

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 5, N. J.

BULLETIN 1126

AUGUST 14, 1956.

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STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd., Newark 5, N. J.

BULLETIN 1126

AUGUST 14, 1956.

1. APPELLATE DECISIONS - SOLEK v. BELLEVILLE.

EDWIN W. SOLEK, trading as )  
BELLEVILLE HITCHING POST, )  
 )  
Appellant, ) On Appeal  
v. )  
BOARD OF COMMISSIONERS OF THE ) CONCLUSIONS and ORDER  
TOWN OF BELLEVILLE, )  
 )  
Respondent. )

-----

Chester K. Ligham, Esq., Attorney for Appellant.  
Lawrence E. Keenan, Esq., Attorney for Respondent.

BY THE DIRECTOR:

Appellant appeals from respondent's action whereby it suspended his plenary retail consumption license for thirty days, effective March 31, 1956, after finding him guilty of a charge alleging that he sold an alcoholic beverage to Leo ---, a minor, and permitted the consumption of such beverage by said minor in his licensed premises, in violation of Rule 1 of State Regulations No. 20. Appellant's premises are located at 200-212 Mill Street, Belleville.

Upon the filing of this appeal an order was entered on March 26, 1956, staying respondent's order of suspension until entry of a further order herein. R.S. 33:1-31.

The petition of appeal alleges, in substance, that the action of respondent was erroneous in that the evidence submitted in support of the charge did not tend to prove guilt beyond a reasonable doubt and that said evidence was not sufficient to sustain the burden of proof.

At the hearing held herein Leo --- testified that on Christmas night 1955 (at which time he was 18 years of age) he and Carl --- entered appellant's licensed premises at about 7 p.m. He further testified that "we had two beers" which were served by Caesar Manaro (the bartender) who did not ask him for "identification cards to show his age;" that, although Carl --- stayed only a few minutes, he remained on the premises until about 7:30 p.m. Carl --- (17 years of age) testified that on Sunday night, December 25, 1955, he entered appellant's premises with Leo ---; that they sat at the end of the bar; that "we had a couple of beers" which were served by Caesar Manaro, who did not ask for an identification card, and that he left the premises within about fifteen minutes. In the disciplinary proceedings instituted by respondent, appellant herein was not charged with selling an alcoholic beverage to Carl --- or permitting him to consume such beverage in his premises.

On behalf of appellant, Caesar Manaro testified that he is a part-time bartender in appellant's licensed premises. He admitted that he was behind the bar on December 25, 1955; that the two young men entered about 7 p.m. and sat at the bar; that six other patrons were seated "more or less at the other end of the bar towards the front of the building." He further testified that the young men ordered a glass of beer; that he asked for identification; that they showed him a draft card and that he told them he could serve them only "cokes." He denies that he served beer to them and says he served them two "cokes." Henry Rinaldi and Lester Robinson testified that they were patrons in appellant's premises when the two young men entered about 7 p.m., and that the bartenders served them only "cokes." It was stipulated at the hearing that the bar in appellant's premises is about forty feet long.

Disciplinary proceedings are civil and not criminal in nature, and it is sufficient that the guilt of the licensee be proved by a preponderance of the evidence. Re Gahr, Bulletin 377, Item 7; Benedetti v. Board of Commissioners of Trenton, 35 N.J. Super. 30 (App. Div. 1955). Although Leo --- admitted on cross-examination that, later on the same evening, he had some drinks in another tavern and was subsequently involved in an unfortunate auto accident, I believe his testimony as to the purchase and consumption of beer in appellant's premises. His testimony was substantially corroborated by Carl ---. In the Hearer's Report submitted in this case he sets forth that "The two patrons who testified for appellant were seated quite a distance away from the young men." In the exceptions filed to said Report the attorney for appellant alleges that "The testimony of Rinaldi clearly indicated he actually saw the infants drinking cokes and not beers and that he went down to the end of the bar where they were sitting and played the Juke Box so that he actually saw what they were drinking."

I have reviewed the testimony of Henry Rinaldi and find that he testified that, on the evening in question, he was seated at the far end of the bar with Mr. Robinson and his family. I do not believe that either Henry Rinaldi or Lester Robinson, while seated at the far end of the bar, could determine whether the minors were drinking beer or coke. It is true that Henry Rinaldi testified that he once left his seat to play the juke box and that, as he passed the minors, he noticed they were drinking cokes. However, I am not impressed by this testimony because no reason appears why he should have paid any particular attention to the type of drink being consumed by the minors while he was passing them on his way to the juke box. I conclude that the evidence herein is sufficient to sustain the finding of guilt. Tumulty v. Dunellen, Bulletin 1024, Item 3; Glagola v. Newark, Bulletin 1098, Item 3.

Appellant has no prior record since he obtained a transfer of the license from Belleville Hitching Post Corp. in July 1955. However, appellant was a stockholder of said corporation and its license was suspended by me for fifteen days, effective August 31, 1954, after it pleaded non vult to a charge of selling to minors. See Bulletin 1031, Item 5. Under the circumstances, the penalty imposed herein was not excessive. I shall affirm the action of respondent.

Accordingly, it is, on this 16th day of July, 1956,

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

ORDERED that the thirty-day suspension of appellant's plenary retail consumption license C-26, for premises 200-212 Mill Street, Belleville, heretofore imposed by respondent, be and the same is hereby reimposed to commence at 2 a.m. July 23, 1956, and terminating at 2 a.m. August 22, 1956.

WILLIAM HOWE DAVIS,  
Director

2. APPELLATE DECISIONS - SOLEK v. BELLEVILLE (AMENDED ORDER).

EDWIN W. SOLEK, trading as )  
BELLEVILLE HITCHING POST, )

Appellant, )

v. )

On Appeal

BOARD OF COMMISSIONERS OF THE )  
TOWN OF BELLEVILLE, )

Respondent. )

AMENDED ORDER

Chester K. Ligham, Esq., Attorney for Appellant.  
Lawrence E. Keenan, Esq., Attorney for Respondent.

BY THE DIRECTOR:

On July 16, 1956, I entered an order herein affirming respondent's action whereby it suspended appellant's license for thirty days and reimposing said suspension to commence at 2 a.m. July 23, 1956. Appellant has requested, in writing, that the commencement of the suspension be postponed until 2 a.m. August 1, 1956. Sufficient reason appearing why the request should be granted,

It is, on this 18th day of July, 1956,

ORDERED that the Conclusions and Order heretofore entered herein be and the same are hereby amended as follows:

"ORDERED that the thirty-day suspension of appellant's plenary retail consumption license C-26, for premises 200-212 Mill Street, Belleville, heretofore imposed by respondent, be and the same is hereby reimposed to commence at 2 a.m. August 1, 1956, and terminate at 2 a.m. August 31, 1956."

WILLIAM HOWE DAVIS,  
Director

3. DISCIPLINARY PROCEEDINGS (Paterson) - LEWDNESS AND IMMORAL ACTIVITIES (FEMALE IMPERSONATORS - INDECENT ACTIONS AND LANGUAGE) - PRIOR RECORD - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against )

ADELE KACZKA, t/a New York Bar, 20 Cross Street, Paterson, N. J., )

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-281 for the 1955-56 and 1956-57 licensing periods, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

ORDER

Duffy & Ruggiero, Esqs., by Vincent C. Duffy, Esq., Attorneys for Defendant-Licensee. Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charge:

"On January 20, 22, 27 and 28, 1956, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance in that you allowed, permitted and suffered female impersonators and persons who appeared to be homosexuals in and upon your licensed premises; allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises; and otherwise conducted your place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20."

At the hearing herein four ABC agents testified, in substance, that on the dates set forth in the charge two or more of them visited defendant's licensed premises wherein they observed a number of male patrons who conducted themselves in an effeminate manner. Two of the males displayed an unnatural affection for each other; others indulged in salacious remarks attributable to deviates; and one, when importuned by the others, rendered a lewd parody on a popular song. The agents testified further that the aforesaid repulsive activities were carried on within visual and audible distance of either the bartender or licensee, and that when the licensee was apprised of the degenerate propensities of her patrons, she remarked "I try to stop them. I even stopped them from going to the men's room together."

Defendant, her bartender, and her former female bartender, testified that they neither heard nor saw the reported misconduct of the patrons on the dates charged, although the licensee admitted, in substance, making the remarks testified to by the agents. Reviewing the testimony adduced at the hearing, the repetition of most of which would serve no useful purpose, and considering the argument of defendant's attorney at the oral argument held herein, I find the defendant guilty as charged.

Defendant has a most unenviable prior record. When the license was in the name of defendant and Angelina C. Trobiano, I suspended it for 180 days, effective April 30, 1955, on charges that the licensees (1) allowed, permitted and suffered female impersonators in and upon the licensed premises, in violation of Rule 4 of State Regulations No. 20; (2) allowed, permitted and suffered lewdness and immoral activity on the licensed premises and the licensed place of business to be conducted in such a manner as to become a nuisance in that they permitted numerous persons who appeared to be homosexuals to frequent and congregate on the licensed premises and there conduct themselves in a manner offensive to common decency and public morals, in violation of Rule 5 of State Regulations No. 20 (said charge being similar to the charge in the instant case); and (3) employed a female bartender in violation of local regulation. Re Kaczka & Trobiano, Bulletin 1063, Item 1. Additionally, when the licensee herein was secretary and 50% shareholder of a corporate license, that license was suspended by the local issuing authority for four days, effective October 17, 1949, for an "hours" violation; and again by a former Director for 90 days, effective January 3, 1950, for (1) hostess activity; (2) "hours" violation, and (3) failure to display license certificate (Re Lucky Strike Club Tavern & Restaurant, Inc., Bulletin 863, Item 9).

Manifestly, defendant has not learned her lesson. The suspension imposed against defendant and her partner, Angelina C. Trobiano, which commenced April 21, 1955, did not terminate until October 27, 1955. Re Kaczka & Trobiano, *supra*. In that case I said:

"The situation disclosed by the record cannot be tolerated. As I pointed out in Re Polka Club, Inc., Bulletin 1045, Item 6, and Re Lloyd, Bulletin 1045, Item 7, 'rigid enforcement of the regulations, the violation of which forms the basis of the charges herein, is essential to the preservation of decency and the protection of the public morals which demand a severe penalty in this case', and 'degradation and depravity which constitute so serious a threat to the public welfare and morals, will not be tolerated upon the licensed premises and ... such premises cannot be permitted to become havens for deviates or persons of low morality.'"

Despite that warning so recently given, defendant permitted the conduct hereinabove described less than three months after resuming business under her license. Such a callous disregard for law and order, common decency and her responsibilities as a licensee will not be countenanced.

A liquor license is a mere privilege, Paul v. Gloucester County, 50 N.J.L. 585 (E. & A. 1888); Mazza v. Cavicchia, 15 N.J. 498 (1954) and, as Judge Freund, speaking for the court in Benedetti v. Trenton, 35 N.J. Super. 30, 35 (1955), said:

"In the public interest, the right to prescribe the conditions under which intoxicants may be sold is practically limitless."

Judge Jayne, speaking for the court in Re 17 Club, Inc., 26 N.J. Super. 43, 52 (App. Div. 1953), said:

"The governmental power extensively to supervise the conduct of the liquor business and to confine the conduct of that business to reputable licensees who will manage it in a reputable manner has uniformly been accorded broad and liberal judicial support."

Under all of the circumstances in this case, and particularly in view of defendant's prior record, it is obvious that she has failed completely to meet or even approach the minimum standards which the public has a right to expect from licensees. The only proper and justifiable penalty in this case is revocation of the license.

Accordingly, it is, on this 18th day of July 1956,

ORDERED that Plenary Retail Consumption License C-281, issued for the 1956-57 licensing period by the Board of Alcoholic Beverage Control for the City of Paterson to Adele Kaczka, t/a New York Bar, 20 Cross Street, Paterson, be and the same is hereby revoked, effective immediately.

WILLIAM HOWE DAVIS,  
Director.

4. PRACTICES DESIGNED UNDULY TO INCREASE CONSUMPTION - "PROFANITY CLUB" DISAPPROVED.

July 5, 1956.

Hillcrest, Inc.,  
Woodbridge Township, N. J.

From a recent investigation it appears that you have been conducting a so-called "no profanity club" at your tavern.

From an explanation given by one of your officers and the report of investigation, it appears that printed cards bearing a number and the legend "Hillcrest Inn Profanity Club" are issued by you to regular patrons; that a five-gallon glass jug, with a bell and cord, is kept on the back bar; that, when a patron uses bad language, the bell is rung by the bartender, whereupon the patron puts a sum of money as a "fine" into the jug; that a printed sign over the bowl advertises that the "1st Annual Clambake" of the club is to be held; and that those attending the clambake may have all the beer and soda they can drink.

Plans of this nature have long been disapproved on liquor licensed premises as being "come-on" sales promotions and as practices designed to unduly increase the consumption of alcoholic beverages. Re Sabatucci, Bulletin 356, Item 5; cf. Re White-Lowell Company, Inc., Bulletin 346, Item 9.

Furthermore, the public might gather the erroneous impression that your patrons are permitted to indulge in profanity upon your licensed premises so long as they are willing to pay the price. Of course, as you know, licensees may not allow, permit or suffer profane language upon licensed premises. Rule 5 of State Regulations No. 20.

Accordingly, I hereby specially rule that, if you have not already done so, you immediately dissolve the "Hillcrest Inn Profanity Club" and cease and desist from any such scheme on your

licensed premises in the future.

Violation of the special ruling will be cause for suspension or revocation of your license.

You are directed to acknowledge receipt of this special ruling by letter signed by your president or vice-president and to pledge future compliance with such ruling.

Very truly yours,

WILLIAM HOWE DAVIS,  
Director.

5. DISCIPLINARY PROCEEDINGS (Ridgewood) - SALE 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 )

RIDGEWOOD WINE & LIQUOR CO.,  
45-47 Franklin Avenue,  
Ridgewood, New Jersey, )

CONCLUSIONS

AND

Holder of Plenary Retail Distribution License D-8, issued by the Board of Commissioners of the Village of Ridgewood. )

ORDER

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Ridgewood Wine & Liquor Co., Defendant-Licensee, by James P. Pastras, President.  
Dora P. Rothschild, 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 less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulations No. 30.

The file herein discloses that on May 4, 1956, an ABC agent visited defendant's licensed premises wherein he purchased a 1/2-gallon bottle of "Schenley Reserve Blended Whiskey" from James Pastras, president of the corporate licensee, after being informed by Pastras that "The price went up, I'm not allowed to sell it cheaper than \$11.00 but we can make the deal, just between ourselves. The ABC won't let me sell it cheaper but we'll do it quietly, nobody has to know about it, you can have it at the old price." The agent paid \$9.98 with marked currency, left with the merchandise, and was joined by a fellow-agent. Both agents returned to the licensed premises, identified themselves to Pastras and recouped from the register the marked money used for the purchase. The minimum resale price then in effect of the article in question was \$11.00. Pastras refused to give a voluntary signed statement.

Defendant has no prior adjudicated record. I shall suspend its license for the minimum period of ten days and

remit five days for the plea entered herein, leaving a net suspension of five days. Re Levine, Bulletin 1104, Item 8.

Accordingly, it is, on this 21st day of June 1956,

ORDERED that any renewal for the 1956-57 licensing year or transfer of Plenary Retail Distribution License D-8, issued by the Board of Commissioners of the Village of Ridgewood to Ridgewood Wine & Liquor Co., 45-47 Franklin Avenue, Ridgewood, be and the same is hereby suspended for a period of five (5) days, commencing at 9 a.m., July 9, 1956, and terminating at 9 a.m., July 14, 1956.

WILLIAM HOWE DAVIS,  
Director

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

In the Matter of Disciplinary Proceedings against )

LOUIS SALSBERG & JACOB FRIEDENBERG, t/a Golden Moon Cafe, Route 39 (206) & Chambers Corner, Springfield Township, PO Mount Holly, New Jersey, )

CONCLUSIONS

AND

ORDER

Holders of Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Springfield (Burlington County). )

-----  
Ann Schmerling-Salsberg, Attorney for Defendant-Licensees.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to a minor, and permitted said minor to consume such beverages in their licensed premises, in violation of Rule 1 of State Regulations No. 20.

Acting upon information received from the Fort Dix Provost Marshal's office, an ABC agent obtained a sworn statement from AM2 Merlin --- (20 years of age). In his statement, the minor says that on the evening of May 18, 1956, he was served and drank "whiskey and coke" on defendants' licensed premises. He said that he was unable to identify the bartender who served him, and said that the bartender did not question him as to his age. A member of the Military Police and a member of the Air Police witnessed the service and consumption on defendants' licensed premises.

Defendants have no prior record. The minimum penalty imposed for sale to a twenty-year-old minor is ten days (Re 236 Broad Avenue, Inc., Bulletin 1109, Item 7). I shall suspend defendants' license for ten days and remit five days for the plea herein, leaving a net suspension of five days.

Accordingly, it is, on this 25th. day of June 1956,

ORDERED that any renewal for the 1956-57 licensing year or transfer of Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Springfield (Burlington County), to Louis Salsberg & Jacob Friedenber, t/a Golden Moon Cafe, for premises at Route 39 (206) & Chambers Corner, Springfield Township, be and the same is hereby suspended for five (5) days, commencing at 7 a.m., July 9, 1956, and terminating at 7 a.m., July 14, 1956.

WILLIAM HOWE DAVIS,  
Director

7. DISCIPLINARY PROCEEDINGS (Passaic) - SALE TO MINORS -  
LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary	)	
Proceedings against	)	
	)	
CLUB TICO TICO, INC.,	)	CONCLUSIONS
t/a Club Tico Tico,	)	
327 Passaic Street,	)	AND
Passaic, New Jersey,	)	
	)	
Holder of Plenary Retail Consumption	)	ORDER
License C-15, issued by the Board of	)	
Commissioners of the City of Passaic.)	)	

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

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that it sold, served and delivered alcoholic beverages to two minors and allowed the consumption of such beverages by said minors in and upon its licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that at about 10:30 p.m., Friday, May 25, 1956, ABC agents who were in defendant's licensed premises observed an adult male and two females who were apparently minors enter and seat themselves in a booth near the bar. The adult male went to the bar and ordered a whiskey and soda and a rum and coke from the bartender, who carried the order to the booth and placed a drink in front of each female. When the agents saw the girls consume some of the beverages they identified themselves and obtained signed sworn statements from Frances --- (age 18) and Ellamae --- (age 19). Both stated that they were served the aforesaid beverages by the bartender who made no inquiry as to their ages.

Defendant has no prior adjudicated record. The usual penalty heretofore imposed for an unaggravated sale of alcoholic beverages to two minors, eighteen and nineteen years of age, was ten days. Re Goldsmith, Bulletin 1076, Item 5. However, on January 16, 1956, I announced that the penalty in such cases would be increased by five days. Re Increased Penalties, Bulletin 1095, Item 1. Since the violation herein occurred after that announcement, I shall suspend defendant's license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 26th day of June 1956,

ORDERED that any renewal for the 1956-57 licensing year or transfer of Plenary Retail Consumption License C-15, issued by the Board of Commissioners of the City of Passaic to Club Tico Tico, Inc., t/a Club Tico Tico, 327 Passaic Street, Passaic, be and the same is hereby suspended for a period of ten (10) days, commencing at 3 a.m., July 9, 1956, and terminating at 3 a.m., July 19, 1956.

WILLIAM HOWE DAVIS,  
Director

8. DISCIPLINARY PROCEEDINGS (Stillwater) - ILLEGAL SITUATION CORRECTED - PRIOR SUSPENSION FOR BALANCE OF TERM LIFTED.

In the Matter of Disciplinary Proceedings against	)	
	)	
Hotel Holiday; Inc.,	)	
t/a Hotel Holiday,	)	
Fairview Lake Road from Five Points Corner,	)	On Petition
Stillwater Township,	)	
PO RD2 Newton, New Jersey,	)	
	)	O R D E R
Holder of Plenary Retail Consumption License C-9, issued by the Township Committee of the Township of Stillwater.)	)	

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Mackerley and Friedman, Esqs., Attorneys for Defendant-licensee.

BY THE DIRECTOR:

On May 14, 1956, I suspended the license held by the above named defendant for the balance of its term, effective at 2 a.m. May 18, 1956, after it had pleaded non vult to charges alleging that it had made false statements in its application for license and had aided and abetted Frank Palma (not mentioned in said application as a stockholder) to exercise the rights and privileges of its successive licenses. It was further ordered that, in the event the illegal situation was corrected, leave would be given to make application to me to lift the aforesaid suspension but that no order to that effect would become effective prior to June 27, 1956 (Re Hotel Holiday, Inc., Bulletin 1118, Item 3).

It appears from a verified petition filed herein by Ida Palma and Frank Palma that, after the entry of the aforesaid orders, forty-five shares of stock of defendant corporation were issued to Ida Palma, forty-five shares to Frank Palma and ten shares to Robert Barbieri. It further appears that Ida Palma and Frank Palma have made application to the Board of Elections of Sussex County, New Jersey, to be registered as legal voters in said county, and that their bona fide and true residence has now been established at Hotel Holiday (the address of which is set forth above).

It thus appearing that the illegal situation has been corrected,

It is, on this 28th day of June, 1956,

ORDERED that plenary retail consumption license C-9 be restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS,  
Director

- 9. DISQUALIFICATION REMOVAL PROCEEDINGS - TWENTY-TWO YEARS GOOD CONDUCT - APPLICANT HELD TO HAVE ACTED IN GOOD FAITH IN FAILING TO DISCLOSE CONVICTIONS IN APPLICATIONS FOR LICENSE - APPLICATION TO LIFT DISQUALIFICATION GRANTED.

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

CONCLUSIONS  
 AND  
 ORDER

Case No. 1288

----- )

BY THE DIRECTOR:

On January 4, 1932 petitioner, who was seventeen years of age at the time, was arrested and charged with atrocious assault and battery and burglary. He pleaded guilty to the charges and was sentenced to a county prison for ninety days. The operation of the sentence was suspended and petitioner was placed on probation for one year.

On April 25, 1934, when the petitioner was eighteen years of age, he was again arrested on a charge of statutory rape and subsequently pleaded non vult to the charge. He was sentenced to a county prison for a period of six months, the operation of which sentence was suspended and he was placed on probation for eighteen months and fined \$50. The prosecutor of the county wherein petitioner appeared reports that petitioner and two other men pleaded non vult at the same time to statutory rape, that the girl involved was fifteen years of age; that her reputation was bad; that she admitted she was not forced into the sexual act; and that she was thereafter sent to a home for wayward girls.

It appears questionable whether the conviction of statutory rape, under the circumstances herein, involves the element of moral turpitude. However, assuming that it does involve moral turpitude, petitioner is, nevertheless, because of the exemplary life he has lived for twenty-two years, apparently entitled to the relief which he seeks in this proceeding.

Petitioner produced three character witnesses, one of whom is employed as an investigator in a prosecutor's office and who has known petitioner for twenty years; a newspaper publisher who has known petitioner for twelve years; and a certified public accountant who has known petitioner ten years. All of these witnesses testified that petitioner bears a good reputation in the community in which he lives for being a law-abiding person. The police department of the municipality wherein petitioner resides has advised that there are no complaints or investigations presently pending involving the petitioner.

Normally, I would conclude that petitioner has been leading an honest and law-abiding life for at least five years last past, warranting removal of any disqualification resulting from conviction of crime involving moral turpitude. What gives

me slight pause is that, while apparently disqualified, he has held a liquor license for the past nine years. When questioned by the Hearer concerning this, petitioner testified that, because of his age when he ran afoul of the law and since so many years had elapsed, he was of the opinion that he was a juvenile offender and was not aware of his disqualification. Ignorance of the law would not excuse him if this were a criminal or disciplinary proceeding, but knowledge of the law is not a necessary ingredient of the good faith essential in these rehabilitation proceedings. Re Case No. 61, Bulletin 338, Item 2. I believe petitioner and because of his good record since 1934 will lift his present disqualification.

Accordingly, it is, on this 5th day of July 1956,

ORDERED that petitioner's statutory disqualification because of the convictions described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31

WILLIAM HOWE DAVIS,  
Director

10. SEIZURE - FORFEITURE PROCEEDINGS - ILLICIT STILL IN BUNGALOW AND MOTOR VEHICLE ON PREMISES - HOUSEHOLD ELECTRICAL APPLIANCES RETURNED TO INNOCENT OWNER - PADLOCKING WAIVED - CLAIM OF INNOCENT LIENOR RECOGNIZED - ILLICIT STILL AND OTHER PROPERTY ORDERED FORFEITED.

In the Matter of the Seizure on )  
February 4, 1956 of a still, other )  
articles and a Chevrolet sedan on )  
premises owned by Vincent Torres, )  
located on Route No. 206, south of )  
Red Lion Circle, in Tabernacle )  
Township, County of Burlington and )  
State of New Jersey. )

On Hearing

CONCLUSIONS and ORDER

Philip C. Daniels, Jr., Esq., Attorney for Vincent Torres.  
Cobbin and Farr, Esqs., by William R. Farr, Esq., Attorneys for  
Central-Penn National Bank of Philadelphia.  
William F. Wood, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapters 1 and 2, Revised Statutes of New Jersey to determine whether a still, appurtenant equipment, a Chevrolet sedan and other personal property, described in a schedule attached hereto, seized on February 4, 1956 on premises owned by Vincent Torres, located on Route No. 206, south of Red Lion Circle Tabernacle Township, New Jersey, constitute unlawful property and should be forfeited, and, further, to determine whether the premises should be padlocked.

When the matter came on for hearing, pursuant to R.S. 33:1-66 and R.S. 33:2-4, an appearance was entered on behalf of Vincent Torres, who sought return of various articles hereinafter described and also sought to avoid padlocking. An appearance was also entered on behalf of Central-Penn National Bank of Philadelphia which sought recognition of its alleged lien on the Chevrolet sedan. No one opposed forfeiture of the balance of the property seized.

ABC agents discovered in the basement of a four-room bungalow on the premises a large still with a capacity for producing a considerable quantity of alcoholic beverages. There were about 7500 gallons of mash in vats and a quantity of alcohol in the receiving tank. There were 28 empty five-gallon cans and one can with about a gallon of alcohol. Part of the still extended to the upper floors of the bungalow. Steam used in the operation of the still was furnished by a boiler about 42 inches in diameter and 7 feet in height which apparently had been brought into the basement by removing part of the foundation of the bungalow.

The still was not registered with the Director of the Division of Alcoholic Beverage Control as required by R.S. 33:2-1. ABC agents seized the still, alcohol and other personal property in the bungalow. They also seized the Chevrolet sedan which was parked in the yard of the premises in the rear of the dwelling. Three men were arrested in the premises, including Louis Lipschutz of 1910 No. 31st Street, Philadelphia, the registered owner of the motor vehicle.

The alcohol in the receiving tank was analyzed by the Division's chemist who reports that it is fit for beverage purposes with an alcoholic content by volume of 90.7 per cent.

The still is illicit because it was not registered, as aforesaid, and the alcohol is illicit because it was illegally manufactured without payment of the tax on alcoholic beverages. Such illicit still, illicit alcohol, and all personal property seized therewith on the premises, including the Chevrolet sedan, constitute unlawful property and are subject to forfeiture and the premises are subject to padlocking. R.S. 33:1-1(i) and (y); R.S. 33:1-2; R.S. 33:1-66; R.S. 33:2-2,5.

The seized property included an electric range, a television set, a Kenmore automatic washing machine, a Norge dryer, a kitchen table and six chairs. These are items which Vincent Torres seeks to have returned. I have the discretionary authority to order such return if he establishes to my satisfaction that he acted in good faith and did not know or have any reason to suspect that an illicit still was in the bungalow. R.S. 33:1-66(f); R.S. 33:2-7. Padlocking of the premises is likewise entrusted to my discretion. R.S. 33:2-5.

Vincent Torres asserts that he rented the bungalow furnished on December 15, 1955 after he brought his family to live with him in Dover, Delaware, where he is employed for an indefinite period and that he had no knowledge whatsoever of the presence of the still in such bungalow. Without reviewing in detail the testimony presented, the highlights therein are that his brother, with the knowledge of Vincent Torres, ostensibly leased the place to one Harry Morton of Chester, Pennsylvania, by the terms of which lease Vincent Torres was to furnish heat, light, telephone and hot water.

Vincent Torres claims that he did not read the lease, know the name of the tenant, or ask his father or brother to check the tenant's activities. Vincent Torres was at his father's home, immediately adjacent to his bungalow, once around Christmas of 1955 and again some time in January 1956 and claims that on neither occasion did he make any attempt to see the tenant or ascertain the condition of his valuable household equipment which he left available for use by such tenant and did not ask his father whether the latter had any knowledge of the activities of the tenant.

The Hearer, in his report, concluded from the above facts that Vincent Torres knew or should have known of the presence of the illicit still in the building and therefore recommended that his application for return of the articles above specified should be denied and that the premises should be padlocked. Counsel for Vincent Torres filed exceptions to the Hearer's report and appeared before me on oral argument thereon.

I have carefully reviewed the entire record in this case and it appears therefrom that Vincent Torres was required to move to Delaware and entrusted the renting of his home to his brother, a real estate broker, who obtained Harry Morton as the tenant. There is nothing to indicate that Vincent Torres knew Morton prior thereto or had any knowledge of his illegal activities upon the premises. Morton paid two months rent in advance from which one would assume he was a person of some responsibility.

While it is true that the owner's father lived in the vicinity of the premises and possibly should have noticed the installation of the still, nevertheless, it must be assumed that he is a man of advanced years which might excuse his lack of knowledge through observation of what was going on; also it appears that there were other neighbors who apparently saw nothing wrong in that no report of illegal activities on the premises was made by them.

I shall modify the report to the extent that the aforesaid items claimed by Vincent Torres will be returned to him and the premises will not be padlocked.

Central-Penn National Bank acquired by assignment a conditional sales contract, dated October 21, 1955, signed by Louis Lipschutz, covering the Chevrolet sedan, evidencing its loan of \$984.78 on the security of such motor vehicle. The unpaid balance due thereon, after rebate for prepayment, is \$644.37.

The bank also presented a Certificate of Title to a Motor Vehicle issued by the Pennsylvania Department of Revenue which has noted thereon the lien of the bank in the amount of \$984.78.

Before accepting such assignment and extending credit to Louis Lipschutz, the bank received his application for credit wherein Louis Lipschutz represented that he resided at 1910 No. 31st Street, Philadelphia, had been employed for five years as a waiter and short-order cook in a restaurant located in Philadelphia, and gave the names of various business and personal references. The bank checked this information and found it to be accurate and received no derogatory information from those references which it checked. The fingerprint records of Louis Lipschutz do not disclose any previous record for violating any liquor laws.

I am satisfied from the evidence presented that the bank acted in good faith and had no knowledge or reason to suspect that the motor vehicle would be used in connection with illicit still activities. I shall, therefore, recognize its lien to the extent of \$644.37.

It appears that the retail value of the Chevrolet sedan does not exceed the amount of such lien and the costs incurred

in its seizure and storage. Such motor vehicle will, therefore, be turned over to the bank upon payment of such costs.

Accordingly, it is DETERMINED and ORDERED that if on or before the 16th day of July, 1956, Central-Penn National Bank pays the costs incurred in the seizure and storage of the Chevrolet sedan, described in Schedule "A", attached hereto, such motor vehicle will be returned to such bank; and it is further

DETERMINED and ORDERED that if on or before the 16th day of July, 1956, Vincent Torres pays the costs incurred in the seizure and storage of the electric range, a television set, a Kenmore automatic washing machine, a Norge dryer, a kitchen table and six chairs, described in Schedule "A" attached hereto, such items will be returned to him; and it is further

DETERMINED and ORDERED that the balance of the seized property, as listed in the aforesaid Schedule "A", constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66 and R.S. 33:2-5, 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 Director of the Division of Alcoholic Beverage Control.

Dated: July 6, 1956.

WILLIAM HOWE DAVIS,  
Director.

SCHEDULE "A"

- 1 - St. Louis copper cooker 16" by 24"
- 5 - sections of copper column
- 1 - receiving tank
- 28 - five-gallon cans
- 1 - dephlegmator
- 1 - steam boiler
- 2 - copper coolers
- 5 - wooden vats 5' by 10' with mash
- 1 - pump
- 1 - oil burner
- 200 - lbs. of sugar
- 1 - five-gallon can of alcohol
- 1 - Kenmore Automatic Washer
- 1 - Norge dryer
- 1 - Kenmore range
- 1 - television set
- 1 - radio
- 1 - hot water heater
- Quantity of household furniture as more specifically itemized in an inventory of the seized property.
- Assorted pipes and hose
- 1 - Chevrolet sedan, Serial No. C-53-T-123430, Engine No. A-11268985, Pennsylvania Registration P57P1.

11. DISCIPLINARY PROCEEDINGS - SUSPENSION REIMPOSED AFTER TERMINATION OF PROCEEDINGS TO REVIEW.

In the Matter of Disciplinary )  
 Proceedings against )  
 GEORGE E. NEULS, t/a River View Inn, )  
 Route #24, Stephensburg, )  
 Mansfield Township, )  
 PO Washington R. D., N. J., )

O R D E R

Holder of Plenary Retail Consumption )  
 License C-3, issued by the Township )  
 Committee of the Township of Mansfield. )

BY THE DIRECTOR:

On January 18, 1956, the defendant's license was suspended for a period of 25 days. See Bulletin 1099, Item 2. The suspension was held in abeyance pending the defendant's appeal to the Superior Court, Appellate Division. On June 27, 1956, the court affirmed the suspension and it may now be reimposed.

Accordingly, it is, on this 16th day of July 1956,

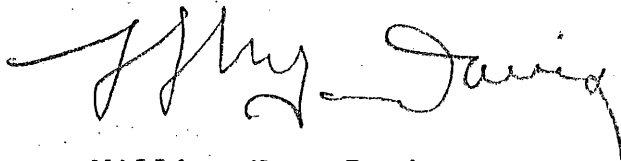
ORDERED that the suspension for a period of twenty-five (25) days, heretofore imposed against License C-3, issued by the Township Committee of the Township of Mansfield to George E. Neuls, t/a River View Inn, Route #24, Stephensburg, Mansfield Township, be and the same is hereby reimposed, commencing at 2 a.m., July 23, 1956, and terminating at 2 a.m., August 17, 1956.

WILLIAM HOWE DAVIS  
Director.

12. STATE LICENSES - NEW APPLICATION FILED.

McLean Trucking Company  
301-303 Broadway  
Jersey City, N. J.

Application filed August 3, 1956 for Transportation License and authority to maintain an additional warehouse at U. S. Highway No. 1 and Route 25, New Brunswick, N. J.



William Howe Davis  
Director.