

✓

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark, N.J. 07102

BULLETIN 1582

October 14, 1964

TABLE OF CONTENTS

ITEM

1. NEW LEGISLATION - CLASS B (WHOLESALE'S) LICENSES -  
PLENARY WHOLESALE AND WINE WHOLESALE LICENSES - WAREHOUSES -  
DELIVERY OF ALCOHOLIC BEVERAGES TO RETAILERS MUST BE FROM  
INVENTORY IN A WAREHOUSE IN NEW JERSEY OPERATED UNDER A  
PLENARY WHOLESALE OR WINE WHOLESALE LICENSE.
2. DISCIPLINARY PROCEEDINGS (Passaic) - SALE IN VIOLATION OF  
STATE REGULATION NO. 38 - FALSE STATEMENT IN APPLICATION  
FOR LICENSE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED  
FOR 30 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE DURING  
PROHIBITED HOURS - PRIOR DISSIMILAR RECORD - LICENSE  
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Boonton) - HINDERING INVESTIGATION -  
LICENSE SUSPENDED FOR 10 DAYS.
5. ACTIVITY REPORT FOR AUGUST 1964.
6. SEIZURE - FORFEITURE PROCEEDINGS - UNLAWFUL POSSESSION OF  
ALCOHOLIC BEVERAGES INTENDED FOR UNLAWFUL SALE - SEARCH  
WARRANT UNNECESSARY WHERE VOLUNTARY CONSENT GIVEN -  
ALCOHOLIC BEVERAGES ORDERED FORFEITED.
7. DISCIPLINARY PROCEEDINGS (Carteret) - LOTTERY (50-50 CLUB  
RAFFLE) - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Somers Point) - SALE TO MINORS -  
PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS,  
LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Camden) - ALCOHOLIC BEVERAGES  
NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS  
5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Camden) - ALCOHOLIC BEVERAGES  
NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS  
5 FOR PLEA.
11. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID  
FOR THE PERIOD JULY 1, 1963 TO JUNE 30, 1964 AS REPORTED TO  
THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL  
ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19, (INCLUDING  
56 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-20).
12. DISCIPLINARY PROCEEDINGS (Edison) - SALE TO MINORS -  
LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
13. STATE LICENSE - NEW APPLICATION FILED.

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark, N.J. 07102

BULLETIN 1582

October 14, 1964

1. NEW LEGISLATION - CLASS B (WHOLESALE'S) LICENSES - PLENARY WHOLESALE AND WINE WHOLESALE LICENSES - WAREHOUSES - DELIVERY OF ALCOHOLIC BEVERAGES TO RETAILERS MUST BE FROM INVENTORY IN A WAREHOUSE IN NEW JERSEY OPERATED UNDER A PLENARY WHOLESALE OR WINE WHOLESALE LICENSE.

Senate, No. 178 was approved by the Governor on August 19, 1964 and thereupon became Chapter 170 of the Laws of 1964 which becomes effective "90 days after enactment" (November 17, 1964). The act is an amendment of section 33:1-11 of the Revised Statutes, but does not affect Limited Wholesale or State Beverage Distributors' licenses. It amends the following paragraphs of Revised Statutes, 33:1-11 by adding thereto the underscored language:

"Plenary wholesale license. 1. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute alcoholic beverages to retailers and wholesalers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and salesroom; provided however, that the delivery of such alcoholic beverages by the holder of this license to retailers licensed under this Title shall be from inventory in a warehouse located in New Jersey which is operated under a plenary wholesale license. The fee for this license shall be \$3,000.00....

"Wine wholesale license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute any naturally fermented, treated, blended, fortified and sparkling wines, to retailers and wholesalers, licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and salesroom; provided however, that the delivery of such wines by the holder of this license to retailers licensed under this Title shall be from inventory in a warehouse located in New Jersey which is operated under a wine wholesale license. The fee for this license shall be \$1,500.00."

2. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against )

JOHN PERRY )  
t/a PERRY'S BAR & GRILL )  
128 Third Street )  
Passaic, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-129, issued by the Board of )  
Commissioners of the City of Passaic. )

-----  
Licensee, Pro se.

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on July 15, 1964, he sold a pint bottle of whiskey for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38, and (2) in his current application for license failed fully to disclose his record of prior license suspensions, in violation of R. S. 33:1-25.

The licensee has a previous record of suspension of license by the Commissioner for fifty-five days effective August 28, 1946, for sale to minors (Re Perry, Bulletin 728, Item 1) and by the municipal issuing authority for two days effective January 14, 1964, for sale to minors, non-disclosure of the latter suspension being the subject of the second charge.

The prior record of dissimilar violation occurring more than five years ago disregarded but the prior record of dissimilar violation occurring within the past five years considered, the license will be suspended on the first charge for fifteen days (Re Jersey Bar, Inc., Bulletin 1574, Item 11) and on the second charge for ten days (Re Milchman, Bulletin 1571, Item 3), to which will be added five days by reason of the record of suspension for previous dissimilar violation within the past five years (Re DiPeri, Bulletin 1569, Item 6), or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 17th day of August, 1964,

ORDERED that Plenary Retail Consumption License C-129, issued by the Board of Commissioners of the City of Passaic to John Perry, t/a Perry's Bar & Grill, for premises 128 Third Street, Passaic, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m. Monday, August 24, 1964 and terminating at 3:00 a.m. Friday, September 18, 1964.

JOSEPH P. LORDI  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS -  
PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS,  
LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

LOUIS PAULA )  
t/a LOUIS PAULA'S CAFE )  
683 Montgomery Street )  
Jersey City, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-19, issued by the Municipal )  
Board of Alcoholic Beverage Control )  
of the City of Jersey City. )

-----  
Licensee, Pro se.

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

BY THE DIRECTOR:

Licensee pleads non vult to Charges 1 and 2 alleging that on July 11, 1964, during prohibited hours he sold drinks of alcoholic beverages and allowed persons other than himself and actual employees upon the licensed premises, in violation of local regulation.

Licensee has a previous record of suspension of license by the local issuing authority for ten days effective December 23, 1959, for permitting gambling (bookmaking) on the licensed premises.

I shall suspend the license for fifteen days for the instant violations (Re Canova, Bulletin 1411, Item 4), plus five days for the dissimilar violation occurring within the past five years, or a total of twenty days. Five days will be remitted for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 10th day of August 1964,

ORDERED that Plenary Retail Consumption License C-19, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Louis Paula, t/a Louis Paula's Cafe, for premises 683 Montgomery Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing \* at 2 a.m. Monday, August 17, 1964, and terminating at 2 a.m. Tuesday, September 1, 1964.

JOSEPH P. LORDI  
DIRECTOR

\* By order dated August 12, 1964, the suspension was deferred to commence at 2:00 a.m. Monday, August 24, 1964, and to terminate at 2:00 a.m. Tuesday, September 8, 1964.

4. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION - LICENSE  
SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary )  
 Proceedings against )

BOONTON ELKS CLUB, INC. )  
 125 Cornelia Street )  
 Boonton, N. J. )

CONCLUSIONS  
 AND ORDER

Holder of Club License CB-6, )  
 issued by the Board of Aldermen )  
 of the Town of Boonton. )

-----  
 Bangiola & VanHouten, Esqs., by Paul Bangiola, Esq., Attorneys  
 for licensee.  
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

The licensee pleaded not guilty to the following charge:

"On Saturday, June 13, 1964, between 2:25 a.m. and 2:50 a.m., while Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey were conducting an investigation, inspection and examination at your licensed premises, you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation, inspection and examination; in violation of R.S. 33:1-35."

To substantiate the charge the Division called Agents D and N as its witnesses.

Agent D testified that at 1:10 a.m. on Saturday, June 13, 1964, he and Agent N arrived in the vicinity of the licensed premises to investigate a complaint that the licensee was selling alcoholic beverages after hours and to non-members; that he parked his car on the opposite side of the street of the licensed premises, about 150 feet therefrom; that he observed three cars parked on a lot alongside the licensed premises; that Agent N alone proceeded to the premises and rang its front door bell; that Robert K. Looker (a house committee member of the Club) responded to the ring and opened the door; that Agent N and Mr. Looker engaged in a short conversation following which Agent N rejoined him; that at 2:01 a.m. he observed two couples emerge from the licensed premises, enter one of the three parked cars and drive away.

Agent D further testified that at 2:10 a.m. he and Agent N attempted to enter the premises by its front door and found it locked; that they walked around to the side of the premises and descended some steps which led them to the lower level of the building wherein the licensee maintains its bar and bowling alleys; that they observed lights (through opaque windows) and heard voices emanating therefrom.

Agent D further testified that at 2:25 a.m. he and Agent N returned to the front entrance of the building, observed a light burning in its lobby and rang the bell; that Mr. Looker came to the door, drew aside its curtain and stated "We are closed;" that he and Agent N thereupon placed their credentials flush against the window in the door, in full view of Mr. Looker, and announced "State ABC agents. Open up;" that Mr. Looker eyed their credentials (which bore letters one inch in height reading A.B.C.); that, upon the sight of the same, Mr. Looker turned momentarily to Edward Latshaw (another member of the house committee) in the rear of the lobby; shouted "the ABC" and repeated "We are closed"; that Mr. Latshaw joined Mr. Looker at the door; that he and Agent N, with their credentials still fixed to the window and simultaneously displaying their badges, ordered Mr. Looker and Edward Latshaw to open the door and informed them that they were hindering an investigation of the licensed premises; that, in response thereto, Mr. Looker reiterated "We are closed", following which Mr. Looker and Mr. Latshaw walked away and extinguished the lights in the building, and that at about 2:50 a.m. he and Agent N departed from the area.

On cross examination Agent D did not vary from the pertinent parts of his direct testimony.

Agent N corroborated the testimony of Agent D and further testified that at 1:20 a.m. on June 13 aforesaid he alone proceeded to the licensed premises; that the door was locked; that he rang a bell alongside the door; that Mr. Looker appeared and opened the door; that he asked Mr. Looker if he might come in for a drink; that Mr. Looker inquired if he were a member of the Elks; that he replied in the negative; that Mr. Looker informed him that the premises were not open to the public, and that he then rejoined Agent D.

On cross examination Agent N substantially reiterated his direct testimony.

Henry Coppola, on behalf of the licensee, testified that he is the licensee's steward; that he opens and closes the bar; that at 12:45 a.m. on the morning in question he closed the bar and left the premises.

On cross examination Mr. Coppola testified that Mr. Looker and Mr. Latshaw are two of ten members of the house committee; that the committee is in charge of the daily operation of the lodge and its licensed business.

Robert K. Looker testified that between 1:45 and 2 a.m. on the morning in question the last two couples at the bar had left the building; that shortly thereafter he and Mr. Latshaw were preparing to leave the premises when the front door bell rang; that he went to the door, peered through its curtain and observed two males; that they announced themselves as ABC agents and asked to be admitted; that he recognized one of them as the non-member of the lodge who earlier that morning had sought admission to the premises; that he did not ask the agents for any identification; that he informed them that the premises were closed; that he pulled the curtain back, walked away and rejoined Mr. Latshaw in the lounge; and that both males "just hollered they were the ABC."

On cross examination Mr. Looker testified that he denied access to the agents because he did not see their credentials; that they wore no uniforms and that one of them appeared to be the aforesaid non-member; that, after he had left the agents standing

on the outside, he heard them repeating their identifications for three to five minutes; that he did not call the police; that about 3 a.m. he left the premises, and that Mr. Latshaw remained therein.

Edward Latshaw denied that he joined Mr. Looker at the front door; denied he saw the credentials of the agents; denied he heard any of the conversations between Mr. Looker and the agents; denied he heard Mr. Looker announce "They are the ABC" and further testified that at about 3 a.m. the knocking on the front door had ceased; that Mr. Looker then left the premises and that he stayed in the building.

I have carefully considered all of the evidence and argument of counsel at the conclusion of the hearing and find as a fact that between 2:25 and 2:50 a.m. on June 13, 1964, the licensee adamantly refused to admit the agents into the licensed premises, in violation of R.S. 33:1-35. I am not impressed with the testimony of Mr. Looker and Mr. Latshaw that they did not see the credentials of the agents, nor with Mr. Looker's other reasons for not permitting the agents to enter the premises. I find that the agents gave an accurate and truthful account of what occurred in this case, and am unable to find any inconsistencies or defects in their testimony. Under the circumstances I conclude that the Division has sustained the burden of establishing the licensee's guilt by a fair preponderance of the believable evidence. Since the licensee cannot escape the consequences of the acts of its agents (Rule 33 of State Regulation No. 20), it is recommended that the licensee be found guilty as charged.

Licensee has a prior adjudicated record. Effective April 8, 1941, its license was suspended by the municipal issuing authority for ten days for sale to non-members, in violation of State Regulation, and for sale on Sunday, in violation of local regulation.

Since aforesaid dissimilar violations occurred more than five years ago, they will not be considered in fixing the penalty herein. Re Schultz & Friedman Pharmacies, Inc., Bulletin 1568, Item 8. It is further recommended, therefore, that an order be entered suspending the license for ten days. Re Page, Bulletin 1454, Item 4.

#### Conclusions and Order

No written exceptions to the Hearer's Report were filed with me within the time limited by Rule 6 of State Regulation No. 16

Having carefully considered the transcript of testimony and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 19th day of August, 1964,

ORDERED that Club License CB-6, issued by the Board of Aldermen of the Town of Boonton to Boonton Elks Club, Inc. for premises 125 Cornelia Street, Boonton, be and the same is hereby suspended for ten (10) days, commencing at 1:00 a.m. Tuesday, August 25, 1964, and terminating \* at 1:00 a.m. Friday, September 4, 1964.

JOSEPH P. LORDI  
DIRECTOR

\*By order dated August 26, 1964, the suspension was lifted for one day viz., Saturday, August 29, 1964, and the termination date extended to 2:00 a.m. Saturday, September 5, 1964.

5. ACTIVITY REPORT FOR AUGUST 1964

<b>ARRESTS:</b>		
Total number of persons arrested - - - - -		16
Licensees and employees - - - - -	7	
Bootleggers - - - - -	9	
<b>SEIZURES:</b>		
Stillis - 50 gallons or under - - - - -		2
Mash - gallons - - - - -		50
Distilled alcoholic beverages - gallons - - - - -		3,925
Wine - gallons - - - - -		24.5
Brewed malt alcoholic beverages - gallons - - - - -		50.17
<b>RETAIL LICENSEES:</b>		
Premises inspected - - - - -		457
Premises where alcoholic beverages were gauged - - - - -		336
Bottles gauged - - - - -		5,895
Premises where violations were found - - - - -		54
Violations found - - - - -		76
Unqualified employees - - - - -	30	Gambling devices on premises - - - - - 3
Reg. #38 sign not posted - - - - -	16	Prohibited signs - - - - - 3
Application copy not available - - - - -	11	Other mercantile business - - - - - 1
Disposal permit necessary - - - - -	5	Other violations - - - - - 7
<b>STATE LICENSEES:</b>		
Premises inspected - - - - -		24
License applications investigated - - - - -		8
<b>COMPLAINTS:</b>		
Complaints assigned for investigation - - - - -		327
Investigations completed - - - - -		339
Investigations pending - - - - -		194
<b>LABORATORY:</b>		
Analyses made - - - - -		187
Refills from licensed premises - bottles - - - - -		86
Bottles from unlicensed premises - - - - -		44
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made - - - - -		6
Persons fingerprinted for non-criminal purposes - - - - -		331
Identification contacts made with other enforcement agencies - - - - -		208
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities - - - - -		14
Violations involved - - - - -		18
Sale during prohibited hours - - - - -	9	Failure to close premises during prohibited hours - - - - - 2
Sale to minors - - - - -	7	
Cases instituted at Division - - - - -		16
Violations involved - - - - -		20
Possessing liquor not truly labeled - - - - -	3	Sale below filed price - - - - - 1
Permitting lottery activity on prem. - - - - -	2	Permitting immoral activity on prem. - - - - - 1
Permitting hostesses on premises - - - - -	2	Substituting drink other than ordered - - - - - 1
Sale during prohibited hours - - - - -	2	Fraud in application - - - - - 1
Sales to minors - - - - -	2	Hindering investigation - - - - - 1
Beverage Tax Law non-compliance - - - - -	1	Possessing contraceptives on premises - - - - - 1
Permitting bookmaking on premises - - - - -	1	Conducting business as a nuisance - - - - - 1
Cases brought by municipalities on own initiative and reported to Division - - - - -		18
Violations involved - - - - -		26
Sale to minors - - - - -	7	Permitting minors to congregate on prem. (legal reg.) - - - - - 2
Sale during prohibited hours - - - - -	6	
Failure to close prem. dur. proh. hrs. - - - - -	5	Conducting business as a nuisance - - - - - 1
Permitting brawl on premises - - - - -	4	Permitting lottery activity on prem. - - - - - 1
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held - - - - -		38
Appeals - - - - -	8	Eligibility - - - - - 6
Disciplinary proceedings - - - - -	23	Seizures - - - - - 1
<b>STATE LICENSES AND PERMITS ISSUED:</b>		
Total number issued - - - - -		1,305
Licenses - - - - -	7	Social affair permits - - - - - 439
Solicitors' permits - - - - -	48	Miscellaneous permits - - - - - 128
Employment permits - - - - -	317	Transit insignia - - - - - 298
Disposal permits - - - - -	42	Transit certificates - - - - - 26
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued - - - - -	96	Premises where violations were found - - - - - 14
Premises inspected - - - - -	586	Number of violations found - - - - - 20
Enforcement files established - - - - -	19	

JOSEPH P. LORDI  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: September 9, 1964

6. SEIZURE - FORFEITURE PROCEEDINGS - UNLAWFUL POSSESSION OF ALCOHOLIC BEVERAGES INTENDED FOR UNLAWFUL SALE - SEARCH WARRANT UNNECESSARY WHERE VOLUNTARY CONSENT GIVEN - ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure on	)	
January 18, 1964 of a quantity of	)	CASE NO. 11,189
alcoholic beverages at a dwelling	)	
occupied by William H. Gall, located	)	ON HEARING
at 41 Lenhome Drive, in the City of	)	CONCLUSIONS
Cranford, County of Union and State of	)	AND ORDER
New Jersey.	)	

-----  
Reibel, Isaac & Tannenbaum, Esqs., by Hyman Isaac, Esq., Attorneys  
for William H. Gall.

I. Edward Amada, Esq., appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to the provisions Title 33, Chapter 1, Revised Statutes of New Jersey and State Regulation No. 28, to determine whether 45 cases or containers of beer, more particularly described in an inventory set forth in the schedule annexed hereto, made part hereof and marked "Schedule A", seized on January 18, 1964 at 41 Lenhome Drive, Cranford, County of Union, 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 by William H. Gall, represented by counsel, who sought the return of the said property. However, Gall did not take the stand to testify in support of said claim nor were any witnesses or evidence produced in his behalf at this hearing.

The established facts as reflected in the testimony of Agent H, exhibits and documents, admitted into evidence, are as follows: As a result of an investigation of alleged alcoholic beverages being sold without a license or lawful permit at Lou's Market, located at 302 Centennial Avenue, Cranford, it was ascertained through interrogation of Louis D'Alessandris, the owner of the said establishment, that the claimant herein, William H. Gall, had been supplying the said Lou's Market with beer.

Gall was thereupon interviewed at the local police headquarters in the presence of ABC agents and local police officials, on Friday, January 17, 1964 at which time he executed a voluntary signed statement. In that statement he stated that he was employed by the Pabst Brewing Co. as a truck driver; that shortly before Christmas of 1963 he entered into an arrangement with D'Alessandris, whereby D'Alessandris paid him \$3.50 a case of beer; that he made a number of deliveries to the said store; that the said beer consisted of overloads on his truck and that the profits from this illicit activity were split with a number of helpers on his truck who had knowledge of the said activity.

After he completed this statement at 12:45 a.m. on January 18, 1964, ABC agent P asked Gall if he had any more of

this beer accumulated at his home or any place else. Gall was then asked whether he would permit a search of his home and premises by ABC agents and local police officers. He assured the officers that he had no objection to said search. Thereupon, he, in the company of said officers, proceeded to his home in Cranford Township.

When the agents then informed him that they would begin the search in his garage, Gall remarked, "I knew you would want to look there. O.K. You got me". Gall then opened the garage door and the agents observed numerous cartons of beer stored therein; whereupon, Gall was immediately placed under arrest, and the cartons of beer, as specifically described in the inventory herein, were seized by the ABC agents.

At 2:20 a.m. on January 18, 1964 Gall returned to headquarters and executed a voluntary signed supplemental statement, which was admitted into evidence. In that statement, he acknowledged that he voluntarily "allowed" ABC and police officials to make a search of his residence in his presence and that 46 cases of beer were found in the garage as well as an additional 3 cases and 3 loose bottles found in the basement thereof.

The statement further sets forth that these cases of beer were accumulated by him over a period of two or three weeks and that when he was in the vicinity of his home with the delivery truck, he would "drop them off". He also admitted that he had accumulated different varieties of beer by purchasing the same from delivery men employed by other companies. The stated reason for said accumulation and purchases was that he intended to sell the beer to Louis D'Alessandris, the owner of Lou's Market.

Agent H admitted, on cross-examination, that he obtained no search warrant prior to entering the premises because he felt that no search warrant was necessary in view of the fact that this was a voluntary search and that Gall "had no objection" thereto. In fact, Gall voluntarily accompanied the officers and opened the garage door for them.

A search of the records of this Division disclosed that no licensed authorizing the sale of alcoholic beverages was issued to this claimant or for the premises in question. The affidavit of mailing and publication and the certificate that no license had been issued by State or local authorities to sell alcoholic beverages were admitted into evidence.

A chemical analysis of one bottle of the seized beer offered under certification of the Director, as authorized by R.S. 33:1-37 proves that it is a beer fit for beverage purposes, with alcohol by volume of 6.8%.

Gall was charged with selling alcoholic beverages without a license on January 10, 1964 and divers days thereto in violation of R.S. 33:1-50(a); possession of alcoholic beverages with intent to sell the same on January 18, 1964 and divers days thereto in violation of R.S. 33:1-50(b) and R.S. 33:1-2; and he was released in bail for arraignment in the Cranford Township Municipal Court.

As stated hereinbefore, no testimony or evidence was offered in support of the claim herein.

Since this property was possessed with the intention to unlawfully sell the same, such beverages are illicit, R.S. 33:1-1(1), and are subject to forfeiture; Seizure Case No. 10,898, Bulletin 1500, Item 2.

Counsel for the claimant advocates that the said alcoholic beverages should be returned to the claimant because they were seized without a search warrant; consequently, the said search and seizure were illegal. The applicable rule is that forfeiture under this Statute does not depend upon the seizure of property pursuant to a search warrant. Re Tricoli, Bulletin 164, Item 9; Strong v. United States, 46F. (2d) 257 (C.C.A.1st, 1931); Seizure Case No. 9280, Bulletin 1166, Item 8. This is not affected by the decision of Mapp v. Ohio, 367 U.S. 643, 6 L. ed 2d 1081, 81 S. Ct. 1684, and other recent decisions relating to seizures, because said search was made upon the affirmative and express consent of the claimant herein.

Since such voluntary consent had been given, no search warrant was required, and the agents lawfully proceeded under R.S. 33:1-66 which provides as follows:

"a. Any officer knowing, or having reasonable cause to believe, that any person is engaged in unlawful alcoholic beverage activity, it shall be his duty to investigate, under proper search warrant when necessary, which it shall be his further duty to apply for, and to seize all property which he shall know, or have reasonable ground to believe is unlawful property..."

Forfeiture proceedings under this statute may be instituted by this Division upon property which has been lawfully seized. Where there is a reasonable belief, or probable cause for believing that an offense is being committed or has been committed in a certain building or on certain premises which will justify an arrest therefor, it will also justify, as incident to the arrest, a search of the building or premises without a search warrant. U.S. v. Martin, 176 F. Supp. 262. See also State v. Doyle, 42 N.J. 334 (Sup. Ct. 1964).

The search and seizure herein are based upon information obtained prior to the search and, indisputably, with the consent of the owner of the property searched. Therefore, under these circumstances, the search and seizure of the property was clearly lawful and valid.

Since this claimant had no license authorizing him to sell alcoholic beverages, such alcoholic beverages found in his possession and intended for sale, constitute unlawful property, and are subject to forfeiture. R.S. 33:1-1(i) and (j); R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 7245, Bulletin 819, Item 1; Seizure Case No. 9576, Bulletin 1212, Item 3; Seizure Case No. 10,044, Bulletin 1313, Item 6.

I therefore recommend that the alcoholic beverages be declared to be unlawful property, and that an Order be entered forfeiting the same.

#### Conclusions and Order

No exceptions were taken to the Hearer's Report within the time limited by Rule 4 of State Regulation No. 28.

After carefully considering the facts and conclusions therein, I concur in the recommended conclusions in the Hearer's Report and adopt the same as my conclusions herein.

Accordingly, it is on this 11th day of August, 1964,

DETERMINED and ORDERED that the alcoholic beverages, more fully described in Schedule "A", attached hereto, constitute unlawful property and the same are hereby forfeited in accordance with the provisions of R.S. 33:1-66, and shall be retained, under State Regulation No. 29, 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.

JOSEPH P. LORDI  
DIRECTOR

SCHEDULE "A"

45 cases of assorted bottles and cans of beer.

7. DISCIPLINARY PROCEEDINGS - LOTTERY (50-50 CLUB RAFFLE) -  
LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

CARTERET SMELTER & REFINERY WORKERS  
UNION, LOCAL NO. 837  
237 Roosevelt Avenue  
Carteret, New Jersey

CONCLUSIONS  
AND ORDER

Holder of Club License CB-13 issued  
by the Mayor and Council of the  
Borough of Carteret.

-----  
Wilentz, Goldman & Spitzer, Esqs., by Henry M. Spitzer, Esq.,  
Attorneys for licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 18, 1964, it conducted a raffle (50-50 club) on its licensed premises, in violation of Rule 6 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Veterans Asso. of Raritan, Inc., Bulletin 1498, Item 12.

Accordingly, it is, on this 17th day of August, 1964,

ORDERED that Club License CB-13, issued by the Mayor and Council of the Borough of Carteret to Carteret Smelter & Refinery Workers Union, Local No. 837, for premises 237 Roosevelt Avenue, Carteret, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, August 24, 1964, and terminating at 3:00 a.m. Saturday, August 29, 1964.

JOSEPH P. LORDI  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

RICHARD K. MC CLAIN and RUTH M. MC CANN  
t/a BAY SHORES CAFE  
998 Bay Avenue  
Somers Point, N.J.

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consumption  
License C-13, issued by the Common  
Council of the City of Somers Point.

-----  
Frank J. Ferry, Esq., Attorney for Licensees.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on July 22, 1964, they sold drinks of beer to two minors, age 18 and 19, in violation of Rule 1 of State Regulation No. 20.

Licensees have a record of previous suspension of license as follows:

- (1) License then held individually by Richard K. McClain
  - (a) by the municipal issuing authority for three days effective June 10, 1947 for mislabeled beer taps;
  - (b) by the municipal issuing authority for fifteen days effective June 14, 1949 for sale to minors; and
  - (c) by the Director for thirty-five days effective September 17, 1951 for sale to minors (Re McClain, Bulletin 916, Item 2);
- (2) License held by Richard K. McClain and Ruth M. McCann
  - (d) by the municipal issuing authority for five days affirmed on appeal by the Director effective May 2, 1960 for sale to minors (Re McClain and McCann, Bulletin 1319, Item 5; Bulletin 1340, Item 4) and
  - (e) by the Director for twenty-five days effective May 28, 1962 for sale to minors and sale of contraceptives (Re McClain and McCann, Bulletin 1427, Item 6; Bulletin 1460, Item 3).

The previous record of suspension of license for dissimilar and similar violations in 1947, 1949 and 1951 occurring respectively more than five and ten years ago disregarded, but the previous record of two suspensions of license for similar violation in 1960 and 1962 occurring within the past five years considered, the license will be suspended for thirty-five days (Re Cappy's Hideaway, Inc., Bulletin 1504, Item 2), with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 1st day of September, 1964,

ORDERED that Plenary Retail Consumption License C-13, issued by the Common Council of the City of Somers Point to Richard K. McClain and Ruth M. McCann, t/a Bay Shores Cafe, for premises 998 Bay Avenue, Somers Point, be and the same is hereby suspended for thirty (30) days, commencing at 3 a.m. Tuesday, September 8, 1964, and terminating at 3 a.m. Thursday, October 8, 1964.

JOSEPH P. LORDI  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

FROHSINN SINGING SOCIETY )  
1210 Liberty Street )  
Camden, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Club License CB-7, issued )  
by the Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Camden. )

-----  
Harvey M. Mitnick, Esq., Attorney for Licensee.  
David S. Piltzer, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 16, 1964, it possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Commissioner for ten days effective August 28, 1944, for sale during prohibited hours. Re Frohsinn Singing Society, Bulletin 632, Item 4.

The prior record of dissimilar violation occurring more than five years ago disregarded, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Six Steps Down, Inc., Bulletin 1572, Item 5.

Accordingly, it is, on this 17th day of August, 1964,

ORDERED that Club License CB-7, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Frohsinn Singing Society for premises 1210 Liberty Street, Camden, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, August 24, 1964, and terminating at 2:00 a.m. Saturday, August 29, 1964.

JOSEPH P. LORDI  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
 LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
 Proceedings against )

ANGELINE T. TOMASETTO )  
 t/a M. D. M. BAR )  
 575 Van Hook Street )  
 Camden, N. J. )

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption )  
 License C-139, issued by the Municipal )  
 Board of Alcoholic Beverage Control )  
 of the City of Camden. )

-----  
 Licensee, Pro se.

David S. Piltzer, Esq., Appearing for the Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
 June 15, 1964, she possessed alcoholic beverages in two bottles  
 bearing labels which did not truly describe their contents, in  
 violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended  
 for fifteen days, with remission of five days for the plea  
 entered, leaving a net suspension of ten days. Re Rowland,  
 Bulletin 1574, Item 9.

Accordingly, it is, on this 17th day of August, 1964,

ORDERED that Plenary Retail Consumption License C-139,  
 issued by the Municipal Board of Alcoholic Beverage Control of  
 the City of Camden to Angeline T. Tomasetto, t/a M. D. M. Bar,  
 for premises 575 Van Hook Street, Camden, be and the same is  
 hereby suspended for ten (10) days, commencing at 2:00 a.m.  
 Monday, August 24, 1964, and terminating at 2:00 a.m. Thursday,  
 September 3, 1964.

JOSEPH P. LORDI  
 DIRECTOR

1. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1963 to JUNE 30, 1964 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19, (INCLUDING 56 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-20)

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Licen- ses Surren- dered *Revoked		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	Licen- ses Exoired	*Revoked		
Atlantic	487	\$ 208,410.00	73	\$ 27,525.00	28	\$ 2,473.15							588	\$ 238,408.1
Bergen	816	321,753.82	301	90,615.80	141	13,138.44	49	\$ 2,311.50	10	\$ 2,797.50	5		1312	430,617.0
Burlington	197	89,770.00	41	13,206.58	49	6,782.26	1	50.00			2		286	109,808.8
Camden	455	223,141.82	85	36,274.16	81	7,960.41			2	900.00	1		622	268,276.3
Cape May	138	78,112.33	13	5,050.00	17	1,650.00							168	84,812.3
Cumberland	80	40,623.97	15	4,200.00	32	4,182.50							127	49,006.4
Essex	1325	753,157.35	350	211,100.00	97	13,475.00	26	1,300.00	3	2,250.00	3	3	1795	981,282.2
Gloucester	109	39,460.00	15	3,845.00	23	2,070.00							147	45,375.0
Hudson	1490	676,405.41	298	122,400.00	81	9,600.00	61	2,600.00				1	1929	811,005.4
Hunterdon	79	28,400.00	12	5,810.00	10	1,100.00							101	35,310.0
Mercer	422	262,311.51	51	22,510.00	55	8,100.00			1	121.50	1		528	293,043.0
Middlesex	632	316,395.00	86	28,795.00	115	9,910.00	4	200.00					837	355,300.0
Monmouth	554	291,749.28	126	44,739.18	61	6,614.07	10	435.00	46	22,399.81	23		774	365,937.3
Morris	356	140,935.00	105	41,166.66	66	6,084.14	15	750.00	8	2,490.00	4		546	191,425.8
Ocean	194	105,382.28	49	21,622.00	35	4,135.22							278	131,139.4
Passaic	853	354,286.35	170	53,358.10	48	5,625.00	7	350.00					1078	412,619.4
Salem	50	19,630.00	8	1,640.00	19	1,625.00							77	22,895.0
Somerset	187	87,255.00	41	12,925.00	34	3,935.34							262	104,115.0
Sussex	167	47,063.50	21	4,260.00	11	645.00	1	50.00	2	450.00	1		201	52,468.0
Union	550	315,228.19	144	71,652.00	82	8,841.03	29	1,425.00					805	397,146.0
Warren	146	43,960.00	20	5,120.00	30	3,250.00			3	492.45	2		197	52,822.0
TOTALS	9287	\$4,443,430.81	2024	826,814.48	1115	121,196.56	203	9,471.50	75	31,901.26	40	6	12658	\$5,432,814.0

\*Burlington - 1 CB rev. 1 CB cancelled  
Essex 2 C surrender - 1 C revoked  
Hudson 1 CB surrendered  
Cape May 4 less D 4 more CB -Correction

Joseph P. Lordi  
Director

September 25, 1964

12. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE  
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

JAMES J. TOTH  
t/a TALLY-HO INN  
925 Amboy Avenue  
Edison, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-16, issued by the Municipal  
Council of the Township of Edison.

-----  
Licensee, Pro se.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
July 25, 1964, he sold mixed gin drinks to three minors, one  
age 19 and two age 20, in violation of Rule 1 of State  
Regulation No. 20.

Absent prior record, the license will be suspended for  
twenty days, with remission of five days for the plea entered,  
leaving a net suspension of fifteen days. Re Jimmy's Bar &  
Grill, Inc., Bulletin 1526, Item 8.

Accordingly, it is, on this 13th day of August, 1964,

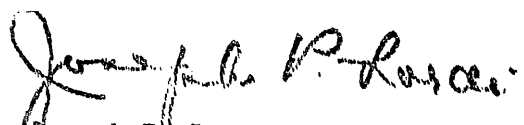
ORDERED that Plenary Retail Consumption License C-16,  
issued by the Municipal Council of the Township of Edison to  
James J. Toth, t/a Tally-Ho Inn, for premises 925 Amboy Avenue,  
Edison, be and the same is hereby suspended for fifteen (15) days,  
commencing at 2:00 a.m. Thursday, August 20, 1964, and terminating  
at 2:00 a.m. Friday, September 4, 1964.

JOSEPH P. LORDI  
DIRECTOR

13. STATE LICENSE - NEW APPLICATION FILED.

Admiral Wine & Liquor Co. Inc.  
170 South 12th Street  
Newark, New Jersey

Application filed October 7, 1964 for  
place-to-place transfer of Plenary  
Wholesale License W-38 from 88 Shipman  
Street, Newark, New Jersey.

  
Joseph P. Lordi  
Director