

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
744 Broad Street, Newark, N. J.

BULLETIN 473

AUGUST 13, 1941.

1. REPORT OF DISCIPLINARY PROCEEDINGS AGAINST LICENSEES TRANSMITTED BY THE DEPARTMENT TO MUNICIPAL ISSUING AUTHORITIES, FOR THE FISCAL YEAR JULY 1, 1940 TO JUNE 30, 1941.

July 3, 1941

S U M M A R Y

<u>Cases transmitted</u>		192
<u>Disposition:</u>		
License revoked		3
License surrendered		1
License suspended		134
Sentence suspended		8
Licensee reprimanded		3
Charges dismissed		17
Pending		24
Decision reserved	7	
Awaiting hearing	<u>17</u>	
	24	
Withdrawn and instituted at Department		<u>2</u>
		192

The foregoing 192 cases involved 216 separate violations as set forth below, comparing with a total of 315 cases involving 364 violations for the prior fiscal year 1939-40. Penalties preceded by an asterisk were imposed in cases where one or more additional charges were involved, and no separate penalty was imposed on the separate charges.

1. Sale of Alcoholic Beverages During Hours Prohibited by Municipal Ordinance, Resolution, Regulation or Referendum, Including Obstruction of Public View.

Cases transmitted 93

<u>Disposition:</u>		71
License suspended		
*86 days	1	
60 "	1	
*60 "	1	
40 "	1	
30 "	1	
19 "	1	
*18 "	1	
15 "	2	
10 "	3	
*10 "	5	
7 "	2	
* 7 "	2	
5 "	18	
* 5 "	3	
* 4 "	1	
3 "	12	
* 3 "	1	
2 "	12	
1½ "	1	
1 "	2	
	<u>71</u>	

Disposition (Cont'd):

Sentence suspended	5
Licensee reprimanded	1
Dismissed	6
Pending	
Decision reserved	2
Awaiting hearing	8

 93
2. Gambling, Slot Machines and Lotteries on Licensed Premises.

<u>Cases transmitted</u>	28
--------------------------	----

Disposition:

License revoked	1
*License surrendered	1
License suspended	18
30 days	1
*23 "	1
*15 "	1
10 "	1
*10 "	1
* 7 "	1
5 "	3
* 5 "	2
3 "	3
2 "	3
1 "	1
	<hr/> 18
Sentence suspended	1
Dismissed	3
Pending	
Decision reserved	1
Awaiting hearing	3
	<hr/> 28

3. Sale or Service of Alcoholic Beverages to Minors.

<u>Cases transmitted</u>	24
--------------------------	----

Disposition:

License suspended	20
*45 days	1
30 "	1
*30 "	1
15 "	2
10 "	4
*10 "	1
5 "	2
4 "	3
3 "	2
2 "	2
1 "	1
	<hr/> 20
Sentence suspended	1
Licensee reprimanded	1
Dismissed	1
Pending, awaiting hearing	1
	<hr/> 24

4. Possession of Illicit Alcoholic Beverages.Cases transmitted

16

Disposition:

License suspended

6

30 days

2

*30 "

1

10 "

1

3 "

1

2 "

1

6

Charges dismissed

3

Pending

Decision reserved

2

Awaiting hearing

3

Withdrawn and instituted at
Department

2

165. Employment of Hostesses in Violation of State or Municipal Regulation.Cases transmitted

11

Disposition:

*License surrendered

1

License suspended

9

*60 days

1

45 "

1

*18 "

1

10 "

1

*10 "

2

* 7 "

1

* 5 "

1

* 4 "

1

9

Pending, awaiting hearing

1

116. Employment of Persons Ineligible to Hold a License by Reason of Age, Residence, Citizenship, or Prior Conviction of a Crime Involving Moral Turpitude.Cases transmitted

10

Disposition:

*License surrendered

1

License suspended

8

*86 days

1

*23 "

1

*18 "

1

*10 "

1

* 7 "

1

* 5 "

2

2 "

1

8

Sentence suspended

1

10

7. Sale of Alcoholic Beverages to Non-Members by Club Licensees.

Cases transmitted 6

Disposition:

License suspended		6
*45 days	1	
*15 "	1	
*10 "	2	
* 5 "	2	
	<u>6</u>	

8. Sale of Alcoholic Beverages on Election Day.

Cases transmitted 5

Disposition:

License suspended		4
7 days	1	
5 "	1	
3 "	1	
2 "	1	
	<u>4</u>	
Pending, awaiting hearing		<u>1</u>
		5

9. Mislabeled Beer Taps.

Cases transmitted 5

Disposition:

License suspended		3
* 7 days	1	
5 "	1	
1 "	1	
	<u>3</u>	
Charges dismissed		1
Pending, decision reserved		<u>1</u>
		5

10. Permitting Lewdness, Immoral Activities and Female Impersonators Upon the Licensed Premises.

Cases transmitted 4

Disposition

License revoked		1
License suspended		2
*10 days	1	
* 5 "	1	
	<u>2</u>	
Pending, awaiting hearing		<u>1</u>
		4

11. Hindering an Investigation or Inspection.

Cases transmitted 3

Disposition:

License suspended		2
*30 days	1	
* 3 "	1	
	<u>2</u>	
Charges dismissed		<u>1</u>
		3

12. Sale of Alcoholic Beverages Beyond Scope of License
(Excluding Sale to Non-members by Club Licensees -- See No.7)

Cases transmitted 3

Disposition:

*License revoked		1
License suspended		1
*5 days	1	
Pending, awaiting hearing		<u>1</u>
		3

13. Employment of Females (Except Hostesses -- See No. 5) in
Violation of Municipal Regulations.

Cases transmitted 3

Disposition:

License suspended		3
*30 days	1	
*10 "	1	
* 5 "	<u>1</u>	
		3

14. Permitting Known Criminals or Persons of Ill Repute upon
Licensed Premises.

Cases transmitted 2

Disposition:

*License surrendered		1
License suspended		1
*86 days	1	
		<u>2</u>

15. Possession of Chilled Beer by a Limited Retail Distribution
Licensee.

Cases transmitted 1

Disposition:

*License revoked		1
------------------	--	---

16. Offering a Discount with the Sale of Alcoholic Beverages
for Off-Premises Consumption.

Cases transmitted 1

Disposition:

License suspended		1
3 days	1	

17. Sign Violations.

Cases transmitted 1

Disposition:

Charges dismissed		1
-------------------	--	---

Emerson A. Tschupp,
 Attorney.

2. REPORT OF DISCIPLINARY PROCEEDINGS AGAINST MUNICIPAL LICENSEES CONDUCTED DIRECTLY BY THE DEPARTMENT, FOR THE FISCAL YEAR JULY 1, 1940 to JUNE 30, 1941.

July 3, 1941

S U M M A R Y

Cases Instituted

207

Disposition

License revoked	4
License suspended	160
No penalty imposed	1
Charges dismissed	7
Pending	32
Awaiting entry of order of sus- pension after guilty plea entered before hearing	2
Decision reserved	17
Awaiting hearing	13
	32

Charges withdrawn 3
207

The foregoing 207 cases involved 249 separate violations as set forth below, comparing with a total of 189 cases involving 234 separate violations for the prior fiscal year 1939-40. Of the total number 66 were Fair Trade cases in municipalities scattered throughout the State; 40 involved other charges against Newark licensees; and the balance involved licensees of various other municipalities throughout the State, the proceedings being conducted at the Department because the complaint had been made by a coordinate law enforcement agency (e. g., the Federal Alcohol Tax Unit), or the license had been issued directly by the Commissioner because a member of the municipal issuing authority was interested therein, or because of Department policy to conduct all cases of a particular class, (e. g., fraud and front cases,) at the Department. Penalties preceded by an asterisk were imposed in cases where one or more additional charges were involved, and no separate penalty was imposed on the separate charges.

1. Sale of Alcoholic Beverages at Cut Rates in Violation of Fair Trade Regulations.

Total number of charges brought 66

Disposition

License revoked	1
License suspended	63
316 days	1
90 "	1
* 30 "	1
20 "	1
* 20 "	1
15 "	3
* 15 "	4
* 13 "	1
10 "	3
* 10 "	2
8 "	2
5 "	43
	63

Pending, awaiting hearing 2
66

2. Fraud, Misrepresentation, False Statement, etc. in Application for License, Including Operation as a Front for Another.

Total number of charges brought 42

Disposition

License revoked		3
License suspended		20
280 days	1	
98 "	1	
87 "	1	
52 "	1	
37 "	1	
30 "	2	
28 "	1	
20 "	3	
15 "	1	
14 "	1	
13 "	1	
10 "	3	
5 "	3	
	<u>20</u>	
Charges dismissed		3
Pending		16
Decision reserved	11	
Awaiting hearing	5	
	<u>16</u>	

42

3. Sale of Alcoholic Beverages During Hours Prohibited by Municipal Ordinance, Resolution, Regulation or Referendum, Including Obstruction of Public View.

Total number of charges brought 35

Disposition

License suspended		31
50 days	1	
20 "	1	
15 "	1	
*15 "	5	
*13 "	1	
10 "	2	
*10 "	5	
7 "	1	
5 "	9	
3 "	5	
	<u>31</u>	

Pending

Awaiting entry of order of suspension	1
Awaiting hearing	2

Charges withdrawn

1
35

4. Gambling, Slot Machines and Lotteries on Licensed Premises.

Total number of charges brought 29

Disposition

License suspended 24

*25 days 1

*20 " 1

15 " 1

*15 " 1

10 " 4

5 " 16

24

Pending

Decision reserved 1

Awaiting hearing 3

Charges withdrawn

1

29

5. Possession of Illicit Alcoholic Beverages.

Total number of charges brought 16

Disposition

License suspended 12

40 days 1

30 " 3

15 " 2

10 " 6

12

No penalty imposed 1

Pending, decision reserved 3

16

6. Sale or Service of Alcoholic Beverages to Minors.

Total number of charges brought 10

Disposition

License suspended 7

*40 days 1

15 " 1

5 " 4

3 " 1

7

Charges dismissed 1

Pending, decision reserved 2

10

7. Employment of Persons Ineligible to Hold a License by Reason of Age, Residence, Citizenship or Prior Conviction of Crime Involving Moral Turpitude.

Total number of charges brought 10

Disposition

License suspended 9

*40 days 1

*21 " 1

*13 " 1

5 " 2

* 5 " 2

3 " 2

9

Charges dismissed 1

10

8. Sale of Alcoholic Beverages to Non-Members by Club Licensee.Total number of charges brought 7Disposition

License suspended 5

*15 days 1

*10 " 2

8 " 1

* 5 " 1

5Pending, awaiting hearing $\frac{2}{7}$ 9. Permitting Brawls on Licensed Premises.Total number of charges brought 7Disposition

License suspended 3

15 days 1

*15 " $\frac{2}{3}$ 3

Charges dismissed 3

Pending, awaiting hearing $\frac{1}{7}$ 710. Permitting Known Criminals or Persons of Ill Repute upon Licensed Premises.Total number of charges brought 5Disposition

License suspended 2

*21 days 1

*15 " $\frac{1}{2}$ 2Charges dismissed $\frac{3}{5}$ 511. Sale of Alcoholic Beverages Beyond Scope of License
(Excluding Sale to Non-Members by Club Licensee--See No. 8).Total number of charges brought 4Disposition

License suspended 3

*15 days 1

*10 " 1

5 " $\frac{1}{3}$ 3Pending, awaiting hearing $\frac{1}{4}$ 412. Permitting Prostitutes, Lewdness, Immoral Activities and Female Impersonators Upon the Licensed Premises.Total number of charges brought 3Disposition

License suspended 1

*15 days 1

Pending

Decision reserved 1

Awaiting hearing $\frac{1}{3}$ 3

13. Employment of Females (except Hostesses--See No. 14) In Violation of Municipal Regulations.

Total number of charges brought 3

Disposition

License suspended 3

*40 days 1

*10 " 1

* 5 " 1

$\frac{3}{3}$

14. Employment of Hostesses in Violation of State or Municipal Regulation.

Total number of charges brought 2

Disposition

License suspended 1

*7 days 1

Pending

Awaiting entry order of suspension $\frac{1}{2}$

$\frac{1}{2}$

15. Permitting Unnecessary Noise on Licensed Premises.

Total number of charges brought 2

Disposition

License suspended 1

3 days 1

Charges dismissed $\frac{1}{2}$

$\frac{1}{2}$

16. Sign Violations.

Total number of charges brought 2

Disposition

License suspended 2

*30 days 1

3 " $\frac{1}{2}$

$\frac{1}{2}$

17. Purchase of Alcoholic Beverages from Unlicensed Wholesaler and Transportation in Unlicensed Vehicle.

Total number of charges brought 2

Disposition

License suspended 2

25 days 1

10 " $\frac{1}{2}$

$\frac{1}{2}$

18. Sale of Alcoholic Beverages on Election Day.

Total number of charges brought 1

Disposition

License suspended 1

*25 days 1

1

19. Offering a Discount with the Sale of Alcoholic Beverages for Off-Premises Consumption.

Total number of charges brought 1

Disposition

License suspended 1
3 days 1

20. Sale or Service of Alcoholic Beverages to Intoxicated Persons.

Total number of charges brought 1

Disposition

License suspended 1
*15 days 1

21. Violation of Special Ruling.

Total number of charges brought 1

Disposition

License suspended 1
30 days 1

Emerson A. Tschupp,
Attorney.

3. REPORT OF DISCIPLINARY PROCEEDINGS AGAINST LICENSEES INSTITUTED BY MUNICIPALITIES ON THEIR OWN INITIATIVE SO FAR AS PRESENTLY REPORTED, FOR THE FISCAL YEAR JULY 1, 1940 TO JUNE 30, 1941.

July 3, 1941.

Cases Instituted 33

Disposition:

License revoked	4
"Transfer revoked"	1
License surrendered	1
License suspended	21
Licensee reprimanded	1
Charges dismissed	3
Pending, decision reserved	2
	<u>33</u>

The foregoing 33 cases involved 51 violations as set forth below:

<u>Municipality</u>	<u>No. of Cases</u>	<u>Charge</u>	<u>Disposition</u>
Bellmawr	1	Failure to close licensed premises during prohibited hours.	License suspended 5 days.
	1	Sale of alcoholic beverages and failure to close licensed premises during prohibited hours.	License surrendered.
Bridgeton	1	" " " "	License suspended 3 days.

<u>Municipality</u>	<u>No. of Cases</u>	<u>Charge</u>	<u>Disposition</u>
Camden	1	Permitting brawls, disturbances and unnecessary noise on licensed premises.	License suspended 15 days.
Clifton	1	(Sale of alcoholic beverages during prohibited hours	Charge dismissed
		(Failure to close licensed premises during prohibited hours.	License suspended 1 day.
East Paterson	1	Sale of alcoholic beverages and failure to close licensed premises during prohibited hours.	Charges dismissed
Egg Harbor City	1	Permitting the licensed premises to be conducted as a nuisance.	License suspended 1 day
	1	Permitting unnecessary noise on licensed premises.	License suspended 7 days.
Elizabeth	1	Sale of alcoholic beverages to minors.	Pending, decision reserved.
	1	Sale of alcoholic beverages to minors and permitting known prostitutes and immoral activity on licensed premises.	License revoked.
Hoboken	1	Permitting brawl and disturbance on licensed premises.	License suspended 6 days.
Jackson	1	(Sale of alcoholic beverages to minors.	License suspended 5 days.
		(Sale of alcoholic beverages beyond scope of license.	Charge dismissed.
Linden	1	Failure to close licensed premises during prohibited hours.	License suspended 3 days.
	1	Sale of alcoholic beverages to minors.	License suspended 10 days.
Morristown	1	Failure to close licensed premises during prohibited hours.	Pending, decision reserved.
	1	(1) Sale of alcoholic beverages to minors, (2) sale of alcoholic beverages to intoxicated persons, (3) employment of females to serve alcoholic beverages, (4) permitting noise and disturbance on licensed premises, (5) permitting licensed premises to be open during prohibited hours, and (6) sale of alcoholic beverages in open containers for off-premises consumption.	License suspended 6 months.

<u>Municipality</u>	<u>No. of Cases</u>	<u>Charge</u>	<u>Disposition</u>
Mountain View	1	Aiding and abetting non-licensee to exercise privileges of license.	Charges dismissed.
North Bergen	1	False statement in application for license.	License suspended 105 days.
Passaic	1	Sale of alcoholic beverages and permitting licensed premises to be open during prohibited hours.	Charges dismissed
	1	Permitting a known prostitute on licensed premises.	License revoked.
Paterson	1	Permitting lewdness and immoral activity on licensed premises.	License revoked.
Penns Grove	1	Sale of alcoholic beverages during prohibited hours.	License suspended 3 days.
	2	Having music on licensed premises contrary to local ordinance.	License suspended 3 days.
Rahway	1	Permitting gambling and a brawl on licensed premises.	License suspended 10 days.
Scotch Plains	1	Sale of alcoholic beverages to minors	License suspended 5 days.
	1	Sale of alcoholic beverages and failure to close licensed premises during prohibited hours.	License suspended 10 days.
South Belmar	1	Permitting music on licensed premises contrary to local ordinance.	License suspended 2 days.
Springfield (Union)	1	Permitting unnecessary noise and disturbance on licensed premises.	License suspended 6 days.
Trenton	1	False statement in application for license.	"Transfer revoked," reversed on appeal.
Union City	1	Sale of alcoholic beverages beyond scope of license, and sale of alcoholic beverage and failure to close licensed premises during prohibited hours.	License suspended 5 days.
	1	" " "	Licensee reprimanded.
Waterford	1	Permitting open containers of alcoholic beverages on retail distribution licensed premises.	License revoked.

Emerson A. Tschupp,
Attorney.

4. REPORT ON CASES INVOLVING NON-PAYMENT OF TAXES OR PENALTIES OR OTHER FAILURE TO COMPLY WITH THE TAX LAW, CONDUCTED DIRECTLY BY THE DEPARTMENT, FOR THE FISCAL YEAR JULY 1, 1940 TO JUNE 30, 1941.

July 3, 1941

Cases Instituted

49

Disposition:

License or permit suspended for balance of term	9
Suspended for balance of term but reinstated after payment of penalty and service charge	1
Dismissed after charges were served, but before entry of order of suspension, after payment of penalty and service charge	38
Pending	
Awaiting entry of order of dismissal	<u>1</u>
	49

The foregoing 49 cases involved licensees and permittees as set forth below:

State Licensees

Cases Instituted

3

Disposition:

License suspended for balance of term but reinstated after payment of penalty and service charge	1
Dismissed after charges were served, but before entry of order of suspension, after payment of penalty and service charge	<u>2</u>
	3

Permittees

Cases Instituted

6

Disposition:

Permit suspended for balance of term	2
Dismissed after charges were served but before entry of order of suspension, after payment of penalty and service charge	<u>4</u>
	6

Municipal Licensees

Cases Instituted

40

Disposition:

License suspended for balance of term but reinstated after payment of penalty and service charge	7
Dismissed after charges were served but before entry of order of suspension, after payment of penalty and service charge	32
Pending, awaiting entry of order of dismissal	<u>1</u>
	40

Emerson A. Tschupp,
Attorney.

5. REPORT OF DISCIPLINARY PROCEEDINGS AGAINST STATE LICENSEES AND PERMITTEES INSTITUTED BY THE DEPARTMENT, FOR THE FISCAL YEAR JULY 1, 1940 TO JUNE 30, 1941.

July 3, 1941

Cases Instituted

30

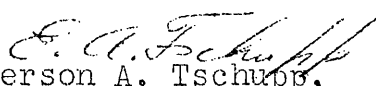
Disposition:

License or Permit Revoked	2
Permit Cancelled or Surrendered	2
License or Permit Suspended	4
Pending	
Awaiting entry of Conclusions	1
Decision reserved	1
Awaiting hearing	19
Charge withdrawn	<u>1</u>
	30

The foregoing 30 proceedings involved 31 violations as set forth below:

<u>No. of Cases</u>	<u>Kind of License</u>	<u>Charge</u>	<u>Disposition</u>
6	Wholesale License	Giving free goods, cash rebates and discriminatory discounts.	Pending, awaiting hearing.
8	Solicitor's Permit	Participating in the giving of free goods, cash rebates and discriminatory discounts.	" "
1	Brewery License	Making cash loans and furnishing equipment to retailers.	" "
3	Solicitor's Permit	Aiding and abetting brewery to make cash loans and furnish equipment to retailers.	" "
1	"	False statement in application for permit.	Permit revoked.
1	"	" " "	Permit cancelled.
1	"	" " "	Permit surrendered, new permit to be withheld for ten days.
1	"	" " "	Pending, awaiting hearing.
1	Employment Permit	" " "	Permit revoked.
4	"	Sale of alcoholic beverages contrary to condition of permit.	Permit suspended for 25 days.

<u>No. of Cases</u>	<u>Kind of License</u>	<u>Charge</u>	<u>Disposition</u>
1	Employment Permit	False statement in application for permit and exercise of privileges of a retail license.	Awaiting entry of Conclusions.
1	"	Exercise of privileges of a retail license.	Pending, deci- sion reserved.
1	"	Sale of alcoholic beverages contrary to condition of permit.	Charge withdrawn.


Emerson A. Tschupp,
Attorney.