

41 Sheffield St.
Jersey City, 5, N. J.
STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 923

JANUARY 17, 1952.

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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 923

JANUARY 17, 1952.

1. <u>ACTIVITY REPORT FOR DECEMBER 1951</u>	
ARRESTS:	
Total number of persons arrested	30
Licensees and employees	1
Bootleggers	29
SEIZURES:	
Motor vehicles - cars	3
Stillis - over 50 trucks	3
Mash - gallons	250.00
Distilled alcoholic beverages - gallons	48.21
Wine - gallons	4.38
Brewed malt alcoholic beverages - gallons	39.70
RETAIL LICENSEES:	
Premises inspected	623
Premises where alcoholic beverages were gauged	793
Bottles gauged	13,350
Premises where violations were found	134
Violations found	144
Type of violations found:	
Unqualified employees	10
Reg. #38 sign not posted	2
Disposal permit necessary	2
Gambling devices	1
Other violations	129
STATE LICENSEES:	
Premises inspected	19
License applications investigated	2
COMPLAINTS:	
Complaints assigned for investigation	543
Investigations completed	577
Investigations pending	105
LABORATORY:	
Analyses made	117
Refills (from licensed premises) - bottles	2
Bottles from unlicensed premises	11
IDENTIFICATION BUREAU:	
Criminal fingerprint identifications made	27
Persons fingerprinted for non-criminal purposes	129
Identification contacts made with other enforcement agencies	112
Motor vehicle identifications via N. J. State Police Teletype	2
DISCIPLINARY PROCEEDINGS:	
Cases transmitted to municipalities	13
Violations involved:	
Sale during prohibited hours	6
Sale to minors	6
Sale to non-members by clubs	1
Cases instituted at Division	12
Violations involved:	
Fraud and front	1*
Sale below minimum resale price	4
Sale to minors	2
Permitting immoral activity on premises	2
Employing unqualified persons	2
Possessing illicit liquor	2
Permitting hostesses on premises	1
Permitting lottery activity (raffle)	1
Retailer bottling without license	1
Sale to non-members by club	1
Furthering illegal activity	1
Permitting female impersonator on premises	1
Sale beyond scope of license	1
*Includes cancellation proceedings (licensee not bona fide club)	
Cases brought by municipalities on own initiative and reported to Division	9
Violations involved:	
Sale to minors	6
Sale during prohibited hours	1
Permitting hostesses on premises	1
Permitting immoral activity on premises	1
Furthering illegal activity	1
Permitting bookmaking on premises	1
Employing unqualified person	1
Conducting business as a nuisance	1
Retailer soliciting passersby	1
HEARINGS HELD AT DIVISION:	
Total number of hearings held	31
Appeals	2
Disciplinary proceedings	12
Eligibility	8
PERMITS ISSUED:	
Total number of permits issued	709
Employment	137
Social affairs	176
Solicitors	39
Special wine	114
Disposal of alcoholic beverages	101
Miscellaneous	142

Dated: January 2, 1952.

ERWIN B. HOCK, DIRECTOR

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

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surren- dered Expired	Number Licen- ses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	488	\$ 204,000.00	71	\$ 25,212.50	18	\$ 1,674.73						577	\$ 230,887.23
Bergen	812	305,720.00	297	79,627.00	78	7,402.66	55	\$ 2,409.02	5	\$ 1,318.88	4	1243	396,477.56
Burlington	186	72,275.00	30	8,850.00	36	5,150.00	1	25.00				253	86,300.00
Camden	456	218,500.00	82	31,425.00	66	8,220.13			1	375.00	1	604	258,520.13
Cape May	133	65,750.00	11	3,700.00	16	1,700.00						160	71,150.00
Cumberland	81	34,800.00	13	3,500.00	30	4,060.00						124	42,360.00
Essex	1377	759,305.56	350	203,850.00	99	13,362.96	33	1,650.00				1859	978,168.52
Gloucester	107	33,700.00	13	2,950.00	14	1,597.40						134	38,047.40
Hudson	1557	675,054.00	299	118,310.00	75	9,056.72	69	2,942.74				2000	805,363.46
Hunterdon	76	25,100.00	6	1,787.50	6	700.00						88	27,587.50
Mercer	425	257,400.00	51	20,800.00	53	7,449.18			1	102.50	1	529	285,751.68
Middlesex	633	300,043.21	72	21,820.00	73	6,770.78	5	250.00				783	328,883.99
Monmouth	543	277,807.22	117	39,971.37	31	3,633.15	10	390.45	28	12,321.79	28	701	334,123.98
Morris	353	121,700.21	97	29,871.25	42	4,133.33	13	946.71	6	1,229.40	6	505	157,880.90
Ocean	193	104,417.15	44	17,835.00	15	1,909.16						252	124,161.31
Passaic	878	359,680.00	167	51,328.08	36	4,420.42	11	512.50				1092	415,941.00
Salem	50	18,944.52	7	1,300.00	15	1,270.82			1	262.50	1	72	21,777.84
Somerset	185	75,140.00	38	10,189.00	19	2,399.46						242	87,728.46
Sussex	170	45,137.88	19	3,555.00	9	532.40	1	50.00	1	225.00	1	199	49,500.28
Union	546	288,021.23	142	57,150.00	64	7,165.68	29	1,475.00				781	353,811.91
Warren	148	41,905.00	18	3,257.50	30	2,941.92			2	257.60	2	196	48,362.02
Totals	9397	\$4,284,400.98	1944	\$736,289.20	825	\$95,350.90	227	\$ 10,651.42	45	\$16,092.67	44	12394	\$5,142,485.17

ERWIN B. HOCK, Director.

Respectfully submitted,

John H. Michelson, Deputy Director.

3. APPELLATE DECISIONS - NEU v. IRVINGTON.

LOUIS NEU, t/a NEU'S CAFE,)

Appellant,)

-vs-

BOARD OF COMMISSIONERS OF THE)
TOWN OF IRVINGTON,)

Respondent.)

ON APPEAL
CONCLUSIONS AND ORDERDultz, Miller & Zeller, Esqs., by Herman E. Dultz, Esq., Attorneys
for Appellant.
Matthew Krafte, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from the action of respondent, taken on June 26, 1951, whereby it found appellant guilty of two charges in disciplinary proceedings and suspended the plenary retail consumption license which he then held for a period of ninety days effective June 30, 1951, at 7:00 a.m. Appellant's licensed premises are located at 765 Springfield Avenue, Irvington.

Upon the filing of this appeal an order was entered by me on June 28, 1951, staying the effect of respondent's order of suspension until the entry of a further order herein. R.S. 33:1-31.

The charges herein allege that:

"1. That on March 15, 1951, you allowed, permitted and suffered lewdness and immoral activity, and foul, filthy and obscene conduct in or about your licensed premises in violation of Rule 5 of State Regulations 20 heretofore promulgated by the Director of the Division of Alcoholic Beverage Control, which rule provides:

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

"2. That on March 15, 1951, you did violate Revised Statutes of New Jersey, 33:1-35, in that you did hinder and delay or caused the hindrance and delay in the investigation, examination and inspection of your licensed premises upon the demand of a police officer of the Town of Irvington, by causing your licensed premises to be locked and the entrance barred while in use and refusing admittance or causing admittance to said premises to be refused to an officer or officers of the Police Department of the Town of Irvington upon demand."

Appellant has moved to strike Paragraph 2 of the Answer filed herein substantially on the grounds that it contains immaterial, impertinent, scandalous and indecent matter. However, Rule 4 of State Regulations No. 15 provides that the Answer filed by the respondent issuing authority shall include a statement of the grounds for its action. Paragraph 2 of the Answer complies with the provisions of said Rule. The motion is, therefore, denied. Of course, the Answer is not considered as evidence in the case.

The evidence herein discloses that on the evening of March 15 1951, certain members of the Newark Police Department observed men leaving a building located on Springfield Avenue, Newark, and proceeding to appellant's tavern at 765 Springfield Avenue, Irvington. One of the officers communicated by telephone with Deputy Police Chief Graef of the Irvington Police Department. As a result, the Deputy Chief of Police, accompanied by detectives, a police officer in uniform and other officials arrived at appellant's premises at approximately 10:35 p.m. The Chief knocked on the outer door which was locked. A man came to the outer door but did not open it although the persons on the outside announced that they were members of the Police Department and one of the party was in uniform. The man who was inside the door stated that "This is a closed party, private party" and hurried back into the building. One of the detectives then broke the glass on the outer door and reached in but was unable to unlock the door. Thereupon the detective broke a window with a crowbar and some of the party entered. Appellant, who was behind the bar, tossed a key to one of the police officers who opened the front door and admitted the rest of the party. The police officers proceeded through the barroom to a rear dining-room which was filled with men. Subsequently, in the ladies' room, they found a number of girls in theatrical costumes and placed the girls under arrest.

The evidence also discloses that, earlier on the evening in question, a veterans' organization had held a meeting at its regular meeting-rooms located in the building on Springfield Avenue, Newark. Circulars had previously been sent out to the members announcing that an affair would be held that evening at the premises in Newark. After the members arrived at the meeting place, they were then told (apparently for the first time) that the affair would be held at appellant's premises. Tickets reading as follows:

"Annual Gala Event - Turkey Dinner and T.V. Entertainment -
Educational - Speakers Forum - Subject: Atomic Body Reaction"

were then sold at \$6.00 apiece. It seems to have been well understood that the affair was for men only. It was while these members and their friends were proceeding from the meeting-rooms in Newark to appellant's premises that they were observed by the Newark Police who telephoned the Irvington authorities.

A turkey dinner was served at appellant's premises, and about 10:00 p.m. the entertainment began. There is much testimony as to the character of the entertainment which was presented before the police arrived. Approximately twenty-four of the men who attended the affair were called as witnesses by either appellant or respondent and asked to describe the various acts presented, but some of the witnesses admitted that they had not seen the entire performance. However, after reviewing all of the testimony, I am satisfied that, while many of the acts were unobjectionable, at least one was definitely a "strip tease" which followed the usual routine and terminated as the entertainer removed a spangled bra, leaving her attired only in a flesh-colored bra and panties. This conclusion is supported by the testimony of at least ten of the patrons, one of whom was appellant's own witness. One witness testified that at one time during the evening everyone was complaining that the show was no good, and that the mistress of ceremonies said it would get better.

Appellant contends that nothing immoral or lewd took place during the entire evening. He stresses the admitted fact that at no time was any female entertainer "fully unclothed". A performance of that character would, of course, warrant an outright revocation of the license. Krump v. Caldwell, Bulletin 507, Item 4. However, on the evidence presented herein I am satisfied that the "strip tease" dance was immoral and lewd. The late Commissioner Burnett, in Re Turner, Bulletin 214, Item 10, in discussing the use of "so-called net gauze over the dancer's skin", said:

"Whatever has the appearance of evil and is separated from it only by a 'so-called net gauze' is not fit for taverns."

In Commonwealth v. Hildebrand, 11 A. 2nd 688, the Superior Court of Pennsylvania, in affirming disciplinary action against a liquor licensee where a performer had executed a "strip tease act", said:

"The question involved is not whether the performer was entirely nude, but whether the appearance of nudity, accompanied by public disrobing, was a suggestive and improper form of entertainment."

The Court then concluded that said entertainment was "lewd, immoral and improper". In Re Schneider, 12 N. J. Super. 449 (decided March 26, 1951), the Court says:

"The object manifestly inherent in the rule with which we are here concerned (Rule 5 of State Regulations No. 20) is primarily to discourage and prevent not only lewdness, fornication, prostitution but all forms of licentious practices and immoral indecency on the licensed premises. The primary intent of the regulation is to suppress the inception of any immoral activity, not to withhold action until the actual consummation of the apprehended evil.

"'Immorality' is not necessarily confined to matters sexual in nature. In a given context, the word may be construed to encircle acts which are contra bonos mores, inconsistent with rectitude and the standards of conscience and good morals."

I have already ruled that the "strip tease" and other similar exhibitions have no place on licensed premises. See Re DiAngelo, Bulletin 753, Item 4.

The only other questions to be considered are whether appellant "allowed, permitted and suffered" the violation set forth in Charge 1, and whether he "did hinder and delay or caused the hindrance and delay in the investigation" as set forth in Charge 2.

The evidence herein shows that the entertainers were hired from a New York theatrical agency by the veterans' association and not by appellant. The facts in the case of Guastamachio v. Brennan (Supreme Court of Errors of Connecticut) 23 A (2) 140, were very similar to the facts herein. In that case the Court said:

"In the present case, the fact that the immoral performance was conducted on the permittee's premises by those there by his authority, establishing as it does the plaintiff's failure to take effectual measures to prevent it, constituted a violation of Sect. 9 of the Commission's regulations, whether or not the permittee or the substitute permittee had knowledge of it or was negligent in his supervision. The responsibility for making effective this prohibition rested upon the permittee."

As I said in Re DiAngelo, supra:

"***the licensee cannot 'pass the buck' by attempting to place the blame on a booking agent. See Re Peabody, Bulletin 177, Item 9. He is responsible for the proper conduct of his licensed premises and must see to it that the exhibitions which he permits thereon are entirely within the law and regulations."

See also Re Paton, Bulletin 898, Item 3, and Re Schneider, supra.

Appellant admits that he had given the key of the front door to a member of the veterans' association as early as 9:00 p.m., and that the door had been locked from that time until the police arrived, except for a few times when the door was unlocked to admit members and their friends. Appellant, who then had the key, was behind the bar when the police were denied admittance after identifying themselves to the aforementioned member who had been permitted to act as door-tender by appellant.

Under the rules relating to appeals, the burden of establishing that the action of the Board (respondent) was erroneous and should be reversed rests with the appellants. Rule 6 of State Regulations No. 15. They have failed to carry such burden. Therefore, the action of respondent in finding appellant guilty as to both charges is affirmed.

The penalty, while severe, is not excessive under the facts of the case, and the action of respondent in suspending appellant's license for ninety days is also affirmed.

The license held by appellant at the time the suspension was imposed by respondent has expired and has been renewed for the present licensing year. The order of suspension to be imposed herein shall apply to the renewed license. Rule 3 of State Regulations No. 16.

Accordingly, it is, on this 3rd day of January, 1952,

ORDERED that the action of respondent be and the same is hereby affirmed; and it is further

ORDERED that my order dated June 28, 1951, shall be vacated, effective at 2:00 a.m. January 15, 1952, and that Plenary Retail Consumption License C-31, for the 1951-52 licensing year, issued by the Board of Commissioners of the Town of Irvington to Louis Neu, t/a Neu's Cafe, for premises 765 Springfield Avenue, Irvington, be suspended for a period of ninety (90) days, commencing at 2:00 a.m. January 15, 1952, and terminating at 2:00 a.m. April 14, 1952.

ERWIN B. HOCK
Director.

4. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - PERMITTING ACT OF VIOLENCE AND A DISTURBANCE ON LICENSED PREMISES - SALE TO NON-MEMBERS - GAMBLING - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

TRENTON AERIE #100 FRATERNAL
ORDER OF EAGLES
124 and rear of 126 N. Warren St.
Trenton 8, N. J.,

CONCLUSIONS
AND ORDER

Holder of Club License CB-310, issued
by the Director of the Division of
Alcoholic Beverage Control.

Foster M. Voorhees III, 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 charges which allege, in substance, that it (1) permitted an act of violence and a disturbance on its licensed premises, in violation of Rule 5 of State Regulations No. 20; (2) sold and served alcoholic beverages to persons not bona fide members or bona fide guests of a member of the defendant club, in violation of Rule 8 of State Regulations No. 7; and (3) allowed, permitted and suffered gambling on its licensed premises, in violation of Rule 7 of State Regulations No. 20.

On August 9, 1951, a member of the Fraternal Order of Eagles, who was not a member of Trenton Aerie #100, was set upon by three then officers of the defendant club on the licensed premises and severely beaten.

On the night of October 20-21, 1951, agents of the Division entering defendant club premises without question or hindrance were served several bottles of beer. Said agents were not members of the defendant club or of the Fraternal Order of Eagles.

On the same occasion the agents observed five men playing "rummy" for small stakes, and five men playing "poker" for stakes. While there is some suspicion that the club was participating in these games by cutting the pot for the house, the evidence thereof is not conclusive. I will give the defendant the benefit of the doubt.

Defendant has advised me that the former officers of the club have been removed and replaced by new officers and that steps have been taken to exclude from the clubhouse persons who are not members or bona fide guests of members.

In the absence of a prior adjudicated record, I shall suspend the license for a period of 35 days. Remitting 5 days because of the plea will leave a net suspension of 30 days.

Accordingly, it is, on this 28th day of December, 1951,

ORDERED that Club License CB-310, issued by the Director of the Division of Alcoholic Beverage Control to Trenton Aerie #100 Fraternal Order of Eagles, 124 and rear of 126 N. Warren Street, Trenton, be and the same is hereby suspended for a period of thirty (30) days, commencing at 2:00 a.m. January 7, 1952, and terminating at 2:00 a.m. February 6, 1952.

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

THE ROUNDERS CAFE
469 Route 17
Paramus, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-26, issued by the
Mayor and Council of the Borough
of Paramus.

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Defendant-licensee, by Rose Otter, President.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage
Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that it pos-
sessed on its licensed premises an alcoholic beverage in a bottle
bearing a label which did not truly describe its contents, in viola-
tion of Rule 27 of State Regulations No. 20.

On November 15, 1951, an ABC agent tested 82 opened bottles of
alcoholic beverages on defendant's premises and seized one 4/5 quart
bottle labeled "Canadian Club Blended Canadian Whisky 90.4 Proof"
when his field test indicated that the contents thereof were not gen-
uine as labeled. Subsequent analysis by the Division chemist dis-
closed that the contents of the seized bottle varied substantially in
solids and color from the contents of a genuine bottle of the same
product and, hence, I conclude that the contents of the seized bottle
were not genuine as labeled.

At the time of the seizure the President of defendant corpora-
tion and the bartender both denied any knowledge of any refilling or
tampering with the contents of the seized bottle. Nevertheless, licen-
sees are responsible for any "refills" found upon their licensed
premises.

Defendant has no prior adjudicated record. Under the circum-
stances I shall suspend defendant's license for the minimum period of
fifteen days, less five days' remission for the plea, leaving a net
suspension of ten days. Re Piasecki, Bulletin 919, Item 7.

Accordingly, it is, on this 28th day of December, 1951,

ORDERED that Plenary Retail Consumption License C-26, issued by
the Mayor and Council of the Borough of Paramus to The Rounders Cafe,
for premises 469 Route 17, Paramus, be and the same is hereby suspen-
ded for ten (10) days, commencing at 3:00 a.m. January 7, 1952, and
terminating at 3:00 a.m. January 17, 1952.

ERWIN B. HOCK
Director.

6. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

ABRAHAM USLANDER
182 Elmora Avenue
Elizabeth 2, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-
bution License D-7, issued by the
Municipal Board of Alcoholic
Beverage Control of the City of
Elizabeth.

Joseph L. Brescher, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage
Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold an alcoholic beverage at retail at less than its price as listed in the minimum consumer resale pricelist then in effect, in violation of Rule 5 of State Regulations No. 30.

On October 30, 1951, an ABC agent purchased from the defendant-licensee on said defendant-licensee's premises one case (12 bottles) of Schenley Reserve Blended Whiskey for \$60.00. The licensee gave the agent one extra quart bottle of the said whiskey without any additional charge therefor. The statute defines "sale" as, among other things, "the gratuitous delivery or gift of any alcoholic beverage by any licensee". R.S. 33:1-1(w). Clearly, the defendant sold thirteen bottles of the whiskey for \$60.00. The minimum price for this item as listed in the then current "Complete List of New Jersey Minimum Consumer Resale Prices of Alcoholic Beverages" was \$4.99 per quart, with a permissive discount of five per cent. on case lots, thus establishing the sum of \$56.89 as the minimum resale price of the case. Adding thereto the price of \$4.99 for an additional bottle, upon which no discount is permissible, makes a total of \$61.88 as the minimum resale price of the thirteen bottles.

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 Rosenberg, Bulletin 882, Item 10.

Accordingly, it is, on this 28th day of December, 1951,

ORDERED that Plenary Retail Distribution License D-7, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Abraham Uslander, for premises 182 Elmora Avenue, Elizabeth, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. January 7, 1952, and terminating at 9:00 a.m. January 12, 1952.

ERWIN B. HOCK
Director.

7. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

PHILIP LIPPITT and MILTON)
APPLEBAUM)
Stelton Road & Lakeside Avenue)
Piscataway Township)
P.O. New Market, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-)
tion License C-4, issued by the)
Township Committee of Piscataway)
Township.)

Philip Lippitt and Milton Applebaum, Defendant-licensees, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on Saturday morning, November 24, 1951, an employee of defendants sold and served alcoholic beverages to two members of the military forces, 19 and 20 years of age, respectively.

Defendants have no prior adjudicated record. In the absence of aggravating circumstances, I shall suspend the license for a period of ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Barr, Bulletin 828, Item 4.

Accordingly, it is, on this 3rd day of January, 1952,

ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of Piscataway Township to Philip Lippitt and Milton Applebaum, Stelton Road & Lakeside Avenue, Piscataway Township, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. January 14, 1952, and terminating at 2:00 a.m. January 19, 1952.

ERWIN B. HOCK
Director.

8. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED.
FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

FRANK Di RUGGIERO)
T/a THREE STAR BAR & GRILL)
89 Speedwell Avenue)
Morristown, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-22, issued by the)
Board of Aldermen of the Town of)
Morristown.)

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Michael P. Danna, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on Friday, November 30, 1951, an employee of defendant sold and served alcoholic beverages to two minors, 18 and 19 years of age, respectively.

Defendant has no previous adjudicated record. In the absence of aggravating circumstances, I shall suspend the license for a period of ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Bennett, Bulletin 720, Item 13.

Accordingly, it is, on this 3rd day of January, 1952,

ORDERED that Plenary Retail Consumption License C-22, issued by the Board of Aldermen of the Town of Morristown to Frank Di Ruggiero, t/a Three Star Bar & Grill, 89 Speedwell Avenue, Morristown, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. January 14, 1952, and terminating at 2:00 a.m. January 19, 1952.

ERWIN B. HOCK
Director.

9. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - SALES TO NON-MEMBERS -
LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
RIDGEFIELD WORLD WAR VETERANS)
ASSOCIATION, INC.)
540 Shaler Boulevard)
P.O. Box 302, Ridgefield, N.J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-150, issued)
by the Director of the Division of
Alcoholic Beverage Control.)

Defendant-licensee, by J. Siddons Neville, President.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage
Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it
sold, served and delivered alcoholic beverages to persons who were
not bona fide members or bona fide guests of a member, in violation
of Rule 8 of State Regulations No. 7.

On November 17, 1951, two agents of the State Division of Alco-
holic Beverage Control, neither of whom was a member or the guest of
a member of defendant association, entered defendant's premises and
purchased from a person acting as bartender alcoholic beverages which
they partly consumed before identifying themselves.

Defendant has no prior adjudicated record. I shall suspend the
license for the minimum period of fifteen days, less five days for
the plea; making a net suspension of ten days. Re Joyce Kilmer Post
No. 25, American Legion, Bulletin 898, Item 9.

Accordingly, it is, on this 3rd day of January, 1952,

ORDERED that Club License CB-150, issued by the Director of the
Division of Alcoholic Beverage Control to Ridgefield World War
Veterans Association, Inc., for premises 540 Shaler Boulevard,
Ridgefield, be and the same is hereby suspended for ten (10) days,
commencing at 3:00 a.m. January 14, 1952, and terminating at 3:00
a.m. January 24, 1952.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

ANDREW GORCICA
T/a ANDY'S LIQUOR STORE
93 Wallington Avenue
Wallington, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-
bution License D-1, issued by the
Mayor and Council of the Borough
of Wallington.

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Andrew Gorcica, Defendant-licensee, Pro Se.

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold an alcoholic beverage at retail at less than its price as listed in the minimum consumer resale price list then in effect, in violation of Rule 5 of State Regulations No. 30.

On November 30, 1951, an ABC agent purchased from the licensee's wife, who was then acting as clerk at the licensed premises, a pint bottle of Schenley Reserve Blended Whiskey for \$2.75. The minimum price for this whiskey as listed in the then current "Complete List of New Jersey Minimum Consumer Resale Prices of Alcoholic Beverages" was \$2.77 per pint.

Defendant has no prior adjudicated record. Under the circumstances, the license will be suspended for the minimum period of ten days, less five days for the plea, making a net suspension of five days. Re Wilson's Liquor Store Inc., Bulletin 920, Item 14.

Accordingly, it is, on this 8th day of January, 1952...

ORDERED that Plenary Retail Distribution License D-1, issued by the Mayor and Council of the Borough of Wallington to Andrew Gorcica, t/a Andy's Liquor Store, for premises 93 Wallington Avenue, Wallington, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. January 14, 1952, and terminating at 9:00 a.m. January 19, 1952.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

ROSE E. SHORTMAN and ANDREW)

SHORTMAN)

T/a SHORTMAN'S REST'NT)

131-137 Wagaraw Road)

Hawthorne, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-18, issued by the Board of Commissioners of the Borough of Hawthorne.)

Peter Calcia, Esq., Attorney for Defendant-licensees.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulations No. 20.

On November 28, 1951, an ABC agent, in the course of a routine inspection of defendants' licensed premises, seized one 4/5 quart bottle labeled "Old Grand Dad Kentucky Straight Bourbon Whiskey 100 Proof Bottled in Bond" when his field tests disclosed a variance between the label thereon and the contents thereof. Subsequent analysis by the Division chemist disclosed facts which lead me to conclude that said bottle bore a label which did not truly describe its contents.

Defendants have no previous adjudicated record. I shall suspend the license for fifteen days -- the minimum suspension in such cases. Re Rudolph, Bulletin 680, Item 1. Remitting five days because of the plea will leave a net suspension of ten days.

Accordingly, it is, on this 9th day of January, 1952,

ORDERED that Plenary Retail Consumption License C-18, issued by the Board of Commissioners of the Borough of Hawthorne to Rose E. Shortman and Andrew Shortman, t/a Shortman's Rest'nt, for premises 131-137 Wagaraw Road, Hawthorne, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. January 14, 1952, and terminating at 3:00 a.m. January 24, 1952.

ERWIN B. HOCK
Director.

12. DISCIPLINARY PROCEEDINGS - CHARGE OF ALLEGED LEWDNESS AND IMMORAL ACTIVITIES DISMISSED - UNQUALIFIED EMPLOYEE (NON-RESIDENT) - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

IRVING SCHNUR
40 Westfield Avenue
Elizabeth 3, N. J.,

Holder of Plenary Retail Consump-
tion License C-240 for the 1950-51
and 1951-52 licensing years, issued
by the Municipal Board of Alcoholic
Beverage Control of the City of
Elizabeth, and transferred during
the pendency of these proceedings to

CONCLUSIONS
AND ORDER

WONDER BAR, a corporation,
for the same premises.

Saul C. Schutzman, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The following charges were preferred against the defendant:

"1. On Friday night, March 16, 1951, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises in that a female entertainer performed in a lewd, indecent and immoral manner and sang a song having obscene, indecent, filthy, lewd, lascivious, disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulations No. 20.

"2. On Friday night, March 16, 1951, and on divers days prior thereto, you knowingly employed on your licensed premises, Claudia Elizabeth Wheeler, a non-resident of New Jersey who had not obtained a requisite employment permit from the Director of the Division of Alcoholic Beverage Control; in violation of Rule 4 of State Regulations No. 13."

Defendant pleaded not guilty to charge (1) and non vult to charge (2).

As to the contested charge, it appears that on Friday night, March 16, 1951, two ABC agents entered the defendant's tavern shortly after 10:00 p.m. There were about 35 patrons in the premises, some at a large oval-shaped bar and others at booths. The agents seated themselves at the bar and watched a television program then in progress. At about 10:30 p.m., shortly after the television set had been turned off, a three-piece band appeared on a bandstand located in the center of the oval bar. The band played three popular songs, with one member doing the "vocals". Then, at about 10:37 p.m., a female performer, introduced as "Claudia", appeared on the bandstand attired in a strapless evening gown with a bustle in the back. She sang about six songs over the bandstand microphone and, during her performance, she also engaged in bodily movements described as "bumps", "grinds" and "shimmies". She concluded her performance at about 11:00 p.m.

Although the words of her songs were nominally inoffensive, strong question arises as to whether Claudia, in performing her "bumps" and "grinds" and similar motions, colored or invested some of the songs with a double and indecent meaning. On careful review, I conclude that the evidence is insufficient to warrant a finding of guilt against the licensee on this issue. Hence I must dismiss the first charge.

However, it is not amiss here to point out that licensees who tolerate performances which border on the indecent "double entendre" are playing with fire. It is frequently a short step from the sidelines into the flame. The wise licensee will not permit any entertainer to give even a doubtful performance on his premises.

As to the second charge, to which the defendant has pleaded non vult, it appears that the above Claudia was and is a non-resident of this state. Hence, she was ineligible for employment at licensed premises in New Jersey unless first obtaining a requisite employment permit from this Division. The defendant had the clear duty of ascertaining whether she had the necessary permit and, in employing her without such permit, he violated Rule 4 of State Regulations No. 13. Also see R.S. 33:1-26.

The defendant has a prior adjudicated record. Effective February 26, 1946, the license, then in the name of Ruth and Irving Schnur, was suspended for ten days by the local issuing authority for sale of alcoholic beverages to minors. Since that suspension occurred more than five years before the present violation and was for a dissimilar offense, the past record will not be taken into account in fixing penalty herein. See Re Surf Club, Bulletin 919, Item 9.

Accordingly, I shall suspend the license for five days, less two for the plea, leaving a net of three days. Cf. Re Tersigni, Bulletin 595, Item 1.

Pending these proceedings, which were instituted during the 1950-51 licensing term, the license was renewed for the present 1951-52 term and such renewal license was transferred to a new holder, Wonder Bar, a corporation. By reason of State Regulations No. 16, these proceedings and penalty herein remain fully effective against the current license in the hands of the transferee.

Accordingly, it is, on this 7th day of January, 1952,

ORDERED that Plenary Retail Consumption License C-240 for the 1951-52 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Irving Schnur for premises 40 Westfield Avenue, Elizabeth, and transferred to Wonder Bar, a corporation, for the same premises, be and the same is hereby suspended for a period of three (3) days, commencing at 2:00 a.m. January 14, 1952, and terminating at 2:00 a.m. January 17, 1952.

ERWIN B. HOCK
Director.

13. STATE LICENSES - NEW APPLICATIONS FILED.

Tony Jiannantino, t/a T. J. Beverage
2086 Hudson Street, Fort Lee, N. J.

Application filed January 7, 1952 for State Beverage Distributor's License.

Holloway's Ltd., 321 Beverly Drive, Beverly Hills, California.

Application filed January 14, 1952 for Plenary Wholesale License.

Moore's Trucking Co., 1426 West Front St., Plainfield, N.J.

Application filed January 14, 1952 for Transportation License.

New Jersey State Library

Erwin B. Hock
Director.