

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 5, N. J.

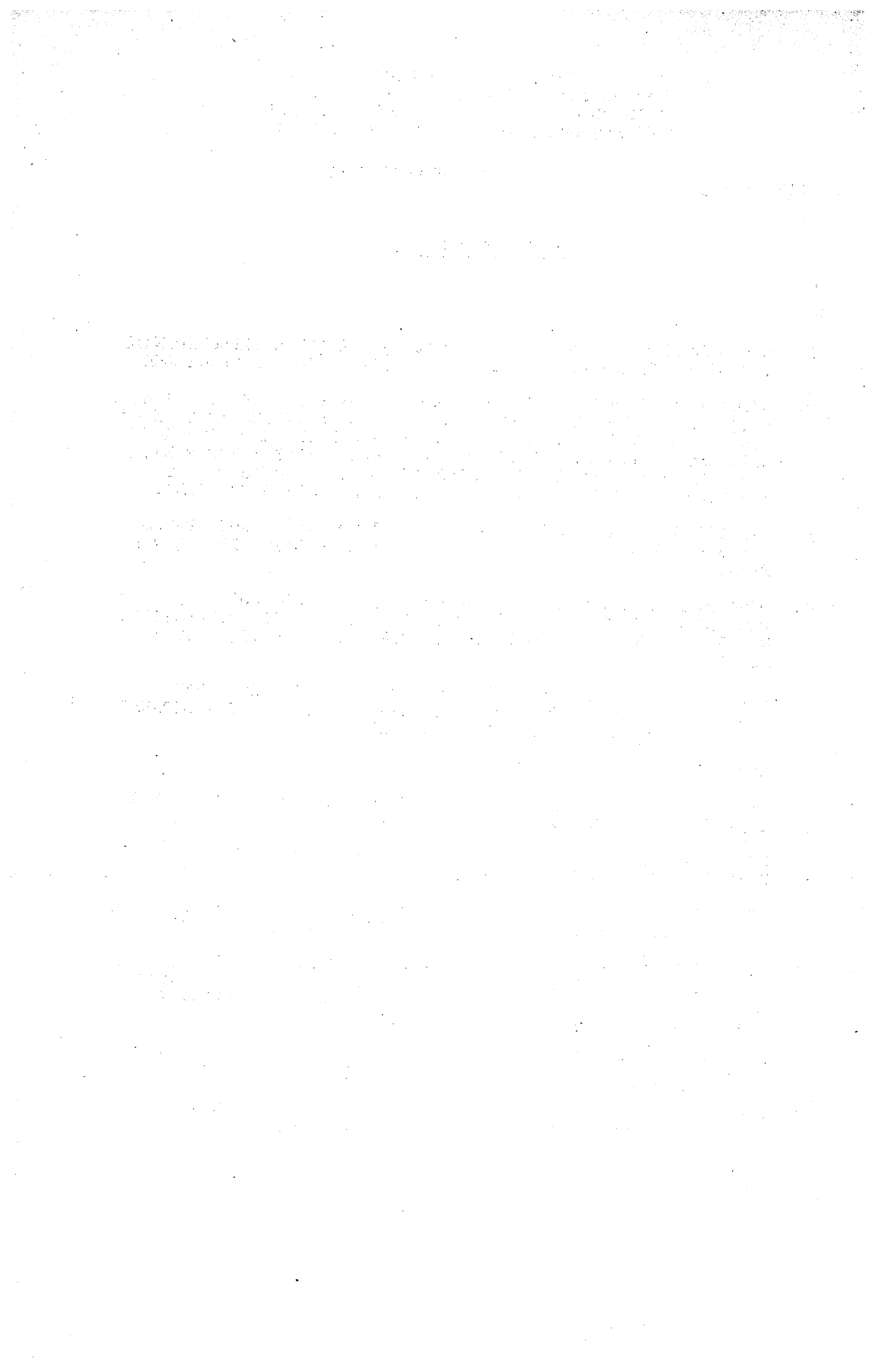
BULLETIN 1130

September 10, 1956.

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 5, N. J.

BULLETIN 1130

September 10, 1956.

1. CANCELLATION PROCEEDINGS - LICENSE IMPROVIDENTLY ISSUED IN VIOLATION OF R. S. 33:1-12.14 - LICENSE CANCELLED.

In the Matter of Cancellation)
Proceedings against)

ANNA LIPTAK)
270 River Road)
Edgewater, N. J.,)

Holder of Plenary Retail Consump-)
tion License C-34 (or C-11 when)
held by William Ganz, Jr. and)
Robert Easterbrook), issued by the)
Mayor and Council of the Borough of)
Edgewater.)

CONCLUSIONS
AND ORDER

Charles L. Bertini, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Anna Liptak was served with a notice to show cause why the license issued to her by the Mayor and Council of the Borough of Edgewater for the 1955-56 licensing term, for premises 270 River Road, Edgewater, or any renewal thereof, should not be suspended, revoked or cancelled and declared null and void for the following reason:

"The license was improvidently issued in violation of R. S. 33:1-12.14 (P. L. 1947 ch. 94, supplementing R. S. 33:1-1 et seq.) in that it was a new license issued while the total number of plenary and seasonal retail consumption licenses in the Borough of Edgewater was greater than one for each thousand of its population as shown by the then last preceding (1950) Federal census, it not being a renewal of a license which expired on the last day of the license term which immediately preceded the current license term, since you held no such expired license, and it not being authorized by any exception contained in the aforesaid Statute as supplemented by P. L. 1950 ch. 145."

It appears from the record herein that Anna Liptak was and still is the owner of the building 270 River Road wherein the licensed premises are located; that William Ganz, Jr. and Robert Easterbrook, who held the license issued for said premises for the 1954-55 licensing period, were indebted to Anna Liptak for rent; that on or before June 30, 1955 Ganz and Easterbrook abandoned the licensed premises and did not renew the license for the 1955-56 licensing term; that on August 1, 1955 Ganz, one of the partners referred to above, consented in writing to a person-to-person transfer of the license to Anna Liptak for the aforesaid premises; and that the application for transfer of the license filed by Anna Liptak was approved on August 16, 1955 by resolution of the local issuing authority, the transfer to become effective on September 1, 1955. The local issuing authority neglected to notify this Division of the action taken on August 16, 1955 until April 19, 1956.

Due to the fact that Ganz and Easterbrook failed to renew the license for the 1955-56 licensing term, no transfer of said license could have been effected. Therefore, the license issued to Anna Liptak was a new license.

R. S. 33:1-12.14, which is applicable to the facts before me, reads:

"* * * no new plenary retail consumption * * * license shall be issued in a municipality unless and until the combined total number of such licenses existing in the municipality is fewer than one for each one thousand of its population as shown by the last then preceding Federal census * * * *"

The 1950 Federal census shows that there was a population of 3,952 in the Borough of Edgewater, and on August 16, 1955 when the license was issued to Anna Liptak there were already fifteen plenary retail consumption licenses issued and outstanding in the municipality. The ratio of said licenses to the population was one for each 263 persons. Thus, the issuance of the plenary retail consumption license to Anna Liptak was in violation of the State Limitation Law. R. S. 33:1-12.14, et seq.

The attorney for Anna Liptak contends that the Director of the Division of Alcoholic Beverage Control lacks authority to initiate proceedings such as the one now under consideration. This argument has no merit whatsoever. The Director is expressly authorized to make such special rulings and findings as may be necessary for the proper regulation and control of the manufacture, sale and distribution of alcoholic beverages and the enforcement of the Alcoholic Beverage Law. R. S. 33:1-39. Cf. Re Loeb, Bulletin 206, Item 14. The attorney for Anna Liptak further contends that, because it was within the discretion of the local issuing authority to approve a transfer of the license, its action in the matter should not be disturbed. It is apparent that no license was in existence at the time the application for a transfer was filed so that there was nothing to transfer. Therefore, this contention also has no merit.

The Hearer in his report was of the opinion that the license issued to Anna Liptak was issued in violation of the State Limitation Law (R. S. 33:1-12.14, et seq.) and recommended that it should be cancelled.

On June 28, 1956, exceptions to said Hearer's Report were filed by the attorney for Anna Liptak pursuant to Rule 6 of State Regulations No. 16. The exceptions taken and the argument advanced therein on behalf of Anna Liptak were substantially similar to and included in the memorandum heretofore filed with the Hearer by said attorney prior to the time that the Hearer's Report was submitted in this matter.

I have carefully examined the record in this case and considered the exceptions that were filed by the attorney for Anna Liptak and am of the opinion that the license was improvidently issued to her by the local issuing authority. In order that a transfer might be granted, it was necessary that it be renewed by William Ganz, Jr. and Robert Easterbrook for the 1955-56 licensing term within a sixty-day period after the expiration thereof. (R. S. 33:1-12.18.) This was never done and consequently the transfer of said license to Anna Liptak, in effect, constituted the issuance of a new license to her in violation of the State Limitation Law. Under the circumstances, I have no alternative except to cancel said license. Cf. Re Atlantic Bar, Inc., Bulletin 824, Item 7; Re Galloway, Bulletin 809, Item 9.

It might be noted that the license for the 1955-56 licensing period issued to Anna Liptak has since expired. The renewal of the license to Anna Liptak by the local issuing

authority for the 1956-57 licensing term will be set aside (Rule 3 of State Regulations No. 16).

Accordingly, it is, on this 31st day of July, 1956,

ORDERED that Plenary Retail Consumption License C-51, issued by the Mayor and Council of the Borough of Edgewater to Anna Liptak, 270 River Road, Edgewater, for the current licensing year as a renewal of the 1955-56 license issued to her on August 16, 1955, be and the same is hereby cancelled, effective immediately.

WILLIAM HOWE DAVIS
Director.

- 2. DISCIPLINARY PROCEEDINGS - SALE BY LICENSEE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA: EMPLOYMENT PERMITTEE - ENGAGING IN CONDUCT PROHIBITED TO EMPLOYER - PERMIT SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against BLACKWOOD CORPORATION T/a BLACKWOOD LIQUOR STORE 218 So. Black Horse Pike Gloucester Township PO Blackwood, N. J.,

Holder of Plenary Retail Distribution License D-2, issued by the Township Committee of the Township of Gloucester; and ROBERT B. RADBILL 6101 Shisler Street Philadelphia, Pennsylvania,

Holder of Employment Permit No. 3252, issued by the Director of the Division of Alcoholic Beverage Control.

CONCLUSIONS AND ORDER

Joseph Wm. Cowgill, Esq., Attorney for Defendant-licensee and Defendant-permittee. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant-licensee pleaded non vult to a charge alleging that it sold alcoholic beverages at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulations No. 30.

Defendant-permittee has pleaded non vult to a charge alleging that he engaged, in conduct prohibited to his employer (defendant-licensee), contrary to the conditions upon which his permit was issued, in violation of Rule 9 of State Regulations No. 13.

The charges against the defendant-licensee and the defendant-permittee arose out of the same set of facts, and, therefore, may be disposed of at one and the same time.

On July 18, 1956, Robert B. Radbill, a clerk employed by the defendant-licensee, sold twelve 4/5 quart bottles of V.S.R.-Three Feathers Blended Whiskey to an agent of this Division for \$40.00. The then currently effective price for such whiskey was \$51.19. The agent left the premises with the whiskey and returned almost immediately with a fellow agent, both of whom identified themselves whereupon the clerk admitted the sale of the case of whiskey for \$40.00.

Defendant corporate-licensee, as such, has no prior adjudicated record. However, it appears that Jacob J. Levikoff is its secretary-treasurer and the holder of 50% of its stock. Jacob J. Levikoff was secretary-treasurer of the Triangle Corporation when its license for other premises was suspended by the Director for five days, effective May 7, 1956, for a similar violation to the one presently involved. Re Triangle Corporation, Bulletin 1116, Item 8. It further appears that Jacob J. Levikoff and Samuel Neimeiser, as partners, held a license for other premises, which license was suspended by the Director for twenty-five days, effective June 15, 1956 for committing three violations involving one similar to that presently under consideration. Re Neimeiser & Levikoff, Bulletin 1124, Item 4. Since it appears that all the violations for which various licenses were suspended occurred before May 7, 1956, the effective date of the first suspension and hence there was no locus poenitentiae (i.e., chance to repent and amend, and thereafter a subsequent violation and adjudication) intervening between the violation which led to the first suspension and those which led to the second suspension, I shall consider the present offense merely as a second similar violation within a five-year period. I shall, therefore, suspend defendant's license for a period of twenty days, Re Fishman, Bulletin 1060, Item 6, of which five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

The employment permit of defendant-permittee will also be suspended for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Jotzat, Bulletin 944, Item 8.

Accordingly, it is, on this 1st day of August, 1956,

ORDERED that Plenary Retail Distribution License D-2, issued by the Township Committee of the Township of Gloucester to Blackwood Corporation, t/a Blackwood Liquor Store, 218 So. Black Horse Pike, Gloucester Township, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 9:00 a.m. August 6, 1956, and terminating at 9:00 a.m. August 21, 1956; and it is further

ORDERED that Employment Permit No. 3252, issued by the Director of the Division of Alcoholic Beverage Control to Robert B. Radbill, 6101 Shisler Street, Philadelphia, Pennsylvania, be and the same is hereby suspended for a period of ten (10) days, commencing at 9:00 a.m. August 6, 1956, and terminating at 9:00 a.m. August 16, 1956.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS -
 LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
GREAT COVE PARK, A NEW JERSEY CORP.)	
T/a GREAT COVE PARK)	
Espanong Rd., Nolan's Point)	CONCLUSIONS
Jefferson Township)	AND ORDER
PO Lake Hopatcong, N. J.,)	
Holder of Plenary Retail Consumption License C-32, issued by the Township Committee of the Township of Jefferson.)	

 Great Cove Park, A New Jersey Corp., Defendant-licensee, by
 Herman Goldfarb, Secretary-Treasurer.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents obtained from two 18-year-old minors sworn statements in which they stated that on June 16, 1956 they purchased twenty-four cans of beer (four 6-can packs) from a bartender employed by defendant. The statements given to the ABC agents by the minors indicate that on the day in question the bartender kept the beer under refrigeration for them and on four different occasions delivered the beer to the minors in 6-can quantities. Furthermore, the minors stated that they were served a 12-ounce bottle of beer apiece by the bartender aforementioned. One of the minors stated that he had obtained alcoholic beverages from defendant on a prior occasion and the other minor stated he had visited defendant's licensed premises approximately twelve times during the past two years and on each occasion was served beer. The minors claim that they were never questioned at any time as to their ages.

Defendant has no prior adjudicated record. Until recently the usual penalty imposed for sale of alcoholic beverages to two 18-year-old minors was a suspension of the license for ten days (Re Valentino, Bulletin 1085, Item 8). However, on January 16, 1956, I announced that the penalty in such cases would be increased by five days (Re Increased Penalties, Bulletin 1095, Item 1). Since the violation in the instant case occurred after that announcement and was aggravated by the quantity of alcoholic beverages sold and the manner in which they were served to the minors herein, I shall suspend defendant's license for a period of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 30th day of July, 1956,

ORDERED that Plenary Retail Consumption License C-32, issued by the Township Committee of the Township of Jefferson to Great Cove Park, A New Jersey Corp., t/a Great Cove Park, Espanong Rd., Nolan's Point, Jefferson Township, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3:00 a.m. August 6, 1956, and terminating at 3:00 a.m. August 21, 1956.

WILLIAM HOWE DAVIS
 DIRECTOR.

4. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - GAMBLING - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LENA FILERINO)
T/a POPLAR CAFE)
1151 Summit Avenue)
Jersey City 7, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-275, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

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Maurice A. Cohen, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) she sold alcoholic beverages during prohibited hours in their original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38; and (2) allowed, permitted and suffered gambling (card game for money) in and upon her licensed premises, in violation of Rule 7 of State Regulations No. 20.

On Friday, May 4, 1956 at about 10:00 p.m., two ABC agents entered the licensed premises and noticed four men sitting at a table next to the bar, openly engaged in a card game commonly known as "knock rummy" for ten cents a game plus the usual prescribed penalties. The agents further observed that there was money on the table and being passed between the players, one of which was the licensee's day bartender.

At 10:30 p.m., a patron asked the bartender, William V. Filerino, husband of the licensee, for three cans of Budweiser beer for home use. The bartender thereupon wrapped three cans of beer in a brown paper bag, informed the customer that he had placed the same on the floor at the end of the bar, and then deposited the proceeds of the sale in a cash register. At about 11:00 p.m., the patron picked up his package and departed.

At about 11:15 p.m., the agents saw another patron enter the premises, approach the bar and order six cans of Rheingold beer and a quart bottle of wine. The bartender forthwith placed six 12-ounce cans of Rheingold beer and a quart bottle of Manischewitz Wine in a paper bag, gave the same to the patron and accepted \$2.40 in payment thereof. As the patron was about to leave the premises, the agents stopped him, identified themselves, and took possession of the alcoholic beverages. Thereafter the bartender orally admitted the aforesaid sales and, as to the card game, stated it was being played for drinks and not for money.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days on Charge (1), Re Doornbos, Bulletin 1118, Item 8, and for five days on Charge (2), Re Club 209 Bar & Grill, Inc., Bulletin 1036, Item 4, making a total suspension of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

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

ORDERED that Plenary Retail Consumption License C-275, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Lena Fillerino, t/a Poplar Cafe, 1151 Summit Avenue, Jersey City, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. August 8, 1956, and terminating at 2:00 a.m. August 23, 1956.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

STEPHEN BERBERIAN)
T/a STEVE'S LIQUORS)
219 Harrison Avenue)
Harrison, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-4, issued by the Town Council of the Town of Harrison.)

David E. Tiplitz, Esq., Attorney for Defendant-licensee.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging the sale of alcoholic beverages at a price below the established minimum therefor, in violation of Rule 5 of State Regulations No. 30.

On July 11, 1956, the defendant-licensee agreed to sell to an agent of this Division 12 one-quart bottles of Schenley Reserve Blended Whiskey for \$59.00. The then currently effective price was \$63.27, inclusive of the 5% permissible discount. The licensee, however, stated that he did not have the whiskey on hand but would order the same for the next day.

On the following day, at about 6:50 p.m., the agent returned to the premises and inquired if the whiskey arrived. The licensee replied that it had and pointed to a case containing 12 one-quart bottles of the aforementioned brand of whiskey. The agent thereupon gave the licensee \$59.00 in "marked" money, picked up the case of whiskey and departed. Within a few minutes the agent, accompanied by two other ABC agents, re-entered the premises. The three agents identified themselves to the licensee who admitted the aforesaid illegal sale and, together with the agents, checked his cash register and found the aforementioned "marked" money.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of ten days and remit five days for the plea entered herein, leaving a net suspension of five days. Re Raritan Liquors, Inc., Bulletin 1061, Item 9.

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

ORDERED that Plenary Retail Distribution License D-4, issued by the Town Council of the Town of Harrison to Stephen Berberian, t/a Steve's Liquors, 219 Harrison Avenue, Harrison, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. August 13, 1956, and terminating at 9:00 a.m. August 18, 1956.

WILLIAM HOWE DAVIS

ACTIVITY REPORT FOR JULY 1956

ARRESTS:			
Total number of persons arrested	-	-	28
Licensees and employees	-	7	
Bootleggers	-	21	
SEIZURES:			
Motor vehicles - cars	-	-	1
Mash - gallons	-	-	400.00
Distilled alcoholic beverages - gallons	-	-	14.66
Wine - gallons	-	-	12.12
Brewed malt alcoholic beverages - gallons	-	-	41.34
RETAIL LICENSEES:			
Premises inspected	-	-	506
Premises where alcoholic beverages were gauged	-	-	555
Bottles gauged	-	-	9,983
Premises where violations were found	-	-	29
Violations found	-	-	38
Type of violations found:			
Unqualified employees	-	16	
Improper beer taps	-	3	
Reg. #38 sign not posted	-	2	
Other mercantile business	-	1	
Disposal permit necessary	-	1	
Other violations	-	15	
STATE LICENSEES:			
Premises inspected	-	-	4
License applications investigated	-	-	11
COMPLAINTS:			
Complaints assigned for investigation	-	-	413
Investigations completed	-	-	367
Investigations pending	-	-	237
LABORATORY:			
Analyses made	-	-	170
Refills from licensed premises - bottles	-	-	1
Bottles from unlicensed premises	-	-	65
IDENTIFICATION BUREAU:			
Criminal fingerprint identifications made	-	-	27
Persons fingerprinted for non-criminal purposes	-	-	382
Identification contacts made with other enforcement agencies	-	-	242
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	-	-	6
Violations involved:			
Sale during prohibited hours	-	3	
Sale to minors	-	2	
Sale to non-members by clubs	-	1	
Cases instituted at Division	-	-	27
Violations involved:			
Sale to minors	-	16	
Sale below minimum resale price	-	5	
Sale during prohibited hours	-	4	
Service to women at the bar (local reg)	-	1	
Bookmaking	-	1	
Fraud in application	-	1	
Permittee engaging in conduct prohibited to employer	-	1	
Cases brought by municipalities on own initiative and reported to Division	-	-	15
Violations involved:			
Sale to minors	-	10	
Permitting minors to loiter on premises (local reg.)	-	3	
Permitting brawls on premises	-	2	
Conducting business as a nuisance	-	2	
Permitting immoral activity on premises	-	1	
Permitting gambling on premises	-	1	
HEARINGS HELD AT DIVISION:			
Total number of hearings held	-	-	52
Appeals	-	11	
Disciplinary proceedings	-	31	
Eligibility	-	5	
STATE LICENSES AND PERMITS ISSUED:			
Total number issued	-	-	2,554
Licenses	-	914	
Employment permits	-	335	
Solicitors'	-	62	
Disposal	-	80	
Miscellaneous permits	-	225	
Transit insignia	-	578	
Transit certificates	-	39	
Social affair permits	-	321	

Dated: August 3, 1956

WILLIAM HOWE DAVIS
DIRECTOR

7. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1955 THROUGH JUNE 30, 1956

	1st Quarter			2d Quarter			3d Quarter			4th Quarter			Total
	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
ARRESTS:													
Total number of persons arrested		94			106			81			83		364
Licenses and employees		28			38			32			48		146
Bootleggers		64			67			49			35		215
ABC agent impersonators		2			1			0			0		3
SEIZURES:													
Motor vehicles - cars		12			16			10			10		48
- trucks		4			2			2			0		8
Stillis - over 50 gallons		5			3			2			2		12
- 50 gallons or under		3			2			2			0		7
Mash - gallons	14,884.00				850.00			12,350.00			270.00		28,354.00
Distilled alcoholic beverages - gallons	837.38				376.95			284.35			277.55		1,776.23
Wine - gallons	214.89				34.87			5.46			20.81		276.03
Brewed male alcoholic beverages - gallons	144.39				34.12			5.09			53.98		237.58
RETAIL LICENSEES:													
Premises inspected	2,435			2,739			3,060			2,820			11,054
Premises where alcoholic beverages were gauged	1,726			1,953			2,411			2,563			8,653
Bottles gauged	33,631			36,065			44,042			44,741			158,479
Premises where violations were found	239			217			236			200			892
Violations found	327			310			319			243			1,199
Type of violations found:													
Unqualified employees	151			114			122			75			462
Disposal permit necessary	31			30			22			14			97
Regs. #38 sign not posted	30			23			19			10			82
Other mercantile business	20			12			12			11			55
Prohibited signs	4			6			5			1			16
Gambling devices	4			6			1			0			11
Probable fronts	3			0			1			1			5
Improper beer taps	3			0			0			0			3
Other violations	81			119			137			131			468
STATE LICENSEES:													
Premises inspected	29			83			71			40			223
License applications investigated	50			45			22			33			150
COMPLAINTS:													
Complaints assigned for investigation	1,404			1,229			1,277			1,402			5,312
Investigations completed	1,317			1,223			1,130			1,234			4,904
Investigations pending	(185)			(125)			(185)			218			218
LABORATORY:													
Analyses made	350			419			551			438			1,758
Refills (from licensed premises) - bottles	6			11			22			9			48
Bottles from unlicensed premises	65			127			57			73			322
IDENTIFICATION BUREAU:													
Criminal fingerprint identifications made	64			62			59			52			237
Persons fingerprinted for non-criminal purposes	720			517			533			832			2,602
Ident. contacts made w/other enforcement agencies	608			463			457			755			2,283
MV identifications via N.J. State Police teletype	16			23			23			31			93
DISCIPLINARY PROCEEDINGS:													
Cases transmitted to municipalities	29			70			23			47			169
Violations involved:													
Sale during prohibited hours	17			39			11			24			91
Sale to minors	11			21			9			14			55
Failure to close premises during prohibited hrs.	9			5			2			5			12
Sale to non-members by clubs	0			4			2			6			12
Service to women at a bar (local regs.)	1			3			1			0			5
Permitting lottery activity (numbers, fight pool, baseball pool, raffle tickets)	3			0			0			1			4
Permitting gambling (baseball bets, wagering)	1			1			0			2			4
Sale to intoxicated persons	1			1			0			2			4
Failure to afford view into premises during prohibited hours	0			1			0			3			4
Permitting brawls on premises	1			1			0			1			3
Permitting bookmaking on premises	2			0			0			0			2
Permitting hostesses on premises	1			1			0			0			2
Employing female bartender (local reg.)	0			0			0			2			2
Possessing contraceptives on premises	0			1			0			0			1
Unqualified employees	0			1			0			0			1

DISCIPLINARY PROCEEDINGS (Continued)	1st Quarter		2d Quarter		3d Quarter		4th Quarter		Total
	July	Aug.-Sept.	Oct.	Nov.-Dec.	Jan.	Feb.-Mar.	Apr.-May	June	
Cases instituted at division	65		75*		85		104**		329
Violations involved:									
Sale to minors	38		26		33		42		139
Sale during prohibited hours	4		17		12		26		59
Permitting bookmaking on premises	9		6		8		6		29
Sale below minimum resale price	2		6		6		7		21
Permitting lottery activity (baseball pools, numbers, sweepstakes tickets, drawing)	7		8		2		3		20
Permitting immoral activity	4		3		8		5		20
Possessing illicit liquor	3		3		5		5		16
Fraud and front	0		5		5		3		13
Hindering investigation	0		3		7		3		13
Failure to close premises during prohibited hrs.	0		4		2		7		13
Sale outside scope of license	0		3		3		4		10
Permitting hostesses on premises	2		6		1		0		9
Possessing indecent matter	2		2		1		4		9
Conducting business as a nuisance	0		2		3		4		9
Permitting foul language on premises	0		0		5		1		6
Failure to afford view into premises during prohibited hours	0		0		3		3		6
Sale to intoxicated persons	0		4		0		1		5
Permittee engaging in conduct prohibited to employer	0		2		2		1		5
Unqualified employees	0		0		3		2		5
Permitting gambling (cards, dice, darts, "finger game", pool game)	0		0		1		4		5
Permitting female impersonators on premises	2		0		2		0		4
Sale to non-members by clubs	0		1		0		3		4
Unauthorized transportation	0		0		1		3		4
Possessing contraceptives on premises	0		2		0		1		3
Delivery w/o bona fide invoice	0		0		2		1		3
Possessing pin ball machine on premises	2		0		0		0		2
Illegal activity connected w/licensed prem.	1		1		0		0		2
Mislabeling beer taps	0		2		0		0		2
Permitting brawls on premises	0		1		1		0		2
Retailer to retailer sales	0		0		2		0		2
Solicitor employed by retailer	1		0		0		0		1
Permitting consumption during lic.suspension	1		0		0		0		1
Permitting slot machines on premises	0		1		0		0		1
Failure to file notice of change in application	0		1		0		0		1
Service to women at a bar (local reg.)	0		0		1		0		1
Employing female bartender (local reg.)	0		0		0		1		1

*Includes 1 cancellation proceedings - license improvidently issued to club not bona fide

**Includes 3 cancellation proceedings - 2 licenses improvidently issued to persons disqualified by criminal conviction; 1 license improvidently issued as new license in excess of quota.

Cases brought by municipalities on own initiative and reported to Division	37	32	43	55	167
Violations involved:					
Sale to minors	14	17	21	37	89
Permitting brawls on premises	12	7	12	9	39
Sale during prohibited hours	9	5	5	3	22
Hindering investigation	3	2	1	1	7
Permitting gambling (cards, wagering)	3	2	0	1	6
Unqualified employees	1	1	1	3	6
Permitting bookmaking on premises	0	1	3	1	5
Conducting business as a nuisance	0	0	1	3	4
Employing person w/o ident. card (local reg.)	0	1	1	1	3
Illegal activity connected w/licensed premises	1	0	0	1	2
Permitting immoral activity on premises	1	0	0	1	2
Failure to close premises during prohibited hrs.	0	0	1	1	2
Failure to afford view into premises during prohibited hours	1	0	0	0	1
Service to women at a bar (local reg.)	0	0	1	0	1
Altering interior of premises w/o approval	1	0	0	0	1
Permitting female impersonators on premises	0	0	1	0	1
Permitting minors to loiter on premises	0	0	1	0	1
Permitting lottery activity (drawing)	0	0	1	0	1
Sale to non-members by club	0	0	0	1	1
Failure to file notice of change in application	0	0	0	1	1
Sale to intoxicated persons	0	0	0	1	1
Permitting hostesses on premises	0	0	0	1	1
HEARINGS HELD AT DIVISION:					
Total number of hearings held	122	124	131	160	537
Appeals	18	17	15	19	69
Disciplinary proceedings	65	70	81	98	314
Eligibility	20	8	10	24	62
Seizures	13	21	15	12	61
Tax revocations	2	3	5	4	14
Applications for license	4	3	3	3	13
Orders to show cause	0	2	0	0	2
Objections to license	0	0	2	0	2

	1st Quarter		2d Quarter			3d Quarter			4th quarter		Total
	July	Aug. Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May June	
STATE LICENSES AND PERMITS ISSUED:											
Total number issued	19,834		4,995			3,064			21,544		49,435
Licenses	926		22			5			7		960
Employment permits	676		497			420			2,487		4,080
Solicitors "	2,944		169			176			2,974		6,263
Disposal "	229		270			285			233		1,017
Social affair "	1,019		1,017			807			1,070		3,913
Wine "	1		1,376			10			1		1,388
Miscellaneous "	764		551			340			644		2,299
Transportation Insignia	13,198		1,059			940			12,843		28,040
Transportation certificates	77		52			81			1,265		1,475

Dated: July 25, 1956

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - EFFECTIVE DATE OF SUSPENSION POSTPONED.

In the Matter of Disciplinary Proceedings against)

GEORGE E. NEULS)
T/a RIVER VIEW INN)
Route #24, Stephensburg)
Mansfield Township)
PO Washington R.D., N. J.,)

O R D E R

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Mansfield.)

BY THE DIRECTOR:

An order having been entered herein on July 16, 1956, suspending defendant's license for a period of 25 days, commencing at 2:00 a.m. July 23, 1956, and terminating at 2:00 a.m. August 17, 1956; and

It appearing that the annual picnic and outing of the Hackettstown Moose Club is scheduled to be held at the defendant's premises on Sunday, August 12, 1956, and that numerous innocent persons would be inconvenienced by the suspension of the license on said date;

It is, on this 23rd day of July, 1956,

ORDERED that the suspension now in effect shall be lifted from 12:00 o'clock noon on Sunday, August 12, 1956, until 2:00 a.m. August 13, 1956, at which time the suspension shall be reinstated and continue in effect until 2:00 a.m. August 18, 1956.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LeROY J. HABBART)
T/a ROY'S HIGHSIDE INN)
Route #10 - Canfield Avenue)
Randolph Township, Box 185)
PO Succasunna, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Township Committee of Randolph Township.)

LeRoy J. Habbart, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on June 15, 1956 and on divers days prior thereto, he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to a minor, and permitted said minor to consume such beverages in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

Acting upon information obtained from the Chief of Police at Wharton, ABC agents obtained a sworn statement from Jack W. --- (age 20) wherein it appears that on June 15, 1956, he purchased, was served with and consumed about six glasses of beer in defendant's licensed premises and that he was served beer on four or five previous occasions; that on all of such occasions he was not questioned or asked to sign any written representation as to his age.

On June 26, 1956, Jack directed ABC agents to defendant's licensed premises and identified the licensee as the person who had served him the beer on each of the aforesaid occasions. The licensee admitted to the agents that such was the fact, explaining that Jack appeared to him to be over twenty-one years of age. The agents report that in their opinion, Jack's appearance is that of a minor.

Defendant has no prior adjudicated record. I shall suspend defendant's license for ten days, the minimum suspension imposed for the sale of alcoholic beverages to a twenty-year-old minor. Re Hunt & Manzo, Bulletin 1121, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 31st day of July, 1956,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Randolph to LeRoy J. Habbart, t/a Roy's Highside Inn, Route #10 - Canfield Avenue, Randolph Township, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. August 6, 1956, and terminating at 2:00 a.m. August 11, 1956.

WILLIAM HOWE DAVIS
Director.

10. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against LOUIS SUDOL T/a 3 CORNERS TAVERN 92 Locust Avenue Wallington, N. J., Holder of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Wallington.

CONCLUSIONS AND ORDER

Louis Sudol, Defendant-licensee, Pro se. Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he sold an alcoholic beverage at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulations No. 30.

On June 28, 1956, at about 4:00 p.m., Louis Sudol, the licensee, sold a 4/5 quart bottle of Seagram's V. O. Canadian Whisky to an ABC agent for the sum of \$6.00. The minimum consumer price then in effect for the item in question was \$6.15 and Sudol verbally acknowledged at the time, and has since reiterated in his letter entering the plea, that he was aware that such was the correct price.

Defendant has a prior adjudicated record. Effective April 7, 1942, the then Commissioner suspended a license held by him for other premises for two days for a mislabeled beer tap violation. Re Sudol, Bulletin 501, Item 9. This dissimilar violation which occurred more than five year ago will not be considered in fixing the penalty herein. Re Parlake, Inc., Bulletin 1121, Item 5. I shall suspend defendant's license for a period of ten days for the violation herein involved, with five days remitted for the plea entered herein, leaving a net suspension of five days. Re Levine, Bulletin 1104, Item 8.

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

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Wallington to Louis Sudol, t/a 3 Corners Tavern, 92 Locust Avenue, Wallington, be and the same is hereby suspended for a period of five (5) days, commencing at 3:00 a.m. July 30, 1956, and terminating at 3:00 a.m. August 4, 1956.

WILLIAM HOWE DAVIS Director.

11. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

ALMA E. KRUGEL)
T/a KRUGEL'S BEER GARDEN)
Longwood Lake)
Jefferson Township)
PO Oak Ridge, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-9, issued by the)
Township Committee of the Township)
of Jefferson.)

Alma E. Krugel, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on June 21, 1956 and on divers days prior thereto, she sold, served and delivered and permitted the sale, service and delivery of alcoholic beverages to two minors and permitted said minors to consume such beverages in and upon her licensed premises, in violation of Rule 1 of State Regulations No. 20.

Acting upon information received from the Chief of Police of Wharton, ABC agents obtained two sworn statements, one from Wayne --- (age 18), dated June 26, 1956, and the other from Norwood --- (age 20), dated June 27, 1956. Both minors state that on June 21, 1956, they entered defendant's licensed premises at about 9:00 p.m. and departed about 10:00 p.m.; that they each ordered and consumed two bottles of beer served to them by the licensee; that Wayne also purchased a case of beer from the defendant for off-premises use, for which he paid \$5.10; that on previous occasions during the past two months they each consumed beer on the licensed premises; and that at no time were they ever questioned by the licensee about their ages.

On June 26, 1956, Wayne directed ABC agents to the licensed premises located at Longwood Lake, Jefferson Township, and identified Alma E. Krugel, the licensee, as the person from whom he on June 21, 1956 purchased the beer. On June 27, 1956 Norwood led ABC agents to the aforesaid licensed premises and identified the licensee as the person who on June 21, 1956 sold and served Wayne and him the beer. The licensee admitted the aforesaid sales of beer on June 21, 1956, and admitted that she did not question the minors about their ages.

Defendant has no prior adjudicated record. The minimum penalty for sale of alcoholic beverages to an 18-year-old minor subsequent to January 16, 1956 is fifteen days. Re Vecchione, Bulletin 1113, Item 2. I shall suspend defendant's license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 24th day of July, 1956,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Committee of the Township of Jefferson to Alma E. Krugel, t/a Krugel's Beer Garden, Longwood Lake,

Jefferson Township, he and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. July 31, 1956, and terminating at 3:00 a.m. August 10, 1956.

WILLIAM HOWE DAVIS
Director.

12. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

I. WIDES & SONS, INC.)
228-230 Englewood Avenue)
Englewood, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-2, for the 1955-56 and 1956-57 licensing periods, issued by the Common Council of the City of Englewood.)

I. Wides & Sons, Inc., Defendant-licensee, by Robert Wides, President.

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that on June 12, 1956 and on divers days prior thereto it sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a minor, in violation of Rule 1 of State Regulations No. 20.

Acting upon information obtained from the Teaneck Police Department, ABC agents obtained a signed sworn statement from Robert M. ---, age 18, wherein he states that he purchased alcoholic beverages at defendant's licensed premises on seven or eight occasions, the first being about Christmas 1955. On such first occasion, he was questioned about his age and displayed a draft card, not his own, which card evidenced that the person named therein was over twenty-one years of age. The last occasion on which he purchased alcoholic beverages at the premises was on June 12, 1956 at about 7:00 p.m. when he purchased two cans of beer without any further questioning as to his age. A minor companion who remained outside on this occasion says in a sworn statement that he observed Robert emerge from the licensed premises with such two cans of beer.

Robert Wides gave the agents a sworn statement wherein he states that he probably sold the two cans of beer to Robert on June 12, 1956 but that he is not sure; that he did not question Robert as to his age on such occasion because he had questioned him once before and was shown a draft card of a male over twenty-one years of age; that he never sold to any of Robert's friends and made Robert personally carry out the purchases of alcoholic beverages to avoid trouble. Stanley J. Wides, secretary-treasurer of the corporate-licensee, in a sworn statement admitted that he sold alcoholic beverages to Robert on various occasions relying upon the display of a draft card; that he always made sure when Robert was with other people that Robert carried the beer out and also paid for it himself.

I have carefully read the licensee's letter accompanying the plea setting forth alleged mitigating circumstances. Therein it is asserted that when Robert first came into the premises,

to make doubly sure, he was asked for identification and produced the aforesaid draft card. This is the sum and substance of what is urged in mitigation, aside from representations as to the good character of those interested in the corporate licensee and their rigid observance of the law and regulations in the conduct of their licensed business.

It is to be observed that the agents report that Robert definitely appears to be about eighteen years of age, which probably led to the inquiry as to his age made by the licensee when he first appeared in its establishment.

I have had occasion recently to point out what has heretofore been said time and time again -- that one of the essential requisites necessary to establish a defense to a sale to a minor is a written representation as to his age, signed by the minor, as provided by law. Re M.L.C. Corporation, Bulletin 1115, Item 3; Re Giordano, Bulletin 1087, Item 2. As I stated in Re Wedemeyer, Bulletin 1050, Item 8:

"Experience in cases similar to this indicates that for some reason licensees or their agents are reluctant to 'embarrass' a minor by requiring him to reduce to writing his name, age and address. If licensees are willing to use their own methods of determining the age of a minor, rather than follow the statute, they do so at their peril and must accept the consequences of their own neglect. It would appear no more difficult for the licensee to follow the statutory requirement of having the patron sign a representation of his age than asking him to produce a draft card, driver's license or similar document for the licensee's purported examination. Where the licensee follows the statutory method, there is always the desirable and substantial possibility that the patron, if a minor, will refuse to commit himself to writing and will leave the establishment."

Defendant has no prior adjudicated record. The minimum suspension imposed for an unaggravated sale of alcoholic beverages to an eighteen-year-old minor after January 16, 1956 is fifteen days. Re Martin, Bulletin 1107, Item 9. I shall suspend defendant's license for fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days.

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

ORDERED that Plenary Retail Distribution License D-2, for the 1956-57 licensing period, issued by the Common Council of the City of Englewood to I. Wides & Sons, Inc., 228-230 Englewood Avenue, Englewood, be and the same is hereby suspended for a period of ten (10) days, commencing at 9:00 a.m. July 30, 1956, and terminating at 9:00 a.m. August 9, 1956.



William Howe Davis
Director