

BULLETIN 1077

AUGUST 22, 1955.

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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 1077

AUGUST 22, 1955.

1. DISCIPLINARY PROCEEDINGS - FALSE ANSWER IN APPLICATION FOR LICENSE - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF A LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE TO FILE APPLICATION TO LIFT AFTER EXPIRATION OF 30 DAYS IF ILLEGAL SITUATION CORRECTED.

In the Matter of Disciplinary Proceedings against )

JOHN TORRY )  
208 River Street )  
Hoboken, N. J., )

Holder of Plenary Retail Consumption License C-193 (for the 1954-55 licensing year) and now holder of Plenary Retail Consumption License C-197 (for the 1955-56 licensing year) issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken. )  
----- )

CONCLUSIONS  
AND ORDER

Albert J. Shea, 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 the following charges:

"1. In your application dated June 15, 1954, filed with the Municipal Board of Alcoholic Beverage Control of Hoboken, upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question 30, which asks: 'Has any individual... other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?', whereas in truth and fact Edward Stinson (Sr.) had such an interest in that he was co-owner with you of the licensed business; said false statement being in violation of R.S. 33:1-25.

"2. From on or about May 1, 1951 until the present time, you knowingly aided and abetted Edward Stinson (Sr.) to exercise, contrary to R. S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; thereby yourself violating R. S. 33:1-52."

The file herein discloses that on May 1, 1951 when the license in question was transferred to defendant John Torry, one Edward Stinson (Sr.) had an undisclosed financial interest therein. However, the license was taken only in the name of John Torry.

It appears as a result of an investigation in this matter that at the time the licensed business was obtained Edward Stinson (Sr.) was disqualified by statute because of a criminal record

from being associated with the alcoholic beverage industry. The said disqualification, after a hearing thereon, was removed by order of the Director dated December 27, 1951. The renewal of the license each year thereafter, despite the interest of Edward Stinson (Sr.) therein, continued to be in the individual name of John Torry.

Since the unlawful situation continues to exist, I have no alternative except to suspend the license for the balance of its term. In the event that such illegal situation is corrected, application may be made to me by defendant or by a transferee of the license for the lifting of such suspension, but in no event will an order be entered prior to the expiration of thirty days from the effective date hereof.

Accordingly, it is, on this 1st day of August, 1955,

ORDERED that Plenary Retail Consumption License C-197, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to John Torry for premises 208 River Street, Hoboken, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. August 8, 1955; and it is further

ORDERED that, in the event a correction of the illegal situation is effected, leave will be given to make application to me for the lifting of said suspension, as aforesaid.

WILLIAM HOWE DAVIS  
Director.

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT ACTIONS) - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary Proceedings against )

JOSEPH PROSPERO )  
T/a J. P. BAR & GRILL )  
303 Lafayette Street )  
Newark 5, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-307, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )  
----- )

William Osterweil, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On May 27, 1955, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene conduct in and upon your licensed premises in that you allowed, permitted and suffered male persons to perform and commit lewd, lascivious, indecent, filthy, disgusting and immoral acts and to make gestures and movements with their hands and bodies having lewd, lascivious, indecent, filthy, disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulations No. 20."



whether 18 two-quart "Mason" jars of alcohol, two bottles of whiskey, and a Ford sedan, described in a schedule attached hereto, seized on May 1, 1955 on Route No. 130, in Mansfield Township, New Jersey, constitute unlawful property and should be forfeited.

A New Jersey State Trooper halted the motor vehicle on the above date and location during the course of routine traffic duty. The motor vehicle was being driven by its owner, Solomon Brown. The trooper discovered nine jars of alcohol in the front of the car, two bottles of taxpaid whiskey in the rear seat, and nine jars of alcohol in the trunk of the car. There was no label, or stamp indicating payment of tax on alcoholic beverages, on any of the jars.

Thereupon the trooper took into custody all of the alcoholic beverages, the motor vehicle, and Solomon Brown. The alcoholic beverages and motor vehicle were later turned over to ABC agents. The contents of one of the jars was analyzed by the Division chemist, who reports that it is a distillate of fruit containing alcohol and water, fit for beverage purposes, with an alcoholic content by volume of 46 per cent.

Solomon Brown told the trooper that various friends residing in New York City, aware that he visited Virginia frequently, asked him to purchase the alcohol for them.

When the matter came on for hearing, pursuant to R. S. 33:1-66, an appearance was entered by Solomon Brown, who requested return of the Ford sedan, and an appearance was entered on behalf of Universal C.I.T. Credit Corporation which requested recognition of its alleged lien upon the motor vehicle. Solomon Brown has since advised that he withdraws his claim for return of the car if the lien of the finance company is recognized.

Reports of ABC agents and other documents in the file which establish the above recited circumstances under which the seizure was made were admitted into evidence with consent of counsel for Brown and the finance company.

The alcohol in the jars is illicit because of the absence of any label, or tax stamp on any of the jars. R. S. 33:1-1(y), R.S. 33:1-88. Such illicit alcohol, the motor vehicle in which it was transported and found, and the taxpaid whiskey in the car, constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

Universal C.I.T. Credit Corporation has presented a conditional sales contract, which it holds by assignment. This contract is dated September 10, 1954, signed by Solomon Brown, covers the Ford sedan in question, and secured an unpaid balance of \$1143.36. The present balance due thereon after rebate for prepayment is \$717.32.

The finance company also presented a Certificate of Title to the motor vehicle issued by the Division of Motor Vehicles of the State of Virginia which has noted thereon that the finance company holds a lien on the Ford sedan.

The finance company also presented a document signed by Solomon Brown, dated December 20, 1954, termed a "Chattel Mortgage as Additional Security, Automobile Reconditioning and Accessory Finance Plan" covering the Ford sedan, securing the

payment of \$251.16 and representing repairs to the motor vehicle. This document is also held by the finance company and there is a present balance due thereon of \$146.51.

It appears that the finance company previously dealt with Solomon Brown in 1952, in financing his purchase of another motor vehicle. At that time it was furnished with information that he resided at an address in New York City, was employed as a chauffeur and cook at a salary of \$60.00 a week. This information was checked and found to be accurate. Thereupon the finance company extended credit to Solomon Brown.

When the finance company received the present application for credit, it granted the loan in reliance upon its previous good experience with Solomon Brown. Evidently the finance company noted that Brown had an address in Virginia because it filed its lien there. Solomon Brown testified that although his employment required him to reside in New York he considered Richmond, Virginia his home. Solomon Brown does not appear to have any previous criminal record for violating any liquor laws.

I am satisfied that the Universal C.I.T. Credit Corporation acted in good faith and did not know or have any reason to suspect that illicit alcoholic beverages would be transported in the motor vehicle. I shall therefore recognize its lien to the extent of \$863.83. R.S. 33:1-66(f). There is a strong likelihood that the proceeds of the sale of such motor vehicle may exceed the lien claim.

Accordingly, it is DETERMINED and ORDERED that the Ford sedan, described in Schedule "A" attached hereto, constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66, and that it shall be offered for sale at public sale, pursuant to terms to be announced hereafter, and sold by the Director of the Division of Alcoholic Beverage Control if a bid satisfactory to him is obtained, otherwise the motor vehicle will be returned to the Universal C.I.T. Credit Corporation upon payment of the costs of its seizure, storage, and sale; and it is further

ORDERED that if the Ford sedan is sold, out of the proceeds of said sale there shall be first deducted the costs of seizure, storage and sale as have been or may be incurred; second, out of the balance, if any, there shall be paid to the Universal C.I.T. Credit Corporation its lien claim, recognized to the extent of \$863.83; and third, the balance, if any, of the proceeds of such sale, after the payments aforesaid, shall be retained for the use of the State of New Jersey; and it is further

DETERMINED and ORDERED that the alcoholic beverages listed in the aforesaid Schedule "A" constitute unlawful property, and the same be and are hereby forfeited in accordance with the provisions of R.S. 33:1-66, and that they be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS

Dated: July 20, 1955

Director.

SCHEDULE "A"

- 18 - two-quart glass jars of alcoholic beverages
- 2 - 4/5 quart bottles of alcoholic beverages
- 1 - Ford sedan, Serial No. U4SG-158970,  
Virginia Registration 27393.

4. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN RESTAURANT - STOCK OF ALCOHOLIC BEVERAGES ORDERED FORFEITED - VARIOUS ARTICLES RETURNED TO INNOCENT OWNERS - BALANCE OF FURNISHINGS AND EQUIPMENT OF RESTAURANT ORDERED FORFEITED.

In the Matter of the Seizure )  
on March 26, 1955 of a quantity )  
of alcoholic beverages, various )  
furnishings and equipment on prem- )  
ises occupied by Johnson Gore, )  
located on Route 70, Whiting, in )  
Manchester Township, County of )  
Ocean and State of New Jersey. )  
-----)

Case No. 8835

ON HEARING  
CONCLUSIONS AND ORDER

Tumen and Tumen, Esqs., by Louis Tumen, Esq., Attorneys for  
Coast Cigarette Service, Inc.  
Anthony Storino, t/a S. & S. Amusements, Pro Se.  
Richman Ice Cream Company, by Andrew Goldberg.  
I. Edward Amada, Esq., appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, and further pursuant to a stipulation signed by Louis Millman, President of Coast Cigarette Service, Inc. on April 21, 1955, to determine whether a quantity of alcoholic beverages, and various furnishings and equipment, described in a schedule attached hereto, seized on March 26, 1955 in a small restaurant operated by Johnson Gore, located on Route No. 70, Whiting, Manchester Township, New Jersey, constitute unlawful property and should be forfeited.

The seizure was made by ABC agents because of alleged unlawful sales of alcoholic beverages at the premises. Pending seizure hearing in the case a cigarette vending machine was returned to Coast Cigarette Service, Inc., upon payment under protest of the sum of \$75.00 to the Director of the Division of Alcoholic Beverage Control, pursuant to R.S. 33:1-66, representing its appraised retail value, under a stipulation that the Director should determine at such hearing whether such sum should be forfeited, or returned to Coast Cigarette Service, Inc.

When the matter came on for hearing pursuant to R.S. 33:1-66, and such stipulation, an appearance was entered on behalf of Coast Cigarette Service, Inc., which sought return of the aforesaid sum of \$75.00; and appearance was entered on behalf of the other above named claimants, who sought return of specific articles hereinafter described. No one appeared to oppose forfeiture of the alcoholic beverages, or the balance of the seized property.

An ABC agent testified that he visited the premises in the early morning hours of March 26, 1955. He describes the establishment, located in a sparsely settled area, as a small structure (shack), containing three rooms, used as a store and meeting place for persons of the neighborhood. Various equipment was located there, including amusement devices, and a small stock of groceries and other merchandise. He observed a number of persons there when he entered. He purchased five cans of beer for himself and other persons. He observed other patrons purchase beer. He left the premises about 3:30 a.m. He returned at about 9:00 p.m. Leon Snelling, from whom the agent purchased a can of beer, was behind a counter. Other

persons were consuming beer there. Johnson Gore, the owner of the establishment, was present at the time. When a fight developed, Gore told Snelling to discontinue serving beer and asked the agent to consume his beer as quickly as possible, and left the place, returning while the agent still had beer in front of him.

Other ABC agents, by prearrangement, then entered the premises, and identified themselves. Neither Leon Snelling nor Johnson Gore held any license authorizing either of them to sell alcoholic beverages, and the premises were not licensed for that purpose. The agents then seized 48 cans of beer which were in the store, as well as the furniture, fixtures, and equipment therein.

The evidence presented establishes that there was a practice of selling beer unlawfully in the store. The inference is therefore justified that the seized beer was intended for like unlawful sale. Hence the seized beer is illicit. R.S. 33:1-1(i). Such illicit beer, and all other personal property seized therewith in the store constitutes unlawful property and is subject to forfeiture. R.S.33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

The various claimants assert that they acted in good faith, and did not know or have any reason to suspect that alcoholic beverages were being sold in the establishment. If such is the actual fact, I am authorized to return property subject to forfeiture to such claimants. R.S. 33:1-66(f).

Neither Johnson Gore nor Leon Snelling appear to have any previous criminal record for violating any liquor laws. Nevertheless, one of the pertinent factors to be determined is whether Johnson Gore's place of business was in such an unusual location or structure as to require the claimants to make an extensive investigation as to what activities were being carried on there. As described by the agent, it would not appear that a structure so located would normally be regarded as the scene of commercial activities.

However, the agent testified that he had visited the store over a period of seven years, and observed that it was patronized by adults and children residing in the neighborhood; and characterizes many other buildings in this area as shacks.

On their part, the claimants testified, in effect, that in that particular area in Ocean County most of the buildings in which there are stores patronized by customers similar in character to those who traded with Gore seem to be of the same dilapidated character as Gore's; that the premises in question are located on a main highway; that there are similar establishments to be found even in urban areas.

Under these circumstances, I am satisfied that Gore's place of business was not so unusual in nature as to require the claimants, in addition to what they could observe, to also investigate the nature of his business activities. Each claimant testified that when his representative visited Gore's store, there were no alcoholic beverages visible and they did not observe any sales or consumption of alcoholic beverages therein. I therefore find that the claimants acted in good faith and with reasonable prudence.

Coast Cigarette Service, Inc. is the owner of the cigarette machine returned to it. Anthony Storino is the owner of a music machine, bowling machine, and shuffleboard machine, and Richman Ice Cream Co. is the owner of an ice cream cabinet seized in the premises.

Accordingly, it is DETERMINED and ORDERED that the costs of the seizure and storage of the cigarette vending machine be deducted from the deposit of \$75.00 and the balance returned to Coast Cigarette Service, Inc.; and it is further

DETERMINED and ORDERED that if on or before the 8th day of August, 1955, Anthony Storino pays the costs of the seizure and storage of the music, bowling and shuffleboard machines; and Richman Ice Cream Co. pays the costs of the seizure and storage of the ice cream cabinet, which articles are more fully described in Schedule "A" attached hereto, such articles will be returned to the respective claimants; and it is further

DETERMINED and ORDERED that the balance of the seized property, as listed in Schedule "A" aforesaid, constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and that it be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS  
Director.

Dated: July 29, 1955

SCHEDULE "A"

- 48 - cans of beer
- 120 - bottles of soda
- 1 - Coca Cola cooler
- 2 - freezers
- 1 - coffee urn
- 1 - Westinghouse Refrigerator
- 1 - wooden counter
- 1 - showcase
- 1 - heater
- 11 - chairs
- 1 - Westinghouse oven
- 1 - cigarette machine with currency therein
- 6 - tables
- 2 - music boxes with currency therein
- 1 - pinball machine with currency therein
- 1 - electric fan
- 1 - Westinghouse Television
- 1 - bowling machine with currency therein
- Miscellaneous assortment of cereals and  
canned goods

5. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

NICHOLAS MURIN & HELEN MURIN )  
T/a N. & H. BAR & GRILL )  
22 - 20th Avenue )  
Paterson, N. J., )

CONCLUSIONS  
AND ORDER

----- )  
Holders of Plenary Retail Consump- )  
tion License C-206, issued by the )  
Board of Alcoholic Beverage Control )  
of the City of Paterson. )

----- )  
William Dewey, Esq., Attorney for Defendant-licensees. )  
Dora P. Rothschild, appearing for Division of Alcoholic )  
Beverage Control. )

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that, during prohibited hours, they sold alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38.

The file herein discloses that at 2:35 a.m. on Saturday, June 18, 1955, ABC agents observed defendants' bartender obtain two quart bottles of beer from a cabinet under the back bar, put them in a paper bag and place it on the bar before a male patron who paid the bartender for the beer. The agents left the premises by way of the back door and met the patron as he came out of the front door. After identifying themselves to the man, the three returned to the premises at which time the bartender admitted the sale of the beer.

Defendants have no prior adjudicated record. I shall suspend their license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Lapsansky, Bulletin 1060, Item 4.

Accordingly, it is, on this 28th day of July, 1955,

ORDERED that Plenary Retail Consumption License C-206, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Nicholas Murin & Helen Murin, t/a N. & H. Bar & Grill, for premises 22 - 20th Avenue, Paterson, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. August 8, 1955 and terminating at 3:00 a.m. August 18, 1955.

WILLIAM HOWE DAVIS  
Director.

6. DISCIPLINARY PROCEEDINGS - PIN BALL MACHINES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

COLUMBIA HOTEL, INC. )  
T/a COLUMBIA COCKTAIL LOUNGE )  
201 - 6th Avenue )  
Asbury Park, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-65, issued by the City Council of the City of Asbury Park. )  
-----)

Columbia Hotel, Inc., by Samuel Meiner, President, Defendant-licensee, Pro Se.  
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 allowed, permitted and suffered in and upon its licensed premises a bagatelle or pin ball machine, in violation of Rule 7 of State Regulations No. 20.

The file herein discloses that on June 25, 1955, an ABC agent, while in the course of a routine inspection of defendant's licensed premises, observed a pin ball machine which he operated in the presence of Samuel Meiner, president of defendant corporate-licensee.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of ten days (the minimum suspension for a violation of the kind in question). Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Cf. Re Devino, Bulletin 1042, Item 5.

Accordingly, it is, on this 1st day of August, 1955,

ORDERED that Plenary Retail Consumption License C-65, issued by the City Council of the City of Asbury Park to Columbia Hotel, Inc., t/a Columbia Cocktail Lounge, for premises 201 - 6th Avenue, Asbury Park, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m. August 8, 1955, and terminating at 3:00 a.m. August 13, 1955.

WILLIAM HOWE DAVIS  
Director.

7. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1954 THROUGH JUNE 30, 1955

	1st Quarter July Aug. Sept.			2d Quarter Oct. Nov. Dec.			3d Quarter Jan. Feb. Mar.			4th Quarter Apr. May June			Total
<b>ARRESTS:</b>													
Total number of persons arrested	79			95			60			90			324
Licensees and employees	19			31			18			28			96
Bootleggers	60			63			42			62			227
ABC agent impersonator	0			1			0			0			1
<b>SEIZURES:</b>													
Motor vehicles - cars	16			14			9			9			48
- trucks	4			2			0			0			6
Stillis - over 50 gallons	10			5			3			7			25
- 50 gallons or under	7			8			5			6			26
Alcohol - gallons	0			680.00			5.00			0			685.00
Mash - gallons	7,006.50			31,371.00			1,980.00			9,577.36			49,934.86
Distilled alcoholic beverages - gallons	530.51			358.60			221.76			613.34			1,724.21
Wine - gallons	93.06			81.36			37.00			4.02			215.44
Brewed malt alcoholic beverages - gallons	192.23			36.81			37.40			76.38			342.82
<b>RETAIL LICENSEES:</b>													
Premises inspected	3,405			2,832			2,161			2,911			11,309
Premises where alcoholic beverages were gauged	1,553			1,872			1,873			1,810			7,108
Bottles gauged	29,199			34,501			37,279			34,296			135,295
Premises where violations were found	247			216			153			202			818
Violations found	330			284			221			253			1,088
Type of violations found:													
Unqualified employees	136			116			75			74			401
Other mercantile business	33			23			32			27			115
Disposal permit necessary	35			17			11			23			86
Reg. #38 sign not posted	29			22			19			11			81
Prohibited signs	12			3			2			4			21
Gambling devices	1			4			2			9			16
Probable fronts	2			0			0			7			9
Improper beer taps	1			1			0			0			2
Other violations	81			98			80			98			357
<b>STATE LICENSEES:</b>													
Premises inspected	43			11			8			12			74
License applications investigated	37			32			30			563			662
<b>COMPLAINTS:</b>													
Complaints assigned for investigation	1,389			1,258			1,280			1,363			5,290
Investigations completed	1,231			1,194			1,211			1,154			4,790
Investigations pending	(184)			(158)			(145)			236			236
<b>LABORATORY:</b>													
Analyses made	412			356			403			409			1,580
Refills from licensed premises - bottles	6			3			12			6			27
Bottles from unlicensed premises	115			112			58			95			380
<b>IDENTIFICATION BUREAU:</b>													
Criminal fingerprint identifications made	87			83			45			98			313
Persons fingerprinted for non-criminal purposes	694			488			461			805			2,448
Ident. contacts made w/other enforcement agencies	710			428			420			699			2,257
MV identifications via N.J. State Police teletype	9			14			4			9			36
<b>DISCIPLINARY PROCEEDINGS:</b>													
Cases transmitted to municipalities	40			35			53			33			161
Violations involved:													
Sale during prohibited hours	24			18			27			12			81
Sale to minors	12			8			17			13			50
Permitting brewis on premises	2			1			4			2			9
Permitting bookmaking on premises	1			1			3			1			6
Sale to non-members by clubs	0			0			2			4			6
Permitting gambling (pools, wagering, cards)	0			1			2			2			5
Possessing chilled beer (Dr. licensee)	2			1			0			0			3
Permitting females at bar (local reg.)	1			2			0			0			3
Failure to afford view into premises during prohibited hours	0			0			2			1			3
Permitting hostesses on premises	0			1			1			0			2
Employing female bartender (local reg.)	0			1			1			0			2
Sale to intoxicated persons	1			0			0			1			2
Possessing contraceptives on premises	1			0			0			0			1
Sale outside scope of license	0			1			0			0			1
Permitting slot machines on premises	0			1			0			0			1
Sale over service bar (local reg.)	0			0			1			0			1
Unqualified employees	0			0			1			0			1
Cases instituted at Division	46			49			75*			62**			232
Violations involved:													
Sale to minors	14			16			28			20			78
Sale during prohibited hours	13			11			13			13			50
Permitting immoral activity on premises	6			9			4			3			22
Sale below minimum resale price	0			5			9			6			20
Sale outside scope of license	2			1			3			6			12
Unauthorized transportation	2			2			5			2			11
Hindering investigation	2			4			2			1			9

\*Includes one cancellation proceeding -- license improvidently issued to club no longer bona fide

\*\*Includes one cancellation proceeding -- license improvidently issued to club not bona fide

	1st Quarter July Aug. Sept.	2d Quarter Oct. Nov. Dec.	3d Quarter Jan. Feb. Mar.	4th Quarter Apr. May. June	Total
<b>DISCIPLINARY PROCEEDINGS (Continued)</b>					
<b>Cases Instituted at Division (Continued)</b>					
Violations involved: Fraud and front	0	3	1	5	9
Permitting hostesses on premises	2	3	2	1	8
Possessing illicit liquor	3	1	2	2	8
Unqualified employees	4	0	1	3	8
Conducting business as a nuisance	1	3	1	3	8
Permitting lottery activity (raffles, numbers, pool)	1	1	2	3	7
Possessing indecent matter	0	1	4	1	6
Permitting bookmaking on premises	0	1	3	1	5
Retailer soliciting house to house	0	0	3	1	4
Sale to non-members by clubs	1	1	0	2	4
Failure to afford view into premises during prohibited hours	0	0	2	2	4
Mislabeled beer taps	3	2	0	0	5
Permitting gambling (cards) on premises	2	0	0	0	2
Permitting females at bar (local reg.)	2	0	0	0	2
Violation of special ruling	0	1	1	0	2
Permitting foul language on premises	0	1	1	0	2
Permitting brawls on premises	0	0	2	0	2
Possessing slot machines on premises	0	0	2	0	2
Retailer to retailer sales	0	0	2	0	2
Whslr. accepting unauth. returns from retailer	1	0	0	0	1
Solicitor selling to consumers	1	0	0	0	1
Permitting female impersonators on premises	1	0	0	0	1
Sale during license suspension	1	0	0	0	1
Permitting pin ball machine on premises	0	1	0	0	1
Possessing contraceptives on premises	0	1	0	0	1
Act of violence on premises	0	1	0	0	1
Employee working while intoxicated	0	0	1	0	1
Sale on credit to retailer in default	0	0	1	0	1
Soliciting orders by telephone	0	0	1	0	1
Sale contrary to conditions of Solr's permit	0	0	0	1	1
Failure to file notice of change in application	0	0	0	1	1
Storage off licensed premises	0	0	0	1	1
Permitting prostitutes on premises	0	0	0	1	1
Delivery without bona fide invoice	0	0	0	1	1
Sale to intoxicated persons	0	0	0	1	1
Licensee working while drunk	0	0	0	1	1
<b>Cases brought by municipalities on own initiative and reported to Division</b>	<b>27</b>	<b>42</b>	<b>31</b>	<b>19</b>	<b>119</b>
Violations involved:					
Sale to minors	21	23	15	14	73
Sale during prohibited hours	3	6	7	8	24
Permitting brawls on premises	2	9	7	6	24
Permitting bookmaking on premises	1	1	0	4	6
Permitting immoral activity on premises	0	3	1	1	5
Conducting business as a nuisance	1	1	1	0	3
Failure to afford view into premises during prohibited hours	0	2	0	1	3
Unqualified employees	0	0	2	1	3
Permitting gambling (vegering, cards) on prem.	1	0	0	2	3
Hindering investigation	0	2	0	0	2
Sale to intoxicated persons	0	2	0	0	2
Permitting hostesses on premises	0	0	2	0	2
Permitting lottery activity on premises	0	1	0	1	2
Service in private room (local reg.)	1	0	0	0	1
Failure to display license certificate	0	1	0	0	1
Permitting prostitutes on premises	0	1	0	0	1
Permitting persons of ill repute on premises	0	1	0	0	1
Permitting foul language on premises	0	1	0	0	1
Aiding and abetting sale without license	0	1	0	0	1
Licensee working while intoxicated	0	0	1	0	1
Employee working while intoxicated	0	0	1	0	1
Possessing slot machines on premises	0	0	1	0	1
<b>HEARINGS HELD AT DIVISION:</b>					
Total number of hearings held	113	107	130	146	496
Appeals	22	13	10	25	70
Disciplinary proceedings	40	47	71	66	224
Eligibility	20	19	22	18	79
Seizures	20	21	14	20	75
Tax revocations	5	5	9	11	30
Applications for license	6	2	4	6	18
<b>STATE LICENSES AND PERMITS ISSUED:</b>					
Total number issued	19,413	4,453	2,845	6,668	33,379
Licenses	933	13	9	14	969
Employment permits	662	420	315	2,499	3,896
Solicitors	2,938	161	173	150	3,422
Disposal	212	298	312	306	1,128
Social affair	1,086	1,055	836	1,077	4,054
Wine	1	1,422	19	0	1,442
Miscellaneous	640	470	312	631	2,053
Transportation insignia	12,828	579	812	767	14,986
Transportation certificates	113	35	57	1,224	1,429

WILLIAM HOWE DAVIS  
DIRECTOR

Dated: July 14, 1955

8.

ACTIVITY REPORT FOR JULY 1955

<b>ARRESTS:</b>		
Total number of persons arrested	-----	29
Licensees and employees	- 12	
Bootleggers	- 17	
<b>SEIZURES:</b>		
Motor vehicles - cars	-----	3
- trucks	-----	2
Distilled alcoholic beverages - gallons	-----	81.24
Wine - gallons	-----	211.27
Brewed malt alcoholic beverages - gallons	-----	22.40
<b>RETAIL LICENSEES:</b>		
Premises inspected	-----	810
Premises where alcoholic beverages were gauged	-----	436
Bottles gauged	-----	9,175
Premises where violations were found	-----	73
Violations found	-----	110
Type of violations found:		
Unqualified employees	- 63	Other mercantile business - 6
Regs. #38 sign not posted	- 9	Probable fronts - 2
Disposal permit necessary	- 9	Gambling devices - 2
		Other violations - 19
<b>STATE LICENSEES:</b>		
Premises inspected	-----	1
License applications investigated	-----	27
<b>COMPLAINTS:</b>		
Complaints assigned for investigation	-----	387
Investigations completed	-----	349
Investigations pending	-----	236
<b>LABORATORY:</b>		
Analyses made	-----	82
Bottles from unlicensed premises	-----	10
<b>IDENTIFICATION BUREAU:</b>		
Criminal fingerprint identifications made	-----	24
Persons fingerprinted for non-criminal purposes	-----	301
Identification contacts made with other enforcement agencies	-----	266
Motor Vehicle identifications via N. J. State Police teletype	-----	12
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities	-----	9
Violations involved:		
Sale during prohibited hours	- 5	Permitting gambling (baseball bets) - 1
Sale to minors	- 3	Permitting hostesses on premises - 1
Permitting lottery activity (prize fight pool)	- 1	
Cases instituted at Division	-----	15
Violations involved:		
Sale to minors	- 6	Illegal activity connected with licensed premises - 1
Sale during prohibited hours	- 3	Permitting female impersonators on premises - 1
Permitting bookmaking on premises	- 1	Permitting immoral activity - 1
Permitting pin ball machine on prem.	- 1	Possession of indecent matter - 1
Possessing illicit liquor	- 1	Sale below minimum resale price - 1
Cases brought by municipalities on own initiative and reported to Division	-----	14
Violations involved:		
Sale to minors	- 7	
Sale during prohibited hours	- 6	
Permitting brawl on premises	- 2	
Hindering investigation	- 1	
Permitting gambling (wagering)	- 1	
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held	-----	34
Appeals	- 7	
Disciplinary proceedings	- 16	Seizures - 2
Eligibility	- 7	Applications for license - 2
<b>STATE LICENSES AND PERMITS ISSUED:</b>		
Total number issued	-----	17,266
Licenses	- 910	Wine permits - 1
Employment permits	- 312	Miscellaneous permits - 301
Solicitors'	2,804	Transportation insignia - 12,522
Disposal	49	Transportation certificates - 21
Social affair	267	

Dated: August 8, 1955

WILLIAM HOWE DAVIS  
Director

9. STATE BEVERAGE DISTRIBUTOR'S LICENSE - OBJECTION TO TRANSFER HELD TO BE MERITORIOUS - APPLICATION FOR TRANSFER DENIED.

In the Matter of Objections to an Application for Transfer of State Beverage Distributor's License SBD-15 from EDWARD CICCARONE, t/a Ed Chicco, S/w Cor. Ohio Avenue & Absecon Blvd., Atlantic City, New Jersey, to

CONCLUSIONS

JOSEPH COHEN & ROBERT DICKMAN T/a LAKE BEVERAGE DISTRIBUTORS Rear of 95 West Main Street Denville, N. J.

Leo J. Berg, Esq., Attorney for Applicants. Sidney Simandl, Esq., Attorney for Morris County Licensed Beverage Association, objector. Samuel Moskowitz, Esq., Attorney for Atlantic-Cape May County Liquor Stores Association and New Jersey Retail Liquor Stores Association, objectors. Mills & Mills, Esqs., by Elden Mills, Esq., Attorneys for Township of Denville.

BY THE DIRECTOR:

Written objections were filed with me by various objectors alleging that the area to which applicants seek to transfer the license in question is adequately served by the present retail liquor outlets. The Township Committee of the Township of Denville also opposed the transfer of said license.

At the hearing scheduled herein Joseph Cohen, one of the applicants, testified that at the present time the applicants are distributors of carbonated beverages, having approximately 500 customers, five to ten of them residing in Denville and the others in the surrounding communities; that about 200 of the customers have asked them about purchasing malt beverages; and that at the present time with the exception of a telephone conversation with a brewery in Pennsylvania, no arrangements have been made to supply the applicants with malt beverages. The applicants produced four witnesses (one of whom was applicants' landlord) who testified that it would be a convenience to them if they, as customers of applicants, could purchase alcoholic beverages from applicants.

Mayor Hogan of Denville testified that a resolution was approved by the Township Committee which read as follows:

"Resolution was offered by Mr. Scofield, seconded by Mr. Keefe, that the township committee of the township of Denville enter a protest on the grounds that it is in violation of our zoning ordinance and does not meet with the building code, nor could a certificate of occupancy be given."

Nine holders of retail liquor licenses (two of whom are from Denville and the others from surrounding municipalities) testified that there is no need or necessity for another liquor outlet in the vicinity.

Petitions containing approximately 200 names in favor of the transfer and also petitions containing a like number of names in objection to the transfer on behalf of the applicants and the objectors respectively, were marked as exhibits in evidence in the instant matter.

In considering the aforesaid objections, it must be borne in mind that municipal consent is not a statutory prerequisite to the issuance of a State license; that the privileges of a state beverage distributor's license are state-wide and, thus, that the question of public necessity and convenience cannot be determined on the narrow basis of the single municipality in which the prospective licensee will have his principal office or warehouse. Re Vigor Beverages Co., Inc., Bulletin 941, Item 9. Nevertheless, the transfer of a license, whether State or municipal, to other premises is not a privilege inherent in a license. Re Variety Beers and Soda Distributors, Inc., Bulletin 1000, Item 6; Van Schoick v. Howell, Bulletin 120, Item 6. If good cause appears, an application for transfer may be denied in the discretion of the issuing authority. Re Variety Beers and Soda Distributors, Inc., supra; Re Warren, Bulletin 945, Item 6; Re Ciccarone, Bulletin 1048, Item 5; Re Bruno, Bulletin 1055, Item 9.

After carefully examining the within record, I am satisfied that there are ample licenses in the area proposed to be served by applicants to meet the needs of the persons residing therein. Furthermore, there were numerous objectors including the municipal authority of the Township where the premises to which the license was requested to be transferred are located. I might also add that the present license is issued for premises in Atlantic City and that the transfer does not constitute the sale of an existing business.

Under the circumstances appearing in this case, and for the reasons aforesaid, the application for transfer of the license in question will be denied.

WILLIAM HOWE DAVIS  
Director.

Dated: July 26, 1955.

10. DISQUALIFICATION - CONVICTION OF CRIME DURING PAST FIVE YEARS - APPLICATION DENIED.

In the Matter of an Application )  
to Remove Disqualification )  
because of a Conviction, Pursuant )  
to R. S. 33:1-31.2. )  
Case No. 1232. )  
----- )

CONCLUSIONS  
AND ORDER

BY THE DIRECTOR:

Applicant's fingerprint returns show that in 1937 he was fined \$100.00 on a charge of reckless driving; in 1939 he pleaded non vult to a charge of breaking, entering, larceny and receiving and was sentenced to an indefinite term in a reformatory; in 1942 he was sentenced to a term of ninety days in a penitentiary upon a conviction of threatening; in 1943 he was courtmartialed for being AWOL from the U. S. Army; in the same year he was charged with non-support and sentenced to eighteen months in a penitentiary; in 1944 he was convicted of bigamy and sentenced to eighteen months in a penitentiary; in 1947 he pleaded non vult to a charge of forgery and uttering and was sentenced to eighteen months in a county penitentiary; in 1949 he was convicted on a charge of petit larceny in another State and received a suspended sentence; in 1950 he pleaded non vult to desertion and uttering and was sentenced on the first charge to a term of one to three years in State Prison and to one year on the second charge; he was at the same time placed

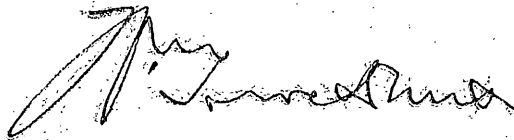
on probation for a period of five years and ordered to support his legal wife and the children of his legal and illegal wives, all sentences to run consecutively, and on April 30, 1953, he was sentenced to six months in a county penitentiary on a charge of attempted false pretense and for violation of his parole. Apparently he was released from the penitentiary on July 30, 1953.

Without considering his other convictions, it is clear that the crimes of which he was convicted in 1939, 1944 and 1947 involved moral turpitude and, hence, petitioner is presently disqualified from holding a license or being employed in any capacity on licensed premises.

The statute under which relief may be afforded by me (R.S. 33:1-31.2) requires satisfactory proof, among other things, that applicant has conducted himself in a law-abiding manner for the last five years. Irrespective of whether the crimes of which applicant was convicted in 1950 and 1953 involve the element of moral turpitude, it appears that he has not been law-abiding during the past five years. His application must be dismissed.

Accordingly, it is, on this 27th day of July, 1955,

ORDERED that the application herein be and the same is hereby dismissed.



William Howe Davis  
Director.