

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark, N. J.

BULLETIN 539

NOVEMBER 27, 1942

1. DISCIPLINARY PROCEEDINGS - SALES ON ELECTION DAY - TEN DAYS'
SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against

FRANK BAKA,
51 New Street,
Woodbridge, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-23, issued by the Township Committee of the Township of Woodbridge.

A. H. Rosenblum, Esq., Attorney for Defendant-Licensee.
William F. Wood, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The licensee has pleaded guilty to a charge of selling alcoholic beverages on General Election Day, November 3, 1942, while the polls were open for voting, in violation of Rule 2 of State Regulations No. 20.

The usual penalty for this violation is a suspension for a period of ten days. Re Dill, Bulletin 477, Item 2. Five days will be remitted because of the guilty plea, leaving a net penalty of five days.

Accordingly, it is, on this 17th day of November, 1942,

ORDERED, that Plenary Retail Consumption License C-23, issued to Frank Baka by the Township Committee of the Township of Woodbridge for premises 51 New Street, Woodbridge, be and the same is hereby suspended for a period of five (5) days, effective November 23, 1942, at 2:00 A.M., and concluding November 28, 1942, at 2:00 A.M.

ALFRED E. DRISCOLL,
Commissioner.

New Jersey State Library

2. DISCIPLINARY PROCEEDINGS - SALES ON ELECTION DAY - TEN DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against)

ALEX MACIOROWSKI, 266-268 Hall Avenue, Perth Amboy, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-38, issued by the Board of Commissioners of the City of Perth Amboy.)

Alex Maciorowski, Pro Se. Abraham Merin, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The licensee has pleaded guilty to a charge of selling alcoholic beverages on General Election Day, November 3, 1942, while the polls were open for voting, in violation of Rule 2 of State Regulations No. 20.

The license will be suspended for five days. Re Baka, Bulletin 539, Item 1.

Accordingly, it is, on this 17th day of November, 1942,

ORDERED, that Plenary Retail Consumption License C-38, issued to Alex Maciorowski by the Board of Commissioners of the City of Perth Amboy, for premises 266-268 Hall Avenue, Perth Amboy, be and the same is hereby suspended for a period of five (5) days, effective November 23, 1942, at 2:00 A.M., and concluding November 28, 1942, at 2:00 A. M.

ALFRED E. DRISCOLL, Commissioner.

3. DISCIPLINARY PROCEEDINGS - SALES ON ELECTION DAY - TEN DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against)

JOSEPH STEGLE, 60 Ocean Ave., Jersey City, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-544, issued by the Board of Commissioners of the City of Jersey City.)

Joseph Stegle, Pro Se. Abraham Merin, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The licensee has pleaded guilty to a charge of selling alcoholic beverages on General Election Day, November 3, 1942, while the polls were open for voting, in violation of Rule 2 of State Regulations No. 20.

The license will be suspended for five days. Re Baka, Bulletin 539, Item 1.

Accordingly, it is, on this 17th day of November, 1942,

ORDERED, that Plenary Retail Consumption License C-544, issued to Joseph Stegle by the Board of Commissioners of the City of Jersey City for premises 60 Ocean Avenue, Jersey City, be and the same is hereby suspended for a period of five (5) days, effective November 23, 1942, at 2:00 A.M., and concluding November 28, 1942, at 2:00 A.M.

ALFRED E. DRISCOLL,
Commissioner.

4. DISCIPLINARY PROCEEDINGS - SALES ON ELECTION DAY - TEN DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against

ESSKAY RESTAURANT, INC.,
74 Lyons Ave.,
Newark, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-982, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Klein & Klein, Esqs., Attorneys for Defendant-Licensee.
Abraham Merin, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The licensee has pleaded guilty to a charge of selling alcoholic beverages on General Election Day, November 3, 1942, while the polls were open for voting, in violation of Rule 2 of State Regulations No. 20.

The license will be suspended for five days. Re Baka, Bulletin 539, Item 1.

Accordingly, it is, on this 17th day of November, 1942,

ORDERED, that Plenary Retail Consumption License C-982, issued to Esskay Restaurant, Inc. by the Municipal Board of Alcoholic Beverage Control of the City of Newark for premises 74 Lyons Avenue, Newark, be and the same is hereby suspended for a period of five (5) days, effective November 23, 1942, at 2:45 A.M., and concluding November 28, 1942, at 2:45 A. M.

ALFRED E. DRISCOLL,
Commissioner.

5. DISCIPLINARY PROCEEDINGS - SALES ON ELECTION DAY - TEN DAYS' SUSPENSION - SALE OF ALCOHOLIC BEVERAGES CONTRARY TO TERMS OF LICENSE - TEN DAYS' SUSPENSION - TOTAL: 20 DAYS, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against JULIUS WERNER, 227 W. Madison Ave., Dumont, N. J., Holder of Limited Retail Distribution License DL-1, issued by the Mayor and Borough Council of the Borough of Dumont.

CONCLUSIONS AND ORDER

Julius Werner, Pro Se. William F. Wood, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded guilty to the following charges:

"1. On Tuesday, November 3, 1942, General Election Day, at about 5:50 P.M., you sold at retail and delivered alcoholic beverages to a consumer while the polls were open for voting, in violation of Rule 2 of State Regulations No. 20.

"2. At or about the time and date aforesaid you sold alcoholic beverages not pursuant to and within the terms of your license as defined by R. S. 33:1-12(3b) in that you made a sale of brewed malt alcoholic beverages in a quantity less than 72 fluid ounces, thereby violating R. S. 33:1-2."

The file in this case shows that, at about 5:50 P.M., on General Election Day, investigators of the Department of Alcoholic Beverage Control entered the grocery store conducted by the licensee and saw him sell two quarts of bottled beer to a customer. The licensee admitted that he had made the sale but alleged that he had done so in reliance upon an article appearing in a New York newspaper which stated that stores were permitted to sell beer for off-premises consumption while the polls were open on Election Day. This may have been the rule in the State of New York but it was certainly not the rule in the State of New Jersey. Our regulation is clear and has been in effect for many years. The licensee should have inquired at this Department instead of jumping to an unwarranted conclusion because of the newspaper article.

Licensee offers no explanation for his sale of less than the minimum amount permitted by his license. A limited retail distribution licensee is permitted to sell for consumption off the licensed premises, but only in original containers, any unchilled brewed malt alcoholic beverages in quantities of not less than seventy-two fluid ounces. Hence, the sale of two quarts of beer was not permissible under the terms of his license.

As to penalty: For the sale on Election Day, while the polls were open, the license will be suspended for ten days. Re Dill, Bulletin 477, Item 2. Under the circumstances of this case, I shall suspend the license for an additional ten days because of the sale

beyond the terms of the license. From the total penalty of twenty days, five days will be remitted for the guilty plea, making a net suspension of fifteen days.

Accordingly, it is, on this 17th day of November, 1942,

ORDERED, that Limited Retail Distribution License DL-1, issued to Julius Werner by the Mayor and Borough Council of the Borough of Dumont, for premises 227 W. Madison Ave., Dumont, be and the same is hereby suspended for a period of fifteen (15) days, effective November 23, 1942, at 2:00 A.M., and concluding December 8, 1942, at 2:00 A. M.

ALFRED E. DRISCOLL,
Commissioner.

6. ELIGIBILITY - FACTS EXAMINED - CRIME OF EMBEZZLEMENT HELD TO INVOLVE MORAL TURPITUDE - APPLICANT DECLARED INELIGIBLE TO HOLD A LIQUOR LICENSE OR TO BE EMPLOYED BY A LIQUOR LICENSEE.

November 18, 1942

Re: Case No. 469

On March 1, 1940 applicant pleaded non vult to the charge of embezzlement and was placed on probation for a term of three years and ordered to make restitution in the sum of \$140.00.

This conviction arose when a complaint was pressed by applicant's employer for the conversion of the employer's funds to the applicant's use. Applicant was employed on a commission basis and, being without funds, used his employer's money to finance his current expenses.

Although this is the only conviction against the applicant, nevertheless I must find that the crime of embezzlement involves the element of moral turpitude.

It is recommended that application for solicitor's permit be denied and that applicant be advised that he is ineligible to hold a liquor license or be employed by a liquor licensee in the State of New Jersey.

Herbert F. Myers, Jr.,
Legal Assistant.

APPROVED:

ALFRED E. DRISCOLL,
Commissioner.

7. AUTOMATIC SUSPENSION - R. S. 33:1-31.1 - SALE OF ALCOHOLIC BEVERAGES TO MINORS - LICENSEE PAID \$100.00 FINE - LICENSE SUSPENDED FOR 16 DAYS BY LOCAL BOARD - FACTS EXAMINED - AUTOMATIC SUSPENSION IN EFFECT FOR FIVE ADDITIONAL DAYS - APPLICATION TO LIFT GRANTED.

In the Matter of Petition by)

FRANK NICOSIA,)
T/a PRIMO CLUB,)
2200 Arctic Avenue,)
Atlantic City, N. J.,)

ON PETITION
CONCLUSIONS AND ORDER

To lift the automatic suspension of Plenary Retail Consumption License C-153, issued by the Board of Commissioners of the City of Atlantic City.

Stephen A. Damico, Esq., Attorney for Petitioner.

BY THE COMMISSIONER:

It appears from petition filed herein that the licensee pleaded guilty, in a Court of Special Sessions, Atlantic County, to an indictment alleging that he had sold alcoholic beverages to minors, and that he was thereupon sentenced to pay a fine of \$100.00, payable \$5.00 per week to the probation office of Atlantic County. It further appears from said petition that, on April 24, 1942, the Board of Commissioners of the City of Atlantic City suspended the license which petitioner then held for a period of sixteen days, effective from April 25, 1942 to May 11, 1942, after petitioner herein, in disciplinary proceedings instituted by said Board, had pleaded guilty to charges of selling alcoholic beverages to minors.

The records of the Department of Alcoholic Beverage Control show that the indictment in the criminal proceedings and the charges in the disciplinary proceedings were based on the same facts and that, because of the criminal conviction, the license which petitioner now holds was picked up on November 12, 1942 and has been automatically suspended since that date. R. S. 33:1-31.1. The petition herein prays that said automatic suspension may be lifted.

This case concerns sale of alcoholic beverages to five boys, two of whom were seventeen years of age, and three of whom were eighteen years of age.

It has been the policy of this Department to lift an automatic suspension when, and only when, the license has been suspended for what appears, in view of all the facts, to be a sufficiently penalizing length of time. Re Panasevitz, Bulletin 485, Item 3. Petitioner has no previous record. The sixteen-day suspension imposed by the local issuing authorities for this violation, plus the five days which have been already served under the automatic suspension of the license, make a total suspension of twenty-one days. This appears to be sufficient punishment. Re Solitare, Bulletin 538, Item 4. Hence I shall lift the automatic suspension.

Accordingly, it is, on this 17th day of November, 1942,

ORDERED, that the automatic suspension of the license be lifted, effective immediately. The license may be returned to the licensee.

ALFRED E. DRISCOLL,
Commissioner.

8. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS - AGGRAVATING CIRCUMSTANCES - 20 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against)

BEN KONVITZ,)
T/a SEA GIRL INN,)
Route 4-N, Wall Township,)
P. O. Sea Girt, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-11, issued by the Township Committee of the Township of Wall.)
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Ben Konvitz, Pro Se.
Abraham Merin, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant-licensee has pleaded guilty to charges of having sold alcoholic beverages to four minors on August 7, 1942, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

The Department file discloses that, on the day in question, an employee of the licensee sold alcoholic beverages to a group of four young people, a boy eighteen years of age, another boy nineteen years of age, and two girls each seventeen years of age. The boys were served with four highballs, one of the girls was served with two egg nogs and the other girl was served with two scotch and sodas.

The usual penalty for sale of alcoholic beverages to minors, where there are no aggravating circumstances, is ten days. Re Meseroll, Bulletin 481, Item 7. Although the licensee has no previous record, the sale of alcoholic beverages to seventeen and eighteen year old minors is an aggravating factor. Hence, I shall double the usual penalty of ten days and suspend the license for twenty days, less five days for the guilty plea, leaving a net penalty of fifteen days.

Accordingly, it is, on this 18th day of November, 1942,

ORDERED, that Plenary Retail Consumption License C-11, heretofore issued to Ben Konvitz, t/a Sea Girt Inn, by the Township Committee of the Township of Wall, for premises on Route 4-N, Wall Township, be and the same is hereby suspended for a period of fifteen (15) days, commencing November 24, 1942, at 2:00 A.M., and terminating December 9, 1942, at 2:00 A. M.

ALFRED E. DRISCOLL,
Commissioner.

9. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BY CLUB LICENSEE DURING PROHIBITED HOURS - PREVIOUS RECORD - 30 DAYS' SUSPENSION - SALE OF ALCOHOLIC BEVERAGES BY CLUB LICENSEE TO NON-MEMBERS - PREVIOUS RECORD - 30 DAYS' SUSPENSION - TOTAL: 60 DAYS, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against

VITTORIO VENETO LODGE, 905 South 4th Street, Camden, N. J.,

Holder of Club License CB-34, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

CONCLUSIONS AND ORDER

John R. DiMona, Esq., Attorney for Defendant-Licensee. Abraham Merin, Esq., Attorney for Department of Alcoholic Beverage Control. BY THE COMMISSIONER:

Defendant pleads guilty to the following charges:

1. On Sunday, October 4, 1942 it sold, served and delivered alcoholic beverages in violation of Section 5 of an Ordinance adopted by the Board of Commissioners of the City of Camden on December 27, 1934.

2. On or about the date aforesaid, it sold alcoholic beverages to persons other than bona fide members of its club and their bona fide guests, in violation of Rule 5 of State Regulations No. 7.

3. In making the said sales of alcoholic beverages on or about the aforesaid date to persons other than bona fide members of its club and their bona fide guests, it also violated R. S. 33:1-2 in that its sales of such beverages were not pursuant to and within the terms of its license as defined by R. S. 33:1-12(5).

Departmental records disclose that on Sunday, October 4, 1942, two A. B. C. agents gained admission to the licensed premises. While on the premises they observed five civilians and two sailors drinking either whiskey or beer at the bar. The agents ordered and were served a glass of draught beer and a bottle of beer.

No plausible excuse can be offered for these violations. The investigators, although strangers and not members of the lodge or the bona fide guests thereof, were apparently admitted to the premises and served alcoholic beverages without question.

I am further convinced from the record in this case that it was the club licensee's practice to admit and serve "all comers" irrespective of whether they were members of the lodge or the bona fide guests of members.

The licensee, having equipped itself with some of the embellishments of the old-fashioned "speak-easy", including peep-hole, was doing a Sunday business, in direct violation of the municipal ordinance.

The law must be enforced. In previous decisions I have indicated that club licensees who fail to scrupulously observe the same must expect severe penalties. See Re Eighth Ward Progressive Republican Club, Bulletin 514, Item 4. In the instant case the licensee has a previous record. In March of this year the licensee was found guilty of the identical violations by the local Excise Board and its license suspended for five days. Apparently the penalty then inflicted was not sufficiently severe to teach the defendant the lesson that all licensees must learn if they desire to remain in business in this State - viz., obey the law. In view of this previous record, and in accord with our practice, the penalties customarily imposed upon club licensees found guilty of the violations in question must be materially increased. As to charge (1), a suspension of thirty days will be imposed. On charges (2) and (3), a further suspension of thirty days will be imposed, making a total suspension of sixty days. Five days will be remitted for the guilty plea, leaving a net suspension of fifty-five days.

The licensee has now had two full strikes. It will be well advised not to try for a third.

Accordingly, it is, on this 19th day of November, 1942,

ORDERED, that Club License CB-34, heretofore issued to Vittorio Veneto Lodge for premises 905 South 4th Street, Camden, by the Municipal Board of Alcoholic Beverage Control of the City of Camden, be and the same is hereby suspended for a period of fifty-five (55) days, commencing at 2:00 A.M. November 23, 1942, and terminating at 2:00 A. M. January 17, 1943.

ALFRED E. DRISCOLL,
Commissioner.

10. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BY A CLUB LICENSEE TO NON-MEMBERS - THIRD SIMILAR VIOLATION - LICENSE REVOKED.

In the Matter of Disciplinary)
Proceedings against

DEMOCRATIC CLUB OF THE)
11th WARD,)
1014 North 27th Street,)
Camden, N. J.,)

CONCLUSIONS)
AND ORDER)

Holder of Club License CB-12,)
issued by the Municipal Board)
of Alcoholic Beverage Control)
of the City of Camden.)

Godfrey C. Misus, President of Defendant-Licensee.)
Abraham Merin, Esq., Attorney for Department of Alcoholic)
Beverage Control.)

BY THE COMMISSIONER:

The defendant, a club licensee, pleads guilty to the following charges:

- "1. On or about July 23, 1942, you sold alcoholic beverages to persons other than bona fide members of your club and their bona fide guests, in violation of Rule 5 of State Regulations No. 7.

"2. In making the said sales of alcoholic beverages on the aforesaid date to persons other than bona fide members of your club and their bona fide guests, you also violated R. S. 33:1-2 in that your sales of such beverages were not pursuant to and within the terms of your license as defined by R. S. 33:1-12(5)."

The Departmental records disclose that on July 23, 1942 an investigator of the Department of Alcoholic Beverage Control entered the licensed premises and went directly to the bar. He ordered a beer, which was served, and for which he paid the sum of five cents. A short time later another investigator entered and went through the same procedure. Inquiry was not made in either case by the bartender as to whether or not the men served were members of the club.

Defendant, in mitigation, stated that the bartender who served the beer to the investigators "took over for a few minutes" while the regular bartender stepped out of the club. It was further stated that the former had been specifically instructed by the regular bartender not to sell alcoholic beverages to non-members but, being inexperienced, had made a mistake.

Apparently the defendant has made several "mistakes." Defendant, in 1937, had its license suspended for ten days for the sale of alcoholic beverages on Sunday. In October 1939 defendant pleaded guilty to a similar charge, as well as to a charge of selling to non-members, and for these offenses had its license suspended for seven days. Again, in November of 1941, its license was suspended for twenty-five days for having slot machines on the licensed premises and for selling alcoholic beverages to non-members. Re Democratic Club of the 11th Ward, Bulletin 495, Item 5. In deciding the cited case, it was stated:

"In my opinion, the penalties heretofore imposed for violation of the rule prohibiting sales to non-members by club licensees have not been commensurate with the seriousness of the violation, the social consequences attendant thereto, and the unfairness of the competition that follows. In future cases coming before me, club licensees who have or persist in violation of this rule may expect more drastic penalties."

Defendant is not entitled to any further consideration. It has had "three chances." This defendant, presumably organized for the purpose of promoting good government, should have been meticulous in its efforts to observe the law.

Apparently, suspension of its license has no effect on the defendant. In view of the defendant's previous record, I shall revoke its license. Re Tenth Ward Organization Republican Club, Bulletin 501, Item 6.

Accordingly, it is, on this 21st day of November, 1942,

ORDERED, that Club License CB-12, heretofore issued to Democratic Club of the 11th Ward by the Municipal Board of Alcoholic Beverage Control of the City of Camden for premises 1014 North 27th Street, Camden, be and the same is hereby revoked, effective immediately.

ALFRED E. DRISCOLL,
Commissioner.

11. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BY CLUB LICENSEE DURING PROHIBITED HOURS - PREVIOUS RECORD - 30 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against)

SOUTH SPRUCE BOCCE CLUB, 331 Spruce Street, Camden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Club License CB-40, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

South Spruce Bocce Club, by Rocco Benevento, President.
Abraham Merin, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded guilty to a charge alleging that:

"On Sunday, October 4, 1942, at about 9:45 A.M., you sold, served and delivered, and suffered and permitted the sale, service and delivery of alcoholic beverages upon your licensed premises, in violation of Section 5 of an Ordinance concerning alcoholic beverages adopted by the Board of Commissioners of the City of Camden on December 27, 1934, which Ordinance prohibits the sale of alcoholic beverages after 2:00 A.M. on Sundays."

Our file shows that on Sunday, October 4, 1942, at about 9:45 A.M., investigators of the Department of Alcoholic Beverage Control saw a number of persons consuming alcoholic beverages and saw other patrons being served alcoholic beverages by the President of the club.

Defendant has a prior record. The local Board suspended defendant's license from March 9, 1942 to March 14, 1942, inclusive, after it had pleaded guilty to a previous charge of selling alcoholic beverages on Sunday during prohibited hours. I shall suspend the license in this proceeding for thirty days, less five days for the guilty plea, making a net suspension of twenty-five days. Re Vittorio Veneto Lodge, Bulletin 539, Item 9.

Accordingly, it is, on this 21st day of November, 1942,

ORDERED, that Club License CB-40, heretofore issued to South Spruce Bocce Club, for premises 331 Spruce Street, Camden, by the Municipal Board of Alcoholic Beverage Control of the City of Camden, be and the same is hereby suspended for a period of twenty-five (25) days, commencing November 27, 1942, at 2:00 A.M., and terminating December 22, 1942, at 2:00 A. M.

ALFRED E. DRISCOLL,
Commissioner.

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
1060 BROAD STREET NEWARK, N. J.

12.

NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1ST, 1942
TO SEPTEMBER 30TH, 1942 AS PER CERTIFICATIONS RECEIVED FROM THE ISSUING AUTHORITIES

C L A S S I F I C A T I O N O F L I C E N S E S

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surren- dered Revoked Expired	Number Licen- ses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	440	167,114.62	60	21,050.00	10	1,025.00					2	508	189,189.62
Bergen	801	264,033.65	242	58,453.00	48	4,526.23	28	1,293.23	6	1,126.86	2	1,123	329,432.97
Burlington	190	63,035.00	16	4,000.00	30	3,674.79	1	25.00				237	70,734.79
Camden	440	188,221.77	53	19,155.00	55	5,087.94			1	174.24		549	212,638.95
Cape May	123	50,625.00	11	3,150.00	6	600.00						140	54,375.00
Cumberland	77	22,897.12	7	1,700.00	26	2,750.00						110	27,347.12
Essex	1,380	692,934.45	346	163,571.80	83	11,000.00	16	800.00				1,825	868,306.25
Gloucester	110	30,800.00	10	1,575.00	6	400.00						126	32,775.00
Hudson	1,587	653,163.91	265	105,455.00	46	5,848.73	45	1,749.11			2	1,941	766,216.75
Hunterdon	79	20,512.61	1	300.00	1	150.00			1			82	20,962.61
Mercer	432	181,957.81	45	11,492.63	38	4,886.03			1	101.06	1	515	198,437.53
Middlesex	596	234,320.98	43	12,110.00	28	2,325.00	1	25.00	2	398.83	2	668	249,179.81
Monmouth	474	191,127.34	70	20,238.00	23	2,583.74	5	175.00	21	6,492.11	3	590	220,616.19
Morris	323	96,299.10	70	17,743.43	27	2,309.93	1	25.00	10	1,495.99	1	430	117,873.45
Ocean	161	71,298.90	27	9,570.00	7	700.00						195	81,568.90
Passaic	883	339,668.89	120	34,090.00	26	3,075.00	11	500.00	1	136.78	1	1,040	377,470.67
Salem	50	15,750.00	4	550.00	10	875.00						64	17,175.00
Somerset	182	62,166.00	24	5,575.00	8	800.00						214	68,541.00
Sussex	146	31,137.76	12	1,915.00	3	159.86			3	450.00	2	162	33,662.62
Union	549	270,711.56	127	43,300.00	54	7,675.00	13	600.00	2	750.00		745	323,036.56
Warren	135	37,274.97	13	2,307.50	19	1,905.00	1	35.00	2	265.13		170	41,787.60
TOTALS	9,158	3,685,051.44	1,566	537,301.36	554	62,357.25	122	5,227.34	50	11,391.00	16	11,434	4,301,328.39

ALFRED E. DRISCOLL, Commissioner.

Respectfully submitted,
ERWIN B. HOCK
Deputy Commissioner.

13. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS - CHARGES DISMISSED FOR LACK OF PROOF.

In the Matter of Disciplinary Proceedings against)

LOUIS SEIDMAN, 1129 Broadway, Camden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-210 (fiscal year 1941-42) and holder of plenary Retail Consumption License C-156 (fiscal year 1942-43), issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

Benjamin F. Friedman, Esq., Attorney for Defendant-Licensee. Abraham Merin, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded not guilty to charges alleging that:

"1. On or about February 14, 1942 you sold alcoholic beverages to William Powell and William C. Haley, minors, in violation of R. S. 33:1-77.

"2. On or about the date aforesaid you sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to William Powell and William C. Haley, persons under the age of twenty-one (21) years, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons upon your licensed premises, in violation of Rule 1 of State Regulations No. 20."

The testimony of investigators of the Department of Alcoholic Beverage Control shows that, on February 14, 1942, they saw William C. Haley, a patron, purchase at the bar of the licensed premises six glasses of beer which were brought by Haley to a booth where William Powell and four other persons were seated, and that they saw William Powell consume the contents of one of the glasses.

At the hearing herein, held on June 18, 1942, no evidence could be produced as to Haley's age because he could not be found and his birth certificate could not be obtained. From the files in this case and the testimony given at the hearing by the investigators, it appears that, at the time of the sale, Powell first told the investigators that he was twenty-one and later told them that he was twenty years of age. It appears also that Powell admitted that, on a prior visit to licensee's premises when, he says, he was served soft drinks, he told the bartender that he was twenty-one years of age. Powell could not be produced at the hearing because he had enlisted in the United States Marines and his whereabouts were unknown. Over objection by defendant's counsel, the Hearer admitted in evidence a birth certificate which set forth that a "William A. Powell" had been born in Camden, New Jersey, on December 3, 1921; that his father's name was Joseph and his mother's maiden

name was Taylor. The objection was based upon the ground that it had not been established by evidence that the "William A. Powell" mentioned in the certificate was the same person as the young man named in the charges. It is true that R. S. 2:98-14 provides, in effect, that birth certificates shall be received as prima facie evidence of the facts therein stated in all courts and places. The statute, however, presupposes that there shall be an admission, or evidence, that the person named in the certificate is the same person involved in the pending proceeding. As defendant's counsel argues, there may be "lots of William Powells."

From the evidence I conclude that the Department has failed to establish by proper proof that either of the persons mentioned in the charges was in fact a minor and, because of the lack of such proof, I shall dismiss the charges. The licensee has a record of three previous suspensions for Fair Trade violations. He must use extreme care to avoid any further violations of any kind.

Accordingly, it is, on this 21st day of November, 1942,

ORDERED, that the charges herein be and the same are hereby dismissed.

ALFRED E. DRISCOLL,
Commissioner.

14. MORAL TURPITUDE - CRIME OF RECEIVING STOLEN GOODS INVOLVES MORAL TURPITUDE.

DISQUALIFICATION - APPLICATION TO LIFT - FACTS EXAMINED - GOOD CONDUCT FOR FIVE YEARS LAST PAST AND NOT CONTRARY TO PUBLIC INTEREST - APPLICATION GRANTED.

In the Matter of an Application)
to Remove Disqualification be-)
cause of a Conviction, pursuant)
to R. S. 33:1-31.2.)

CONCLUSIONS
AND ORDER

Case No. 246

BY THE COMMISSIONER:

Petitioner in this proceeding prays that his disqualification resulting from two convictions of crime be lifted pursuant to R. S. 33:1-31.2.

For the past thirty years petitioner was engaged in the cooperage business. For approximately twenty-two years of that time he had been employed by another individual, and for the past eight years conducted business as a member of a partnership. In 1914 petitioner was convicted of receiving stolen goods, sentenced to Rahway Reformatory for a period of one year, and actually served ten months of his term. He testified at the hearing that this conviction arose from the fact that, while he was employed by another individual in the cooperage business, he was accused of receiving stolen drums. In 1920 petitioner was convicted of the crime of assault and battery and robbery and sentenced to ten months in a penitentiary. He testified at the hearing that this case arose from a dispute which took place in a saloon, during the course of which dispute he was accused of stealing a ring.

Petitioner has not been convicted of any crime since 1920. His fingerprint records show that between 1922 and 1926 he was arrested a number of times on suspicion of receiving stolen drums while being employed in the cooperage business, but all of these charges were either dismissed or nolle prossed. His last arrest

occurred in 1934 while he was a member of the partnership conducting the cooperage business. This arrest appears to have been merely upon suspicion of receiving stolen goods and the case was subsequently nolle prossed as to petitioner.

At the hearing two detectives attached to the Police Department of the municipality in which the petitioner carried on business for eight years testified that they have known him intimately during that time and that his reputation is very good. The individual who has been his partner during the past eight years also testified that petitioner has been law-abiding during that period and that he found petitioner to be honest and reliable.

From the evidence I am satisfied that petitioner has not been convicted of any crime for the past twenty-two years and that, for at least eight years last past, his conduct has been above reproach. I conclude, therefore, that he has been law-abiding for at least five years last past and that his association with the alcoholic beverage industry will not be contrary to public interest.

Accordingly, it is, on this 23rd day of November, 1942,

ORDERED, that petitioner's statutory disqualification because of the convictions mentioned herein be lifted in accordance with the provisions of R. S. 33:1-31.2.

ALFRED E. DRISCOLL,
Commissioner.

15. FAIR TRADE - NOTICE OF SUPPLEMENTAL PUBLICATION.

November 23, 1942

In response to numerous requests by listers who may have committed errors in computing the exact 1942 Federal tax increase affecting their items appearing in the November Minimum Resale Publication, and to afford manufacturers or wholesalers an opportunity to correct prices on some items to include increases recently granted them by the OPA, it is my decision that a supplemental publication of minimum resale prices pursuant to Fair Trade rules (Regulations No. 30) shall become effective on or about Thursday, December 10, 1942.

New items and changes in old items must be filed at the offices of this Department not later than Monday, November 30, 1942.

Notification of the proportionate share of the aggregate expense involved will be made to participating companies as soon as the pamphlet price list is mailed to all retail licensees.

ALFRED E. DRISCOLL,
Commissioner.

16. RETAIL LICENSEES - REFILLING OF WINE BOTTLES FOR OFF-PREMISES CONSUMPTION PROHIBITED.

Dear Commissioner:

At a meeting held on November 18, 1942, of the New Jersey Retail Liquor Package Stores Association, the Board of Directors directed me to communicate with you with reference to the refilling of wine bottles by consumption licensees.

Some time ago you had stated that a special bulletin would be issued bringing to the attention of licensees the illegality of such action.

The retailers have been suffering substantial injury of this practice and we would be sincerely appreciative if you could advise us when you expect to issue this bulletin.

Faithfully yours,
New Jersey Retail Liquor Package
Stores Association.
By: Harry Gassman,
President.

November 23, 1942

New Jersey Retail Liquor
Package Stores Association,
Atlantic City, N. J.

Gentlemen:

R. S. 33:1-78 provides:

"Bottling without license; misdemeanor. Any person, except a person holding a brewery, distillery, winery or rectifier's license under this chapter, who shall bottle alcoholic beverages for sale or resale shall be guilty of a misdemeanor."

However, State Regulations No. 25 permits the holder of any retail license authorizing the sale of alcoholic beverages for consumption on the licensed premises to transfer wine from any tax-paid barrel, cask or keg on the licensed premises to a decanter, bottle or other container and thereafter serve such wine solely for consumption on the licensed premises, provided the other container bears a label as prescribed in said regulations and provided, further, that the contents thereof shall not be removed from the licensed premises under any circumstances whatsoever.

You will note from the above that the refilling of wine bottles by consumption licensees for off-premises consumption would constitute a misdemeanor under R. S. 33:1-78 and would also subject the license to disciplinary proceedings under R. S. 33:1-31. Consumption licensees may not transfer wine from the tax-paid barrel, cask or keg except strictly within the limitations set forth in State Regulations No. 25.

Very truly yours,

Alfred E. Eniscoll
Commissioner.

New Jersey State Library

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