

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

BULLETIN 1113

MAY 31, 1956.

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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 1113

MAY 31, 1956.

1. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES IN
OTHER THAN ORIGINAL CONTAINER - LICENSE SUSPENDED FOR 15
DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

ADOLPH, BELLA and HERMAN)
SCHACHTEL)
58-60 South 6th Street)
Newark 7, N. J.,)

CONCLUSIONS
AND ORDER

-----)
Holders of Plenary Retail Consump-)
tion License C-23, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Newark.)

Adolph, Bella and Herman Schachtel, Defendant-licensees, by
Adolph Schachtel.

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

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging
that they sold an alcoholic beverage in other than its original
container for off-premises consumption, in violation of R. S.
33:1-2.

The file herein discloses that at about 2:55 a.m.,
Saturday, April 7, 1956, an ABC agent who was in defendants'
licensed premises asked the bartender, later identified as
Adolph Schachtel, one of the licensees herein, for a pint of
whiskey to take out. Schachtel accepted a \$5.00 bill from the
agent, went to a small stock room and returning therefrom,
beckoned the agent to enter the men's room. Therein Schachtel
gave the agent a pint of whiskey; requested the agent to put
the bottle in his pocket, and handed the agent his change.
The agent left the premises with the bottle, the seal of which
was found to have been broken prior to the sale, and contacted
a fellow agent who participated in the investigation. Both
agents re-entered the premises and identified themselves to
Schachtel who gave them a signed sworn statement admitting the
violation.

Defendants have no prior adjudicated record. I shall
suspend their license for a period of fifteen days. Re Bunks,
Bulletin 1075, Item 4. Five days will be remitted for the plea
entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 17th day of April, 1956,

ORDERED that Plenary Retail Consumption License C-23,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Newark to Adolph, Bella and Herman Schachtel for
premises 58-60 South 6th Street, Newark, be and the same is
hereby suspended for a period of ten (10) days, commencing at
2:00 a.m. April 23, 1956, and terminating at 2:00 a.m. May 3,
1956.

WILLIAM HOWE DAVIS
Director

2. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)
)
 ARCANGELO VECCHIONE)
 T/a KOZY KORNER BAR)
 700-702 Emory Street)
 Asbury Park, N. J.,)
 Holder of Plenary Retail Consump-)
 tion License C-45, issued by the)
 City Council of the City of Asbury)
 Park.)

CONCLUSIONS AND ORDER

Arcangelo Vecchione, Defendant-licensee, by Andrew Vecchione. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

The file herein discloses that on March 8, 1956, ABC agents obtained from Pvt. Leon --- (age 18) a statement wherein he says that on March 1, 1956 he and two adult soldiers entered defendant's licensed premises at about 8:00 p.m. and remained there for a period of about twenty minutes. He further says that, during his visit, a male bartender served to him two glasses of beer, the contents of which he consumed. He further says that no one at the licensed premises questioned him as to his age. Statements obtained by the ABC agents from the two adult soldiers substantially corroborate the statement obtained from the minor.

Defendant has a prior record. Effective September 11, 1944, his license was suspended by the local issuing authority for a period of five days for a sale to minors. However, since this violation occurred more than ten years ago, I shall not consider it in fixing the penalty herein (Re Stefura, Bulletin 1090, Item 3). Until recently the usual penalty for sale of alcoholic beverages to an eighteen-year-old minor was a suspension of the license for ten days (Re Bob's, Inc., Bulletin 1080, Item 1). However, on January 16, 1956, I announced that the penalty in such cases would be increased by five days. Since the violation in the instant case occurred after that announcement, I shall suspend defendant's license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

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

ORDERED that Plenary Retail Consumption License C-45, issued by the City Council of the City of Asbury Park to Arcangelo Vecchione, t/a Kozy Korner Bar, for premises 700-702 Emory Street, Asbury Park, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. April 23, 1956, and terminating at 3:00 a.m. May 3, 1956.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

JOSEPH KLECHA)
 170 Ray Street)
 Garfield, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-38, issued by the Mayor and Council of the City of Garfield.)

 Joseph Klecha, 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 he possessed on his licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe the contents therein, in violation of Rule 27 of State Regulations No. 20.

The file herein discloses that on March 5, 1956, an ABC agent making a routine inspection of defendant's licensed premises tested and gauged twenty open bottles of assorted brands of liquors, the contents of one of which, a 4/5 quart bottle labeled "Imported Seagram's V. O. Canadian Whisky, A Blend 86.8 Proof", appeared to be over-proof and off in color. The agent seized the bottle and an analysis by the Division's chemist showed the contents to be higher in proof and solids and lighter in color than the genuine product with which it was compared.

Defendant has no prior adjudicated record. I shall suspend his license for the minimum period of fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days. Re Dzama and Geiger, Bulletin 1099, Item 9.

Accordingly, it is, on this 17th day of April, 1956,

ORDERED that Plenary Retail Consumption License C-38, issued by the Mayor and Council of the City of Garfield to Joseph Klecha, 170 Ray Street, Garfield, be and the same is hereby suspended for a period of ten (10) days, commencing at 4:00 a.m. April 23, 1956, and terminating at 4:00 a.m. May 3, 1956.

WILLIAM HOWE DAVIS
 Director.

4. DISQUALIFICATION - CONVICTION OF ROBBERY - UNSATISFACTORY
RECORD OF APPLICANT - APPLICATION TO LIFT DENIED.

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. 1267
-----)

BY THE DIRECTOR:

Applicant's fingerprint returns show that in 1945 four separate indictments were returned charging him with rape, conspiracy, robbery and kidnapping; that he was convicted on the robbery indictment and sentenced to a term of four to five years in State Prison; that jewelry valued at \$27,000.00 was stolen; and that the three other indictments were nolle prossed because of the death of the victim prior to prosecution proceedings. Applicant was paroled from the State Prison on October 6, 1947. Applicant's record discloses, further, that in 1948 he was placed on probation for neglecting his children and ordered to pay \$12.00 per week for their support and that, in March 1953, he was committed to jail for violation of his probation to remain there until the arrears were paid. Since the crime of which he was convicted (robbery) involves the element of moral turpitude, applicant is precluded from engaging in the alcoholic beverage industry in this State until his disqualification is removed.

At the hearing herein, applicant testified that he is 33 years of age; that his two minor children reside with his divorced wife; that he is a tar roofer by trade; that three indictments returned against him were nolle prossed because of the death of the victim; that he was honorably discharged from the United States Navy; that he desires to work as a part-time bartender; and that he has never been convicted of any other crime. The Police Department of the city wherein applicant resides reports no complaints or investigations presently pending against him.

Three witnesses appeared on applicant's behalf and testified as to their acquaintance with him for over nine years and respecting his reputation as a law-abiding person for more than five years last past. The Hearer reported to me that one of the witnesses reeked with alcohol when testifying.

Having considered the enormity of the crimes in which applicant admittedly participated, the crime of which he was convicted, and his apparent indifference to moral and social precepts, I conclude that his association with the alcoholic beverage industry in this State would be contrary to the public interest.

Accordingly, it is, on this 6th day of April, 1956,

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

WILLIAM HOWE DAVIS
Director.

5. DISQUALIFICATION - PRIOR APPLICATION DENIED - FIVE YEARS' GOOD CONDUCT - 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. 1272.
-----)

BY THE DIRECTOR:

Petitioner renews his application for relief, pursuant to the terms of an Order dated December 17, 1953 denying a prior petition with leave to reapply after December 17, 1954. Re Case No. 1105, Bulletin 997, Item 8.

Petitioner testified that since November 12, 1953, the date of the hearing in the prior proceedings, he has been engaged in his own business as a carpenter and that his record has been clear during that time. His fingerprint records disclose that he has not been convicted of any crime since June 24, 1946.

At the hearing herein, three witnesses (a laborer, a carpenter and a housewife) testified that they have known petitioner six or more years and that he bears a reputation for being a law-abiding person in the community in which he lives.

The police department of the municipality wherein petitioner resides reports no complaints or investigations presently pending against him.

From the evidence, I conclude that petitioner has conducted himself in a law-abiding manner during the five years last past and that his association with the alcoholic beverage industry will not be contrary to public interest.

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

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

WILLIAM HOWE DAVIS
Director.

6. STATE BEVERAGE DISTRIBUTOR'S LICENSE - OBJECTIONS TO TRANSFER OF LICENSE HELD TO BE WITHOUT MERIT - APPLICATION FOR TRANSFER GRANTED.

In the Matter of Objection to)
the Transfer of a State Beverage)
Distributor's License held by)

SOUTH BERGEN DISTRIBUTING)
CORPORATION)

CONCLUSIONS

from 27 New Jersey State Highway #17,)
East Rutherford, N. J., to)

380 Mount Pleasant Avenue)
Wallington, N. J.)

-----)
Leo J. Berg, Esq., Attorney for Applicant.

BY THE DIRECTOR:

Written objection to the transfer of the license having been filed with me on behalf of the Mayor and Council of the Borough of Wallington, a hearing was duly scheduled to be held. Rule 11 of State Regulations No. 1.

The written objection alleged that the proposed location is (1) much too close to a school, (2) not readily accessible by any improved road, and (3) very close to the residential area.

At the hearing no one appeared on behalf of the objector. On behalf of the applicant, Herman Stern, president of South Bergen Distributing Corporation, testified that the proposed premises are located in a heavy industrial zone. It appears from a sketch introduced into evidence that said premises are between the Erie Railroad and Mount Pleasant Avenue, and about 400 feet from the Avenue. Mr. Stern further testified that the nearest school is about 1200 feet from the premises; that a private road is being built to connect the licensed premises with Mount Pleasant Avenue, and that the nearest residences are beyond said Avenue.

In considering the objection, it must be borne in mind that municipal consent is not a statutory prerequisite to the issuance or transfer of a State license (Re DeAscentiis, Bulletin 1091, Item 11). Considering the evidence herein, I conclude that the objection presented herein is without merit.

Therefore, I shall grant the transfer, in accordance with the application filed herein, as soon as I am satisfied that the building is ready for occupancy.

WILLIAM HOWE DAVIS
Director.

Dated: April 6, 1956.

7. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1955 to MARCH 31, 1956 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19.

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surrendered Expired	Number Licenses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	489	\$ 208,750.00	71	\$ 25,575.00	19	\$ 1,785.62						579	\$ 236,110.62
Bergen	815	305,762.98	298	84,594.90	98	9,320.49	53	\$ 2,471.25	6	\$ 1,645.21	5	1265	403,794.83
Burlington	185	87,290.00	37	10,050.00	42	5,998.62	1	50.00				265	103,388.62
Camden	454	217,390.41	82	31,925.00	72	6,845.34			1	375.00	2	607	256,535.75
Cape May	133	73,650.00	11	4,300.00	18	2,150.00						162	80,100.00
Cumberland	81	40,000.00	13	3,600.00	30	4,060.00						124	47,660.00
Essex	1363	759,299.04	351	205,700.00	99	13,520.07	30	1,500.00	2	1,500.00	1	1844	981,519.11
Gloucester	108	34,400.00	13	2,750.00	19	1,728.22						140	38,878.22
Hudson	1547	702,273.65	298	122,400.00	82	9,314.32	67	2,900.00			1	1993	836,887.97
Hunterdon	79	26,300.00	8	2,600.00	7	758.08						94	29,658.08
Mercer	425	257,731.78	51	21,000.00	53	7,474.52			1	97.50	1	529	286,303.80
Middlesex	633	311,255.00	73	22,895.00	89	8,001.03	3	150.00				798	342,301.03
Monmouth	554	282,424.16	122	41,860.00	40	4,537.95	10	435.00	26	11,397.84	26	726	340,654.95
Morris	357	124,111.92	98	33,300.00	46	4,300.00	19	950.00	6	1,537.50	6	520	164,199.42
Ocean	196	105,684.15	49	19,630.00	23	2,361.59						268	127,675.75
Passaic	875	358,380.00	167	51,370.00	38	4,675.00	10	475.00			1	1089	414,900.00
Salem	51	19,700.00	8	1,550.00	18	1,504.61						77	22,754.61
Somerset	184	80,700.00	40	12,145.00	25	2,875.00						249	95,720.00
Sussex	168	45,855.00	19	3,805.00	8	585.00	1	50.00	1	212.80	1	196	50,507.80
Union	549	301,389.19	144	66,300.00	72	8,040.00	29	1,425.00				794	377,154.19
Warren	149	43,455.00	20	4,449.22	29	2,980.00			2	289.48	2	198	51,173.70
Totals	9395	\$4,385,802.28	1973	\$771,799.12	927	\$102,815.46	223	\$10,406.25	45	\$17,055.33	46	12517	\$5,287,878.44

William Howe Davis
Director

April 23, 1956

8.

ACTIVITY REPORT FOR APRIL 1956

ARRESTS:

Total number of persons arrested - - - - - 33
 Licensees and employees - - - - - 19
 Bootleggers - - - - - 14

SEIZURES:

Motor vehicles - cars - - - - - 4
 Stills - over 50 gallons - - - - - 1
 Distilled alcoholic beverages - gallons - - - - - 194.125
 Wine - gallons - - - - - 3.125
 Brewed malt alcoholic beverages - gallons - - - - - 9.564

RETAIL LICENSEES:

Premises inspected - - - - - 1,129
 Premises where alcoholic beverages were gauged - - - - - 876
 Bottles gauged - - - - - 15,872
 Premises where violations were found - - - - - 76
 Violations found - - - - - 83
 Type of violations found:
 Unqualified employees - - - - - 17 Probable fronts - - - - - 1
 Disposal permit necessary - - - - - 5 Prohibited signs - - - - - 1
 Reg. #38 sign not posted - - - - - 4 Other violations - - - - - 52
 Other mercantile business - - - - - 3

STATE LICENSEES:

Premises inspected - - - - - 26
 License applications investigated - - - - - 14

COMPLAINTS:

Complaints assigned for investigation - - - - - 446
 Investigations completed - - - - - 407
 Investigations pending - - - - - 185

LABORATORY:

Analyses made - - - - - 158
 Refills from licensed premises - bottles - - - - - 4
 Bottles from unlicensed premises - - - - - 14

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made - - - - - 25
 Persons fingerprinted for non-criminal purposes - - - - - 269
 Identification contacts made with other enforcement agencies - - - - - 227

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - - 21
 Violations involved:
 Sale during prohibited hours - - - - - 8 Permitting brawl on premises - - - - - 1
 Sale to minors - - - - - 8 Permitting gambling on prem. - - - - - 1
 Sale to non-members by clubs - - - - - 3 Failure to close prem. dur. pro. hrs. - - - - - 1
 Sale to intoxicated persons - - - - - 2 Failure to afford view dur. pro. hrs. - - - - - 1
 Cases instituted at Division - - - - - 34*
 Violations involved:
 Sale to minors - - - - - 10 Conducting business as a nuisance - - - - - 2
 Permitting bookmaking on prem. - - - - - 6 Failure to close prem. dur. pro. hrs. - - - - - 2
 Sale during prohibited hours - - - - - 5 Permitting gambling on premises - - - - - 1
 Permitting immoral activity on prem. - - - - - 4 Unqualified employees - - - - - 1
 Possessing illicit liquor - - - - - 3 Possessing indecent matter - - - - - 1
 Sale outside scope of license - - - - - 2 Sale below minimum consumer resale price - - - - - 1
 Permitting lottery activity on prem. - - - - - 2
 Cases brought by municipalities on own initiative and reported to Division - - - - - 22
 Violations involved:
 Sale to minors - - - - - 15 Unqualified employees - - - - - 1
 Permitting brawls on premises - - - - - 4 Employing person w/o iden. card (local reg.) - - - - - 1
 Conducting business as a nuisance - - - - - 3 Permitting prem. to be used in connection with illegal activity - - - - - 1
 Permitting immoral activity on prem. - - - - - 1

*Includes one cancellation proceeding - license improvidently issued to partner disqualified by reason of criminal conviction.

HEARINGS HELD AT DIVISION:

Total number of hearings held - - - - - 47
 Appeals - - - - - 4 Seizures - - - - - 5
 Disciplinary proceedings - - - - - 25 Applications for license - - - - - 1
 Eligibility - - - - - 12

STATE LICENSES AND PERMITS ISSUED:

Total number issued - - - - - 2,488
 Licenses - - - - - 2 Wine permits - - - - - 1
 Employment Permits - - - - - 1,770 Miscellaneous permits - - - - - 185
 Solicitors' permits - - - - - 50 Transportation insignia - - - - - 99
 Disposal permits - - - - - 73 Transportation certificates - - - - - 7
 Social affair permits - - - - - 301

Dated: May 3, 1956.

WILLIAM HOWE DAVIS
 DIRECTOR

9. SEIZURE - FORFEITURE PROCEEDINGS - INTERSTATE TRANSPORTATION OF UNLAWFULLY IMPORTED ALCOHOLIC BEVERAGES - ALCOHOLIC BEVERAGES ORDERED FORFEITED - MOTOR VEHICLE RETURNED TO OWNER WHO UNKNOWINGLY VIOLATED LAW.

In the Matter of the Seizure on October 21, 1955, of 35 "Imperial" quart bottles of whiskey, a bottle of rum, and a Pontiac coupe on Route No. 1, in the City of Linden, County of Union and State of New Jersey.

Case No. 9029

ON HEARING CONCLUSIONS AND ORDER

Alfred J. Orth, Esq., Attorney for Nicholas Federico.
Harry Castelbaum, Esq., appearing for 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, to determine whether 35 "Imperial" quart bottles of whiskey, a bottle of rum and a Pontiac coupe, described in a schedule attached hereto, seized on October 21, 1955, on Route No. 1, Linden, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R. S. 33:1-66, an appearance was entered on behalf of Nicholas Federico, who sought return of the motor vehicle and alcoholic beverages.

It was stipulated that the following facts, as they appear in the file in the case, accurately represent the circumstances concerning the seizure:

Local police officers halted the motor vehicle on the above date and location because of a traffic violation. The officers ascertained that the vehicle was registered in the name of Giovanni Federico, and was being operated by Nicholas Federico (his son), both residing in Brooklyn, New York. The officers discovered the alcoholic beverages in the car, and that of such beverages 35 were forty-ounce bottles of whiskey of Canadian manufacture and one bottle was a four-fifth quart of rum of Cuban manufacture, and that none of the bottles had affixed thereto any stamp indicating the payment of tax on alcoholic beverages, and Federico did not produce any evidence that such alcoholic beverages had been legally imported into this country.

Thereupon Federico and the alcoholic beverages and the motor vehicle were taken into custody by the officers pending investigation as to the source and destination of the alcoholic beverages and whether they were being legally transported. Later such alcoholic beverages and motor vehicle were turned over to ABC agents.

The contents of one of the "Imperial" quart bottles of whiskey and the contents of the bottle of rum were analyzed by the Division chemist, who reports that the whiskey is a blended whiskey fit for beverage purposes with an alcoholic content by volume of 43.4 per cent., and that the rum is fit for beverage purposes with an alcoholic content by volume of 43 per cent.

The quantity of alcoholic beverages here involved could not be legally transported without a license or permit, even if intended for personal consumption. If en route in interstate transportation, the driver of the vehicle is required to have in his possession a bona fide and authentic waybill or other document stating the bona fide names and addresses of the consignor and consignee, the nature and quantity of the alcoholic beverages being transported and the place of origin and destination. Further, such driver must establish that the alcoholic beverages may be legally delivered to their ultimate destination. Since Nicholas Federico failed to comply with either requisite, the alcoholic beverages were being transported in this state in violation of R. S. 33:1-2, and Regulations No. 18, Rule 2.

Such alcoholic beverages constitute illicit alcoholic beverages and, together with the motor vehicle in which they were transported and found, constitute unlawful property and are subject to forfeiture. R. S. 33:1-1(i) and (y), R. S. 33:1-2, R. S. 33:1-66.

However, if Nicholas Federico can establish that he acted in good faith and unknowingly violated the law, I have the discretionary authority to return such property subject to forfeiture. R. S. 33:1-66(e).

It is to be noted at the outset that Nicholas Federico acknowledged that he is the actual owner of the Pontiac coupe, and that title thereto was placed in his father's name because he was serving in the Armed Forces and was not acceptable for credit by any finance company.

Nicholas Federico is an instructor and flight attendant, equivalent to a commercial steward, in the Navy Air Force. His account of the incident, briefly stated, is that by Federal law he was permitted to purchase a limited quantity of alcoholic beverages overseas on his various flights and bring it home without payment of customs duty; that he purchased bottles of alcoholic beverages at the Post Exchange in the Azores -- a few bottles at a time -- and accumulated the 35 bottles since June 1955. He further states that he stored such alcoholic beverages in his car, parked at the air base, for lack of storage space elsewhere, and did not remove any of the bottles from his car on his periodic visits home. On the occasion in question he was on his way home and intended to remove the bottles and store them home, in a place which was to be provided for that purpose. He asserts that all of the alcoholic beverages were intended for his personal and family use.

Although a document has been presented which is represented as the pertinent Federal regulations authorizing such importation, such regulations and references therein do not clearly establish that such is the fact and, in view of the admitted failure of Nicholas to at least declare to customs authorities his importation of a case of 12 bottles brought in by him at one time and to pay duty thereon, it is exceedingly dubious whether such alcoholic beverages and any others were legally imported.

Under such circumstances, even accepting at face value his account of the source of the alcoholic beverages and the manner of their purchase, the alcoholic beverages must be forfeited because they cannot be possessed legally. It is to be noted that Nicholas Federico has since withdrawn his request for return of such alcoholic beverages.

However, whether the Pontiac coupe should be returned to him depends upon whether he unknowingly violated the laws concerning importation and transportation of alcoholic beverages

intended for personal use, or whether his venture is unlawful in every aspect in that he intended to sell the alcoholic beverages. If the latter, then as a wrongdoer throughout he would not be deserving of any discretionary relief. On the other hand, if the alcoholic beverages were actually intended for personal use, it could be considered a pertinent factor in forfeiture proceedings, although perhaps no defense in criminal proceedings in the case.

It appears from the testimony of Nicholas Federico that he is 22 years of age, has been in service in the United States Navy since 1952, was an honor man in "boot camp", was then given duties as an instructor, has a good conduct ribbon awarded in service, and has never previously been in trouble of any kind. His net pay is about \$90.00 a month. He resides with his parents, without cost except for occasional presents to his family, and he is not in financial difficulties.

Seemingly Nicholas has a good background, and probably followed the natural instinct of many persons overseas to bring back imports from there, either because of cheapness or their foreign flavor, for perfectly legitimate purposes, without fully acquainting themselves with either the customs or other laws of this country.

While there is a possibility that in the present instance Nicholas may have engaged in the venture from a profit motive, I shall give him the benefit of the doubt and, hence, find that his ultimate purpose of use of the alcoholic beverages was legitimate but that unknowingly he ran afoul of federal and state laws.

Accordingly, it is DETERMINED and ORDERED that if, on or before the 30th day of April, 1956, Nicholas Federico pays the costs incurred in the seizure and storage of the Pontiac coupe described in Schedule "A", attached hereto, such motor vehicle will be returned to him; 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 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: April 19, 1956.

SCHEDULE "A"

- 35 - Imperial quart bottles of whiskey
- 1 - 4/5 quart bottle of rum
- 1 - Pontiac coupe, Serial & Engine No. L3XH20170, N. Y. Reg. 8L7987

10. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOL - ALCOHOL ORDERED FORFEITED - CLAIM AGAINST MOTOR VEHICLE BY INNOCENT LIENOR RECOGNIZED.

In the Matter of the Seizure on)	Case No. 9061
November 28, 1955 of a quantity)	
of alcohol and a Buick sedan on)	
the northbound lane, 39 Mile Post,)	ON HEARING
of the New Jersey Turnpike, in)	CONCLUSIONS AND ORDER
Mount Laurel Township, County of)	
Burlington and State of New Jersey.)	

George Brown, Pro se.
 Carlin, Merriam, Feely & Donohue, Esqs., by Samson Merriam,
 Esq., Attorneys for the Lafayette National Bank of Brooklyn
 in New York.
 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, to determine whether six two-quart "Mason" jars of alcohol and a Buick sedan, described in a schedule attached hereto, seized on November 28, 1955 on the New Jersey Turnpike in Mount Laurel 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 while on routine traffic patrol of the highway. He ascertained that the motor vehicle was driven by Lewis Edward German and that the registered owner of the motor vehicle is George Brown. When the trooper discovered the jars of alcohol, without any stamps thereon indicating the payment of tax on alcoholic beverages, in the trunk of the car, he took German, the car and the alcohol into custody. The import of a statement given by German is that he purchased this bootleg alcohol in North Carolina. Later, the motor vehicle and the alcohol were turned over to ABC agents.

A sample of the contents of one of the jars was analyzed by the Division chemist who reports that it is alcohol and water, fit for beverage purposes, with an alcoholic content by volume of 50.4 percent.

When the matter came on for hearing, pursuant to R. S. 33:1-66, George Brown and Louis E. German were present and both acknowledged that the facts hereinbefore set forth are correct. An appearance was entered at a supplementary hearing for Lafayette National Bank of Brooklyn in New York, which sought recognition of its alleged lien on the motor vehicle. Counsel for the bank did not dispute the accuracy of the facts establishing the transportation of illicit alcoholic beverages by German. No one opposed forfeiture of the alcoholic beverages.

The alcohol is illicit because of the absence of a tax stamp on any of the jars. R. S. 33:1-1(i), R.S. 33:1-88. Such illicit alcohol and the motor vehicle in which it was transported and 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.

Lafayette National Bank of Brooklyn in New York has presented in evidence a conditional sales contract dated July 28, 1955 representing the sale of the Buick sedan in question to

George Brown, and securing payment of \$752.43. The bank holds this contract by assignment and the present balance due thereon, after rebate for prepayment, is \$616.43.

It appears that previous to extending credit to Brown, the bank received information that he resided at a Brooklyn address, was employed for three years as a foreman by a slip cover manufacturer at a salary of \$65.00 per week, and the bank was furnished with the names of trade and personal references. A check of the information by the bank confirmed his employment and residence. The bank also checked with a motor credit bureau which advised that its records were clear as to Brown. About a month after the seizure, apparently during its investigation of the matter, Brown gave the bank a statement wherein he admitted that he had purchased the motor vehicle on behalf of his brother-in-law, Edward German, who did not have sufficient financial credit. It does not appear that either George Brown or Louis Edward German have any previous criminal record.

I am satisfied that the Lafayette National Bank of Brooklyn in New York 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 \$616.43. R. S. 33:1-66(f).

At the hearing, Brown stated that his only reason for appearing was to aid the bank to have its lien recognized in order to avoid his personal responsibility for the payment of the balance due the bank. He confirmed his previous statement that German was the actual owner of the car. Hence, Brown has not presented any specific claim which requires any action thereon.

It appears that the appraised value of the Buick sedan does not exceed the amount of the lien claim and the costs of its seizure and storage. The motor vehicle will therefore be returned to the Lafayette National Bank of Brooklyn in New York upon payment of the costs of its seizure and storage.

Accordingly, it is DETERMINED and ORDERED that if on or before the 27th day of April, 1956, the Lafayette National Bank of Brooklyn in New York pays the costs incurred in the seizure and storage of the Buick sedan, described in Schedule "A", attached hereto, such motor vehicle will be returned to it; and it is further

DETERMINED and ORDERED that the six two-quart "Mason" jars of alcohol listed in the aforesaid Schedule "A" 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: April 17, 1956.

SCHEDULE "A"

- 6 - two-quart "Mason" jars of alcohol
- 1 - Buick sedan, Serial No. 36262430, Engine No. 68456074, New York Registration KK1843.

11. ELIGIBILITY - COMMERCIALIZED GAMBLING HELD TO INVOLVE MORAL TURPITUDE UNDER CIRCUMSTANCES OF CASE.

April 19, 1956

Re: Case No. 669

Applicant seeks a determination as to whether or not he is ineligible for employment by an alcoholic beverage licensee in New Jersey by reason of his conviction of a crime.

His fingerprint returns show that on April 22, 1951, he pleaded non vult in a County Court to the crime of bookmaking, in violation of R. S. 2:135-3, as amended by L. 1940, c. 205, §1, p. 862, and on June 8, 1951 was fined \$1,000.00 and placed on probation to pay the fine.

At the hearing held to elicit facts underlying the aforesaid conviction, applicant stated that he permitted a close friend to use his apartment for bookmaking and that the police came to his apartment one morning and found betting paraphernalia therein. He further stated that he had no connection with the bookmaking operation. These facts, standing alone, might justify a favorable determination herein. Re Case No. 1237, Bulletin 1078, Item 6. However, the County Detective in charge of the investigation submitted a report in which he states that he and two other police officers were admitted by applicant to his premises wherein they found several betting sheets and a racing form for the day's entries. The detective further states that applicant admitted that he had been engaged in bookmaking for about one week and that the daily amount of bets totaled between \$30.00 and \$40.00.

The crime of commercialized gambling may or may not involve the element of moral turpitude, depending upon the circumstances. Re Case No. 1018, Bulletin 956, Item 7. Where one is a principal or a "lieutenant" in commercialized gambling, particularly where the gambling is conducted on a large scale, it has been held that such gambling involves the element of moral turpitude. Re Case No. 667, Bulletin 1093, Item 7.

Considering the facts in the instant case, it is my opinion that applicant was, in fact, a principal and that the crime of which he was convicted on June 8, 1951 involves the element of moral turpitude. Re Case No. 667, supra.

Under the circumstances, I recommend that applicant be advised that in the opinion of the Director he is not presently eligible to hold an alcoholic beverage license in this State or to be employed by or connected in any business capacity whatsoever with the holder of such license within the meaning of R. S. 33:1-25, 26.

I further recommend that applicant be advised that he may, pursuant to R. S. 33:1-31.2, apply to have his disqualification removed on or after June 8, 1956.

Joseph A. Burns
Attorney.

APPROVED:
WILLIAM HOWE DAVIS
Director.

12. DISCIPLINARY PROCEEDINGS - GAMBLING - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 STEELE INN, INC.)
 T/a ROY STEELE'S TAVERN)
 560 Carman Street)
 Camden, N. J.,)
 Holder of Plenary Retail Consumption License C-156, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)
 -----)

CONCLUSIONS AND ORDER

Edward J. Inglesby, 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:

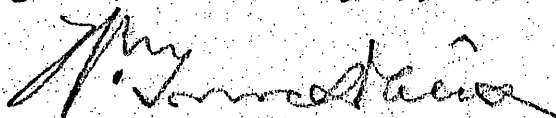
"On January 24, 25, 26 and 27, 1956, you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20."

The file herein discloses that on the dates alleged in the above charge, ABC agents visited defendant's licensed premises wherein Ross Steele, vice-president of the corporate licensee herein, was tending bar. On each visit the said bartender provided paper and pencil for one of the agents to record horse race bets. On the first visit said bartender accepted a \$2.00 bet from the agent. On each of the other visits the agent placed a bet with a person called "Ken" who, on the last visit, paid \$37.00 in winnings to the agent and accepted from him another horse bet and \$2.00 in marked money. By prearranged signal, two City detectives then entered the licensed premises where they and the agents disclosed their identities and recovered from "Ken" the marked money.

Defendant has a prior adjudicated record. Effective June 13, 1944 and effective August 16, 1954, its license was suspended on each occasion for three days by the Director for service of alcoholic beverages over the bar to women in violation of a local ordinance. Re Steele Inn, Inc., Bulletins 623, Item 1 and 1028, Item 4. The 1944 violation, having occurred more than ten years ago, will not be considered in fixing the penalty herein. Re Eighth Ward Progressive Republican Club, Bulletin 1038, Item 6. Until recently the usual penalty imposed for a violation as charged herein, where the licensee or its employees participated, was 20 days. Re Demar Corporation, Bulletin 1102, Item 11. However, on January 16, 1956, I announced that the penalty in such cases would be increased by 5 days. Re Increased Penalties, Bulletin 1095, Item 1. Since the violation in the instant case occurred after that announcement and since a prior dissimilar violation occurred within a 5-year period, Re Cadillac Bar Corporation, Bulletin 1072, Item 8, I shall suspend defendant's license for a period of 30 days. Five days will be remitted for the plea entered herein, leaving a net suspension of 25 days.

Accordingly, it is, on this 23rd day of April, 1956,

ORDERED that Plenary Retail Consumption License C-156, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Steele Inn, Inc., t/a Roy Steele's Tavern, 560 Carman Street, Camden, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 7:00 a.m. April 30, 1956, and terminating at 7:00 a.m. May 25, 1956.



William Howe Davis
Director.