

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark 2, N. J.

BULLETIN 1057

APRIL 13, 1955.

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RECEIVED  
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Division of State Library,  
Archives and Historical  
TRENTON

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark 2, N. J.

BULLETIN 1057

APRIL 13, 1955.

1. PRACTICES UNDULY DESIGNED TO INCREASE CONSUMPTION - HEREIN OF  
"COCKTAIL SIPS".

TO ALL RETAIL CONSUMPTION LICENSEES:

It has come to our attention as a result of several recent investigations that there has developed, particularly in Essex County municipalities, a practice of licensees' permitting the conduct of so-called "Cocktail Sips" on their licensed premises.

These cocktail sips take one of two forms. In the first form, an individual or group solicits the licensee to permit the use of his premises for the conduct of the cocktail sip and to furnish persons attending the cocktail sip with a cocktail to be served from a bowl of ready-mixed cocktails or one mixed to order. The promoter then hires entertainment and sells tickets for the affair, which tickets entitle the purchaser to attend the affair and be served the free cocktail. The promoter, after the affair, pays the licensee a previously agreed-upon price for each cocktail served as evidenced by the tickets collected by the licensee. The tickets are so priced that both the licensee and the promoter make a profit.

In its second form, the cocktail sip is promoted and conducted entirely by the licensee who hires the entertainment and has the tickets printed indicating that some person other than the licensee is conducting the affair. The tickets are then sold by agents of the licensee to members of the public and again the persons attending the affair are entitled to a free cocktail upon surrender of their tickets. In this version, only the licensee makes a profit, with perhaps some commission being paid to the ticket sellers.

All licensees are hereby advised that the conduct of cocktail sips or other similar parties on their licensed premises in manner above described or in any way similar thereto is prohibited. The participation by licensees in such affairs may involve their aiding and abetting the promoter to sell alcoholic beverages without a license and/or the personal solicitation in behalf of the licensee of the purchase of alcoholic beverages in violation of Rule 3 of State Regulations No. 20, both of which are cause for suspension or revocation of license. In addition, the promotion of the sale of alcoholic beverages through the instrumentality of a cocktail sip or similar party may be deemed to be a practice unduly designed to increase consumption of alcoholic beverages and therefore a proper subject for the making of a special ruling pursuant to R.S. 33:1-39, violation of which is also cause for suspension or revocation of license.

All licensees are further advised that the conduct of any cocktail sip or similar party on their licensed premises will result in the institution of disciplinary proceedings directed to suspension or revocation of license.

WILLIAM HOWE DAVIS  
Director.

Dated: March 22, 1955.

2. STATE REGULATIONS - REGULATIONS NO. 39 - INTERPRETATION OF RULE 2(b) - COLLECTIONS BY SOLICITORS - DIRECT TRANSMISSION TO MANUFACTURER OR WHOLESALER REQUIRED.

TO ALL MANUFACTURERS AND WHOLESALERS:

Recent investigation has disclosed that several wholesalers have developed a practice of accepting personal checks of their solicitors as payment of retailers' accounts reportedly collected by the solicitors who theoretically deposit in their personal bank accounts the collections made from the retailers before drawing the check to the wholesaler. Such practice results in the commingling of those collections with personal funds of the solicitor, which readily opens the door to violations of State Regulations No. 39 and No. 34.

In some cases, the solicitors' checks are drawn by the solicitor and mailed to the wholesaler; in others, the solicitor leaves with the wholesaler a number of checks signed in blank which are filled in by the wholesaler on telephone advice from the solicitor of collections made. Since on occasion the solicitor's check is dishonored for insufficient funds, it is apparent that sometimes the collection has not in fact been made or the retailer's check has not cleared the solicitor's account, in consequence of which the retailer is receiving preferential treatment to which he is not lawfully entitled. Certainly, the evils in this questionable practice are obvious.

In any event, the continuance of the practice cannot be permitted in view of the readily apparent circumvention of State Regulations No. 39 that may occur. For example, if the retailer pays by check which is dishonored, the fact of dishonor is not reported by the bank of deposit to the wholesaler but to the solicitor. Yet since the wholesaler has received and deposited the solicitor's check, the retailer's account is considered paid when in fact it is not. Thus the retailer is not reported in default, as he should be, and the solicitor has in effect lent the amount of the collection to the retailer. Involved are possible violations of R.S. 33:1-43, Regulations No. 39 and Regulations No. 34.

Accordingly, to prevent occurrence of the improprieties above indicated, manufacturers and wholesalers may not consider as payment by a retailer (Rule 2(b) of State Regulations No. 39) a personal check of a solicitor who has reportedly collected from the retailer the monies thereby represented. Likewise, a solicitor may not deposit in his personal bank account collections made from retailers and remit such collections by his personal check to the manufacturer or wholesaler concerned. Consequently, all collections from retailers made by solicitors must be transmitted directly to the manufacturer or wholesaler.

Direct transmission may be made by (1) personal delivery of the collections in the form received, or (2) by mail (registered if need be because of cash involved), or (3) by postal or telegraph money order covering cash collections, or (4) by deposit covered by duplicate deposit slips in a special bank account of the manufacturer or wholesaler (as distinguished from an account over which the solicitor has any control) to be established by the manufacturer or wholesaler in outlying areas at points convenient for the purpose.

Hereafter, collections made from retailers by solicitors (or other employees of a manufacturer or wholesaler) will not be deemed "payment" within the contemplation of Rule 2(b) of State Regulations No. 39 unless such collection is duly transmitted directly to the manufacturer or wholesaler by one of the methods (or a combination thereof) above specified.

Dated: March 22, 1955.

WILLIAM HOWE DAVIS  
Director.

3.

ACTIVITY REPORT FOR MARCH 1955

<b>ARRESTS:</b>			
Total number of persons arrested	-----		26
Licensees and employees	-----	7	
Bootleggers	-----	19	
<b>SEIZURES:</b>			
Motor vehicles - cars	-----		3
Stills - over 50 gallons	-----		3
- 50 gallons or under	-----		1
Alcohol - gallons	-----		5.00
Mash - gallons	-----		1,700.00
Distilled alcoholic beverages - gallons	-----		81.85
Wine - gallons	-----		23.16
Brewed malt alcoholic beverages - gallons	-----		20.43
<b>RETAIL LICENSEES:</b>			
Premises inspected	-----		910
Premises where alcoholic beverages were gauged	-----		662
Bottles gauged	-----		13,535
Premises where violations were found	-----		49
Violations found	-----		55
Type of violations found:			
Unqualified employees	-----	12	
Other mercantile business	-----	10	
Reg. #38 sign not posted	-----	7	
Disposal permit necessary	-----		3
Gambling devices	-----		1
Other violations	-----		22
<b>STATE LICENSEES:</b>			
Premises inspected	-----		5
License applications investigated	-----		13
<b>COMPLAINTS:</b>			
Complaints assigned for investigation	-----		496
Investigations completed	-----		447
Investigations pending	-----		145
<b>LABORATORY:</b>			
Analyses made	-----		162
Refills from licensed premises - bottles	-----		9
Bottles from unlicensed premises	-----		22
<b>IDENTIFICATION BUREAU:</b>			
Criminal fingerprint identifications made	-----		24
Persons fingerprinted for non-criminal purposes	-----		213
Identification contacts made with other enforcement agencies	-----		196
Motor vehicle identifications via N. J. State Police teletype	-----		1
<b>DISCIPLINARY PROCEEDINGS:</b>			
Cases transmitted to municipalities	-----		23
Violations involved:			
Sale during prohibited hours	-----	12	
Sale to minors	-----	6	
Permitting bookmaking on premises	-----	2	
Permitting lottery activity (horse race pool)	-----	2	
Permitting brawl on premises	-----		1
Sale to non-members by club	-----		1
Employing female bartender (local reg.)	-----		1
Unqualified employee	-----		1
Cases instituted at Division	-----		32*
Violations involved:			
Sale to minors	-----	10	
Sale during prohibited hours	-----	6	
Sale below minimum resale price	-----	4	
Permitting bookmaking on premises	-----	2	
Unauthorized transportation	-----	3	
Retailer soliciting house to house	-----	3	
Sale outside scope of license	-----	3	
Permitting lottery activity (raffles, horse race pool, numbers, fight pool)	-----	2	
Possessing indecent matter	-----		2
Permitting immoral activity	-----		2
Retailer to retailer sales	-----		2
Violation of special ruling	-----		1
Failure to file notice of change in application	-----		1
Conducting business as a nuisance	-----		1
Hindering investigation	-----		1
Possessing illicit liquor	-----		1
Permitting foul language on prem.	-----		1
*Includes one cancellation proceeding - license improvidently issued to club no longer bona fide.			
Cases brought by municipalities on own initiative and reported to Division	-----		9
Violations involved:			
Sale during prohibited hours	-----	3	
Permitting brawl on premises	-----	3	
Employee working while intoxicated	-----	1	
Permitting hostesses on premises	-----		1
Sale to minors	-----		1
Unqualified employee	-----		1
Possessing slot machines on prem.	-----		1
<b>HEARINGS HELD AT DIVISION:</b>			
Total number of hearings held	-----		53
Appeals	-----	3	
Disciplinary proceedings	-----	31	
Eligibility	-----	9	
Seizures	-----		5
Tax revocations	-----		4
Applications for license	-----		1
<b>STATE LICENSES AND PERMITS ISSUED:</b>			
Total number issued	-----		1,219
Licenses	-----	6	
Employment permits	-----	130	
Solicitors'	-----	66	
Disposal	-----	153	
Social affair permits	-----		320
Wine	-----		1
Miscellaneous	-----		122
Transportation insignia	-----		407
Transportation certificates	-----		14

Dated: April 4, 1955.

WILLIAM HOWE DAVIS  
DIRECTOR

4. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN RESTAURANT - VARIOUS ARTICLES RETURNED TO INNOCENT CLAIMANTS - STOCK OF ALCOHOLIC BEVERAGES AND BALANCE OF SEIZED PROPERTY ORDERED FORFEITED.

In the Matter of the Seizure on )  
October 8, 1954 of a quantity of )  
alcoholic beverages, various fur- )  
nishings, fixtures and equipment )  
and \$24.85 in cash, and a Mercury )  
sedan, on premises known as )  
"Village Restaurant" located on )  
Route 130, in Cranbury Township, )  
County of Middlesex and State of )  
New Jersey. )  
-----)

Case No. 8729

ON HEARING  
CONCLUSIONS AND ORDER

Percy Haveson, Esq., Attorney for Branford P. Hoffman and  
Ace Amusement Co.

Acme Automatic, Inc., by Edwin S. Rothstein, President.  
Broad Street National Bank, by Frank W. Burke, Collection Manager.  
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 dated October 22, 1954 signed by Edwin S. Rothstein, on behalf of Acme Automatic, Inc., to determine whether a quantity of alcoholic beverages, \$24.85 in cash, various furnishings, fixtures, equipment, and a Mercury sedan, described in a schedule attached hereto, seized on October 8, 1954 at the "Village Restaurant" located on Route 130, Cranbury Township, New Jersey, constitute unlawful property and should be forfeited.

Various requests for return of specific articles seized were presented by the above named claimants, who asserted that they did not have any knowledge of unlawful alcoholic beverage activity at the establishment where their property was located.

After hearing pursuant to R. S. 33:1-66, the Hearer submitted his suggested Conclusions and Order (Hearer's report) to the attorney for Branford P. Hoffman. The Hearer's recommendations in his report were adverse to Hoffman's claim. The report was not submitted to the other claimants because the Hearer's recommendations were favorable to them. Exceptions to the Hearer's report were filed by Branford P. Hoffman.

After due consideration of the complete record in the case, including such exceptions, I adopt and approve the following recitals which appear in the Hearer's report:

"The seizure was made by ABC agents because of alleged unlicensed sales of alcoholic beverages on the above date at such restaurant.

"Pending seizure hearing in the case, Acme Automatic, Inc., obtained return of a cigar, and two cigarette vending machines upon payment of the sum of \$150.00, their appraised retail value, to the Director of the Division of Alcoholic Beverage Control under protest pursuant to R.S. 33:1-66. Edwin S. Rothstein,

President of such vending company, stipulated on its behalf that the Director shall determine in these proceedings whether such sum should be returned to the vending company, or should be forfeited.

"When the matter came on for hearing, pursuant to R. S. 33:1-66, and the aforesaid stipulation, appearances were entered by counsel on behalf of Branford P. Hoffman and Ace Amusement Co.; by Edwin S. Rotherstein on behalf of Acme Automatic, Inc.; and by Frank W. Burke on behalf of Broad Street National Bank. At the request of the attorney for Jesse White, another claimant, hearing as to his claim was adjourned to a later date.

"On September 26, 1954 ABC agents went to the 'Village Restaurant' to check a complaint that alcoholic beverages were being sold there without a license. One of the agents met Jesse White, who identified himself as the then proprietor of the restaurant. White expressed concern over his ability to continue the business, stating that it was an unprofitable venture and that it was his opinion that the only way to make a success thereof was to sell alcoholic beverages. On this occasion the agent purchased two drinks of whiskey from White. The agent left without disclosing his identity.

"On October 7, 1954 another ABC agent visited the premises, met Mrs. Jesse White, who told him that her husband was at work on a farm and that he and other persons had decided to operate a club at the premises and sell alcoholic beverages.

"On the following day this agent again visited the premises. On entering he met William Polay, and shortly thereafter, Jesse White appeared on the scene. White introduced Polay as one of the owners of the restaurant. The agent observed that Arthur Angstreich also participated in the conduct of the business. After some conversation with White, the agent asked him for some whiskey. White informed the agent that a pint of whiskey would cost \$4.50. That agent stated that this was satisfactory. White then spoke to Polay, both of whom immediately left the restaurant, and returned within a few minutes. Upon their return, White brought a pint of whiskey to the agent at the table where he was seated. The agent gave White a five-dollar bill, which White turned over to Polay, from whom he received 50¢ in change. White handed the change to the agent.

"Thereupon this agent and another, who was in the restaurant, identified themselves. Questioned as to the source of the whiskey, White said that he was selling it for Polay, who had a supply of whiskey in his Mercury sedan parked on the premises; and that the pint of whiskey, which White sold to the agent came from this source. White, who had some arrangement with Polay and Angstreich to help in the conduct of the business, further stated that he had discussed with them the desirability of obtaining a liquor license but they told him they could not obtain such a license.

"It is claimed that Angstreich was at the restaurant, and took part in the activities therein, to safeguard

monies that were due him and to prevent sales of alcoholic beverages because he had heard rumors to that effect. The agents inspected Polay's Mercury sedan and found therein 18 pints of various brands of whiskey. None of the above mentioned persons, active in the conduct of the business of the restaurant, held any license authorizing any of them to sell alcoholic beverages and the premises were not licensed for that purpose. The agents seized the whiskey, motor vehicle, the furniture, fixtures and equipment of the restaurant.

"Jesse White's attorney has recently advised that he has withdrawn from the case.

"Broad Street National Bank has presented a chattel mortgage dated September 10, 1953 executed by William Polay to the bank evidencing its loan of \$1380.48 on the security of the Mercury sedan in question. The unpaid balance due thereon is \$734.19 after rebate for prepayment.

"Prior to extending credit to Polay the bank received information concerning Polay's background and employment and was furnished with various business references. The bank referred the matter to an independent investigating agency, which furnished the bank with a report wherein it appears that the agency ascertained that Polay was employed as a salesman for a retail establishment, that he anticipated entering into an electrical appliance business on his own account with a partner; and that he formerly operated a trucking business. Nothing derogatory appeared in such report.

"The Director of the Division of Purchase and Property has advised that the State of New Jersey is not interested in retaining the Mercury sedan for the use of any state agency upon payment of the lien claim. The retail value of such vehicle does not appear to exceed the amount of such lien and the costs of its seizure and storage.

"Acme Automatic, Inc., placed a cigarette vending machine and a cigar vending machine in the restaurant on June 17, 1954. Mr. Rothstein, President of the concern, had been acquainted with the restaurant for about 7 years, and his concern had various machines there over a period of three or four years. He first dealt with Branford P. Hoffman. About June 16th while in the vicinity of the restaurant, he observed that it was about to be reopened. He met Angstreich, who told him he intended to operate a club at the premises, and arranged to place the two machines there the next day. On August 26, 1954, Rothstein installed another cigarette machine there.

"The establishment was to all outward appearances a legitimate restaurant. So far as appears, neither White, Polay nor Angstreich have any criminal record for violating any liquor laws. Rothstein did not observe any alcoholic beverage activity on the occasions when he was there to service the machines.

"Dessi Pascucci, trading as Ace Amusement Company placed a music machine in the restaurant on October 8, 1954. He received a telephone call from Polay, and when Pascucci and his employee interviewed Polay, he stated that

It was reopening for business that night. The installation of the machine appears to have been made in the regular course of business.

"Branford P. Hoffman seeks return of the fixtures, furnishings and equipment of the restaurant, with certain exceptions, on claim that he is the owner of the premises and the personal property therein, and leased both to the operator of the restaurant.

"There is a normal presumption that the proprietor is the owner of the equipment of a commercial restaurant. Seizure Case No. 8410, Bulletin 1006, Item 3. Any assertion to the contrary must be established by convincing evidence, preferably by pertinent documents. It is obvious that liquor law enforcement would be seriously hampered if equipment used in a speakeasy were returned to any person who makes a verbal claim thereto."

I find from the evidence presented that the whiskey found in the Mercury sedan was intended for unlawful sale and hence is illicit. The pint of whiskey sold in the restaurant is likewise illicit. R. S. 33:1-1(i). Such illicit alcoholic beverages, the motor vehicle, and other personal property found on the premises where the illicit alcoholic beverages were found, constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

I am authorized to return property subject to forfeiture to a claimant who establishes to my satisfaction that he has acted in good faith and had no knowledge of the unlawful use to which the property was put or of such facts as would have led a person of ordinary prudence to discover such use. R.S. 33:1-66(f).

Since Jesse White actively participated in the unlicensed sale of alcoholic beverages, he has no acceptable defense to forfeiture to present.

I am satisfied that the Broad Street National Bank acted with reasonable prudence and made an adequate investigation of the background and character of William Polay before it extended credit to him, and did not discover any facts that should have led it to suspect that the motor vehicle would be used in connection with unlawful alcoholic beverage activities. I shall therefore recognize its lien upon the motor vehicle to the extent of \$734.19, and such motor vehicle will be returned to the bank upon payment of the costs of its seizure and storage. R.S. 33:1-66(f).

Similarly, the Acme Automatic, Inc. acted in good faith and did not know, or have any reason to suspect that its equipment was located in a speakeasy. Hence, the money deposited less the costs of seizure and storage of the three machines, will be returned to Acme Automatic, Inc.

Dessi Pascucci, trading as Ace Amusement Company, has established his innocence to my satisfaction, and the music machine will be returned to him upon payment of the costs of its seizure and storage.

Without a detailed recital of the evidence presented by Branford P. Hoffman at the hearing, it is sufficient to point out that essential elements of proof were lacking to establish his claim, and hence his application for return of the seized property would have been denied.

However, with his exceptions to the Hearer's report, Hoffman submitted a copy of his lease dated June 8, 1954, leasing the premises in question to Arthur Angstreich, wherein there appears the recital "including everything now in the building belonging to party of the first part (Hoffman)." A sworn statement of Emma W. Owens, the real estate agent employed by Hoffman, has also been received, wherein the statement appears that the contents of the building were included in the rent and that from what she knew the building to contain, it corresponded with Hoffman's inventory of the personal property. The affidavit further sets forth that before leasing the premises to Arthur Angstreich, she checked with an attorney located in a neighboring municipality, inquiring whether Angstreich was reliable, and that such attorney recommended Angstreich as a tenant.

The additional evidence supplied will be accepted as satisfactory proof that Hoffman is the owner of the furnishings and equipment seized at the restaurant, and further, as satisfactory evidence that a reasonable inquiry was made of the background of Angstreich before he was accepted as the tenant.

Under the particular circumstances in the case, I am reluctant to hold that Mr. Hoffman should have more closely supervised the activities of his tenant Angstreich, although Mr. Hoffman would have been well advised to do so. I shall therefore grant his request for the return of his equipment.

Accordingly, it is DETERMINED and ORDERED that the costs of the seizure and storage of the cigar and two cigarette vending machines be deducted from the deposit of \$150.00, and the balance returned to the Acme Automatic, Inc.; and it is further

DETERMINED and ORDERED that if on or before the 25th day of March, 1955, Broad Street National Bank pays the costs of seizure and storage of the Mercury sedan; and the Ace Amusement Company pays the costs of the seizure and storage of the music machine, such property, more fully described in Schedule "A" attached hereto, will be returned to the respective claimants; and it is further

DETERMINED and ORDERED that if on or before the 25th day of March, 1955, Branford P. Hoffman pays the costs of seizure and storage thereof, the balance of the seized property listed in the aforementioned Schedule "A" will be returned to him, except the whiskey, beer, soda, \$24.85 in cash, piano and bench, Zenith record player and a cash register, all of which do not belong to and are not claimed by Hoffman; and it is further

DETERMINED and ORDERED that the aforesaid whiskey, beer, soda, \$24.85 in cash, piano and bench, Zenith record player and cash register, constitute unlawful property and the same be and hereby are 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  
Director.

Dated: March 15, 1955.

SCHEDULE "A"

- 18 - pints of whiskey
- 138 - bottles of Maltcrest Brew
- 39 - bottles of soda
- 1 - cigarette machine with currency therein
- 1 - Rowe cigarette machine with currency therein
- 1 - cigar dispenser with currency therein
- 1 - A.M.I. music machine with currency therein
- 1 - Zenith Cobra record player
- 17 - tables
- 41 - chairs
- 1 - Norris-Hyde Piano and bench
- 2 - National cash registers
- 1 - steel locker
- 4 - coolers
- 1 - toaster
- 1 - Frigidaire
- 1 - Peerless gas range
- 1 - steam table
- 1 - Harvey-Brett ice box
- 1 - blower unit
- 1 - water cooler
- 1 - Mercury sedan, Serial No. 51ME78039M,  
1954 N. J. Registration AM31S  
various kitchen and restaurant equipment  
itemized in the seizure inventory in the case  
\$24.85 in cash

5. SEIZURE - FORFEITURE PROCEEDINGS - UNREGISTERED STILL PLACED ON FARM BY TENANT - STILL, APPURTENANT EQUIPMENT AND ILLICIT ALCOHOL ORDERED FORFEITED - PADLOCKING WAIVED AT REQUEST OF INNOCENT LANDLORD.

In the Matter of the Seizure )  
on December 2, 1954 of a still, )  
appurtenant equipment and a )  
quantity of alcohol, on the farm )  
of George Maskell, located on )  
Swedesboro-Franklinville Road, )  
also known as Route 538, in Elk )  
Township, County of Gloucester )  
and State of New Jersey. )

Case No. 8768

ON HEARING  
CONCLUSIONS AND ORDER

-----  
George David Maskell, Pro Se.  
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 2, Revised Statutes of New Jersey, to determine whether a still, appurtenant equipment, and a quantity of alcohol, described in a schedule attached hereto, seized on December 2, 1954 on the farm owned by George Maskell, located on Swedesboro-Franklinville Road, Elk 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. 33:2-4, an appearance was entered by George David Maskell, who sought to avoid padlocking of the premises. No one opposed forfeiture of the seized property.

An ABC agent testified that on December 2, 1954 he and other agents and New Jersey State Troopers proceeded to the aforementioned farm to investigate information that there was an illicit still on the farm. The farm is described as consisting of about 100 acres upon which there is a farmhouse; a large barn distant 125 or 150 feet from the farmhouse; a **large** newly-constructed cinder block building about 15 feet in the rear of the barn; and a shed or garage between the farmhouse and the barn.

The agents and other officers entered the barn, whereupon three men sought to escape therefrom. Two of these men, Michael Pisano and Frank Cranga, were apprehended, and one man escaped. There was a large illicit still in operation in the barn. There were about 1000 empty 5-gallon cans therein and a few five-gallon cans containing illicit alcohol. Upon further investigation the agents discovered four large vats with mash, and a considerable quantity of sugar, in the cinder block building.

The still was not registered with the Director of the Division of Alcoholic Beverage Control as required by R.S. 33:2-1. Actually it was a still for the manufacture of illicit alcohol on a large commercial scale.

The ABC agents seized the still, appurtenant equipment and alcohol, all of which constitutes unlawful property and is subject to forfeiture because it was part and parcel of an unregistered still. R.S. 33:2-2, R.S. 33:2-5.

The agents ascertained that the farmhouse was occupied by Felix Bocchino and his family. Apparently Bocchino rented the farm from George Maskell about August, 1954. Although Bocchino claimed that he was not aware of the presence of the still on the premises and that he had rented the barn to one William Russo of Camden, New Jersey for storage purposes, Bocchino was arrested in connection with the operation of the illicit still on the farm.

George Maskell testified that he has been the owner of the farm for a number of years, and has been employed as an electrician in the Philadelphia Navy Yard since 1940. In addition to this employment, he worked on the farm raising crops and poultry in his spare time. In July, 1954 it became necessary for him to discontinue his activities on the farm because of his ill health, and that of his wife, which rendered it impossible for him to arise in the early morning hours to work on the farm, and still remain an efficient employee of the Navy Yard. He desired to move closer to his place of employment. Therefore, he posted a sign on the road advertising the farm for sale or lease. One of the persons that presented himself as a tenant gave his name as James Martella. Martella stated that he was employed in Philadelphia and, in addition, had experience in, and wished to use the farm, for the poultry business. Martella paid a \$50.00 deposit on July 15, 1954 as a binder for a lease to be executed. On August 4, 1954 Maskell and Martella executed a lease, dated August 4, 1954, for a one-year term for the farmhouse, barn, garage, machinery shed, a chicken house, and about 90 acres of land. The rent was \$100.00 per month with a \$300.00 deposit as security. The lease further gave Martella the option to purchase the property for \$35,000.00.

Maskell delivered possession of this property to Martella and moved to a different municipality. Although Maskell reserved possession of 23 acres of land and a chicken house, he had but little opportunity to visit the premises after his work at the Navy Yard, and swears that he had no occasion to give more than a casual glance to the property and made no detailed inspection of that portion of the premises which was leased to Martella because he was of

the impression that it was illegal for him to trespass on the tenant's property. Maskell asserts that he did not know that there was an illicit still on the premises.

I am advised that Maskell's demeanor and conduct at the hearing were forthright and honest. Maskell has obtained a judgment from the Gloucester County District Court terminating the lease and restoring him to the possession of the farm. Under the circumstances outlined, padlocking will be waived.

Accordingly, it is DETERMINED and ORDERED that the seized property, more fully 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. 33:2-5, 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.

WILLIAM HOWE DAVIS  
Director.

Dated: March 16, 1955.

SCHEDULE "A"

1000 - 5-gallon empty cans  
 5 - vats with mash  
 1 - dephlegmator  
 1 - nine-section copper column  
 8 - tanks  
 1 - cooker  
 4 - 5-gallon cans of alcohol  
 4 - pumps  
 1 - stove  
 1 - oil burner  
 1 - chain hoist  
 1 - jack  
 3900 - lbs. of sugar  
 1 - barrel  
 250 - lbs. of yeast  
 700 - lbs. of urea  
 1 - boiler  
 Miscellaneous pipes and fittings  
 and other personal property.

6. SEIZURE - FORFEITURE PROCEEDINGS - ILLICIT STILL, ALCOHOL AND MOTOR VEHICLE IN GARAGE ORDERED FORFEITED - GARAGE ORDERED PADLOCKED - DWELLING AND RESTAURANT ON PREMISES NOT PADLOCKED.

In the Matter of the Seizure on )  
November 23, 1954, of a still, )  
appurtenant equipment, a quantity )  
of alcohol, and a Buick sedan in )  
a garage located in the rear of )  
premises 94 Straight Street, in )  
the City of Paterson, County of )  
Passaic and State of New Jersey. )  
-----)

Case No. 8762

ON HEARING  
CONCLUSIONS AND ORDER

Walker Griffin, Pro Se.

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, Chapters 1 and 2, Revised Statutes of New Jersey, to determine whether a still, appurtenant equipment, a quantity of alcohol, and a Buick sedan, described in a schedule attached hereto, seized on November 23, 1954 in a garage located in the rear of 94 Straight Street, Paterson, New Jersey, constitute unlawful property and should be forfeited, and further, to determine whether the premises should be padlocked.

The seizure was made by local police after they discovered such still, in the garage, being used for the purpose of manufacturing illicit alcohol. Irving Morris, the registered owner of the Buick sedan, and the operator of the still, was present in the garage. He gave the officers a signed statement wherein it appears that he had been operating the still for four or five months and had used the motor vehicle to transport illicit alcohol; that he rented the garage from a man named Grower at the monthly rental of \$50.00, and left the rent at a restaurant located on the ground floor of a building on the premises. There are living quarters on the upper floors of this building. The seized property was turned over to agents of the Division of Alcoholic Beverage Control.

When the matter came on for hearing pursuant to R.S. 33:1-66 and R.S. 33:2-4, Walker Griffin appeared and sought to avoid padlocking of the restaurant building. Forfeiture of the seized property was not opposed by any person.

The still was not registered with the Director of the Division of Alcoholic Beverage Control as required by R.S. 33:2-1. The seized alcohol is illicit. R.S. 33:1-1(1). Such still, illicit alcohol, and all other personal property seized therewith on the premises constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-65, R.S. 33:2-2, R.S. 33:2-5.

Walker Griffin testified that he is in possession of the restaurant building since August 1954 under an assignment by James Grower of the latter's contract to purchase the property; that he did not know Irving Morris or collect any rent from him because Grower continued to collect rent for the garage and applied it to the amount due him from Griffin for the assignment of the contract; and that he was never in the garage and did not know the still was there. Further, that he operates the restaurant, has a tenant on the second floor, and resides with his family on the third floor of the building; that he depends in the main on the income of the restaurant and his employment as a mason to keep up his payments on his contract to purchase the premises; that he has no assets other than his equity in

such contract, and has never been arrested for any offense. Griffin is 55 years of age, a resident of New Jersey for 36 years, and a mason for about 30 years.

So far as appears, Griffin had no direct connection with the presence or operation of the illicit still in the garage. However, at least he should have discovered its presence, inasmuch as it was located only a few feet from the restaurant building. If in fact he was unaware of its presence, it denotes carelessness or indifference on his part. The garage will be padlocked for six months. The restaurant building will not be padlocked because it would impose an undue hardship under the circumstances disclosed.

Accordingly, it is DETERMINED and ORDERED that the seized property, more fully 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 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; and it is further

ORDERED that the garage located in the rear of premises 94 Straight Street, in the City of Paterson, County of Passaic and State of New Jersey, being the building in which the still was seized, shall not be used or occupied for any purpose whatsoever, for a period of six months, commencing the 1st day of May, 1955.

WILLIAM HOWE DAVIS  
Director.

Dated: March 22, 1955.

SCHEDULE "A"

- 1 - 5-gallon can of alcohol
- 2 - 1-gallon glass jugs of alcohol
- 9 - 50-gallon drums with mash
- 1 - 20-gallon stone crock
- 2 - hydrometers
- 1 - 25-gallon cooler with copper coils
- 1 - 50-gallon cooker
- 2 - stoves
- 10 - lbs. of grain
- 80 - lbs. of sugar
- 5 - 5-gallon empty cans
- 1 - Buick sedan, Serial No. 34267316, Engine No. 4474982, N. Y. 1954 Registration 5Z8037

7. DISQUALIFICATION - CONVICTION FOR VIOLATING ORDINANCE DURING PAST FIVE YEARS - APPLICATION TO LIFT GRANTED.

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

CONCLUSIONS  
AND ORDER

Case No. 1211: )  
-----) )

BY THE DIRECTOR:

On October 8, 1940 petitioner pleaded non vult to the crimes of assault with intent to rob and larceny and receiving. On October 28, 1940 he was sentenced by a county judge to a state reformatory for an indeterminate term on the charge of assault with intent to rob and received a suspended sentence on the charge of larceny and receiving. Petitioner was released on parole from the penal institution on December 24, 1941.

The crime of assault with intent to rob, per se, involves moral turpitude and, hence, petitioner's aforesaid conviction thereof necessarily disqualifies him from engaging or being employed in the alcoholic beverage industry in any capacity in this State. R.S. 33:1-25, 26. It is unnecessary at this time to determine whether any of petitioner's other convictions has a similar effect.

Petitioner produced three character witnesses (a machine operator, a county employee and a plumber) who testified that they have known petitioner eight or more years; that he bears a good reputation in the community wherein he lives for being a law-abiding person and that they are of the opinion that his association with the alcoholic beverage industry will not be detrimental to the public interest. The police department of the municipality in which petitioner resides has advised that no complaint or investigation is presently pending involving the petitioner.

Petitioner testified that he is a plumber by trade but at the present time is unemployed.

Were there no more to the case, I would have but little hesitancy in removing petitioner's disqualification. However, while his record is otherwise clear since his parole back some 14 years in 1941, it appears that on April 21, 1952 he pleaded guilty to a charge of gambling (dice) and was fined \$20.00 for violation of a local ordinance.

To afford petitioner the relief requested it is necessary that I find that he has been conducting himself in a law-abiding manner for five years last past and that his association with the alcoholic beverage industry will not be contrary to the public interest. See R.S. 33:1-31.2. Although the aforesaid conviction for violation of a local ordinance does not constitute conviction of a "crime" (Re Case No. 451, Bulletin 525, Item 3), it is nevertheless a pertinent circumstance to consider on the question whether he has successfully rehabilitated himself and has been living in a "law-abiding" manner during the requisite period. However, being a single lapse during the last 14 years and not being a "crime" or indicating a criminal turn of mind or an attitude that is prejudicial to the alcoholic beverage industry, I do not believe it is sufficient to overcome petitioner's otherwise clear record of so many years and the favorable testimony of his character witnesses.

Hence, I conclude that petitioner is fairly to be granted the relief sought.

Accordingly, it is, on this 14th day of March, 1955,

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

WILLIAM HOWE DAVIS  
Director.

8. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY DIRECTOR - APPLICATION TO LIFT GRANTED.

In the Matter of Disciplinary Proceedings against )

THE HORSESHOE, INC. )  
T/a HORSESHOE BAR )  
1268 White Horse Pike )  
Galloway Township )  
P.O. Absecon R.D., N. J., )

ON PETITION  
O R D E R

Holder of Plenary Retail Consumption License C-17, issued by the Township Committee of the Township of Galloway. )  
----- )

BY THE DIRECTOR:

It appears from a verified petition filed herein that on February 28, 1955, Anna Manuk, president of The Horseshoe, Inc., was sentenced in the Atlantic County Criminal Court to pay a fine of \$100.00 after pleading nolo contendere to a charge of selling alcoholic beverages to minors. Said conviction has resulted in the automatic suspension of the license herein for the balance of its term. R.S. 33:1-31.1. The petition requests the lifting of said suspension.

The records of the Division of Alcoholic Beverage Control disclose that by Order dated February 3, 1955, the Director suspended the license herein for a period of fifteen days after the licensee had pleaded non vult in disciplinary proceedings to a charge alleging that it sold alcoholic beverages to minors. Said suspension was effective from 7:00 a.m. February 10, 1955, to 7:00 a.m. February 25, 1955. See Bulletin 1051, Item 8. The conviction in the criminal proceedings and the charge in the disciplinary proceedings were based upon the same facts. Since the suspension heretofore imposed is adequate, the relief sought herein will be granted.

Accordingly, it is, on this 16th day of March, 1955,

ORDERED that the automatic suspension of License C-17, issued by the Township Committee of the Township of Galloway to The Horseshoe, Inc., t/a Horseshoe Bar, for premises 1268 White Horse Pike, Galloway Township, be and the same is hereby lifted, and said license is restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS  
Director.

9. DIVISION OF ALCOHOLIC BEVERAGE CONTROL - INTERNAL ADMINISTRATIVE CHANGE - SEPARATE "PROSECUTION-TRADE PRACTICES" UNIT ESTABLISHED, EFFECTIVE APRIL 1, 1955.

March 31, 1955

This is to announce that I have established in the Division, effective April 1, 1955, a separate Unit to be known as "Prosecution-Trade Practices". The new Unit, to which present personnel are being transferred, will be headed by Anthony Meyer, Jr., under my immediate supervision.

Heretofore the Division's Prosecution Section has been in the Enforcement Bureau and regulation of Trade Practices (Regulations No. 30 -- Minimum Consumer Resale Prices; Regulations No. 34 -- Wholesale Prices and Maximum Rebates, Free Goods, Allowances and Other Inducements; Regulations No. 35 -- Contracts of Employment with Manufacturers and Wholesalers and Conduct of Solicitors; and Regulations No. 39 -- Extension of Credit by Manufacturers and Wholesalers to Retail Licensees) has been in the License Bureau.

This internal administrative change, reflecting no change in general policy, concentrates Prosecution and Trade Practices in a separate and distinct Unit so as to relieve the Enforcement and License Bureaus from the over-heavy burden of handling Prosecution and Trade Practices, respectively, in addition to their manifold other functions.

WILLIAM HOWE DAVIS  
Director.

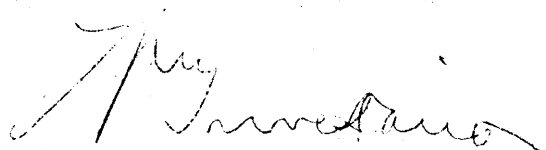
10. STATE LICENSES - NEW APPLICATIONS FILED.

Lawrence Warehouse Company  
95 Temple Avenue  
Hackensack, N. J.

Application filed April 11, 1955 for Public Warehouse License.

United States Trucking Corporation  
273-83 E. Kinney Street  
Newark, N. J.

Application filed April 12, 1955 for additional warehouse at  
833-35-37-39-41 Jersey Avenue, Jersey City, N. J.

  
William Howe Davis  
Director.