

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1438

March 19, 1962

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1438

March 19, 1962

1. COURT DECISIONS - 279 CLUB, INC. v. MUNICIPAL BOARD OF ALCOHOLIC BEVERAGE CONTROL OF THE CITY OF NEWARK AND DIVISION OF ALCOHOLIC BEVERAGE CONTROL - DIRECTOR AFFIRMED.

279 CLUB, INC., A NEW JERSEY CORPORATION)	SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION A-799-60
Appellant)	
v.)	
MUNICIPAL BOARD OF ALCOHOLIC BEVERAGE CONTROL OF THE CITY OF NEWARK, STATE OF NEW JERSEY and WILLIAM HOWE DAVIS, DIRECTOR, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL, STATE OF NEW JERSEY,)	
Respondents.)	

Argued January 15, 1962 - Decided February 8, 1962

Before Judges Price, Sullivan and Lewis.

Mr. David M. Beckerman argued the cause for appellant (Messrs. Waldor & Beckerman, attorneys; Mr. Beckerman, of counsel and on the brief).

Mr. Samuel B. Helfand, Deputy Attorney General, argued the cause for respondent, Division of Alcoholic Beverage Control (Mr. David D. Furman, Attorney General, attorney; Mr. Helfand, of counsel).

The opinion of the court was delivered by LEWIS, J. A. D.

This is an appeal from (1) the conclusions and orders of the Department of Law and Public Safety (Division of Alcoholic Beverage Control) affirming the unanimous action of the Municipal Board of Alcoholic Beverage Control of the City of Newark in denying the application of appellant for renewal of its 1960-61 plenary retail consumption license, and (2) the Director's interlocutory order of June 29, 1961 refusing to extend appellant's temporary license pending the outcome of appellant's appeal to the Division of Alcoholic Beverage Control, State of New Jersey, from the action of the Municipal Board of Alcoholic Beverage Control of the City of Newark denying appellant's application for a renewal of its license for the year 1961-62. Leave to appeal from such interlocutory order was granted by this court on July 18, 1961. An interim extension of appellant's license was also ordered by this court pending the determination of this appeal. The passage of time renders moot the original issue involving the renewal of appellant's license for the year 1960-61 except that appellant's right to a renewal of its license for the year 1961-62 depends on the outcome of the 1960-61 appeal proceedings.

The 279 Club, Inc., appellant (also herein club or licensee), maintains that the refusal to renew its license was an arbitrary, discriminatory and capricious abuse of discretion, and that (1) appellant should not be charged with the alleged offense, (2) the proofs relate only to a single violation and (3) scienter on the part of the

licensee was not established. Appellant was ultimately accorded a full and fair hearing by the Municipal Board and by the Division of Alcoholic Beverage Control on review de novo. It is unnecessary to recount the administrative procedural details. The essential facts are these:

Licensee is a New Jersey corporation, the stock of which is wholly owned by its president, one Saul Weisman, and by members of his immediate family. His son, Bernard Weisman, was a stockholder of the corporate licensee but, sometime in 1959, he relinquished his stock interest to his mother, Reba Weisman. Bernard described his activities in the business as "Looking out for my father's interest." The club was opened in the mornings by Saul and at night, "seven nights a week," Bernard was present and assumed the responsibility of checking the cash register and locking up. Appellant had prior encounters with the law -- a curfew violation in 1959 (license suspension 10 days) and a "refilling liquor bottles" violation in April 1961 (license suspension 25 days).

At 7:10 p.m., on May 10, 1960, Bernard was apprehended on charges of unlawful possession and dispensing of marijuana on the licensed premises. The arrest was made by Detective Hugh McNulty of the narcotic squad of the Newark Police Department. He was accompanied by Detectives Suckey and Kohlman. It was stipulated that the testimony of Kohlman would be, in substance, the same as that given by Detective McNulty. McNulty testified that he followed Bernard into the tavern, and that the arrest was there made after Bernard had taken off his coat and "was in his shirt sleeves and he was behind the bar." Saul Weisman was on the way out of the club as his son entered, and no one else was in the place at that time except a bartender. Before leaving for police headquarters (approximately 15 or 20 minutes following the arrest), Bernard requested the opportunity to telephone his father to return and "take care of the tavern."

The evidence further reveals that, on the same day, one Dolores Green was likewise apprehended by said detectives for the illicit purchase of marijuana from Bernard Weisman. She testified that Bernard was a bartender at the club, waited on patrons, and on occasions served drinks to her. She further stated that about a week before May 10, 1960 she purchased marijuana at the club from Bernard Weisman, who was tending bar. The record indicates that similar purchases of marijuana were made by her in "Bernard's car." The criminal proceedings against Bernard Weisman resulted in his conviction and a sentence of 5 to 10 years in State Prison. An appeal therefrom is now pending before this court.

In reviewing the renewal determination of a licensing authority, we should note in limine certain firmly fixed and cardinal principles of law, enunciated in our judicial decisions, which must be focused upon the facts as disclosed by the record. The sale of intoxicating liquor is a business attended with danger to the community. Crowley v. Christense 137 U.S. 86, 91, 11 S. Ct. 13, 15, 34 L. Ed. 620, 624 (1890), cited in Mazza v. Cavicchia, 15 N.J. 498, 505 (1954), wherein it was emphasized that the power of government to regulate activities upon a franchised premises has uniformly been accorded liberal support by the judiciary, and that it was clearly within the power of the Legislature to provide that a licensee should be liable for such activities "even in the absence of knowledge thereof by the licensee." The character of the liquor trade is sui generis, requiring exceptional treatment by the Legislature. Id., at p. 506. See also the opinion of Judge (now Justice) Francis, and the authorities he assembled in Mazza v. Cavicchia, 28 N.J. Super. 280, 284 (App. Div. 1953), reversed on other grounds Mazza, supra, holding that the responsibility of the licensee does not depend upon the doctrine of respondent superior, nor upon his personal knowledge, intent or participation; he is not relieved even if the violation is contrary to his express instructions. Accord, F. & A. Distrib. Co. v. Div. of Alcoholic Beverage Control, 36 N.J. 34, 37 (1961).

This court has declared "that the commission of an overt act on licensed premises in furtherance or promotion or encouragement of an illicit purpose is in itself an immoral activity comprehended by the scope of the regulatory rule." In re Schneider, 12 N.J. Super. 449, 457 (App. Div. 1951). Whether the activity constituted an indictable common law or statutory crime is not the test. Ibid. Cf. State v. Baldino, 11 N.J. Super. 158 (App. Div. 1951); State v. Damorjian, 204 N. W. 498 (Sup. Ct. Wis. 1925). An acquittal in the criminal proceedings would not negate the findings and conclusion of an administrative agency. Borough of Park Ridge v. Salimone, 36 N.J. Super. 485, 498 (App. Div. 1955), affirmed 21 N. J. 28 (1956).

The prevailing policy and practice is to "nip reasonably apprehended evils while they are in the bud." Paddock Bar, Inc. v. Alcoholic Beverage Control Division, 46 N.J. Super. 405, 408 (App. Div. 1957); In re Olympic, Inc., 49 N.J. Super. 299, 307 (App. Div. 1958), certification denied 27 N.J. 279 (1958). A liquor license is a privilege; property rights are not involved; and no licensee has a vested right to subsequent terms. Zicherman v. Driscoll, 133 N.J.L. 586 (Sup. Ct. 1946). The renewal of a liquor license rests in the sound discretion of the licensing authority and unless the evidence clearly indicated an abuse of that discretion a reviewing court should not interfere. Nordco, Inc. v. State, 43 N.J. Super. 277 (App. Div. 1957). Prior infractions of the law may be taken into consideration. Cf. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373, 378 (1956).

The application of the foregoing decisional concepts completely disintegrates the foundation of appellant's arguments on appeal. The only witnesses produced on behalf of appellant were Saul Weisman and his son, Bernard, and their testimony in some crucial respects was evasive and contradictory. The narcotic incident was denied by Bernard. He also disavowed any employment connection with the club. Saul testified that neither marijuana, nor any other narcotic drug had ever been sold or dispensed on the club premises in his presence or to his knowledge. The testimony of Dolores Green, on the other hand, was unequivocal in her recitation of the fact that she had purchased marijuana from Bernard Weisman on the licensed premises. The evidence is clear that Bernard daily, during his father's absence and incapacity, exercised managerial responsibilities at the club. The issue of the credibility of the witnesses rested with the administrative agency, Freud v. Davis, 64 N. J. Super. 242, 246-7 (App. Div. 1960), and from the proofs adduced at the hearings it could be reasonably concluded that Bernard was engaged in the invidious narcotic traffic and his activities in that illicit business were extended to the licensed premises.

There is a close and definite connection between drug addiction and crime. See the extensive review of "The Narcotic Problem," edited by William L. Prosser, 1 U.C.L.A. L. Rev. (June 1954); Maurer and Vogel, Narcotics and Narcotic Addiction, c. VIII, p. 209 (1954); Finestone, "Narcotics and Criminality," 22 Law & Contemp. Prob. 69 (1957). New Jersey adopted the Uniform Narcotic Drug Act in 1933 (L. 1933, c. 186, p. 397). Note, State v. Reed, 34 N.J. 554 (1961). In this statute, as amended N.J.S.A. 24:18-1 et seq., marijuana is defined and is included among the prohibited narcotics. The unlawful possession or sale of the drug is made a high misdemeanor with drastic penalties.

Rule 5 of State Regulations No. 20 adopted by the Director of the Division of Alcoholic Beverage Control pursuant to R.S. 33:1-1 et seq., as modified by R.S. 52:17B-1 et seq., reads:

"No licensee shall allow, permit or suffer in or upon the licensed premises any lewdness, immoral activity, or foul, filthy or obscene language or

conduct, or any brawl, act of violence, disturbance or unnecessary noise; nor shall any licensee allow, permit or suffer the licensed place of business to be conducted in such manner as to become a nuisance." (Emphasis supplied.)

The phrase "immoral activity" as used in the rule is not necessarily confined to matters sexual in their nature. It includes acts "which are contra bonos mores, inconsistent with rectitude and the standards of conscience and good morals." In re Schneider, supra, 12 N.J. Super., at p. 458. We hold that the unlawful possession or sale of marijuana on property within the privilege of a liquor license is an immoral activity as contemplated by said rule. It is an enterprise contra bonos mores. The actions of the Municipal Board and the Director were not arbitrary; they were within legal authority premised upon a factual basis.

Affirmed.

2. APPELLATE DECISIONS - BERENSON v. LITTLE FALLS.

CHARLES BERENSON, t/a LITTLE FALLS LIQUORS, FINE WINES, COLD BEER, BAR,)
Appellant,)
v.)
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LITTLE FALLS,)
Respondent.)

ON APPEAL
CONCLUSIONS
AND ORDER

Winne & Banta, Esqs., by Edward G. Evertz, Esq., Attorneys for Appellant.
Hofstra and Hofstra, Esqs., by Reginald F. Hopkinson, Esq., Attorneys
for Appellant.
William A. Hengeveld, Esq., Attorney for Respondent.
William E. Sellinger Esq., Attorney for Objectors

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent which, by resolution dated September 5, 1961, denied, by a two-to-two vote, appellant's application for a person-to-person and place-to-place transfer of plenary retail consumption license C-5 from Alphonse Gaita to appellant and from premises 154-156 Newark Pompton Turnpike to premises to be erected at the southeast corner of Main Street and Woodside Avenue, Little Falls.

"Appellant in his petition of appeal alleges in substance that respondent's action was erroneous in that it did not set forth any grounds to justify its action; that it was arbitrary and capricious, and that it was an abuse of discretion.

"Respondent in its answer denies appellant's allegations and contends that it acted within the scope of its duty and in accordance with the statutes in such cases made and provided.

"The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15.

"It should be noted that appellant had previously applied for transfer of the same license to the same proposed site; that on March

6, 1961, respondent, by a vote of three-to-two, granted the application, and that thereafter an appeal was taken from said grant, which resulted in a reversal based solely upon the disqualifying interest of one of the members of the local issuing authority. See Passaic County Retail Liquor Dealers Association et al. v. Little Falls, Berensen and Gaita, Bulletin 1407, Item 1.

"The undisputed facts appearing herein show that the population of Little Falls is 9,730; that the municipality is divided into three sections, one of which is known as Singac; that there are fourteen consumption licenses in the Township; that nine are located in Singac, six of which, including the license in question, are now located on the Newark Pompton Turnpike and one on Main Street approximately 1700 feet from the proposed site; that the proposed site is on the south side of Main Street at the corner of Brookside Avenue in an area of the aforesaid section zoned for light industry; that on the north side of Main Street, directly across from the proposed site, is an area zoned for heavy industry; that numerous industrial and commercial enterprises operate in the respective zones; that twenty-eight families reside on Brookside and Woodside Avenues, which are a block apart, each beginning on the south side of Main Street forming a 'horse shoe' or 'island', and are the only streets in either zone, and that one of the committeemen who voted to deny the grant and the two witnesses who appeared at the hearing as objectors to the grant reside on Brookside Avenue. It further appears that appellant's personal fitness is not questioned; that no objection was raised as to the suitability of the proposed site for commercial uses, and that the proposed premises will comply in all respects with the local ordinances respecting the 1,000 foot distance between similarly licensed premises and off-street parking.

"No specific reason for denying appellant's application is set forth in respondent's resolution, and none is alleged in its answer filed on appeal. Under the circumstances, a consideration of the testimony of the two committeemen who voted in the negative will suffice to establish the grounds upon which their votes were based. Those grounds may be summarized as follows:

- (a) the license should not be moved from one place to another in the same area,
- (b) the Singac section of the Township should not be 'handcuffed with all the taverns',
- (c) there are too many saloons in the Township,
- (d) a tavern at the proposed site would be detrimental to the residents of 'their little island',
- (e) the transfer would present a parking problem.

"Respecting (a) and (b), it has been repeatedly held that a transfer from one location to another in the same area does not constitute undue concentration of licenses. Spring Manor Inc. v. Newark, Bulletin 1319, Item 4. Considering the facts in this case, the applicable ruling is that, where no attack is made upon the personal fitness of the applicant or the suitability of the premises, a refusal to transfer, whether from person-to-person or from place-to-place, cannot, in the absence of good independent cause, be sustained. Meister v. Passaic Township, Bulletin 1030, Item 1; Bivona v. Hock, 5 N.J. Super. 118.

"Respecting (c), Judge Clapp, in Township of Lakewood v. Brandt and Division of Alcoholic Beverage Control, 38 N.J. Super. 462, said:

"The desire of these committeemen to reduce the number of licenses, because too many were outstanding, is commendable. But this they should have attempted through some less arbitrary means than through destroying the transferability of outstanding licenses.***"

"Respecting (d), it has heretofore been held that objections to the transfer of a license to a business street by residents of side residential streets (in this case, not zoned as such) are not, in themselves, a sufficient reason for denying a transfer. Tompkins v. Seaside Heights, Bulletin 1398, Item 1.

"Respecting (e), it is abundantly clear from the evidence herein that parking is presently permitted on both sides of Brookside Avenue, and that no parking problem could be created by the transfer since the proposed premises will have off-street parking facilities for eleven or twelve cars in the front and three cars in the rear.

"The transfer of a liquor license is not an inherent or automatic right. The issuing authority may grant the transfer in the exercise of reasonable discretion. If denied on reasonable grounds, such action will be affirmed. Bloomington Liquors, Inc. v. Bloomington, Bulletin 1421, Item 1, and cases cited therein. On the other hand, where it appears that the denial was arbitrary or unreasonable, the action will be reversed. Tompkins v. Seaside Heights, supra.

"Considering the evidence adduced herein, I find that the grounds upon which respondent predicated its action are unreasonable and not in accord with the established principles governing transfer of licenses. I conclude, therefore, that appellant has sustained the burden of establishing that respondent's action was erroneous, and I recommend that an order be entered reversing the action of respondent and directing it to grant appellant's application and to issue the license when and if the building is constructed, in accordance with the plans and specifications heretofore filed with respondent issuing authority."

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 14 of State Regulation No. 15. Having considered the entire record herein, including the transcripts of the testimony, the exhibits, appellant's brief and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 18th day of January 1962,

ORDERED that the action of respondent be and the same is hereby reversed and respondent is hereby directed to grant appellant's application and issue the license to him if and when the proposed building is constructed in accordance with the plans and specifications heretofore filed with the issuing authority.

WILLIAM HOWE DAVIS
DIRECTOR

3. APPELLATE DECISIONS - SOUTH JERSEY RETAIL LIQUOR STORES ASSN. v. DELAWARE TOWNSHIP AND THE GREAT ATLANTIC AND PACIFIC TEA CO.

SOUTH JERSEY RETAIL LIQUOR STORES ASSOCIATION,)

Appellant,)

v.)

ON APPEAL ORDER

BOARD OF COMMISSIONERS OF THE TOWNSHIP OF DELAWARE (Camden County), AND THE GREAT ATLANTIC AND PACIFIC TEA COMPANY, INC.,)

Respondents.)

Richman & Berry, Esqs., by Grover C. Richman, Jr., Esq., Attorneys for Appellant. Warren C. Douglas, Esq., Attorney for Respondent Board of Commissioners. I. V. DiMartino, Esq., Attorney for Respondent The Great Atlantic & Pacific Tea Company, Inc.

BY THE DIRECTOR:

This is an appeal from the action of respondent Board of Commissioners whereby on May 22, 1961 it granted an application to transfer a plenary retail distribution license from T & K Liquor Store to The Great Atlantic and Pacific Tea Company, Inc., and from premises located at Marlton Pike (Route No. 70) and Cornell Avenue to premises 7656 Maple Avenue (corner of Maple and Haddonfield Road), Township of Delaware.

Prior to the hearing scheduled to be held herein, the attorneys for appellant advised me in writing that their client has consented that an order of dismissal be entered in this matter. No reason appearing to the contrary,

It is, on this 18th day of January 1962,

ORDERED that the above appeal be and the same is hereby dismissed without prejudice.

WILLIAM HOWE DAVIS DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ACCEPTING REBATE FROM WHOLESALER - SALE BELOW FILED PRICE - FAILURE TO AFFIX TRANSIT INSIGNIA - HINDERING INVESTIGATION - LICENSE SUSPENDED 90 DAYS LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ROGER'S LIQUOR CORPORATION)
t/a ROGER'S LIQUORS)
411 White Horse Pike)
Lindenwold, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Mayor and Council of the Borough of Lindenwold.)

Leo J. Berg, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. During the latter part of January 1961, you accepted and offered to accept, directly or indirectly, from a wholesaler a gift, rebate and allowance of money and a thing of value (whether by sale, loan, gift or otherwise); in violation of Rule 11 of State Regulation No. 34.
- "2. On April 29, 1961, December 7, 20, 21 and 22, 1960 and on November 25, 1960, you sold and offered to sell at retail, directly or indirectly, numerous assorted alcoholic beverages at less than the prices filed with the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30.
- "3. On or about March 28, 1961, you failed to affix Transit Insignia No. 14291 to the vehicle for which it was issued to you, immediately upon your receipt of the insignia; in violation of Rule 12 of State Regulation No. 17.
- "4. On May 3, 1961, you failed to facilitate and hindered and delayed and caused the hindrance and delay of an investigation being conducted by investigators of the Division of Alcoholic Beverage Control; in violation of R.S. 33:1-35."

The defendant also pleaded non vult to the following supplemental charge:

- "5. On December 27, 1961, you sold and offered for sale at retail, directly or indirectly, one case (12-4/5 quart bottles to the case) of Seagram's Seven Crown Blended Whiskey, an alcoholic beverage, at less than the price thereof filed with the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30."

On May 3, 1961, two ABC agents visited the defendant's licensed premises to investigate a complaint that it had sold alcoholic beverages

below the then effective prices filed with the Director of this Division. In the course of their examination of the records of the licensee, the agents found a slip of paper which indicated that the licensee had received \$187 from a New Jersey wholesale licensee with which it had been doing business. Subsequent examination of the records of the wholesale licensee disclosed that in the months of December 1960 and January 1961, the defendant-licensee had purchased alcoholic beverages from the aforesaid wholesale licensee in the total amount of \$3,749.40, five per cent of which equals \$187.47.

The investigation discloses that the aforesaid \$187 was given to Robert Gartman (director, stockholder and employee of the licensee) in the latter part of January 1961. It further appears that after the agents had read the aforesaid slip of paper, it was shown to Robert Gartman, who was asked to explain the same. Gartman, in possession of the note, hurriedly left the presence of the agents. The agents followed Gartman, demanded the immediate return of the note and warned him that his refusal to comply with their request constituted a hindrance of the investigation. Gartman, however, tore the note into bits and threw the same into the yard. Thereafter, Gartman attempted to explain the notation on the slip of paper, contending that it represented a personal loan to him by a solicitor for the wholesaler.

The investigation of this case further discloses that on the dates set forth in Charge 2 herein, the licensee sold at retail numerous cases and bottles of alcoholic beverages below the minimum consumer resale prices thereof, as filed with the Director of this Division.

The investigation of this case also discloses that on March 28, 1961, the Division issued to the licensee Transit Insignia No. 14291 for a Ford panel truck, serial #28129. On May 3d aforesaid, the agents inspected the truck, found the decal in its glove compartment and learned that the licensee had failed to affix the same to the truck as required by Rule 12 of State Regulation No. 17.

On December 7, 1961, while prosecution was pending against the licensee on Charges 1, 2, 3 and 4 herein, an ABC agent purchased a case (12-4/5 quart bottles) of Seagram's Seven Crown Blended Whiskey for \$52 from Edward Gartman, president of the defendant corporate-licensee, who first stated that the minimum consumer resale price thereof filed at the time with the Director of the Division for such case of whiskey, less permissible discount, was \$54.61.

Defendant has no prior adjudicated record. Defendant's attorney has sent me a letter asking for leniency on behalf of his client. I have carefully read the contents of the letter, together with the file in the case and the reports of the agents. Under all the circumstances appearing in this case and considering the fact that the licensee has no prior adjudicated record, I shall suspend defendant's license for ninety days. Five days will be remitted for the plea entered herein, leaving a net suspension of eighty-five days.

Accordingly, it is, on this 17th day of January 1962,

ORDERED that Plenary Retail Consumption License C-6, issued by the Mayor and Council of the Borough of Lindenwold to Roger's Liquor Corporation, t/a Roger's Liquors, for premises 411 White Horse Pike, Lindenwold, be and the same is hereby suspended for eighty-five (85) days, commencing at 3:00 a.m., Monday, January 22, 1962 and terminating at 3:00 a.m., Tuesday, April 17, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

5. ACTIVITY REPORT FOR JANUARY 1962

ARRESTS:

Total number of persons arrested	-----	18
Licensees and employees	12	17
Bootleggers	6	13

SEIZURES:

Motor vehicles - cars	-----	721
Stills - 50 gallons or under	-----	641
Distilled alcoholic beverages - gallons	-----	29.55
Wine - gallons	-----	37.52
Brewed malt alcoholic beverages - gallons	-----	13.43

RETAIL LICENSEES:

Premises inspected	-----	726
Premises where alcoholic beverages were gauged	-----	648
Bottles gauged	-----	10,793
Premises where violations found	-----	133
Violations found	-----	155
Reg. #38 sign not posted	61	4
Unqualified employees	34	4
Application copy not available	29	23
Prohibited signs	-----	4
Disposal permit necessary	-----	4
Other violations	-----	23

STATE LICENSEES:

Premises inspected	-----	30
License applications investigated	-----	9

COMPLAINTS:

Complaints assigned for investigation	-----	471
Investigations completed	-----	435
Investigations pending	-----	168

LABORATORY:

Analyses made	-----	210
Refills from licensed premises - bottles	-----	32
Bottles from unlicensed premises	-----	40

IDENTIFICATION:

Criminal fingerprint identifications made	-----	5
Persons fingerprinted for non-criminal purposes	-----	244
Identification contacts made with other enforcement agencies	-----	171
Motor vehicle identifications via N.J. State Police teletype	-----	4

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	-----	13
Violations involved	-----	14
Sale during prohibited hours	9	4
Failure to close premises during prohibited hours	-----	1
Sale to minors	-----	4
Cases instituted at Division	-----	27
Violations involved	-----	38
Beverage Tax Law non-compliance	3	2
Sale during prohibited hours	7	2
Permitting immoral activity on premises	5	1
Sale to minors	4	1
Possessing liquor not truly labeled	5	1
Conducting business as a nuisance	3	1
Hindering investigation	2	1
Permitting lottery (numbers) on premises	-----	2
Possessing indecent matter	-----	2
Sale outside scope of license	-----	1
Permitting bookmaking on premises	-----	1
Sale below filed price	-----	1
Permitting foul language on premises	-----	1
Permitting gambling (pool game) on premises	-----	1
Cases brought by municipalities on own initiative and reported to Division	-----	17
Violations involved	-----	19
Sale to minors	8	2
Sale during prohibited hours	4	2
Hindering investigation	3	1
Permitting brawls on premises	2	1
Failure to afford view into premises during prohibited hours	-----	2
Conducting business as nuisance	-----	1
Permitting foul language on premises	-----	1

HEARINGS HELD AT DIVISION:

Total number of hearing held	-----	39
Appeals	5	2
Disciplinary proceedings	26	3
Eligibility	3	-----
Seizures	-----	2
Tax revocations	-----	3

STATE LICENSES AND PERMITS ISSUED:

Total number issued	-----	1,064
Licenses	2	1
Solicitors' permits	69	169
Employment permits	195	214
Disposal permits	73	34
Social affair permits	304	-----
Wine permits	-----	1
Miscellaneous permits	-----	169
Transit insignia	-----	214
Transit certificates	-----	34

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued	-----	31
Enforcement files established	-----	18

WILLIAM HOWE DAVIS
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: February 5, 1962

6. DISCIPLINARY PROCEEDINGS - PERMITTING GAMBLING (BOOKMAKING AND NUMBERS) ON LICENSED PREMISES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOSEPH C. TARANTINO)
539 - 32nd Street)
Union City, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-148, issued by the Board of Commissioners of the City of Union City.)

Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On December 14, 1961, and on divers days prior thereto, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets on horse races and in a lottery, commonly known as the 'numbers game'; in violation of Rule 7 of State Regulation No. 20.
- "2. On December 14, 1961, and on divers days prior thereto, you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers game' to be sold and offered for sale in and upon your licensed premises and on the aforementioned date of December 14, 1961, you possessed, had custody of and allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

On December 14, 1961, two ABC agents entered defendant's premises shortly before noon. The licensee was in the kitchen and Edward Strobel was tending bar. Shortly after noon an unidentified man entered and gave a slip of paper and some money to one Fred Fischer who was then seated at the bar. Later Fischer entered the kitchen and one of the agents (who had placed a bet with Fischer in the premises on December 11, 1961) followed him and gave him three one-dollar bills as bets on various numbers. As pre-arranged, a member of the Union City Police Department and other ABC agents then entered the premises and placed Fischer under arrest. Numerous betting slips on numbers and horse races and \$146.24 in cash, including the bills given to him by the agent, were found in Fischer's possession. The licensee orally stated that he knew the person arrested had been taking bets in the premises, but stated that he wasn't getting anything out of it. The bartender admitted that the agent had told him that he had placed the bet with Fischer, but there is no evidence that the bartender participated in the violation.

Defendant has no prior adjudicated record. The evidence is not sufficient to establish that defendant or his bartender actively participated in the gambling activities. There is no doubt, however,

ORDERED that Unlimited Solicitor's Permit No. 3953 issued by the Director of the Division of Alcoholic Beverage Control to Jacob Goldberg, 409 Centre Street, Trenton, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m., Thursday, February 8, 1962 and terminating at 7:00 a.m., Sunday, February 18, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE ON CREDIT TO RETAILER IN DEFAULT - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

PIETRO CARABELLI
t/a P. CARABELLI BEV. CO.
320-324-328 Stokes Avenue
Ewing Township
PO Trenton, N. J.

CONCLUSIONS
AND ORDER

Holder of Limited Wholesale License WL-14, issued by the Director of the Division of Alcoholic Beverage Control.

Sido L. Ridolfi, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On April 14, 1961 and on divers occasions prior thereto extending to October 14, 1960, you sold and delivered alcoholic beverages, other than for payment in cash on delivery, to a retailer, Frank Rasimowicz, t/a Extension Tavern, 1450 N. Olden Avenue, Ewing Township, New Jersey, who on said dates of sale and delivery was listed on the Default List published by the Division of Alcoholic Beverage Control; in violation of Rule 4(a) of State Regulation No. 39."

The records of this Division disclose that the retailer named in the charge was on the Default List from a date prior to October 14, 1960 until and beyond April 14, 1961.

The investigation herein discloses that during the period mentioned in the charge defendant made the following shipments of malt alcoholic beverages to said retailer: On October 14 and 21, 1960, for which he received payment by check on October 26, 1960; on November 4 and 11, 1960, for which he received payment by check on November 16, 1960; on March 28, 29 and 31, 1961, for which he received payment by check on April 5, 1961, and on April 7, 11, 13 and 14, for which he received payment by check on April 20, 1961. These sales (having a total value of about \$400) were made by defendant's solicitor (Jacob Goldberg) and disciplinary proceedings against said solicitor are being decided simultaneously herewith.

Defendant has a prior adjudicated record. Effective May 10, 1937, his license for other premises was suspended by the then Commissioner for five days for accepting a chattel mortgage from a retailer as security for an open account. Bulletin 174, Item 15. However, since this dissimilar violation occurred more than five years ago, it will not be considered in fixing the penalty herein. Under all the circumstances, I shall suspend defendant's license for fifteen days.

the deliveries. Nevertheless, such actions, even when motivated by sympathy, might result in a complete breakdown in the orderly marketing of alcoholic beverages. Bulletin 1207, Item 1. Under the circumstances of this case, I shall suspend defendant's permit for fifteen days. Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 16th day of January 1962,

ORDERED that Limited Solicitor's Permit No. 481, issued by the Director of the Division of Alcoholic Beverage Control to Karl Anthony Zeis, 1134 Genessee Street, Trenton, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m., Thursday, February 8, 1962 and terminating at 7:00 a.m., Sunday, February 18, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - INDECENT MATTER ON LICENSED PREMISES -
LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

THE LAGOON, INC.
t/a THE LAGOON
3700-06 Atl. Brigantine Blvd.
Brigantine, N. J.

Holder of Plenary Retail Consumption License C-1, issued by the Board of Commissioners of the City of Brigantine.

CONCLUSIONS
AND ORDER

Defendant-licensee, by Charles Smith, President.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On December 7, 1961, you allowed, permitted and suffered in and upon your licensed premises and had in your possession matter containing obscene, indecent, filthy, lewd, lascivious and disgusting pictures and representations viz., a group of cartoon illustrations of male and female persons depicted in obscene, indecent, filthy, lewd, lascivious and disgusting poses, positions, practices and acts; in violation of Rule 17 of State Regulation No. 20."

On December 7, 1961, during the course of an inspection of the back bar in defendant's licensed premises, an ABC agent found in a drawer of a cabinet situated beneath the cash register, four indecent sketches depicting nude males and females in indecent poses and acts.

Defendant has no prior adjudicated record. The facts urged by Charles Smith, president of defendant corporate-licensee, in mitigation of the offense have been considered and I shall suspend defendant's license for a period of fifteen days. Re Mariner's Bar, Inc., Bulletin 1219, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 29th day of January, 1962,

ORDERED that Plenary Retail Consumption License C-1, issued by the Board of Commissioners of the City of Brigantine to The Lagoon, Inc., t/a The Lagoon, for premises 3700-06 Atl. Brigantine Blvd., Brigantine, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m., Monday, February 5, 1962, and terminating at 7:00 a.m., Thursday, February 15, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

11. STATE LICENSES - NEW APPLICATIONS FILED.

Nicholson's Beverages
1405 Kuser Road
Hamilton Township
P.O. Trenton, N. J.

Application filed March 13, 1962 for person-to-person, place-to-place transfer of State Beverage Distributor's License SBD-103 from Pine Distributors, Inc., Park Ave. at East 8th Street, Lakewood, N. J.

Service Beverage Co.
w/s Route No. 23, 615 Feet north of Circle,
Designated on Municipal Tax Map as Block 573, Lot 3S
Wayne Township, N. J.

Application filed March 13, 1962 for place-to-place transfer of State Beverage Distributor's License SBD-96 from 641-649 Main St., Paterson, N.

Breton Woods Beverage Distributors, Inc.
53-55 Lewis Street, Paterson, N. J.

Application filed February 28, 1962 for person-to-person transfer of State Beverage Distributor's License SBD-217 from Myron S. Lehman, Assignee of Lafer Distributing Co., Inc.

Eastern Brewing Corporation
332, 334 and 329 North Washington St.
Hammonton, N. J.

Application filed March 14, 1962 for additional Limited Brewery License to manufacture an additional 50,000 barrels of beer.

Cameron-Craig Ltd., t/a Cameron International Ltd.
International Brands & Imported Beers Ltd.
Room 1704, 60 Park Place, Newark, N. J.

Application filed March 15, 1962 for place-to-place transfer of Plenary Wholesale License W-102 from Room 515, 60 Park Pl., Newark, N. J.

Famous Brands, Inc.
13th Street between Broad Street and Paterson Plank Rd.
Carlstadt, N. J.


Application filed March 15, 1962 for place-to-place transfer of State Beverage Distributor's License SBD-150 from 410 8th Street and 139 Pavonia Avenue and 143-145 Provost Street, Jersey City, N. J.

Admiral Wine Co. Inc.
88 Shipman Street
Newark, N. J.

Application filed March 19, 1962 for Plenary Wholesale License.

J. D. J. Distributors, Inc.
126 Main Street
East Paterson, N. J.

Application filed March 19, 1962 for person-to-person transfer of State Beverage Distributor's License SBD-92 from Frances Arena.


William Howe Davis
Director