Jersey,)

O R D E R

Holder of Seasonal Retail Consumption License CS-10, issued by the Board of Commissioners of the City of Long Branch.)
 -----)

BY THE DIRECTOR:

It appearing that by Order dated September 6, 1949, the license held by the above named defendant for the period from May 1 to November 1, 1949, was suspended for five days, and that by subsequent order dated September 14, 1949, the effective dates of said suspension were to be fixed by subsequent order because it appeared that defendant's premises were then closed; and

It further appearing that defendant has obtained a renewal of its license and that defendant's premises have been reopened for business;

It is, on this 22nd day of June, 1950,

ORDERED that Seasonal Retail Consumption License CS-10, for the period from May 1 to November 1, 1950, issued by the Board of Commissioners of the City of Long Branch to Versailles Enterprises, Inc., t/a The Versailles Hotel, for premises 412 Ocean Avenue, Long Branch, be and the same is hereby suspended for a period of five (5) days, commencing at 3 a.m. June 26, 1950, and terminating at 3 a.m. July 1, 1950.

ERWIN B. HOCK
 Director.

12. STATE LICENSES - NEW APPLICATIONS FILED.

Perfection Distributors, Inc.
 23 Downing St.
 Newark, N. J.

Application filed June 30, 1950 for transfer of State Beverage Distributor's License SBD-214 from James W. Shannon, 120 First Ave., Atlantic Highlands, N. J.

P. Donohue & Sons, Inc.
 N/W Cor. Essex St. & Penna.-Reading Seashore Line
 or 511 Essex St.
 Gloucester City, N. J.

Application filed June 30, 1950 for transfer of Limited Wholesale License WL-74 from Perfection Distributors, Inc., 23 Downing Street, Newark, New Jersey.

ERWIN B. HOCK
 Director

- 13. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES AND FAILURE TO KEEP LICENSED PREMISES CLOSED DURING PROHIBITED HOURS, IN VIOLATION OF MUNICIPAL REGULATIONS - FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW, IN VIOLATION OF MUNICIPAL REGULATIONS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against FRED WILLIAM SCHMIDT, 144 Washington Street, Paterson 1, New Jersey, Holder of Plenary Retail Consumption License C-286 for the 1949-50 and 1950-51 licensing periods, issued by the Board of Alcoholic Beverage Control of the City of Paterson.

CONCLUSIONS AND ORDER

Fred William Schmidt, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that he (1) sold alcoholic beverages on his licensed premises between the hours of 3 a.m. and 3:30 a.m., on Sunday, May 14, 1950; (2) failed to have his licensed premises closed during said hours; and (3) failed during said hours to keep the interior of his licensed premises open to public view from the outside thereof; all in violation of an existing local regulation.

At about 3:30 a.m., on Sunday, May 14, 1950, an ABC agent entered defendant's licensed premises and observed six men sitting at the bar with drinks in front of them. The agent was served with a glass of beer by the bartender. Immediately thereafter, another ABC agent entered the licensed premises and both he and the one who had previously entered made known their identity to the bartender. The bartender admitted making the sale and service of the beer to the ABC agent at 3:30 a.m. Municipal regulations prohibit the sale of alcoholic beverages on Sundays, between the hours of 3 a.m. and 1 p.m., and provide that during said hours the entire licensed premises must be closed (exceptions are not pertinent hereto), and that during said hours the entire interior of licensed premises shall be kept open to public view from the outside thereof. There was no such view afforded until about 3:35 a.m. when a door, approximately 2' x 3' in size, in a panel in the show window was opened from the inside.

Defendant has no prior adjudicated record. Therefore, I shall suspend the license for fifteen days on charges (1) and (2) and add five days for charge (3). Re Vitrone, Bulletin 661, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Although this proceeding was instituted during the 1949-50 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1950-51. State Regulations No. 16.

Accordingly, it is, on this 5th day of July, 1950,

ORDERED that Plenary Retail Consumption License C-286, issued for the 1950-51 licensing period by the Board of Alcoholic Beverage Control of the City of Paterson to Fred William Schmidt, for premises 144 Washington Street, Paterson, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3 a.m., July 12, 1950, and terminating at 3 a.m., July 27, 1950.

Erwin B. Hock

ERWIN B. HOCK,
Director.