

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1277

MAY 28, 1959.

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1277

MAY 28, 1959.

1. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED
IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD -
LICENSE SUSPENDED FOR BALANCE OF TERM.

In the Matter of Disciplinary)
Proceedings against)

MACK WINE & LIQUOR CO., INC.)
1057 Main Avenue)
Clifton, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-)
bution License D-22, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Clifton.)

Mack Wine & Liquor Co., Inc., by Anthony Ventura, President.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that on February 27, 1959, it 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 Regulation No. 30.

On February 27, 1959, an ABC agent entered defendant's licensed premises and purchased from Anthony Ventura a case of Schaefer beer (containing 24 12-ounce cans) for \$4.20. The minimum consumer resale price then in effect (in Area A) for the case was \$4.40.

Defendant has a prior record. Effective April 13, 1954, its license was suspended by the local issuing authority for forty days for sales to minors. On November 24, 1958, the local issuing authority suspended defendant's license for sixty days for a subsequent sale to a minor and, on appeal, the Director affirmed the action of the local issuing authority. This suspension, which was modified to fifty-seven days by the Director because three days had previously been served, is now in effect and will terminate at 7:00 a.m. Tuesday, June 2, 1959. See Mack Wine & Liquor Co., Inc. v. Clifton, dated March 26, 1959, Bulletin 1274, Item 2. The minimum suspension imposed for a violation similar to the violation herein is ten days. Re Central Liquor Co., Inc., Bulletin 1261, Item 3. However, because of the prior record and the facts hereinafter set forth, I shall suspend defendant's license for the balance of its term, effective at 7:00 a.m. June 2, 1959, when the suspension now in effect expires.

It appears that Anthony Ventura was convicted in the Clifton Municipal Court on April 13, 1954, on charges of selling alcoholic beverages to minors, and again convicted in the same Court on October 14, 1958, on a charge of selling alcoholic beverages to a minor. R. S. 33:1-25 provides that no license shall be issued to any person who has been twice convicted in a court of criminal jurisdiction of violation of the Alcoholic Beverage Law and that no retail license shall be issued to any corporation, with certain exceptions not material,

unless each owner, directly or indirectly, of more than ten per centum (10%) of its stock qualifies in all respects as an individual applicant. Hence, Anthony Ventura is now disqualified from holding a license or being connected in any business capacity whatsoever with a licensee (R. S. 33:1-26) and defendant corporation is disqualified from obtaining a renewal of its license so long as he is the owner, directly or indirectly, of its stock as set forth in R. S. 33:1-25. The Municipal Board should be guided accordingly if an application for renewal for the 1959-60 licensing year is filed by defendant corporation.

Accordingly, it is, on this 16th day of April, 1959,

ORDERED that Plenary Retail Distribution License D-22, issued by the Municipal Board of Alcoholic Beverage Control of the City of Clifton to Mack Wine & Liquor Co., Inc., for premises 1057 Main Avenue, Clifton, be and the same is hereby suspended for the balance of its term expiring at Midnight June 30, 1959, effective at 7:00 a.m. June 2, 1959.

WILLIAM HOWE DAVIS
Director.

- 2. DISCIPLINARY PROCEEDINGS - CONDUCTING BUSINESS AND PERMITTING PERSONS OTHER THAN LICENSEE AND AGENTS ON LICENSED PREMISES IN VIOLATION OF LOCAL ORDINANCE - GAMBLING - EMPLOYING BARTENDER WITHOUT CARD REQUIRED BY LOCAL REGULATION - PRIOR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN VENEZIA)
1045 West Side Avenue)
Jersey City 6, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-87, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

John Venezia, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On Friday, March 20, 1959, between 2:00 a.m. and 2:35 a.m., you conducted your licensed premises; in violation of Section 4 of Ordinance K-1299 adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950.

"2. On Friday, March 20, 1959, between 2:00 a.m. and 2:35 a.m., you suffered and permitted persons except yourself and your actual employees and agents in and upon your licensed premises; in violation of Section 4 of Ordinance K-1299 adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950.

"3. On Friday, March 20, 1959, you allowed, permitted and suffered gambling, viz., the playing of a pool game for stakes of money or other valuable thing, in and upon

your licensed premises; in violation of Rule 7 of State Regulation No. 20.

"4. On Friday, March 20, 1959, you engaged and employed on your licensed premises in connection with your licensed business, as a bartender, a person known as Richard Cassell who had not been issued an identification card by the Department of Public Safety of the City of Jersey City in conformity with Sections 13 and 14 of Ordinance K-1299 adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950; in violation of Section 15 of said ordinance."

On Friday, March 20, 1959, two ABC agents at defendant's licensed premises observed four men, including the licensee, play two games of pool, the losers paying the winners 50 cents a game and also purchasing drinks for such winners. Thereafter, one of the agents left the premises at about 1:50 a.m. and the other departed at about 2:10 a.m., at which time four men were playing pool and other men were consuming alcoholic beverages. The agents kept the place under observation until about 2:35 a.m., at which time they went to the entrance door and from there observed that four men were playing pool and other men were at the bar consuming alcoholic beverages. The entrance door was locked but the agents were admitted after a short wait. The agents identified themselves to John Venezia, the licensee, one of the two bartenders. Thereupon, Venezia said: "You got me. What can I do." During the course of their conversation with Venezia and Richard Cassell, the other bartender, the latter admitted that he had not obtained and did not possess an identification card as required by a local ordinance.

Another local ordinance prohibits the conduct of the licensed business on the premises between the hours of 2:00 a.m. and 6:00 a.m. on weekdays and further provides that a licensee should not suffer or permit any person whatsoever except the licensee and his actual employees upon the licensed premises during prohibited hours.

Defendant has a previous adjudicated record. Effective February 28, 1949, defendant's license was suspended for ten days by the then Director for possessing alcoholic beverages not truly labeled. Re Venezia, Bulletin 835, Item 2. Since this dissimilar violation occurred more than five years ago, it will not be considered in fixing the penalty herein. Re Forster, Bulletin 1269, Item 9. Effective June 16, 1952, defendant's license was suspended for five days by the local issuing authority for an "hours" violation. I shall suspend defendant's license for fifteen days on Charges 1 and 2, to which will be added five days because of the previous "hours" violation which occurred more than five and less than ten years ago (Re Ollie's Bar, Inc., Bulletin 1218, Item 7); for fifteen days on Charge 3 because the violation does not involve commercialized gambling (Re Sandor, Bulletin 1270, Item 8), and for five days on Charge 4 (Re Hahner, Bulletin 1259, Item 10), making a total suspension of forty days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 16th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-87, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to John Venezia, for premises 1045 West Side Avenue, Jersey City, be and the same is hereby suspended for thirty-five (35) days, commencing at 2:00 a.m. Thursday, April 23, 1959, and terminating at 2:00 a.m. Thursday, May 28, 1959.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LOTTERY - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

THADDEUS BARA)
t/a BARA'S TAVERN)
1700-1706 E. Edgar Road)
Linden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden.)

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Stephen Orlando, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Sunday, January 25, 1959, between 12:15 p.m. and 12:45 p.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, at retail, in their original containers for consumption off your licensed premises and allowed, permitted and suffered the removal of said alcoholic beverages in their original containers from your licensed premises; in violation of Rule 1 of State Regulation No. 38.

"2. On Saturday, January 24, 1959 and on divers Saturdays prior thereto, you allowed, permitted and suffered a lottery, commonly known as 'horse race pool' to be conducted in and upon your licensed premises and possessed, had custody of and allowed, permitted and suffered tickets and participation rights in such aforementioned lottery, in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

On Saturday, January 24, 1959, ABC agents observed defendant accept one dollar from each of several patrons who had picked the names of horses scheduled to enter a race to be televised that afternoon. After the race was finished, the patron who had drawn the winning horse had already left the defendant's premises.

On Sunday, January 25, 1959, an agent purchased a pint of Calvert Reserve whiskey from defendant and, after paying for the same, left the premises. He and another agent returned immediately thereafter and, after making known their identity to defendant, the latter acknowledged the violation. Furthermore, when defendant was asked about the horse-race pool held on the previous day, he admitted that on several previous Saturdays, patrons had conducted similar pools on the premises.

Defendant has no prior adjudicated record. I shall suspend defendant's license for thirty days on the charges herein. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days. Cf. Re Holinda & Whelan, Bulletin 1134, Item 11.

Accordingly, it is, on this 9th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-1, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden to Thaddeus Bara, t/a Bara's Tavern, for premises 1700-1706 E. Edgar Road, Linden, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Monday, April 13, 1959, and terminating at 2:00 a.m. Friday, May 8, 1959.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CHRISTOPHER VICARI, INC.)
1383 Springfield Ave.)
Irvington, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-18, issued by the Board of Commissioners of the Town of Irvington.)

-----)
Defendant-licensee, by Christopher Vicari, President.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"on February 6, 1959, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises alcoholic beverages in bottles which bore labels which did not truly describe their contents, viz.,

One 4/5 quart bottle labeled 'Seagram's Seven Crown American Blended Whiskey 86 Proof',

One quart bottle labeled 'Kinsey Gold Blended Whiskey 86 Proof',

One quart bottle labeled 'Calvert Reserve American Blended Whiskey 86 Proof'.

One quart bottle labeled 'Gallagher and Burton Black Label Blended Whiskey 86 Proof',

One quart bottle labeled 'Carstairs 1788 White Seal Blended Whiskey 86 Proof',

One quart bottle labeled 'Four Roses Blended Whiskey 86 Proof' and

One quart bottle labeled 'Guckenheimer Whiskey A Blend 86 Proof';

in violation of Rule 27 of State Regulation No. 20."

On February 6, 1959, an ABC agent seized on defendant's premises the seven bottles mentioned in the charge because the

contents of the bottles appeared to be low in proof. At that time Joseph Vicari, Treasurer of defendant corporation, was tending bar and denied to the agent that he had any knowledge that anyone had tampered with the contents of the bottles. The Division's chemist reports that his analysis disclosed that the contents of the seized bottles varied substantially in acids and solids from the contents of genuine samples of the products which the seized bottles purported to contain.

Defendant has no prior record. In attempted mitigation Christopher Vicari denies that he tampered with the contents of the bottles and places the blame for the violation on extra bartenders he hired because he is ill. Nevertheless, defendant is responsible for the acts of its servants and agents. I shall suspend defendant's license for thirty days, the minimum suspension imposed in a case involving seven bottles (Re Frank's Tavern, Inc., Bulletin 1164, Item 3). Five days will be remitted for the plea, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 15th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-18, issued by the Board of Commissioners of the Town of Irvington to Christopher Vicari, Inc., for premises 1383 Springfield Avenue, Irvington, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Monday, April 27, 1959, and terminating at 2:00 a.m. Friday, May 22, 1959.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

BERT & CELIA SILBERBERG)
t/a PUBLIC SERVICE WINE & LIQUOR)
STORE)
37 Colden Street & 203 New Street)
Newark 4, N. J.,)

CONCLUSIONS
AND ORDER

-----)
Holders of Plenary Retail Consumption License C-2, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Bert Silberberg and Celia Silberberg, Defendant-licensees, Pro se.
William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charge:

"On February 13, 1959, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, alcoholic beverages in bottles which bore labels which did not truly describe their contents, viz.,

One 4/5 quart bottle labeled 'Imported Canadian Club Blended Canadian Whisky 90.4 Proof',

One 4/5 quart bottle labeled 'Imported Seagram's V. O. Canadian Whisky A Blend 86.8 Proof',

One quart bottle labeled 'Fleischmann's 90 Proof Preferred Blended Whiskey',

One quart bottle labeled 'Seagram's Seven Crown American Blended Whiskey 86 Proof',

One 4/5 quart bottle labeled 'Imperial Hiram Walker Blended Whiskey 86 Proof' and

One quart bottle labeled 'Calvert Reserve American Blended Whiskey 86 Proof';

in violation of Rule 27 of State Regulation No. 20."

On February 13, 1959, an ABC agent seized on defendants' premises the six bottles mentioned in the charge because the contents of the bottles appeared to be off in proof. The Division's chemist reports that his analysis disclosed that the contents of the seized bottles varied substantially in solids from the contents of genuine samples of the products which the seized bottles purported to contain.

Defendants have no prior adjudicated record. In attempted mitigation, Bert Silberberg states that defendants have operated licensed premises for sixteen years; that he has been ill for many months and that he believes the violation was committed by one of the bartenders he employed after he became ill. Nevertheless, defendants are responsible for the acts of their agents and employees. I shall suspend defendants' license for twenty-five days, the minimum suspension imposed in a case involving six bottles (Re Prouse, Bulletin 1143, Item 10). Five days will be remitted for the plea, leaving a net suspension of twenty days.

Accordingly, it is, on this 13th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-2, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Bert & Celia Silberberg, t/a Public Service Wine & Liquor Store, for premises 37 Colden Street & 203 New Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, April 21, 1959, and terminating at 2:00 a.m. Monday, May 11, 1959.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOSEPH SWIDERSKI)
t/a JOEY'S BAR)
1114 South Wood Avenue)
Linden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-56, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden.)

Joseph Swiderski, Defendant-licensee, Pro se.
William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he possessed on his licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On February 7, 1959 an ABC agent tested the licensee's open bottles of alcoholic beverages (40 bottles) and seized six of such bottles because they appeared to have been refilled. Subsequent analysis by the Division's chemist disclosed that the contents of five of said bottles, when compared with samples of the genuine product of the labeled brand, are high in solids and low in acids and that the contents of one of said bottles were low in solids.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty-five days, the minimum period where six bottles are involved. Re Prouse, Bulletin 1143, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 6th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-56, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden to Joseph Swiderski, t/a Joey's Bar, for premises 1114 South Wood Avenue, Linden, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, April 14, 1959, and terminating at 2:00 a.m. Monday, May 4, 1959.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

JOSEPH P. MESSINA)
58 Warren Street)
Newark 2, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-599, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Newark.)

-----)
Samuel D. Bozza, Esq., Attorney for Defendant-licensee.)
David S. Piltzer, Esq., appearing for Division of Alcoholic)
Beverage Control.)

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he possessed on his licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On February 17, 1959, an ABC agent seized three bottles of alcoholic beverages on defendant's premises because their contents appeared to be off in proof and color. At the time of the seizure defendant admitted to the ABC agent that he had refilled the three bottles with a different brand of whiskey.

Defendant has no prior adjudicated record. The penalty imposed in a case involving three bottles is a suspension for twenty days (Re Pittman, Bulletin 1268, Item 9). Under all the circumstances of this case I shall suspend defendant's license for twenty days. Five days will be remitted for the plea, leaving a net suspension of fifteen days.

Accordingly, it is, on this 6th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-599, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Joseph P. Messina, for premises 58 Warren Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, April 13, 1959, and terminating at 2:00 a.m. Tuesday, April 28, 1959.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

WILLIAM H. & SUE STANTON SPATH t/a SPATH'S TAVERN 286 Sussex Avenue Newark 7, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-106, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Edward Stanton, Esq., Attorney for Defendant-licensees.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On February 6, 1959, an ABC agent, while inspecting defendants' open stock of alcoholic beverages, seized a bottle of Seagram's Seven Crown American Blended Whiskey 86 Proof and a bottle of Calvert Reserve American Blended Whiskey 86 Proof which appeared to have been refilled. William H. Spath (one of the licensees) claimed that he refilled the quart-bottle of Seagram whiskey from pint-bottles of the same brand and that he probably refilled the quart-bottle of Calvert whiskey from pint-bottles of Seagram. The chemist's report discloses that the acids and the solids content of the seized whiskey differ from the contents of genuine bottles of the respective brands.

Defendants have no prior adjudicated record. I shall suspend their license for the minimum period of fifteen days for a "refill" case involving two bottles (Re Broad Street Bar, Inc., Bulletin 1246, Item 5). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 7th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-106, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to William H. & Sue Stanton Spath, t/a Spath's Tavern, for premises 286 Sussex Avenue, Newark, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, April 14, 1959, and terminating at 2:00 a.m. Friday, April 24, 1959.

WILLIAM HOWE DAVIS
Director.

9. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF
ILLICIT ALCOHOL - ALCOHOL AND MOTOR VEHICLE ORDERED
FORFEITED - LIEN CLAIM OF INNOCENT LIENOR RECOGNIZED.

In the Matter of the Seizure on) Case No. 9906
February 25, 1959 of a quantity)
of alcohol and a Buick sedan on)
the New Jersey Turnpike at the) ON HEARING
40 Mile Post, Township of Mount) CONCLUSIONS AND ORDER
Laurel, County of Burlington and)
State of New Jersey.)

Chemical Corn Exchange Bank, by Eugene McCann, Assistant
Supervisor.

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

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions
of Title 33, Chapter 1, Revised Statutes of New Jersey, to
determine whether 118 two-quart "Mason" jars of alcohol and a
Buick sedan, described in a schedule attached hereto, seized on
February 25, 1959 on the New Jersey Turnpike, at the 40 Mile
Post, Mount Laurel Township, New Jersey, constitute unlawful
property and should be forfeited.

When the matter came on for hearing pursuant to R. S.
33:1-66 an appearance was entered on behalf of Chemical Corn
Exchange Bank, which sought recognition of its alleged lien
upon the motor vehicle. No one opposed forfeiture of the
alcoholic beverages.

Reports of ABC agents and other documents in the file
presented in evidence with consent of the representative of
the bank disclose the following facts:

A New Jersey State trooper halted the Buick sedan on
the above date and location while on routine patrol of traffic
on the highway. The trooper ascertained that the motor vehicle
was being operated by Daniel Spellman, its registered owner.
When the trooper discovered 118 two-quart "Mason" jars of
alcohol, in the trunk and on the rear seat of the car, without
a stamp on any of the jars indicating the payment of tax on
alcoholic beverages, he arrested Spellman, and took the alco-
hol and car into custody. Later such alcohol and motor vehicle
were turned over to ABC agents.

A sample of the contents of one of the jars was analyzed
by the Division chemist, who reports that it is alcohol and
water, fit for beverage purposes, with an alcoholic content by
volume of 48 percent.

Daniel Spellman, in a signed statement, relates that he
was out of work and, while on a visit in North Carolina, accepted
an offer from a person he met there to transport ten cases of
"moonshine" alcohol from North Carolina to a person residing in
Brooklyn, New York.

The seized alcohol is illicit because of the absence of
a tax stamp on any of the jars and, further, because it is the
product of an illicit still. R. S. 33:1-1(i), R.S. 33:1-88.
Such illicit alcohol and the Buick sedan in which such illicit
alcoholic beverages were transported and found constitute unlaw-
ful property and are subject to forfeiture. R. S. 33:1-1(y),
R. S. 33:1-2, R.S. 33:1-66.

Chemical Corn Exchange Bank presented in evidence a conditional sales contract dated June 17, 1957 which the bank holds by assignment. The contract, signed by Daniel Spellman, evidences the conditional sale to him of the Buick sedan in question for the sum of \$1674.00, with an unpaid balance thereon of \$1140.00. The present balance due on the contract is \$237.50.

Before accepting the contract and extending credit to Daniel Spellman, the bank received information that he was 25 years of age, single, resided at an address in Brooklyn, New York, was employed by an industrial concern as a truck driver, at a salary of \$65.00 per week, and was furnished with various personal and business references. The bank checked this information and found it to be accurate, and did not uncover any derogatory information. However, because it appeared that he had been at his current place of employment for only a month and had a comparatively low income, the bank requested and obtained the signature on the contract of one of Spellman's references as a guarantor. Daniel Spellman does not appear to have any previous criminal record.

I am satisfied from the evidence presented that the Chemical Corn Exchange Bank acted in good faith and did not know, or have any reason to suspect, that the Buick sedan would be used to transport illicit alcohol. I shall recognize its lien against such motor vehicle to the extent of \$237.50.

It appears likely that the amount realized at public sale of the motor vehicle will exceed the cost of seizure and amount of the lien.

Accordingly, it is, on this 7th day of April, 1959,

DETERMINED and ORDERED that the Buick sedan described in Schedule "A" attached hereto constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and that it shall be offered for sale at public sale pursuant to State Regulation No. 29 and sold by the Director of the Division of Alcoholic Beverage Control if a bid satisfactory to him is obtained; otherwise the motor vehicle will be returned to Chemical Corn Exchange Bank upon payment of the costs of its seizure, storage and sale; and it is further

DETERMINED and ORDERED that if the Buick sedan is sold, out of the proceeds of said sale there shall be first deducted the costs of seizure, storage and sale as have been or may be incurred; second, out of the balance, if any, there shall be paid to the Chemical Corn Exchange Bank its lien claim, recognized to the extent of \$237.50; and, third, the balance, if any, of the proceeds of such sale, after the payments aforesaid, shall be retained for the use of the State of New Jersey; and it is further

DETERMINED and ORDERED that the 118 two-quart "Mason" jars of alcohol listed in the aforesaid Schedule "A", constitute unlawful property and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66 and that it be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS
Director.

SCHEDULE "A"

- 118 - two-quart "Mason" jars of alcoholic beverages
- 1 - Buick sedan, Serial No. A7006063, Engine No. V8H68287, New York Registration 7K1115.

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

In the Matter of Disciplinary Proceedings against)

GENNARO G. NANI & MARGARET NANI)
t/a LUIGI'S)
54 Mt. Vernon Street)
Ridgefield Park, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-2, issued by the Board of Commissioners of the Township of Ridgefield Park.)

Gennaro G. Nani & Margaret Nani, Defendant-licensees, Pro se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

On February 9, 1959, an ABC agent who tested all of defendants' opened bottles seized one bottle labeled "Yellowstone Kentucky Straight Bourbon Whiskey" because the contents thereof appeared to be off in proof and color. The Division's chemist reports that his analysis discloses that the contents of the seized bottle was 26.2 proof short and, hence, not genuine as labeled.

Defendants have no prior adjudicated record. I shall suspend defendants' license for ten days (Re Rossetti, Bulletin 1258, Item 7). Five days will be remitted for the plea, leaving a net suspension of five days.

Accordingly, it is, on this 9th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-2, issued by the Board of Commissioners of the Township of Ridgefield Park to Gennaro G. Nani & Margaret Nani, t/a Luigi's, for premises 54 Mt. Vernon Street, Ridgefield Park, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m. Monday, April 20, 1959, and terminating at 3:00 a.m. Saturday, April 25, 1959.

WILLIAM HOWE DAVIS
Director.

11. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
VERA MESSEKA)
t/a VERA'S TAVERN)
35 Whitehead Avenue)
South River, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-15, issued by the)
Borough Council of the Borough of)
South River.)
-----)

Vera Messeka, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging
that she sold, served and delivered alcoholic beverages to
a minor, in violation of Rule 1 of State Regulation No. 20.

On March 6, 1959, Asbury --- (age 20), accompanied
by another minor, drove his car to defendant's tavern. Asbury
entered and purchased twelve cans of beer from Edward Murasko
(the bartender) who did not question him as to his age or
request him to sign any written representation thereof. The
minor who accompanied Asbury observed him enter the premises
and return to the motor vehicle with the beer. Asbury and
his companion drove away and were later apprehended by local
police who found nine cans of beer in the car.

Defendant has a prior adjudicated record. Effective
April 23, 1951, her license was suspended for two days by the
then Director for possession of a mislabeled beer tap
(Re Messeka, Bulletin 904, Item 8). Since this dissimilar
violation occurred more than five years ago, it will not be
considered in fixing the penalty herein (Re Forster, Bulletin
1269, Item 9). I shall suspend defendant's license for the
minimum period of ten days for a sale to a twenty-year-old
minor (Re Boggetti, Bulletin 1246, Item 7). Five days will be
remitted for the plea entered herein, leaving a net suspension
of five days.

Accordingly, it is, on this 9th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-15,
issued by the Borough Council of the Borough of South River
to Vera Messeka, t/a Vera's Tavern, for premises 35 Whitehead
Avenue, South River, be and the same is hereby suspended for
five (5) days, commencing at 2:00 a.m. Monday, April 20, 1959,
and terminating at 2:00 a.m. Saturday, April 25, 1959.

WILLIAM HOWE DAVIS
Director.

12. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

PAUL'S TAVERN, INC.)
 t/a FRIENDLY TAVERN)
 1466 River Rd.)
 Edgewater, N. J.,)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consump-)
 tion License C-4, issued by the)
 Mayor and Borough Council of the)
 Borough of Edgewater.)

-----)
 Defendant-licensee, by Anthony Cacchiotti, President.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Sunday, March 8, 1959, between 11:00 a.m. and 11:30 a.m., you sold, served and delivered and suffered and permitted the sale, service and delivery of alcoholic beverages, directly or indirectly; in violation of Section 9 of an Ordinance adopted by the Mayor and Council of the Borough of Edgewater on June 18, 1940.

"2. On Sunday, March 8, 1959, between 11:30 a.m. and 11:35 a.m., while investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey were conducting an investigation, inspection and examination at your licensed premises, you, through agents, servants, employees and other persons in your behalf, failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation, inspection and examination; in violation of R. S. 33:1-35."

On Sunday, March 8, 1959, at about 11:30 a.m., an ABC agent attempted to enter the licensed premises and found the barroom door locked but was able to observe four men seated at the bar drinking beer. One of the men additionally had a drink of whiskey before him. A bartender, later identified as Louis Cacchiotti (father of Anthony Cacchiotti) who was behind the bar, came to the door and told the agent to go away. The agent then joined a fellow-agent stationed nearby and both came to the door and knocked thereon. Louis Cacchiotti stated that the place was not open. The agents then displayed their credentials and badges through a window and repeatedly stated in loud tones that they were ABC agents. In the meantime the agents observed one of the men remove the four glasses of beer and the glass of whiskey from the bar and carry them to a rear room despite the repeated verbal commands of the agents not to touch the glasses. While the drinks were being so removed, Louis Cacchiotti came to the door and still refused to admit the agents although they told him they were such agents and wished to be admitted. Thereupon the agents applied pressure to the door and were able to gain entrance to the barroom. By this time the contents of the glasses were gone, although the

four empty beer glasses and one whiskey glass were in the sink of the rear room. Three of the men denied they had been drinking alcoholic beverages, and the fourth man said that he entered the premises about 11:00 a.m. to discuss repair work there and Louis Cacchiotti gave him a drink of whiskey and a drink of beer free of charge. The local ordinance prohibits the sale, service and delivery of alcoholic beverages on Sundays between the hours of 3:00 a.m. and 1:00 p.m.

Defendant has no prior adjudicated record. During subsequent investigation Anthony Cacchiotti told the agents that his father, who is 77 years old, does not understand the English language very well. I shall suspend the defendant's license for a period of fifteen days on Charge 1, and for ten days on Charge 2, making a total suspension of twenty-five days (Re The Barracuda, Bulletin 1255, Item 6). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 13th day of April, 1959,

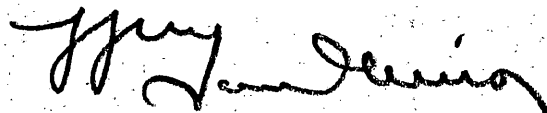
ORDERED that Plenary Retail Consumption License C-4, issued by the Mayor and Borough Council of the Borough of Edgewater to Paul's Tavern, Inc., t/a Friendly Tavern, for premises 1466 River Rd., Edgewater, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. Tuesday, April 21, 1959, and terminating at 3:00 a.m. Monday, May 11, 1959.

WILLIAM HOWE DAVIS
Director.

13. STATE LICENSES - NEW APPLICATION FILED.

Newport Bottling Works Inc.
1538 Newport Street & 1101 Morton Street
Camden, N. J.

Application filed May 22, 1959 for person-to-person transfer of State Beverage Distributor's License SBD-36 from Vincent Raczykowski, t/a Newport Bottling Works.



William Howe Davis
Director.