

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

BULLETIN NUMBER 194

JULY 9, 1937.

I. RECAPITULATION OF ENFORCEMENT DIVISION ACTIVITY FOR PERIOD FROM JANUARY 1st TO JUNE 30th, 1937, INCLUSIVE.

To: D. Frederick Burnett, Commissioner.

<u>ARRESTS</u>	<u>Jan.</u>	<u>Feb.</u>	<u>March</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>TOTALS</u>
Licenses	0	2	6	3	2	3	16
Non-Licenses	52	75	103	68	42	58	398
Total Number	52	77	109	71	44	61	414
<u>SEIZURES</u>							
<u>Stills</u>							
1 to 50 Gal. capacity	11	7	78 *	17	10	6	129
Over 50 Gal. capacity	6	11	67 *	6	11	5	106
Total Number	17	18	145 *	23	21	11	235
<u>Motor Vehicles</u>							
Trucks	2	2	3	1	1	0	9
Pleasure Cars	4	6	9	1	5	5	30
Total Number	6	8	12	2	6	5	39
<u>Alcohol</u>							
Beverage Alcohol (Gals.)	852	72	989 *	183	274	327	2697
Denatured Alcohol (Gals.)	0	0	3	125	0	100	228
<u>Mash</u>							
Total Number Gallons	23,805	15,632	21,345	22,865	28,480	45,350	157,477
<u>Alcoholic Beverages</u>							
Beer, Ale, etc. (Bottles)	225	124	923 *	364	236	253	2,125
" " " (Barrels)	0	0	24	0	0	0	24
Wine (Gallons)	1,589	5	165 *	558	275	0	2,592
Whiskey, hard liquor (Gals.)	107	82	908 *	177	26	109	1,409
<u>RETAIL INSPECTIONS</u>							
Licensed premises inspected	1,914	2,205	2,322	2,217	1,942	1,602	12,202
Illicit (Bootleg) liquor	6	9	8	11	5	11	50
Gambling violations	45	84	83	104	60	50	426
Sign violations	13	24	40	61	59	41	238
Unqualified employees	109	135	97	92	88	127	648
Other violations	29	58	50	38	43	72	290
Total violations found	202	310	278	306	255	301	1,652
Number of bottles gauged	9,510	13,309	12,831	14,930	11,668	9,618	71,866
<u>COMPLAINTS</u>							
Investigated and closed	396	300	347	409	267	333	2,052
Investigated, pending	434	406	502	423	417	361	2,543
<u>LABORATORY</u>							
Samples submitted	116	133	165	191	150	145	900
Analyses made	106	124	174	175	163	129	871
Poison liquor cases	4	4	2	2	0	0	12
Samples of alcohol, water and artificial coloring	11	12	19	15	16	9	82
Samples of moonshine (home-made finished product of illicit still)	16	25	30	18	23	12	124

Respectfully submitted,

E. W. Garrett,
Deputy Commissioner.

* The figures for March in this respect are out of line with other months because of the clean-up and adoption this month of pending cases throughout the State not previously reported.

2. REPORT ON DISCIPLINARY PROCEEDINGS AGAINST LICENSEES TRANSMITTED BY THE DEPARTMENT TO MUNICIPAL ISSUING AUTHORITIES.

July 6, 1937

To: D. Frederick Burnett, Commissioner
 From: Jerome B. McKenna, Attorney

Period Covered

July 1, 1936 to June 30, 1937

SUMMARY

Cases transmitted		345
	<u>Disposition</u>	
Revocations of licenses	23	
Suspensions of licenses	176	
Surrenders	9	
Dismissals	27	
Dismissals with warning	13	
Decisions reserved	16	
Guilty - sentence suspended with warning	18	
Discontinued	7	
No new licenses issued	4	
Pending - hearing date set	18	
Pending - hearing date to be set	25	
Reprimanded (no hearing)	1	
Reprimanded (found guilty)	<u>8</u>	
		345

The above 345 cases involved violations as set forth below.

1. Possession of Illicit Alcoholic Beverages

Transmittals - 78

Disposed of as follows:

Revocations	5
Suspensions	46
Periods covered by suspensions:	
74 days	1
60 "	1
45 "	2
31 "	1
30 "	10
4 weeks	1
27 days	1
25 days	1
2 weeks	4
10 days	5
8 "	1
7 "	4
5 "	6
3 "	2
2 "	3
1 day	<u>3</u>
	46

Reprimanded (no hearing)	1
Reprimanded (found guilty)	3
Dismissals with warning	4
Dismissals	8
Surrenders	1
Decisions reserved	5
Pending	3
No renewal applied for	<u>2</u>

78

2. Sales to Minors

Transmittals - 49

Disposed of as follows:

Suspensions		23
Periods covered by suspensions:		
60 days	2	
15 "	2	
14 "	3	
10 "	1	
7 "	1	
5 "	4	
4 "	2	
3 "	2	
2 "	3	
1 day	<u>3</u>	
	23	
Dismissals		7
Sentence suspended		3
Decision reserved		3
Pending		6
Reprimanded (found guilty)		4
Discontinued		2
No renewal applied for		<u>1</u>

49

3. Cases Involving Sunday and Week-day "Hours of Sale" and "Closing Hour" Violations of Local Ordinances and Regulations.

Transmittals - 81

Disposed of as follows:

Revocations		3
Suspensions		37
Periods covered by suspensions:		
45 days	1	
30 "	1	
29 "	1	
25 "	1	
14 "	4	
13 "	1	
10 "	2	
8 "	1	
7 "	2	
5 "	4	
3 "	5	
2 "	12	
1 day	1	
1 hour	<u>1</u>	
	37	
Dismissed with warning		6
Guilty - warned		9
Dismissals		2

Decisions reserved	3
Pending	16
Discontinued	4
Sentence suspended	<u>1</u>

81

4. Cases Involving Fraud, Misrepresentation and Suppression of Material Facts, etc., in Securing Licenses

Transmittals - 22

Disposed of as follows:

Revocations	3
Licenses surrendered	4
Suspensions	8
Periods covered by suspensions:	
60 days	1
25 "	1
15 "	1
10 "	1
1 week	1
5 days	1
3 "	1
1 day	<u>1</u>
	8
No new license issued	1
Dismissed	3
Pending	<u>3</u>

22

5. Violations of State Rules 6, 7 and 8 of Rules Concerning Conduct of Licensees and Use of Licensed Premises (prohibiting gambling, lotteries, slot machines and gambling devices)

Transmittals - 25

Disposed of as follows:

Suspensions	16
Periods covered by suspensions:	
30 days	2
10 "	3
7 "	4
5 "	6
4 "	<u>1</u>
	16
Reprimanded (found guilty)	1
Sentence suspended	2
Pending	2
Surrender	1
Decisions reserved	2
Dismissal	<u>1</u>

25

6. Violations of State Rules 4 and 5 of Rules Concerning Conduct of Licensees and Use of Licensed Premises (prohibiting lewd, immoral activities, brawls and unnecessary disturbances and prohibiting known criminals, prostitutes and persons of ill repute on the licensed premises)

Transmittals - 16

Disposed of as follows:

Revocations		10	
Surrenders		1	
Suspensions		4	
Periods covered by suspensions:			
10 days	1		
7 "	1		
5 "	2		
	<u>4</u>		
Pending		<u>1</u>	16

7. Sales by Club Licensees to Non-Members

Transmittals - 9

Disposed of as follows:

Suspensions		5	
Periods covered by suspensions:			
30 days	2		
14 "	1		
10 "	1		
5 "	1		
	<u>5</u>		
Pending		3	
Dismissal with warning		<u>1</u>	9

8. Sales by Limited Retail Distribution Licensees Beyond the Scope Accorded by Terms of License

Transmittals - 6

Disposed of as follows:

Revocations		2	
Suspensions		4	
Periods covered by suspensions:			
Balance of term	1		
90 days	1		
14 "	1		
1 day	1		
	<u>4</u>		
		<u> </u>	6

9. Sales on Election Day While Polls were Open for Voting

Transmittals - 30

Disposed of as follows:

Suspensions		23	
Periods covered by suspensions:			
7 days	1		
5 "	3		
4 "	1		
3 "	5		
2 "	9		
1 day	4		
	<u>23</u>		
Dismissals with reprimand		2	
Dismissals		4	
Decision reserved		<u>1</u>	

10. Cases Involving Violations of Local Regulations Relative to Service to Women over the Bar and Employment of Hostesses

Transmittals - 6

Disposed of as follows:

Suspensions		6	
Periods covered by suspensions:			
7 days	1		
2 "	5		
	<u>6</u>		6

11. Sales to Persons Actually or Apparently Intoxicated in Violation of State Rule #1

Transmittals - 3

Disposed of as follows:

Suspension (2 days)	1	
Dismissed	<u>2</u>	3

12. Cases Involving Failure to Notify Issuing Authority of Change in Ownership of Licensed Premises

Transmittals - 5

Disposed of as follows:

Surrender	1	
Suspension (2 days)	1	
Pending	<u>3</u>	5

13. Miscellaneous. (Violations of Rules governing size of containers, signs, employment of minors and ineligible persons, etc).

Transmittals - 15

Disposed of as follows:

Surrender	1	
Suspension (2 days)	2	
Sentence suspended	3	
Decision reserved	2	
Pending	6	
Discontinued	<u>1</u>	
		<u>15</u>

TOTAL....345

Respectfully submitted,
 Jerome B. McKenna,
 Attorney.

3. REPORT ON DISCIPLINARY PROCEEDINGS AGAINST LICENSEES, CONDUCTED DIRECTLY BY THE DEPARTMENT.

July 6, 1937

To: D. Frederick Burnett, Commissioner
 From: Jerome B. McKenna, Attorney.

Period Covered

July 1, 1936 to June 30, 1937

RETAIL LICENSEES

<u>Hearings held</u>		19
Revocations	2	
Suspensions	13	
Pending	3	
Surrenders	<u>1</u>	

19

STATE LICENSEES

<u>Hearings held</u>		15
Revocations	1	
Suspensions	6	
Pending	<u>8</u>	

15

* * * * *

RETAIL LICENSEES

1. Ancient Order of Hibernians Home Club License CB-79
 Association, Inc.,
 Trenton, New Jersey

Charge: Sale on Election Day
Sentence: License suspended for one hour

2. Prospect Democratic Club, Club License CB-15
 Trenton, New Jersey

Charge: Sales on Election Day
Sentence: License suspended for five days

3. Thomas Snyder, Plenary Retail
 State Highway #39 Atsion, Consumption License C-6
 Shamong Township, N. J.

Charges: (1) Employing a non-resident to act as bartender
 (2) Allowing brawl to take place on licensed premises
Sentence: License suspended for forty days

4. Frank J. Goldman, Plenary Retail
 Hamilton Township, Consumption License C-24
 New Jersey.

Charges: (1) Misstatement in application
 (2) Interest in wholesale license
Pending

5. Joseph Grembowiec
Lodi,
New Jersey
Plenary Retail
Consumption License C-12
- Charge: Possession of illicit alcoholic beverages
(containing denaturants)
Sentence: License suspended for balance of term - May 28 to
June 30, 1937
6. Antonio La Forgia
Dumont,
New Jersey
Plenary Retail
Consumption License C-4
- Charge: Possession of illicit alcoholic beverages
(containing denaturants)
Sentence: License suspended for balance of term -
May 28 to June 30, 1937
7. William H. Plog,
T/A Rustic Lodge,
Clifton, N. J.
Plenary Retail
Consumption License C-15
- Charge: Possession of illicit alcoholic beverages
(containing denaturants)
Sentence: License suspended for balance of term -
May 28 to June 30, 1937
8. John F. Cullen
Newark, N. J.
Plenary Retail
Consumption License C-334
- Charges: (1) Possession of illicit alcoholic beverages
(containing denaturants)
(2) Allowing and permitting gambling and book-
making on licensed premises
Sentence: License suspended for balance of its term -
June 6 to June 30, 1937. Also ordered that no
renewal be issued prior to July 16, 1937
9. William Pfeiffer
Camden, N. J.
Plenary Retail
Consumption License C-38
- Charge: Possession of illicit alcoholic beverages
(containing denaturants)
Sentence: License suspended for balance of its term -
May 28 to June 30, 1937
10. Frank Fuchs
Clifton, N. J.
Plenary Retail
Consumption License C-73
- Charge: Possession of illicit alcoholic beverages
(containing denaturants)
Sentence: License suspended for balance of its term -
May 28 to June 30, 1937
11. Joseph Kaiser
Clifton, N. J.
Plenary Retail
Consumption License C-41
- Charge: Possession of illicit alcoholic beverages
(containing denaturants)
Sentence: License suspended for balance of its term -
May 28 to June 30, 1937
12. Antonio Costanzo
Chester, N. J.
Plenary Retail
Consumption License C-3
- Charge: Possession of illicit alcoholic beverages
(containing denaturants)
Sentence: License suspended for balance of its term -
May 31 to June 30, 1937

13. Stephen Sedlak
Bayonne, N. J. Plenary Retail
Consumption License C-2'
- Charge: Possession of illicit alcoholic beverages
Sentence: License revoked
- NOTE: This licensee had previously been convicted before the Bayonne Board of Commissioners on a similar charge, as a result of which his license was suspended for thirty days.
14. Charles A. Henzler
Flemington, N. J. Plenary Retail
Consumption License C-1
- Charge: Possession of illicit alcoholic beverages
Sentence: License surrendered while charges were pending
15. Mary Siwek
Newark, N. J. Plenary Retail
Consumption License C-58
- Charges: (1) Possession of illicit alcoholic beverages (containing denaturants)
(2) Knowingly misstating material fact in application
Sentence: License revoked. Premises declared ineligible for two years.
16. Oscar Antico
Hardwick Township, N. J. Plenary Retail
Consumption License C-2
- Charge: Possession of illicit alcoholic beverages (containing denaturants)
Pending
17. Charles E. Vernon,
T/A Vernon Drug Co.,
75 Broadway,
Newark, N. J. Plenary Retail
Distribution License D-82
- Charge: Aiding and abetting a wholesale licensee of another state - holding no license in this state - to sell directly to consumers
Sentence: License suspended three days
18. Riley Liquor Corp.
Atlantic City, N. J. Plenary Retail
Distribution License D-11
- Charges: (1) Suppression of a material fact in application
(2) Purchasing alcoholic beverages from another retailer
Sentence: License suspended for balance of its term - June 22 to 30, 1937
19. William Guskind
Jersey City, N. J. Plenary Retail
Consumption License C-524
- Charges: (1) Misstatement in application for special permit
(2) Allowing unlicensed transporter to transport alcoholic beverages
(3) Purchase of alcoholic beverages from another retailer
Pending

STATE LICENSEES

1. The Class & Nachod Brewing Co., Limited Wholesale License
Trenton, N. J. WL-53
2. Distilled Products Co. State Beverage Distributor
Bordentown, N. J. License SBD-72
3. Jacob Hornung Brewing Co., Limited Wholesale License
Philadelphia, Pa. WL-51
4. Peoples Brewing Co., Limited Brewery License
Trenton, N. J. BL-4
5. Trenton Beverage Co., Wholesale License W-48
Trenton, N. J.

Charge: Violation of Section 40 of Control Act -
unlawful interest in retail establishment

Pending

6. National Wines and Liquors, Inc. Wholesale License W-80
Psssaic, New Jersey.
7. Wilkinson-Gaddis Company, Wholesale License W-2
Newark, New Jersey.
8. Suffern Bottling Works, Inc., Wholesale License W-78
Ramsey, N. J.

Charge: Sales to non-licensees

Sentence: Each license suspended for three days

9. Pietro Carabelli State Beverage Distributor
T/a P. Carabelli Beverage Co., License SBD-178
Trenton, N. J.

Charge: Interest in a retail establishment -
chattel mortgage

Sentence: License suspended for five (5) days

10. P. & P. Transportation Co., Inc. Transportation License T-40
Hammonton, N. J.

Charges:

- (1) Knowingly aiding and abetting an un-
licensed transporter to transport
alcoholic beverages
- (2) Failure to file proper questionnaire re
employees
- (3) Transportation of denatured alcohol under
such circumstances as to constitute
violation of Section 27 of Control Act

Pending

11. Brauer Liquor Company Rectifier and Blender
Jersey City, N. J. License R-39

Charges:

- (1) Sale of warehouse receipts without a
warehouse receipts license
- (2) Sales of alcoholic beverages not their
own product
- (3) Employing and allowing a person not holding
a Solicitor's Permit to solicit sales of
alcoholic beverages

Sentence: License revoked

Disposed of as follows:

1.	State Licensees (16)		
	(a)	Suspended for balance of term	6
	(b)	Dismissed after charges were served, but before hearing, after payment of penalty and service charge	8
	(c)	License revoked on another charge	1
	(d)	Pending	<u>1</u>
			16
2.	Retail Licensees (53)		
	(a)	Suspended for balance of term	15
	(b)	Suspended for balance of term but reinstated after payment of penalty and service charge	8
	(c)	Dismissed after charges were served, but before hearing, after payment of penalty and service charge	27
	(d)	Pending	2
	(e)	License surrendered	<u>1</u>
			53

Respectfully submitted,

Jerome B. McKenna,
Attorney.

5. SOLICITORS' PERMITS - ELIGIBILITY - FACTS EXAMINED - CONCLUSIONS

July 2, 1937

In Re: Case No. 62

This is to determine applicant's eligibility to hold a solicitor's permit.

Applicant originally held an ARC permit, being then under 21 years of age. However, in April, 1937, upon reaching his majority, he obtained a solicitor's permit. His application for a renewal of his solicitor's permit for the term expiring June 30, 1938, is on file, and is awaiting the determination of this proceeding.

In February, 1929, when applicant was 12 years 10 months old, he was arrested with two other persons on a larceny charge, was found guilty in Juvenile Court, and released under a suspended sentence. He recalls that he was in trouble with the police at the time and was brought before a judge, but recalls nothing about the occasion for his arrest.

Applicant was again arrested in March, 1931, when under 15 years of age, on a charge of larceny of an automobile, was found guilty in Juvenile Court and sent to Jamesburg Reformatory, where he remained for 13 months. Since his release in the Spring of 1932, applicant has a clear record.

The adjudications against applicant in Juvenile Court cannot be taken as convictions for a crime. At the time of the adjudication in 1929, Section 8 of the then Juvenile Court Act (L. 1912, c. 353, p. 607) provided:

"No adjudication under the provisions of this act shall operate as a disqualification of the child for any office under any State or municipal civil service, and such child shall not be denominated a criminal by any such adjudication, nor shall such adjudication be denominated a conviction."

At the time of the adjudication in 1931, Section 16 of the new Juvenile Court Act (L. 1929, c. 157, p. 279) provided:

"No adjudication upon the status of any child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of a crime in any court, except with the consent of the judge of the Juvenile and Domestic Relations Court. The disposition of a child or any evidence given in the court shall not be admissible as evidence against the child in any case or proceeding in any other court, nor shall such disposition or evidence be held against the child's record in any future civil service examination, appointment or application."

(Also cf. Laws 1935, c. 285, providing that persons under 16 years of age cannot commit a common law or statutory crime in this State).

It thus appears that applicant was never convicted of a crime within Section 22 of the Control Act.

The question remains, however, whether applicant is nevertheless unfit to hold a solicitor's permit by reason of his record.

In Re Application for ARC Permit, Case #36, Bulletin 149, Item 1, an instance of burglary committed by a person when 16 years of age, did not render him unfit to hold a permit. In In re Hearing #146, Bulletin 167, Item 4, theft (and abandonment) of an automobile committed by a person when 16 years of age and again when 17 years of age, did not render him ineligible for employment. In In re Hearing #164, Bulletin 175, Item 2, obtaining goods under false pretenses did not render a person unfit to hold a solicitor's permit when such crime was committed at the age of 17.

It is recommended that applicant be declared eligible to hold a solicitor's permit, and that a solicitor's permit be issued to him for the term expiring June 30, 1938, as applied for.

Nathan Davis,
Attorney.

APPROVED.

D. FREDERICK BURNETT,
Commissioner.

6. GAMBLING - GAMBLING MACHINES - TICKETTE MACHINES ARE GAMBLING DEVICES AND THEREFORE PROHIBITED.

July 6, 1937

Miss Ida Mancine,
Camden, N. J.

My dear Miss Mancine:

I am writing in reply to your letter inquiring if you may have a Tickette Machine on your premises.

Tickette, I find, is a machine which for a nickel allows the player one punch at a concealed card, the punches being made

with a steel pin through any one of the nine holes in the machine the player may select. The card, divided into nine squares on one of which is printed a number, is directly below the holes. Immediately after the punch, the card comes into view. If the player has punched the hole in the square containing the number, he is entitled to merchandise of that value in trade.

The machine is nothing more than a coin-operated punch board, a scheme for the distribution of prizes by chance. Punch boards are lotteries and therefore prohibited. Lotteries are against the law.

Tickette Machines may not be installed or maintained on licensed premises in New Jersey. Their possession on licensed premises is in violation of Rules 6 and 7 of the State Rules Concerning Conduct of Licensees (copy enclosed) and cause for the revocation of your license.

You are directed to remove the Tickette Machine at once.

Very truly yours,

D. FREDERICK BURNETT,
Commissioner.

7. LICENSE FEES - PROCEDURE WHERE FEE IS RAISED AFTER APPLICATION FILED - HEREIN OF SPECIAL CONDITION TO ASSURE THE PAYMENT OF ADDITIONAL FEE.

July 7, 1937

John M. McDermott, Esq.,
Englewood, N. J.

My dear Mr. McDermott:

I have yours of the 29th.

Confirming conference: I understand that after the several licensees in your Borough filed their applications in early June for renewal and deposited the required \$200.00 fee, the Borough raised the license fee to \$300.00 effective for the fiscal year which has just commenced.

I thereupon made special rulings, hereby confirmed, viz.:

- 1 - The increased fee for the current fiscal year will have to be paid even though raised after the licensees had filed their applications and deposited the fee at the old rate;
- 2 - If, however, any applicant, on learning of the increased fee, desired to withdraw his application, he might do so without incurring the 10% penalty;
- 3 - The Borough could issue licenses to those not withdrawing their applications, subject to condition that the excess \$100.00 be paid within a reasonable time to be approved by me.

Your letter tells me that, pursuant to these special rulings, your Council fixed the term of two months within which the additional \$100.00 was to be paid.

The time fixed is fair and reasonable. Therefore, the action of the Borough Council is hereby approved.

It is the duty of your Mayor and Council to see to it that this excess fee is paid by all of the licensees not later than September 1st next.

Very truly yours,

D. FREDERICK BURNETT,
Commissioner.

8. RECAPITULATION OF ENFORCEMENT DIVISION ACTIVITIES BY QUARTERLY PERIODS FOR THE FISCAL YEAR 1936-37

TO: D. Frederick Burnett, Commissioner.

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Totals
	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
<u>ARRESTS</u>													
Licenseses		42		14			08			08			72
Non-Licenseses		343		224			230			168			965
Total Number		385		238			238			176			1,037
<u>SEIZURES</u>													
<u>Stills</u>													
1 to 50 gal. capacity		63		49			96*			33			241
Over 50 gal. capacity		37		15			84*			22			158
Total Number		100		64			180*			55			399
<u>Motor Vehicles</u>													
Trucks		19		05			07			02			33
Pleasure cars		30		28			19			11			88
Total Number		49		33			26			13			121
<u>Alcohol</u>													
Beverage Alcohol (Gals.)	1,187			292			1,913*			784			4,176
Denatured Alcohol (Gals.)	4,165			510			03			225			4,903
<u>Commercial Solvents</u>													
Salts (lbs.)	7,150			00			00			00			7,150
Tetrachloride (Gals.)	1,358			45			00			00			1,403
<u>Mash</u>													
Total Number Gallons	72,940			29,258			60,782			96,695			259,675
<u>Alcoholic Beverages</u>													
Beer, Ale, etc. (Bottles)	19,176			392			1,272*			853			21,693
" " " (Barrels)	5 $\frac{1}{2}$			1 $\frac{1}{2}$			2 $\frac{1}{4}$			00			9
Wine (Gallons)	4,272			2,746			1,759*			833			9,610
Whiskey, hard liquor (Gals.)	1,671			2,294			1,097*			312			5,374
<u>RETAIL INSPECTIONS</u>													
Licensed premises inspected	5,399			4,522			6,441			5,761			22,123
Illicit (Bootleg) Liquor	34			31			23			27			115
Gambling violations	452			242			212			214			1,120
Sign violations	134			104			77			161			476
Unqualified employees	242			191			341			307			1,081
Other violations	142			71			137			153			503
Total violations found	1,024			639			790			862			3,315
Number of bottles gauged	24,064			23,095			35,650			36,216			119,025
<u>COMPLAINTS</u>													
Investigated and closed	692			1,303			1,043			1,009			4,047
Investigated, pending													361**
<u>LABORATORY</u>													
Analyses made	762			650			404			467			2,283
Poison liquor cases	44			61			10			02			117
Samples of alcohol, water and artificial coloring	119			104			42			40			305
Samples of moonshine (home- made finished product of illicit still)	169			119			71			53			412
Samples submitted	709			624			414			486			2,233

Respectfully submitted,

E. W. Garrett,
Deputy Commissioner.

* The figures for the third quarter in this respect are out of line with the other quarters because of the clean-up and adoption during the month of March of pending cases throughout the State not previously reported.

** Pending at end of fiscal year.

9. REFUNDS - AFTER A LICENSE IS ONCE ISSUED NO REFUND ACCRUES IN THE ABSENCE OF A SURRENDER - HENCE NO REFUND MAY BE HAD WITH RESPECT TO THE PERIOD BETWEEN THE DENIAL OF AN APPLICATION FOR TRANSFER AND THE GRANTING THEREOF ON APPEAL.

July 1, 1937

Dear Mr. Jacobs: Re: Conway vs. Haddon Township

My client, Frankie Conway, applied on January 19, 1937 for a transfer of his Plenary Retail Consumption License in Haddon Township. Same was refused necessitating an appeal. A decision was rendered in his favor by Commissioner Burnett on June 28, 1937. Therefore, my client's license was not in use 160 days.

Do you not feel that the number of days that the license was not in use due to the fact that the Township refused to permit my client to operate should be credited to my client so that he be given license privileges for that number of days? It would seem most unfair to cause licensees to pay in advance for a license period and then when a dispute arises over the license allow the Township to keep the money, and yet have no rights whatever under the license during the period the case is in dispute.

I would appreciate your advising me what can be done in this matter.

Very truly yours,
Frank M. Lario.

July 7, 1937

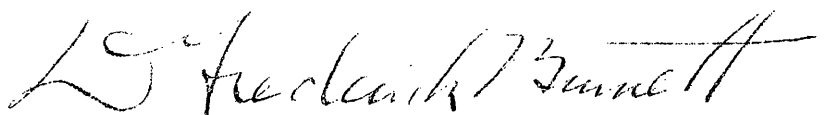
Frank M. Lario, Esq.,
Camden, N. J.

Dear Mr. Lario:

I have yours of the 1st addressed to Mr. Jacobs.

True it is that I decided that a transfer should be issued to Conway. But that is no reason why Conway should escape the payment of the license fee while his application for transfer was pending. The Township authorities gave him a license to operate in a certain place. He wasn't satisfied with that and wanted another. It isn't correct, therefore, to say that the Township kept his money and yet he had "no rights whatever under the license during the period the case is in dispute." The dispute was of his own making. He had full right under his license to operate at the place he originally chose. The fact that he later changed his mind is no reason for refund, unless he surrendered his license out and out. Instead of that, he held on to it hoping to locate elsewhere. While his quest was ultimately successful, it cannot be said that he was deprived by the Township of any rights under his license. There is no inherent right of transfer. The refund should, therefore, be denied.

Very truly yours,



Commissioner.

Inspected by:

J. L. ARTS

and found O. K.