

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Dr. Cranford, N.J. 07016

BULLETIN 2069

November 8, 1972

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STATE OF NEW JERSEY
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DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Drive Cranford, N.J. 07016

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1. DISCIPLINARY PROCEEDINGS - SUMMARY REPORT OF UNCONTESTED PROCEEDINGS:

In the Matters of Disciplinary Proceedings
against the following licensees:

CONCLUSIONS AND ORDERS

A. Hi-Lite Bar, Inc.
t/a Hi Lite Bar
15 S. Kentucky Ave.
Atlantic City

S-9099
Lic: C-200

Charge: Sale to minor, 18 - Fine of \$400 in lieu of 10 days
suspension
Order - August 15, 1972

B. Adam J. Snizek, t/a Sneez's Inn
462 Franklin St.
Elizabeth

S-9212
Lic: C-98

Charge: "Hours" regulation - fine of \$400 in lieu of 10 days
suspension
Order - August 15, 1972

C. Dora Lichtman, Jacob Lichtman
Dorothy Lichtman and Sydney Lichtman
t/a Lichtman Liquor Store
1392 Collings Road
Camden

S-9232
Lic: D-7

Charge: Sale to minor, 20 - fine of \$250 in lieu of 5 days
suspension
Order - August 15, 1972

D. Warwick Restaurant Corporation
t/a Orsatti's Warwick Restaurant
101 S. Raleigh Ave.
Atlantic City

S-9210
Lic: C-31

Charge: Employment of disqualified person - fine of \$1,800 in
lieu of 15 days suspension
Order - August 16, 1972

E. Irving Mandel & Sidney Lichenstein
t/a Half Way House
450 Grand St.
Jersey City

S-9265
Lic: C-241

Charge: "Hours" Regulation - license suspended for 20 days
Order - August 17, 1972 - suspension effective 8/31/72

F. Perhach's Tavern, t/a Perhach's Tavern
16 South Main St.
Manville

S-9236
Lic: C-14

Charge: Gambling (numbers) - suspension of 72 days
Order - August 18, 1972 - suspension effective 9/5/72

G. Samuel Savio, t/a Savio's Lounge
712 Madison Avenue
Paterson

S-9244
Lic: C-170

Charge: Gambling (numbers) - suspension of 72 days
Order - August 22, 1972 - suspension effective 8/29/72

H. Milhar, Inc., t/a McGee's Bar & Restaurant
1613-15 Pacific Avenue
Atlantic City

S-9249
Lic: C-230

Charge: Mislabeling 2 bottles - fine of \$1,850 in lieu of
10 days suspension
Order - August 22, 1972

I. Lucy Levonat Warnock, t/a A. Levonat
5000 Palisade Avenue
West New York

S-9219
Lic: C-51

Charge: "Hours" regulation - fine of \$400 in lieu of 10
day suspension
Order - August 22, 1972

J. Jul-Mar Inc.
1277 Paterson Plank Road
Secaucus

S-9216
Lic: D-2

Charge: employee under 21 - employed 2 under 21 - failed to
list persons employed - Fine of \$800 in lieu of
suspension of 20 days
Order - August 22, 1972 -

K. Raymond Wierzbicki
266 Duncan Ave.
Jersey City

S-9243
Lic: D-38

Charge: "Hours" Regulation - suspension 10 days
Order - August 22, 1972 - suspension effective 9/5/72

L. Reman Inc., t/a Court Club
167 Third St.
Elizabeth

S-9220
Lic: C-70

Charge: "Hours" regulation - license suspended for 10 days
Order - August 22, 1972 - suspension effective 9/5/72

M. Jack Rosman
642 Communipaw Ave.
Jersey City

S-9266
Lic: C-262

Charge: "Hours" regulation - prior similar violation within
10 years and 3 dissimilar violations within 5 years -
license suspended for 28 days
Order - August 23, 1972 - suspension effective 9/5/72

N. Darnell's Inc., t/a Carl's
361-363 Springfield Ave.
Newark

S-9264
Lic: C-457

Charge: "Hours" regulation - 2 prior dissimilar violations
within 5 years - suspension of license for 20 days
Order - August 23, 1972 - suspension effective 9/6/72

O. Ocean Avenue Tavern Inc.
t/a Ocean Avenue Tavern
703 Ocean Ave.
Jersey City

S-9126
Lic: C-457

Charge: "Hours" regulation - 2 prior similar violations
within 10 years - dissimilar violation within 5 years -
suspension of license for 48 days - licensee warned
on 5th violation

Order - August 23, 1972 - suspension effective 9/7/72

P. Kamos, Inc., t/a Buttonwood Manor
Highway 34
Matawan

S-9045
Lic: C-9

Charge: Mislabeling 8 bottles - fine of \$4,050 in lieu of
suspension for 25 days

Order - August 24, 1972

Q. Lachowicz & Sons, Inc.
t/a Franklinville Hotel
Delsea Drive and Coles Mill Rd.
Franklin Twp., PO Franklinville
(Gloucester County)

S-9137
Lic: C-4

Charge: Sale to minor, 19 - fine of \$600 in lieu of 15
days suspension - similar offense within 10 years

Order - August 24, 1972

R. Alfonso Furnari, Mary Furnari & Tina
Stepongzi, t/a Fountain Inn
s/s Route #94
Fredon Twp., PO RD #2, Newton

S-9105
Lic: C-5

Charge: Sale to minor 17; another sale to 3 minors, 16, 17, 17 -
another sale to minor 19 - aggravated situation - total
suspension 76 days

Order - August 25, 1972 - suspension effective 9/6/72

S. Columbia Tavern, Inc.
341 Jackson Ave.
Jersey City

S-9233
Lic: C-305

Charge: Mislabeling - 3 bottles - fine of \$1,050 in lieu of
15 days suspension

Order - August 28, 1972

T. Anna K. Rosella, t/a Rosella's Country Club Tavern
Route 527, Manalapan
PO Englishtown

S-9248
Lic: C-8

Charge: "Hours" regulation - fine of \$400 in lieu of 10
days suspension

Order - August 28, 1972

U. Barone's Lounge, Inc.
217-219 Straight St.
Paterson

S-9204
Lic: C-105

Charge: Mislabeling 6 bottles - 20 days suspension

Order - August 25, 1972 - suspension effective 8/30/72

V. Marchese Investment Corp.
t/a Public Tavern
1240 Kaighn Avenue
Camden

S-9255
Lic: C-104

Charge: Front - failure to keep books - license
suspended for balance of term with leave to apply
for lifting after 25 days
Order - August 25, 1972 - suspension effective 9/6/72

W. Bay-Mar Enterprises, Inc.
t/a Elbo Room
s/e cor. Madison & Amherst Avenues
Margate City

S-9055
Lic: C-12

Charge: Sale to minor, 19 - suspension of 10 days
Order - August 29, 1972 - suspension effective 9/5/72

X. 1214 Absecon Boulevard Corp.
t/a Sonny's Sidewalk Cafe
1214 Absecon Boulevard
Atlantic City
transferred to Mockingbird, Inc.
t/a Sonny's Cafe
(for the same premises)

S-9043
Lic: C-238

Charge: Purchase while on non-delivery list - prior dissimilar
offense - suspension of 15 days
Order - August 29, 1972 - suspension effective 9/11/72

Y. Eddor, Inc.
1435 Teaneck Road
Teaneck

Mun.Rev. 5419
Lic: C-1

Charge: Gambling (dice game) - imposition of \$1,125 fine in
lieu of 15 day suspension by municipality
Order - August 30, 1972

Robert E. Bower
Director

2. NOTICE TO LICENSEES - CONDITIONS FOR PARTICIPATING IN WINE TASTING.

NOTICE TO ALL LICENSEES:

On January 26, 1972, former Director Richard C. McDonough issued a ruling providing that licensed manufacturers and wholesalers could, under certain conditions, participate in wine tastings. Retail licensees were prohibited by the ruling from participating in wine tastings, although the tastings could be held on consumption licensed premises.

Since taking office shortly after such ruling, I have studied the matter of wine tastings, particularly with respect to the question whether retailers should be permitted to participate in them. It is my considered opinion that such participation should be permitted, at least on a trial basis. If any abuses should be found of this privilege, it will be withdrawn.

Accordingly, it is my ruling that licensed manufacturers, wholesalers and retailers may participate in wine tastings under the following conditions:

1. The wine tasting must be sponsored by an unlicensed bona fide non-profit organization, and not by a licensee.
2. Persons attending the wine tasting must be members or bona fide guests of members of the non-profit organization. No invitations may be extended to or advertising directed towards the general public to attend the tasting.
3. The tasting may be held at retail licensed premises, provided, however, that it may not be held at retail distribution licensed premises unless a special permit is first obtained from this Division at a fee of \$10.00.
4. If the sponsoring organization is making a direct or indirect charge payable by the persons attending the tasting, such organization must obtain a special permit from this Division, under authority of which the purchase of the wine may be made from a wholesale licensee.
5. No licensee may participate or share in the profits or receipts derived from the tasting.
6. If the sponsoring organization is not making such a charge, and therefore does not need and has not obtained such a special permit, the licensee participating in the tasting must, at least five days prior to the tasting, give written notice to the Division of its intention to participate in the tasting.
7. No licensee may donate the wine to the sponsoring organization or any person attending the tasting. All wines used at the tasting must be purchased at retail licensed premises at minimum consumer resale prices except as provided in paragraph No. 4 herein.
8. No licensee may solicit or receive at the tasting any orders for the purchase of any wine or other alcoholic beverages from anyone, nor may a licensee distribute any order blanks or other forms designed for such purpose.
9. No distribution of any wine or other alcoholic beverages may be permitted for consumption off the premises at which the wine tasting is conducted.

Robert E. Bower
Director

Dated: October 2, 1972

3. SEIZURE - FORFEITURE PROCEEDINGS - UNLICENSED CLUB - CLAIM FOR RETURN OF SUM DEPOSITED BY CLUB IN LIEU OF SEIZURE REJECTED - ALCOHOLIC BEVERAGES, CASH AND PERSONAL PROPERTY ORDERED FORFEITED.

In the Matter of the Seizure	:	
on April 16, 1971 of a quantity	:	Case No. 12,463
of alcoholic beverages, non-	:	
alcoholic beverages, miscellaneous	:	On Hearing
furnishings, fixtures, equipment,	:	
foodstuffs and \$19.62 in cash at	:	CONCLUSIONS and ORDER
the unlicensed premises of Trenton	:	
Lodge #164, L.O.O. Moose, 48 West	:	
Taylor Avenue, in the Township of	:	
Hamilton, County of Mercer and	:	
State of New Jersey.	:	

.....
 Blackburn & Wherry, Esqs., by E. John Wherry, Jr., Esq., Attorneys
 for claimant, Trenton Lodge #164, L.O.O. Moose.
 Harry D. Gross, Esq., Appearing for the Division.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to the provisions of N.J.S.A. 33:1-66 and State Regulation No. 28 and, further, pursuant to a stipulation dated August 9, 1971, signed by Raymond Meany, Agent for and on behalf of Trenton Lodge #164, L.O.O. Moose, Trenton, to determine whether 529 containers of alcoholic beverages, one safe, two cash registers, one television set, one juke box, one cigarette machine, foodstuffs, miscellaneous personal property and \$19.62 cash, as set forth in an inventory attached hereto, made a part hereof and marked Schedule "A", seized on April 16, 1971 at the unlicensed premises of Trenton Lodge #164, L.O.O. Moose, 48 West Taylor Avenue, Hamilton Township, Mercer County, constitutes unlawful property and should be forfeited; and further, to determine whether the sum of \$300.00, representing the appraised retail value of the personal property, foodstuffs, fixtures and equipment seized herein, deposited by the Trenton Lodge #164, L.O.O. Moose, under protest, with the Director in lieu of physical seizure of the above enumerated personalty should be forfeited or returned to the claimant herein.

When the matter came on for hearing, Trenton Lodge #164, L.O.O. Moose, represented by counsel, sought the return of the seized alcoholic beverages and the \$300.00 cash posted pursuant to the aforementioned stipulation, and \$19.62 in cash.

There was admitted into evidence with the consent of the claimant, the certification by the Director that no alcoholic beverage license or special permit of any kind was ever issued to Robert J. Hunt or to the Trenton Lodge #164, L.O.O. Moose at or for premises, 48 Taylor Avenue, Hamilton Township, County of Mercer; an inventory of the items seized and a report of the Division chemist certified by the Director establishing that two sample bottles of alleged alcoholic beverages seized herein contained alcoholic beverages fit for beverage purposes, with alcoholic content by volume of 16.06% and 4.28%.

On behalf of the Division, Agent G testified that pursuant to a specific assignment she arrived in the vicinity of the premises herein on April 16, 1971 at approximately 11:00 P.M. in the company of other ABC agents and had in her possession currency the serial numbers of which had been previously recorded. She approached the door to the premises alone and asked if she could

use the telephone. She was admitted by a male later identified as Robert J. Hunt. Having used the phone she observed Hunt tending bar and further observed three patrons being served drinks and paying for same. She approached the bar and requested a drink from Hunt who advised her that he could not serve non-members. Thereafter, a male, later identified as Raymond Meany, said "Go ahead and give the girl a drink". Agent G then placed on the bar three of the "marked" one-dollar bills. Thereafter, she purchased three drinks of V.O. on the rocks, paying for each with one of the "marked" bills and receiving fifty cents change from each purchase.

Having consumed a portion of the third drink, she summoned the remaining agents who entered, identified themselves to Hunt and placed him under arrest. The remaining portion of Agent G's drink was retained and submitted to the Division chemist for analysis.

On cross-examination, she testified that the front door was locked when she tried it and was unlocked by Hunt. She was aware that male ABC agents had attempted to make a purchase of alcoholic beverages a few weeks earlier and were refused. Prior to approaching the bar, she sat at a table some five to ten minutes, a cash register located behind the bar was not in use, and the currency taken from in front of her for the drinks was placed in a large can on the bar which can was clearly marked, "Contributions for the building fund". She observed other patrons receive drinks and place money on the bar which money Hunt picked up and placed in the large can.

She denied being refused service three separate times and further denied ordering double shots each time. She admitted that Hunt did not ask for payment for the drinks but simply picked up a one-dollar bill from in front of her, placed it in the large can on the bar and returned fifty cents change to her. The money was not placed in the cash register. She observed the large can being seized by the agents, which can contained \$19.62 including the three "marked" one-dollar bills.

Agent B testified that he accompanied Agent G and Agent P on the instant investigation. He and Agent P remained outside at a point of contact while Agent G entered the premises. Upon receiving a call from Agent G, he and Agent P entered the premises, identified themselves to Meany and Hunt. They then advised Meany and Hunt that Agent G, who had not yet disclosed her identity, was in fact an ABC agent. Agent G then displayed her identification. Hunt was placed under arrest, the agents proceeded with the seizure and discovered the three "marked" bills among other bills in a large can on the bar. The can was labeled "Contributions for building fund".

On cross-examination, he candidly admitted that he had been on the premises some two weeks earlier and had been refused service of alcoholic beverages.

Raymond Meany testified on behalf of the claimant that on April 16, 1971 he was Governor of Lodge #164 and was on the premises during the incident. He overheard the conversation between Agent G and Hunt at the door. Agent G asked permission to use the telephone because of car trouble. After using the phone, Hunter permitted her to sit at a table and await the arrival of assistance. Shortly thereafter, she approached the bar, requested service on two occasions and was refused by Hunt. After the second refusal Meany said to Hunt, "The woman has to wait half an hour for the mechanic. Give her a drink". He did not see or hear Hunt solicit any funds from Agent G for the drink.

The club keeps a small quantity of liquor on the premises, which liquor it purchases at retail. "We, as officers, when we are given drinks we are never charged for it but we do voluntarily throw money in the box to help the club".

He continued that a substantial quantity of alcoholic beverages was transferred from its former licensed premises in Trenton to the present premises in Hamilton Township. The club transferred its location from Trenton because the neighborhood had deteriorated drastically and the members concluded that it was dangerous to remain. Application for a club alcoholic beverage license was made to Hamilton Township in November, 1970 but had not been approved on the date of the seizure herein. The beverages so transferred were sequestered and not used. The occasional drinks consumed on the premises were made from a separate supply of alcoholic beverages recently purchased at retail. Agent G was served her drinks from that recently purchased stock.

On cross-examination, he testified that he did see Hunt remove a dollar bill from in front of Agent G, place it in the contribution container and return fifty cents in change to her, however, he stated: "It is my contention Miss --- (Agent G)'s money was a gift to us to put in the contribution box".

Lastly, he testified that the alcoholic beverages served to Agent G was not a part of the inventory transferred from Trenton to Hamilton Township, but rather, came from the separate quantity purchased at retail.

Robert J. Hunt testified that as an officer of the Lodge he was tending bar on the date of the seizure. He corroborated the testimony of Hunt with respect to the separation of the transferred alcoholic beverages from the more recently purchased alcoholic beverages. He further testified that alcoholic beverage tax reports were regularly filed with the State regarding the transferred alcoholic beverages.

The claimant argues that since there was no solicitation for payment by the bartender, no proof of a sale has been shown. Furthermore, if a sale is found to have been completed then it was the result of entrapment. Lastly, claimant argues that the large amount of alcoholic beverages transported from the Trenton location to the Hamilton Township location is not subject to forfeiture because it was kept separate and apart from those alcoholic beverages used on the date in question.

"Sale" is defined as "Every delivery of an alcoholic beverage otherwise than by purely gratuitous title, including deliveries from without this State and deliveries by any person without this State intended for shipment by carrier or otherwise into this State and brought within this State, or the solicitation or acceptance of an order for an alcoholic beverage, and including exchange, barter, traffic in, keeping and exposing for sale, serving with meals, delivering for value, peddling, possessing with intent to sell, and the gratuitous delivery or gift of any alcoholic beverage by any licensee." N.J.S.A. 33:1-1(w).

This, of course, includes indirect, as well as, direct sales. Further, assuming without deciding that no direct solicitation for payment was made, it is a curious coincidence that upon each service of a drink by the bartender he accepted one of the dollar bills in front of Agent G and returned fifty cents in change. I, thus find that the service to Agent G duly constituted a "...delivery of an alcoholic beverage otherwise than by purely gratuitous title..."

With respect to the defense of entrapment it is well established that this defense is not available in administrative proceedings, which are civil in nature. However, even in criminal matters, "the law will protect the innocent from being led to crime through

the activities of law enforcement offices but it will not protect the guilty from the consequences of subjectively mistaking apparent for actual opportunity to commit crime safely". State v. Dolce, 41 N.J. 422 (1964) at 431-32. See also Re Silver Crest Motel, Bulletin 2019, Item 1.

I find from the evidence presented herein that Agent G merely afforded the claimant an opportunity to commit an act to which he was predisposed and that, therefore, no act constituting entrapment was committed by Agent G. State v. Rosenberg, 37 N.J. Super. 197 (App. Div. 1955)

The argument that the stock of alcoholic beverages kept separate from that used in the service of beverages fails since:

"All alcoholic located in or upon any premises, building, yard or inclosure connected with a building, in which an illicit alcoholic beverage is found... are hereby declared unlawful property and shall be seized, forfeited..." N.J.S.A. 33:1-66(b).

Since an illicit beverage is:

"any alcoholic beverage...sold...in violation of this chapter" N.J.S.A. 33:1-1(i)
the beverages sold to Agent G were clearly "illicit beverages". It follows, therefore, that the separated beverages as well as those used directly in the sale, were properly seized.

I, therefore, find that the Division has established by a clear preponderance of the believable evidence that the alcoholic beverages seized are illicit because they were stored and sold in violation of ABC laws and the regulations of this Division. Therefore, the illicit alcoholic beverages and all personal property seized therewith are subject to forfeiture. N.J.S.A. 33:1-1(y); N.J.S.A. 33:1-66.

It is urged that the charitable activities of the claimant coupled with the eminent and reputable character of the members of the claimant organization warrant relief from forfeiture and that the Director is empowered to grant such relief.

However, the Director has the discretionary authority to return property subject to forfeiture to a claimant who has established to the Director's satisfaction that he acted in good faith or has unknowingly violated the law. In the absence of such showing, the Director is without authority to return such property. Seizure Case No. 12,118, Bulletin 1867, Item 3; Rule 3 (a) of State Regulation No. 28.

Since the claimant herein, through its agent, was directly involved in both the unlawful storage and sale, I find an absence of good faith on the part of claimant. Furthermore, since the claimant has been a licensee for many years, it cannot seriously be argued that it unknowingly violated the law. Seizure Case No. 12,352, Bulletin 2015, Item 9.

An organization, although otherwise high in character, no matter how praiseworthy its intentions, cannot engage in the sale of alcoholic beverages without a license. Seizure Case No. 7356, Bulletin 842, Item 5.

It is, therefore, recommended that an order be entered denying the claim herein and directing that the seized alcoholic beverages, the sum of \$19.62 in cash and the sum of \$300.00 deposited by the claimant, pursuant to the stipulation, be forfeited.

Conclusions and Order

No exceptions to the Hearer's Report were filed pursuant to Rule 4 of State Regulation No. 28.

Having carefully considered the entire matter herein, including the transcript of testimony, exhibits and the Hearer's Report, I concur in the conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is on this 17th day of August, 1972

DETERMINED and ORDERED that the claim of Trenton Lodge #164, L.O.O. Moose, Trenton, N.J. be and the same is hereby denied, and that the sum of \$300.00 deposited, under protest, with the Director representing the appraised value of personal property, foodstuffs, fixtures and equipment be and the same is hereby forfeited in accordance with the provisions of N.J.S.A. 33:1-66 to be accounted for in accordance with law; and it is further

DETERMINED and ORDERED that the 529 containers of alcoholic beverages and \$19.62 in cash constitute unlawful property, and the same be and hereby are forfeited in accordance with the provisions of N.J.S.A. 33:1-66 and shall be retained for the use of hospitals, or State, county or municipal institutions or destroyed, in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

Robert E. Bower,
Director

SCHEDULE "A"

- 529 - containers of alcoholic beverages
- 278 - containers of non-alcoholic beverages
- 1 - safe; 2 - cash registers; 2 - fans;
- 13 - tables; 48 chairs and stools; 1 - television set; 1 - juke box; 1 - cigarette machine
- Miscellaneous furnishings, fixtures, equipment and foodstuffs
- \$19.62 - cash

4. SEIZURE - FORFEITURE PROCEEDINGS - UNLICENSED CLUB - ALCOHOLIC BEVERAGES
AND CASH ORDERED FORFEITED.

In the Matter of the Seizure	:	Case No. 12,501
on June 12, 1971 of a quantity	:	
of alcoholic beverages and cash	:	On Hearing
at the unlicensed club premises	:	
of James Brittle and Ann Watson,	:	CONCLUSIONS and ORDER
a/k/a Clover Club, Inc., 512	:	
Ocean Avenue, in the City of	:	
Jersey City, County of Hudson	:	
and State of New Jersey.	:	

.....
Harry D. Gross, Esq., Appearing for Division.

BY THE DIRECTOR:

This matter came on for hearing pursuant to the provisions of N.J.S.A. 33:1-66 and State Regulation No. 28, to determine whether 125 containers of alcoholic beverages and \$16.31 in cash, as set forth in a schedule attached hereto, made part hereof, and marked Schedule "A", seized on June 12, 1971, at unlicensed premises located at 512 Ocean Avenue, Jersey City, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to State Regulation No. 28, no one appeared to seek return of the property.

The records of the Division establish that, at approximately 4:05 A.M. on June 12, 1971, Agents J, B, D and M, and local police officers proceeded to the vicinity of the subject premises.

Agents D and M, fortified with currency, the serial numbers of which were previously recorded, entered the premises and observed a service counter located to right of the entrance. On duty behind the counter was a male, later identified as James Brittle. There were approximately 50 patrons (male and female) who had drinks which appeared to be alcoholic beverages. Agents D and M ordered and received from Brittle drinks of Old Grand Dad and scotch, and gave him a "marked" five-dollar bill, and received \$3.00 in change. A short time later, Agent M ordered and received from Brittle another scotch drink and paid him with a dollar bill. This was a typical speakeasy operation.

At about 4:20 A.M. Agents J and B, accompanied by the local police officers entered the premises and identified themselves to Brittle and to a female, later identified as Ann Watson, who stated that she was the owner of the premises.

Brittle was arrested and charged with the sale of alcoholic beverages without a license, contrary to N.J.S.A. 33:1-2, in violation of N.J.S.A. 33:1-50(a). Ann Watson was arrested and charged with possession of alcoholic beverages with intent to sell without a license, contrary to N.J.S.A. 33:1-2 and N.J.S.A. 33:1-50(b).

The records of the Division contain the certification by the Director that no alcoholic beverage license or permit of any kind had ever be issued to James Brittle or Ann Watson or for the subject premises; an inventory of the seized items; affidavits of mailing and publication of notice of hearing; and a report of chemical analysis by the Division chemist certified by the Director that one six-ounce bottle containing three ounces of Dewar's Scotch and water seized herein; is an alcoholic beverage fit for beverage purposes, with an alcoholic content of 16.35% by volume.

The said alcoholic beverages and cash seized herein, as set forth in Schedule "A" constitute unlawful property and are subjected to forfeiture because they were intended for sale and sold without a license. N.J.S.A. 33:1-1(x and y); N.J.S.A. 33:1-66.

Accordingly, it is on this 18th day of August, 1972

DETERMINED and ORDERED that the alcoholic beverages and cash, as set forth in Schedule "A", attached hereto, constitute unlawful property and the same be and are hereby forfeited in accordance with the provisions of N.J.S.A. 33:1-66, and shall 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.

Robert E. Bower,
Director

SCHEDULE "A"

125 - containers of alcoholic beverages
\$16.31 - cash

5. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN A BUILDING - ALCOHOLIC BEVERAGES, CASH AND PERSONAL PROPERTY ORDERED FORFEITED.

In the Matter of the Seizure	:	Case No. 12,600
on October 16, 1971 of three	:	
containers of alcoholic beverages, one television set,	:	On Hearing
one stereo, one record player,	:	
three stoves, miscellaneous	:	CONCLUSIONS and ORDER
personal property and \$94.00	:	
in cash seized at 136 Sheridan	:	
Avenue, Seaside Heights, County	:	
of Ocean and State of New Jersey.	:	

.....
Harry D. Gross, Esq., Appearing for the Division.

BY THE DIRECTOR:

This matter came on for hearing pursuant to the provisions of N.J.S.A. 33:1-66 and State Regulation No. 28 and further, pursuant to a stipulation signed by Curllie Kaigler to determine whether three containers of alcoholic beverages, one television set, one stereo, three stoves, one record player, miscellaneous personal property and \$94.00 in cash, as more particularly set forth in a schedule attached hereto, made part hereof and marked Schedule "A", seized on October 16, 1971 at 136 Sheridan Avenue, Seaside Heights, County of Ocean, New Jersey, constitutes unlawful property and should be forfeited; and further, to determine whether the sum of \$400.00, representing the retail value of the personal property, set forth in Schedule "A", (exclusive of the alcoholic beverages and cash), deposited by Curllie Kaigler with the Director, under protest, should be forfeited or returned to him.

When the matter came on for hearing, pursuant to State Regulation No. 28, no one appeared to oppose the forfeiture.

Reports of the ABC agents, contained in the Division file, disclose that at 2:25 A.M., October 16, 1971, they entered the premises located at 136 Sheridan Avenue, Seaside Heights and observed about 10 patrons seated at tables. The agents were served two Schaefer beers and two gin and orange juice drinks by Kaigler and paid for by them with money, the serial numbers of which had been previously recorded.

Kaigler was arrested and charged with sales of alcoholic beverages without a license in violation of N.J.S.A. 33:1-50(a) and possession of alcoholic beverages with intent to sell alcoholic beverages without a license, in violation of N.J.S.A. 33:1-50(b).

The Division file also included the Director's certification that no alcoholic beverage license or permit of any kind had ever been issued to Curllie Kaigler at or for the premises located at 136 Sheridan Avenue, Seaside Heights, Ocean County, an inventory of the items seized, affidavit of mailing notice and publication of hearing; also the report of chemical analysis by the Division chemist, certified by the Director, establishing that one six-ounce bottle of gin and orange juice, seized herein is an alcoholic beverage, fit for beverage purposes with an alcoholic content of 9.7% by volume, and a six-ounce bottle containing three ounces of Schaefer beer seized herein is an alcoholic beverage, fit for beverage purposes, with an alcoholic content of 4.50% by volume.

The seized alcoholic beverages and the personal property set forth in Schedule "A" herein constitute unlawful property and are subject to forfeiture. N.J.S.A. 33:1-2; N.J.S.A. 33:1-66.

Accordingly, it is on this 18th day of August

DETERMINED and ORDERED that the sum of \$400.00, deposited under protest by Curllie Kaigler with the Director, representing the appraised retail value of one television set; one stereo; three stoves; one record player and miscellaneous personal property be and the same is hereby forfeited in accordance with the provisions of N.J.S.A. 33:1-66 to be accounted for in accordance with law; and it is further

DETERMINED and ORDERED that the alcoholic beverages and \$94.00 in cash constitute unlawful property and the same be and are hereby forfeited in accordance with State Regulation No. 29 and shall be retained for the use of hospitals or State, county or municipal institutions, or destroyed, in whole or in part at the direction of the Director of the Division of Alcoholic Beverage Control.

Robert E. Bower,
Director

SCHEDULE "A"

- 3 - containers of alcoholic beverages
- 1 - television set; 1 - stereo;
- 3 - stoves; 1 - record player.
- Miscellaneous personal property
- \$94.00 - cash

6. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER.

In the Matter of Disciplinary)
Proceedings against)
Artie Weber's Tavern, Inc.)
560 Newark Avenue)
Jersey City, N.J.)
Holder of Plenary Retail Consumption)
License C-244 (for the 1971-72 and)
1972-73 license periods), issued by)
the Municipal Board of Alcoholic)
Beverage Control of the City of)
Jersey City.)

SUPPLEMENTAL ORDER

Miller, Hochman, Meyerson & Miller, Esqs., by Leonard Meyerson, Esq.,
Attorneys for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On December 8, 1971, Conclusions and Order were entered herein suspending the license for sixty (60) days commencing January 6, 1972, after licensee was adjudged guilty of charges that it "allowed, permitted and suffered" numbers activity on its premises, in violation of Rules 6 and 7 of State Regulation No. 20. Re Artie Weber's Tavern, Inc., Bulletin 2023, Item 4.

Prior to the effectuation of the order of suspension, on appeal filed, the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal. The court affirmed the action of the Director on June 28, 1972. In the Matter of Disciplinary Proceedings Against Artie Weber's Tavern, Inc. (App. Div. 1971), not officially reported, recorded in Bulletin _____, Item ____. The suspension may, therefore, now be reinstated and reimposed.

Accordingly, it is, on this 17th day of August, 1972

ORDERED that the sixty-day suspension heretofore imposed and stayed during the pendency of the proceedings on appeal be reinstated against Plenary Retail Consumption License C-244, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Artie Weber's Tavern, Inc., for premises 560 Newark Avenue, Jersey City, commencing at 2:00 A.M. Thursday, August 31, 1972 and terminating at 2:00 A.M. Monday, November 6, 1972.

Robert E. Bower,
Director

7. DISCIPLINARY PROCEEDINGS - ORDER.

In the Matter of Disciplinary)
Proceedings against)

Artie Weber's Tavern, Inc.)
560 Newark Avenue)
Jersey City, N.J.,)

Amended Order

Holder of Plenary Retail Consumption)
License C-244 (for the 1971-72 and)
1972-73 license periods), issued by)
the Municipal Board of Alcoholic)
Beverage Control of the City of)
Jersey City.)

Miller, Hochman, Meyerson & Miller, Esqs., by Leonard Meyerson, Esq.,
Attorneys for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On August 17, 1972, a supplemental order was entered herein reinstating a sixty-day suspension against the licensee, commencing on Thursday, August 31, 1972 and terminating on Monday, November 6, 1972. The termination date of the said suspension should have been set at 2:00 a.m. Monday, October 30, 1972. The order will be amended to set forth the correct suspension dates.

Accordingly, it is, on this 22nd day of August 1972,

ORDERED that my order dated August 17, 1972, be and the same is hereby amended as follows:

ORDERED that the sixty-day suspension heretofore imposed and stayed during the pendency of the proceedings on appeal be reinstated against Plenary Retail Consumption License C-244, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Artie Weber's Tavern, Inc., for premises 560 Newark Avenue, Jersey City, commencing at 2:00 a.m. Thursday, August 31, 1972 and terminating at 2:00 a.m. Monday, October 30, 1972.

Robert E. Bower
Director

8. DISQUALIFICATION - CRIMINAL DESERTION FROM MILITARY SERVICE - ORDER REMOVING DISQUALIFICATION.

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. 2650

Emílio E. Mascia, Esq., Appearing for Petitioner.
Harry D. Gross, Esq., Appearing for Division.

BY THE DIRECTOR:

Petitioner's criminal record discloses that in 1953 he was convicted of the crime of criminal desertion in U.S. Military Service in New Cumberland, Pennsylvania and was sentenced to one year in prison.

Since the crime of which petitioner was convicted involves the element of moral turpitude (Cf. ReCase No. 302, Bulletin 257, Item 10) he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

At the hearing held herein, petitioner (43 years old) testified that he is married ; that for the past 12 years he has lived at his present address.

Petitioner further testified that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this State and that, ever since his conviction in 1953 , he has not been convicted of any crime.

The Police Department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against petitioner.

Petitioner produced three character witnesses (a dockman and two truck drivers) who testified that they have known petitioner for more than five years last past and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

Considering all the aforesaid facts and circumstances, I am satisfied that petitioner has conducted himself in a law-abiding manner for five years last past, and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 25th day of August , 1972

ORDERED that petitioner's statutory disqualification because of the conviction described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

Robert E. Bower
Director

9. STATE LICENSES - NEW APPLICATIONS FILED.

Allo Enterprises, Inc., t/a Allo Wines, Ltd., 28 Evans Terminal, Hillside, N. J.
Application filed November 1, 1972 for place-to-place transfer of Wine Wholesale License WW-16 from 383 Meisel Ave., Springfield, N. J.

Robert Mondavi Winery, 7801 St. Helena Highway, Oakville, California
Application filed November 6, 1972 for limited wholesale license.


Robert E. Bower
Director