

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 940

JULY 23, 1952

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 940

JULY 23, 1952.

1. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF REGULATIONS NO. 38 - SECOND SIMILAR OFFENSE WITHIN FIVE-YEAR PERIOD - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HARRY LYNESS)
316 Grand Street)
Paterson 1, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-175 for the 1951-52 and 1952-53 licensing years, issued by the Board of Alcoholic Beverage Control of the City of Paterson.)

Murner & Murner, Esqs., by James J. Murner, 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 sold two quart bottles of beer in their original containers for consumption off the licensed premises, at about 12:05 a.m., on Sunday, June 15, 1952, in violation of Rule 1 of State Regulations No. 38.

The file discloses that two AB^U agents entered defendant's licensed premises at approximately 10:15 p.m. on Saturday, June 14, 1952. Between 10:30 p.m. and midnight they observed the bartender make five separate sales and deliveries of alcoholic beverages to customers in original containers for consumption off the licensed premises; three of beer, one of wine and one of whiskey. Thereafter, at 12:05 a.m., Sunday, June 15th, one of the agents ordered and received two quart bottles of beer for which he paid the bartender 90¢. The agents left the premises with the beer but immediately reentered and identified themselves to the bartender.

The first two sales of beer observed by the agents were for 40¢ per quart but when the third sale was made the bartender told the customer that it was "after hours" and that the price would be 45¢ per quart. Accordingly, he charged 90¢ for two quarts of beer. The pint of whiskey (Calvert Reserve) was sold for \$3.00 despite the fact that the minimum resale price was \$2.78.

The bartender admitted making the sales above mentioned and sought to explain that he made the sales after hours because business was "slow" and he thought that he would "make a few extra dollars for the boss".

Defendant has a record of previous violations. His license was suspended by the then State Commissioner for ten days, effective November 8, 1948, for the same offense as is here charged (Re Lyness, Bulletin 820, Item 11), and by the local issuing authority for two days, effective March 4, 1942, for sales of alcoholic beverages during prohibited hours in violation of local regulation.

In alleged mitigation it is contended that the sale was made by a bartender in the absence of the licensee and contrary to his instructions. However, as was pointed out in the prior case

(Re Lyness, supra), "The licensee is responsible at all times for the proper conduct of his licensed premises. Cf. Essex Holding Corp. v. Hock, 136 N.J.L. 28." A licensee may not hide behind his employees and it is immaterial that an offense may have been committed in his absence or contrary to his instructions. Re Paton, Bulletin 898, Item 3, and authorities there cited. See also Rule 31 of State Regulations No. 20.

The usual penalty for a second offense of this kind occurring within a five-year period is a thirty-day suspension of the license. Re Behling, Bulletin 811, Item 3. However, the number of illegal sales made in less than two hours, the increase in price, and the deliberate character of the violation reveal an established practice designed to increase business. Because of these aggravating circumstances, I shall suspend the license for thirty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Although this proceeding was instituted during the 1951-52 licensing period, it does not abate but remains fully effective against the renewal license for the licensing year 1952-53. State Regulations No. 16.

Accordingly, it is, on this 14th day of July, 1952,

ORDERED that Plenary Retail Consumption License C-175 for the 1952-53 licensing year, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Harry Lyness, 316 Grand Street, Paterson, be and the same is hereby suspended for a period of thirty (30) days, commencing at 3:00 a.m. July 21, 1952, and terminating at 3:00 a.m. August 20, 1952.

DOMINIC A. CAVICCHIA
Director.

2. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

WHITEY'S WELCOME TAVERN, INC.
T/a WHITEY'S WELCOME TAVERN
1383-85 Springfield Avenue
Irvington 11, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-18 for the 1951-52 and 1952-53 licensing years, issued by the Board of Commissioners of the Town of Irvington.

Feld & Breitner, Esq., by Joseph J. Breitner, Esq., Attorneys for Defendant-licensee.

William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it possessed on its 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 Regulations No. 20.

On May 12, 1952, an ABC agent, in the course of a routine inspection of defendant's licensed premises, seized a 4/5 quart

bottle labeled "Haig & Haig Five Star Blended Scots Whisky 86.8 Proof" when his field test disclosed a variance between the label thereon and the contents thereof. Subsequent analysis by the Division chemist disclosed that the contents of the seized bottle were not genuine as labeled. On defendant's behalf it is claimed that only two persons tend bar, one of the stockholders and his son. The son, who was tending bar when the inspection was made, denied any knowledge of the discrepancy. Nevertheless, a licensee is responsible for any "refills" found upon his licensed premises. Cedar Restaurant & Cafe Co. v. Hock, 135 N.J.L. 156.

The minimum suspension for an unaggravated violation similar to the instant case is fifteen days (Re Rudolph, Bulletin 680, Item 1). However, effective August 7, 1950, defendant's license was suspended for five days by the local issuing authority for sale of alcoholic beverages to a minor. Under the circumstances, I shall suspend defendant's license for a period of twenty days, less five days' remission for the plea entered herein, or a net suspension of fifteen days. Re Cummins, Bulletin 838, Item 11.

Although this proceeding was instituted during the 1951-52 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1952-53. State Regulations No. 16.

Accordingly, it is, on this 7th day of July, 1952,

ORDERED that Plenary Retail Consumption License C-18, issued for the 1952-53 licensing year by the Board of Commissioners of the Town of Irvington to Whitey's Welcome Tavern, Inc., t/a Whitey's Welcome Tavern, 1383-85 Springfield Avenue, Irvington, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. July 14, 1952, and terminating at 2:00 a.m. July 29, 1952.

DOMINIC A. CAVICCHIA
Director.

3. APPELLATE DECISIONS - BLUMETTI v. JERSEY CITY.

GUS BLUMETTI and WILLIAM DEUTSCH,)
t/a MALLORY TAVERN,)

Appellants,)

-vs-)

ON APPEAL
CONCLUSIONS AND ORDER

MUNICIPAL BOARD OF ALCOHOLIC)
BEVERAGE CONTROL OF THE CITY OF)
JERSEY CITY,)

Respondent.)

-----)
Samuel Moskowitz, Esq., Attorney for Appellants.
John B. Graf, Esq., by Louis E. Saunders, Esq., Attorney for Respondent.

This is an appeal from a resolution and order of respondent Board whereby it found appellants guilty of a charge alleging that they violated Rule 6 of State Regulations No. 20 and whereby the Board suspended appellants' plenary retail consumption license for ten days. Appellants' premises are located at 162 Mallory Avenue, Jersey City.

Upon the filing of the appeal an Order was entered staying respondent's order of suspension until the entry of a further order herein. R.S. 33:1-31.

Rule 6 of State Regulations No. 20 provides:

"No licensee shall allow, permit or suffer in or upon the licensed premises any lottery to be conducted, or any ticket or participation right in any lottery to be sold or offered for sale; nor shall any licensee possess, have custody of, or allow, permit or suffer any such ticket or participation right, in or upon the licensed premises."

The evidence herein discloses that on the afternoon of October 12, 1951, a number of police officers of the City of Jersey City entered appellants' licensed premises. One of the officers testified that they had observed a "known bookie" entering the premises. The officers searched the person described as a "known bookie" but found no gambling slips of any kind in his possession. The officers then proceeded to search the premises without any objection interposed by Gus Blumetti, the licensee who was in charge of the premises. A large number of slips of paper, clearly identified as number slips, and some coins were found in the pocket of a jacket and the pocket of a raincoat, both of which, with other coats, were hanging on the rear wall of the premises. Another batch of number slips was found in a can used for disposal of garbage or papers.

There is no evidence that a lottery was conducted or that any lottery ticket was sold or offered for sale on the licensed premises. The sole question is whether the evidence supports that portion of the charge which alleges that appellants did "possess, have custody of, or allow, permit or suffer any such ticket or participation right, in or upon the licensed premises".

It appears from the evidence that neither the jacket nor the raincoat was the property of Gus Blumetti. He testified that he had no knowledge that the slips were in the pockets of these articles of clothing or in the garbage can. The case thus differs from Jandoli v. Orange, Bulletin 233, Item 7, where the lottery slips were found in an overcoat which the licensee admitted he owned. It differs also from the case entitled Re Gavlak, Bulletin 910, Item 7, wherein the lottery slips were found on a portion of the licensed premises under the control of the licensee. Incidentally, there is no evidence in the case to indicate that appellants had any knowledge that the person searched by the officers was a "known bookie".

After carefully considering the evidence, I conclude that it is sufficient to sustain the finding of guilt as to any portion of the charge. Hence, the action of respondent must be reversed. Klein v. New Brunswick, Bulletin 932, Item 3.

Accordingly, it is, on this 24th day of June, 1952,

ORDERED that the action of the respondent in finding appellants guilty of the charge herein and suspending their license for ten days be and the same is hereby reversed.

EDWARD J. DORTON
Acting Director.

4. CANCELLATION PROCEEDINGS - CHARGE ALLEGING THAT LICENSE HAD BEEN IMPROVIDENTLY ISSUED IN VIOLATION OF P.L. 1952, CH. 284, SUSTAINED-- LICENSE CANCELLED.

In the Matter of Cancellation)
Proceedings against)

GEORGE McCOLLUM)
521 Grand Avenue)
North Bergen, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Limited Retail Distri-)
bution License DL-12, issued by)
the Municipal Board of Alcoholic)
Beverage Control of the Township)
of North Bergen.)

John J. Meehan, Esq., Attorney for Licensee.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

Licensee was ordered to show cause why his limited retail distribution license should not be suspended, revoked or cancelled and declared null and void because:

"Said license was improvidently issued in violation of P. L. 1952, ch. 284 prohibiting the issue of new limited retail distribution licenses in that it is a new limited retail distribution license issued after May 23, 1952, the effective date of said Act."

The evidence herein discloses that the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen issued a limited retail distribution license to George McCollum on May 26, 1952. Section 2 of P.L. 1952, ch. 284 (which was signed by Governor Driscoll on May 23, 1952, and became effective immediately) provides:

"2. No new limited retail distribution license shall be issued in any municipality after this act becomes effective, except as provided in section four of this act."

There is nothing in Section 4 of the Act which would apply to the facts of this case.

The licensee contends that the license which he now holds is not a "new license". Our records show that the licensee held a limited retail distribution license for the 1951-52 licensing year. However, on April 9, 1952, an order was entered cancelling said license, effective at 9:00 a.m. April 14, 1952, because it had been issued in violation of P.L. 1951, ch. 163. Re McCollum, Bulletin 933, Item 6. Thereafter, and on or before May 2, 1952, George McCollum filed an application for the license which he now holds. Clearly said application was not filed for a renewal of an expired or expiring license and, hence, the license issued to him on May 26, 1952, must be considered a new license. See Sections 1 and 2 of P.L. 1952, ch. 284.

On behalf of the licensee, John A. Bado, Chairman of the Municipal Board, testified that the Board considered McCollum's application at an executive meeting on May 2 but that no formal action on the application was taken at that time although there were then two vacancies in the quota fixed by an ordinance limiting the number of limited retail distribution licenses. It seems to be apparent from the testimony that there was some delay in acting upon the application because of the belief that the Board of Commissioners of the

Township might amend the ordinance to increase the permissible number of such licenses and that a proposed amendment to said ordinance was defeated at a meeting of the Board of Commissioners held on May 21. In any event, it clearly appears that the license in question was not issued by the Municipal Board of Alcoholic Beverage Control to George McCollum until May 26, 1952 (three days after P.L. 1952, ch. 284, became effective).

From the evidence I am satisfied that all parties acted in good faith but, nevertheless, under the facts of the case I have no alternative except to enforce the law and cancel the license.

Accordingly, it is, on this 25th day of June, 1952,

ORDERED that Limited Retail Distribution License DL-12, issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen to George McCollum, for premises 521 Grand Avenue, North Bergen, be and the same is hereby cancelled and declared null and void, effective at 9:00 a.m. June 30, 1952.

EDWARD J. DORTON
Acting Director.

5. CANCELLATION PROCEEDINGS - CHARGE ALLEGING THAT LICENSE HAD BEEN IMPROVIDENTLY ISSUED IN VIOLATION OF P. L. 1952, CH. 284, SUSTAINED - LICENSE CANCELLED.

In the Matter of Cancellation)
Proceedings against)

PAUL CERNEK & MARTIN CERNEK)
901 - 76th Street)
North Bergen, N. J.,)

CONCLUSIONS
AND ORDER

-----)
Holders of Limited Retail Distri-)
bution License DL-1, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the Township)
of North Bergen.)

-----)
Martin T. Connolly, Esq., Attorney for Licensees.)
William F. Wood, Esq., appearing for Division of Alcoholic)
Beverage Control.)

Licensees were ordered to show cause why their limited retail distribution license should not be suspended, revoked or cancelled and declared null and void because:

"Said license was improvidently issued in violation of P. L. 1952, ch. 284 prohibiting the issue of new limited retail distribution licenses in that it is a new limited retail distribution license issued after May 23, 1952, the effective date of said Act."

The evidence herein discloses that the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen issued a new limited retail distribution license to Paul Cernek & Martin Cernek on May 26, 1952. However, Section 2 of P.L. 1952, ch. 284 (which was signed by Governor Driscoll on May 23, 1952, and became effective immediately) provides:

"2. No new limited retail distribution license shall be issued in any municipality after this act becomes effective, except as provided in section four of this act."

There is nothing in Section 4 of the Act which would apply to the facts of this case.

On behalf of the licensees, John A. Bado, Chairman of the Municipal Board, testified that the application for the license in question was filed on April 18, 1952; that the application was considered at an executive meeting of the Board on May 2 but that no formal action on the application was taken at that time although there were then two vacancies in the quota fixed by an ordinance limiting the number of limited retail distribution licenses. It seems to be apparent from the testimony that there was some delay in acting upon the application because of the belief that the Board of Commissioners of the township might amend the ordinance to increase the permissible number of such licenses and that a proposed amendment to said ordinance was defeated at a meeting of the Board of Commissioners held on May 21. In any event, it clearly appears that the license in question was not issued by the Municipal Board of Alcoholic Beverage Control to Paul Cernek & Martin Cernek until May 26, 1952 (three days after P.L. 1952, ch. 284, became effective).

From the evidence I am satisfied that all parties acted in good faith but, nevertheless, under the facts of the case I have no alternative except to enforce the law and cancel the license.

Accordingly, it is, on this 25th day of June, 1952,

ORDERED that Limited Retail Distribution License DL-1, issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen to Paul Cernek & Martin Cernek, for premises 901 - 76th Street, North Bergen, be and the same is hereby cancelled and declared null and void, effective at 9:00 a.m. June 30, 1952.

EDWARD J. DORTON
Acting Director.

6. CANCELLATION PROCEEDINGS - CHARGE ALLEGING THAT LICENSE HAD BEEN IMPROVIDENTLY ISSUED IN VIOLATION OF P.L. 1952, CH. 284, SUSTAINED-LICENSE CANCELLED.

In the Matter of Cancellation)
Proceedings against)

GUSTAV F. OHBERG)
T/a OHBERGS GROCERY & DELICATESSEN)
West Side Highland Lakes Road)
Vernon, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Limited Retail Distribution)
License DL-2 issued by the Township)
Committee of the Township of Vernon.)

No appearance for Gustav F. Ohberg, Licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

Licensee was ordered to show cause why his limited retail distribution license should not be suspended, revoked or cancelled and declared null and void because:

"Said license was improvidently issued in violation of P. L. 1952, ch. 284 prohibiting the issue of new limited retail distribution licenses in that it is a new limited retail distribution license issued after May 23, 1952, the effective date of said Act."

The evidence herein discloses that the Township Committee of the Township of Vernon issued a new limited retail distribution license to Gustav F. Ohberg on June 2, 1952. However, Section 2 of P. L. 1952, ch. 284 (which was signed by Governor Driscoll on May 23, 1952, and became effective immediately) provides:

"2. No new limited retail distribution license shall be issued in any municipality after this act becomes effective, except as provided in section four of this act."

There is nothing in Section 4 of the Act which would apply to the facts of this case and, hence, it appears that the license was issued in violation of the provisions of P.L. 1952, ch. 284.

In a memorandum filed herein, by an attorney representing the licensee, it is stated that the application for the license was filed on May 20, 1952, prior to the effective date of the statute, and that the licensee and the Township Committee acted in good faith and without any intention of violating the law. I am satisfied that this is true but, nevertheless, under the facts of the case I have no alternative except to enforce the law and cancel the license.

Accordingly, it is, on this 25th day of June, 1952,

ORDERED that Limited Retail Distribution License DL-2, issued by the Township Committee of the Township of Vernon to Gustav F. Ohberg, t/a Ohbergs Grocery & Delicatessen, for premises on West side Highland Lakes Road, Vernon, be and the same is hereby cancelled and declared null and void, effective at 9:00 a.m. June 30, 1952.

EDWARD J. DORTON
Acting Director.

7. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1951 TO JUNE 30, 1952 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R. S. 33:1-19

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surrendered Revoked Expired	Number Licenses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	488	\$ 204,000.00	71	\$ 25,212.50	18	\$ 1,674.73						577	230,887.23
Bergen	812	305,720.00	298	79,582.43	81	7,503.74	60	\$ 2,525.93	10	\$ 2,653.38	7	1,254	397,985.48
Burlington	186	72,525.00	31	8,850.00	36	5,150.00	1	25.00				254	86,550.00
Camden	456	218,500.00	82	31,425.00	68	8,270.68			2	750.00	2	606	258,945.68
Cape May	133	65,750.00	11	3,700.00	17	1,713.70						161	71,163.70
Cumberland	81	34,800.00	13	3,500.00	30	4,080.00						124	42,360.00
Essex	1,377	759,305.56	350	203,850.00	100	13,343.64	33	1,650.00	2	1,500.00	1	1,861	979,649.20
Gloucester	107	33,700.00	13	2,950.00	14	1,397.40						134	38,047.40
Hudson	1,558	675,554.00	299	118,310.00	79	9,213.89	73	3,008.45			8	2,001	806,086.34
Hunterdon	76	25,100.00	6	1,787.50	6	700.00						88	27,587.50
Mercer	425	257,400.00	51	20,800.00	53	7,449.18			1	102.50	1	529	285,751.68
Middlesex	634	300,403.21	73	22,011.78	75	6,870.78	6	280.55				788	329,566.32
Monmouth	543	277,807.22	117	39,971.37	32	3,656.58	10	390.45	54	23,128.08	28	728	344,953.70
Morris	353	121,700.21	97	29,871.25	44	4,201.39	17	986.34	10	2,091.90	7	514	158,851.09
Ocean	193	104,417.15	45	18,200.00	16	1,976.97						254	124,594.12
Passaic	879	359,980.00	167	51,061.67	36	4,420.42	11	512.50			2	1,091	415,974.59
Salem	50	18,944.52	7	1,300.00	15	1,270.82			1	262.50	1	72	21,777.84
Somerset	185	75,140.00	38	10,189.00	20	2,415.90						243	87,744.90
Sussex	170	45,137.88	19	3,555.00	9	532.40	2	54.17	2	450.00	1	201	49,729.45
Union	546	288,021.23	144	57,489.66	65	7,136.71	35	1,574.25				790	354,221.85
Warren	148	41,905.00	18	3,257.50	30	2,941.92			4	550.08	2	198	48,654.50
Total	9,400	4,285,810.98	1,950	736,874.66	844	95,900.85	248	11,007.64	86	31,488.44	60	12,468	5,161,082.57

DOMINIC A. CAVICCHIA
Director.

Respectfully submitted,
John H. Michelson
Deputy Director.

Dated: July 15, 1952.

8.

ACTIVITY REPORT FOR JUNE 1952

ARRESTS:		
Total number of persons arrested	-----	18
Licensees and employees	----- 6	
Bootleggers	----- 12	
SEIZURES:		
Motor vehicles - cars	-----	1
Distilled alcoholic beverages - gallons	-----	6.52
Wine - gallons	-----	65.50
Brewed malt alcoholic beverages - gallons	-----	36.18
RETAIL LICENSEES:		
Premises inspected	-----	1,008
Premises where alcoholic beverages were gauged	-----	1,050
Bottles gauged	-----	17,365
Premises where violations were found	-----	100
Violations found	-----	167
Type of violation found:		
Unqualified employees	----- 79	Reg. #38 sign not posted
Disposal permit necessary	----- 4	Probable fronts
Prohibited signs	----- 2	Other violations
		----- 2
		----- 1
		----- 79
STATE LICENSEES:		
Premises inspected	-----	13
License applications investigated	-----	23
COMPLAINTS:		
Complaints assigned for investigation	-----	381
Investigations completed	-----	413
Investigations pending	-----	126
LABORATORY:		
Analyses made	-----	118
Refills (from licensed premises) - bottles	-----	3
Bottles from unlicensed premises	-----	16
IDENTIFICATION BUREAU:		
Criminal fingerprint identifications made	-----	24
Persons fingerprinted for non-criminal purposes	-----	488
Identification contacts made with other enforcement agencies	-----	337
Motor vehicle identifications via N. J. State Police Teletype	-----	17
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	-----	15
Violations involved:		
Sale to minors	----- 6	Permitting gambling (wagering and cards) on premises
Sale during prohibited hours	----- 4	Permitting brawls on premises
Permitting bookmaking on premises	----- 2	Possessing chilled beer (DL licensee)
		----- 1
Cases instituted at Division	-----	9
Violations involved:		
Permitting immoral activity on premises	----- 3	Permitting female impersonators on premises
Permitting lottery activity on premises	----- 2	Conducting business as a nuisance
Sale to minors	----- 2	Sale during prohibited hours
Employing unqualified persons	----- 1	Permitting hostesses on premises
Possessing illicit liquor	----- 1	Permitting foul language on premises
		----- 1
Cases brought by municipalities on own initiative and reported to Division	-----	5
Violations involved:		
Permitting bookmaking on premises	----- 1	Permitting noise on premises
Sale to minors	----- 1	Sale during prohibited hours
Permitting immoral activity on premises	----- 1	Permitting gambling (wagering) on premises
		----- 1
CANCELLATION PROCEEDINGS:		
Cases instituted at Division	-----	3
Violations involved: License issued in violation of DL limitation law.		
HEARINGS HELD AT DIVISION:		
Total number of hearings held	-----	28
Appeals	----- 3	Seizures
Disciplinary proceedings	----- 10	Tax revocation
Eligibility	----- 5	Applications for license
		----- 2
PERMITS ISSUED:		
Total number of permits issued	-----	1,201
Employment	----- 252	
Solicitors	----- 44	Social affairs
Disposal of alcoholic beverages	----- 60	Miscellaneous
		----- 492

DOMINIC A. CAVICCHIA
Director.

Dated: July 1, 1952.

9.

RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FOR THE FISCAL YEAR 1951-52

	1st Quarter July Aug. Sept.	2d Quarter Oct. Nov. Dec.	3d Quarter Jan. Feb. Mar.	4th Quarter Apr. May June	Total
ARRESTS:					
Total number of persons arrested	71	76	56	68	271
Licensees and employees	19	20	26	20	85
Bottleggers	52	56	29	48	185
Personating an ABC officer	0	0	1	0	1
SEIZURES:					
Motor vehicles - Boats	1	0	0	0	1
- Cars	3	5	1	3	12
- Trucks	2	3	0	2	7
Still - over 50 gallons	3	5	1	2	11
- 50 gallons or under	6	6	6	7	25
Alcohol - gallons	124.42	0	4.28	160.00	288.70
Mash - gallons	19,528.64	2,938.00	11,275.00	28,804.23	62,545.87
Distilled alcoholic beverages - gallons	20.20	219.69	8.89	54.42	303.20
Wine - gallons	176.36	4.90	12.63	70.56	264.45
Brewed malt alcoholic beverages - gallons	195.94	74.51	28.54	72.75	371.74
RETAIL LICENSEES:					
Premises inspected	2,073	1,855	2,647	3,055	9,630
Premises where alcoholic beverages were gauged	2,254	2,775	2,971	3,078	11,078
Bottles gauged	38,643	43,610	48,686	51,628	182,567
Premises where violations were found	752	497	549	459	2,257
Violations found	786	579	636	578	2,579
Type of violations found:					
Unqualified employees	72	84	73	1	388
Regs. #38 sign not posted	21	7	14	9	51
Disposal permit necessary	6	3	5	16	30
Other mercantile business	10	3	6	5	24
Probable fronts	2	3	5	2	12
Gambling devices	6	1	2	0	9
Improper beer taps	3	6	0	0	9
Prohibited signs	2	0	0	6	8
Other violations	664	472	531	381	2,048
STATE LICENSEES:					
Premises inspected	93	69	79	54	295
License applications investigated	50	19	39	50	158
COMPLAINTS:					
Complaints assigned for investigation	1,413	1,471	1,540	1,115	5,539
Investigations completed	1,307	1,469	1,364	1,218	5,358
Investigations pending	(178)	(105)	(162)	126	126
LABORATORY:					
Analyses made	354	374	321	348	1,397
Refills (from licensed premises) - bottles	11	6	14	9	40
Bottles from unlicensed premises	47	99	27	46	219
IDENTIFICATION BUREAU:					
Criminal fingerprint identifications made	55	61	77	65	258
Persons fingerprinted for non-criminal purposes	849	533	593	928	2,903
Ident. contacts w/other enforcement agencies	606	461	563	707	2,337
MV ident. via N. J. State Police Teletype	30	23	35	23	111
DISCIPLINARY PROCEEDINGS:					
Cases transmitted to municipalities	37	40	51	43	171
Violations involved:					
Sale during prohibited hours	16	22	16	18	72
Sale to minors	12	13	27	14	66
Failure to afford view into premises during prohibited hours	2	4	3	0	9
Permitting hostesses on premises	0	6	1	2	9
Permitting bookmaking on premises	4	0	0	4	8
Sale to non-members by clubs	1	2	3	0	6
Permitting brawls on premises	0	2	3	1	6
Permitting gambling (cards, wagering)	1	1	1	3	6
Possessing chilled beer (DL licensee)	3	0	0	1	4
Permitting lottery activity on premises	1	0	1	0	2
Employing unqualified persons	0	2	0	0	2
Sale outside scope of license	0	1	0	0	1
Permitting slot machines on premises	0	0	1	0	1
Possessing contraceptives on premises	0	0	1	0	1
Permitting gambling (numbers) on premises	0	0	0	1	1
Sale on credit contrary to municipal regulation	0	0	0	1	1
Cases instituted at Division	37	50*	55	32	174
Violations involved:					
Sale to minors	11	10	19	12	52
Permitting immoral activity on premises	8	6	8	5	27
Possessing illicit liquor	3	6	3	5	17
Sale during prohibited hours	4	1	8	3	16
Sale below minimum resale price	1	3	2	1	12
Permitting hostesses on premises	2	2	3	2	9
Employing unqualified persons	2	2	3	1	8
Fraud and front	1	2**	4	1	8

*1 includes cancellation proceedings (limited distribution premises not operated as bona fide food store)

**1 includes cancellation proceedings (licensee not a bona fide club at time license application was made)

DISCIPLINARY PROCEEDINGS (Cont'd)	1st Quarter			2d Quarter			3d Quarter			4th Quarter			Total
	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
Cases instituted at Division (Cont'd)													
Violations involved:													
Delivery without bona fide invoice		1		2			2			3			8
Sale outside scope of license		2		2			4			0			8
Unauthorized transportation		2		1			1			3			7
Permitting lottery activity on premises		0		1			3			2			6
Sale to non-members by clubs		0		2			2			1			5
Mislabeled beer taps		2		1			1			0			4
Permitting gambling (cards, wager, fights)		0		1			3			0			4
Permitting slot machines on premises		0		0			3			0			3
Permitting bookmaking on premises		1		0			2			0			3
Permitting brawls on premises		0		2			1			0			3
Permitting pin ball machines on premises		1		0			1			1			3
Permitting female impersonators on premises		0		2			0			1			3
Storage off licensed premises		1		1			0			0			2
Permitting prostitutes on premises		1		0			1			0			2
Failure to afford view into premises during prohibited hours		1		0			1			0			2
Sale to intoxicated persons		0		1			1			0			2
Aiding and abetting unlicensed sale		0		0			2			0			2
Failure to report retailer in default		1		0			0			0			1
Sale beyond scope of permit		1		0			0			0			1
Aiding and abetting unauthorized transportation		1		0			0			0			1
Hindering investigation		1		0			0			0			1
Retailer bottling without license		0		1			0			0			1
Furthering illegal activity		0		1			0			0			1
Solicitor-permittee employed by retailer		0		0			1			0			1
Retailer employing solicitor-permittee		0		0			1			0			1
Retailer soliciting house to house		0		0			1			0			1
Violation of special ruling		0		0			1			0			1
Employing female bartender		0		0			1			0			1
Sale to non-members by special permittee		0		0			1			0			1
Possessing contraceptives on premises		0		0			1			0			1
Failure to file notice of change in application		0		0			1			1			2
Conducting business as a nuisance		0		0			0			1			1
Permitting foul language on premises		0		0			0			1			1
Cases brought by municipalities on own initiative and reported to Division	19			27			35			16			97
Violations involved:													
Sale to minors	11			12			18			4			45
Sale during prohibited hours	1			5			6			4			16
Permitting brawls on premises	5			4			4			1			14
Permitting bookmaking on premises	2			3			3			4			12
Sale to intoxicated persons	1			3			0			0			4
Permitting lottery activity (numbers)	0			0			4			0			4
Permitting immoral activity on premises	0			2			1			1			4
Permitting gambling on premises	0			0			2			2			4
Conducting business as a nuisance	0			3			0			0			3
Employing unqualified persons	1			1			0			1			3
Hindering investigation	0			1			0			0			1
Permitting hostesses on premises	0			1			0			0			1
Furthering illegal activity	0			1			0			0			1
Employee working while drunk	0			1			0			0			1
Fraud and front	0			1			0			1			2
Retailer soliciting passersby	0			1			0			0			1
Permitting noise on premises	0			0			0			1			1
CANCELLATION PROCEEDINGS:													
Cases instituted at Division	1			13			0			3			17
Violations involved:													
License issued in viol. of statutory limitation	1			0			0			3			4
Limited distribution premises not operated as bona fide food stores	0			13			0			0			13
HEARINGS HELD AT DIVISION:													
Total number of hearings held	104			97			106			85			392
Appeals	15			8			11			5			39
Disciplinary proceedings	40			50			52			41			183
Eligibility	24			18			22			24			88
Seizures	7			18			7			6			38
Tax revocation	1			2			12			6			21
Applications for license	16			1			2			3			22
Miscellaneous	1			0			0			0			1
PERMITS ISSUED:													
Total number of permits issued	7,332			3,444			2,081			2,811			15,668
Employment	2,109			460			426			597			3,592
Solicitors	2,939			174			241			197			3,551
Disposal of alcoholic beverages	293			258			262			263			1,076
Social affairs	1,086			986			746			1,018			3,836
Special wine	210			1,158			49			127			1,544
Miscellaneous	695			408			357			609			2,069

DOMINIC A. CAVICCHIA
Director.

Dated: July 10, 1952.

10. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - LOTTERY ("50-50 CLUB") ON LICENSED PREMISES - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

THOMAS A. SWANWICK POST 850)
VETERANS OF FOREIGN WARS)
62nd and Polk Streets)
West New York, N. J.,)

CONCLUSIONS AND ORDER

Holder of Club License CB-327 for the 1951-52 and 1952-53 licensing years, issued by the Director of the Division of Alcoholic Beverage Control.)

-----)
Thomas A. Swanwick Post 850, Veterans of Foreign Wars, by James P. Grazioso, Commander.)
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.)

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On divers days during the months between July 1, 1950 and June 1952, you allowed, permitted and suffered a lottery known as '50-50 Club' to be conducted in and upon your licensed premises and sold and offered for sale 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 Regulations No. 20."

On June 25, 1952, an ABC agent found on the cash register in defendant's barroom eight tickets in a "50-50" club lottery sponsored by defendant. The tickets were for the monthly drawing to be held Saturday, July 5, 1952. Defendant's bartender gave a written statement in which he claimed that the tickets belonged to him and admitted that there had been monthly drawings at the licensed premises for approximately two years. He explained that the "50-50" tickets were sold by a special committee of members and that the holder of the winning ticket drawn by lot received half the proceeds of the sale of the tickets, the other half being paid over to defendant's treasurer. The Post Commander, in a letter setting forth alleged mitigating circumstances, claimed that the defendant was unaware that it was committing a violation and stated that the funds raised by the lottery were necessary to carry out the Post's activities.

Defendant has no prior adjudicated record. Under the circumstances, I shall suspend the license for fifteen days, the minimum penalty in such cases. Five days will be remitted for the plea herein, leaving a net suspension of ten days. Re Mutual Society of St. Anthony, Bulletin 935, Item 7.

Although this proceeding was instituted during the 1951-52 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1952-53. State Regulations No. 16.

Accordingly, it is, on this 10th day of July, 1952,

ORDERED that Club License CB-327 for the 1952-53 licensing year, issued by the Director of the Division of Alcoholic Beverage Control to Thomas A. Swanwick Post 850, Veterans of Foreign Wars, for premises at 62nd and Polk Streets, West New York, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. July 21, 1952, and terminating at 3:00 a.m. July 31, 1952.

DOMINIC A. CAVICCHIA
Director.

11. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOSEPH A. CHARETTE)
T/a COQ D'OR)
512 Union Avenue)
Irvington 11, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-15 for the 1951-52 and 1952-53 licensing years, issued by the Board of Commissioners of the Town of Irvington.)
-----)

John J. Gaffey, Esq., Attorney for Defendant-licensee.
William F. Wood, 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 an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulations No. 20.

On May 15, 1952, an ABC agent, in the course of a routine inspection of defendant's licensed premises, seized a 4/5 quart bottle labeled "Old Taylor Kentucky Straight Bourbon Whiskey 100 Proof" when his field test disclosed a variance between the label thereon and the contents thereof. Subsequent analysis by the Division chemist disclosed that the contents of the seized bottle were not genuine as labeled.

Defendant has no previous adjudicated record. Under the circumstances I shall suspend the license for fifteen days, less five days' remission for the plea entered herein, leaving a net suspension of ten days. Re Piasecki, Bulletin 919, Item 7.

Although this proceeding was instituted during the 1951-52 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1952-53. State Regulations No. 16.

Accordingly, it is, on this 8th day of July, 1952,

ORDERED that Plenary Retail Consumption License C-15, issued for the 1952-53 licensing year by the Board of Commissioners of the Town of Irvington to Joseph A. Charette, t/a Coq D'Or, for premises 512 Union Avenue, Irvington, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. July 15, 1952, and terminating at 2:00 a.m. July 25, 1952.

DOMINIC A. CAVICCHIA
Director.

12. MORAL TURPITUDE - CONSPIRACY TO VIOLATE FEDERAL INTERNAL REVENUE LAWS.

DISQUALIFICATION - APPLICATION TO LIFT DENIED, WITH LEAVE TO REAPPLY AFTER JULY 9, 1953.

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

CONCLUSIONS
AND ORDER

Case No. 983.)
- - - - -)

BY THE DIRECTOR:

After petitioner had pleaded guilty in a Federal Court to the crime of conspiracy to violate the Internal Revenue Laws, he was sentenced on May 27, 1937 to serve four months in prison. The operation of the prison sentence was suspended, however, and petitioner was placed on probation for a period of one year and fined \$1,000.00. His arrest in this case resulted from the seizure of a large illicit still. On May 8, 1939, petitioner was found guilty in a Federal Court of conspiracy to violate the Federal Internal Revenue Laws and was sentenced to six months in prison and to pay a fine of \$500.00. In this case it was alleged that defendants conspired to smuggle liquor into the United States without payment of customs' duties. On June 23, 1939, petitioner pleaded nolo contendere in a Federal Court to violation of the Federal Internal Revenue Laws and was sentenced to six months in jail, said sentence to run concurrently with that imposed on May 8, 1939. In this case it was alleged that defendants cleaned denatured alcohol and diverted it into illegal channels. On November 19, 1938, petitioner was arrested in Pennsylvania and on April 13, 1942, was fined \$800.00 by a County Judge after a plea of guilty to a charge of transporting and possessing liquor in violation of the Pennsylvania Liquor Control Act.

Inasmuch as the crimes of conspiracy to violate the Federal Internal Revenue Laws involve moral turpitude, it is unnecessary to determine whether or not petitioner's last conviction involves moral turpitude.

At the hearing herein three witnesses (an employee of an insurance company and two businessmen) testified that they have known petitioner six or more years and that he bears a reputation for being a law-abiding person in the community in which he lives.

The Police Department of the municipality wherein petitioner lives has indicated that there are no complaints or investigations pending at the present time relating to the petitioner.

In view of the petitioner's clear record for more than ten years last past, I would, ordinarily, have no hesitancy in acting favorably on the instant petition. What gives me pause, however, is the warranted inference, from the recited background, that the petitioner has little respect for observance of the laws relating to the alcoholic beverage industry. The record shows that he has been convicted four times for violating liquor laws. Moreover, he testified at the hearing that he was formerly engaged in operating theatres, but that for the past year he has been unemployed; that, during the past year, "I have just been buying real estate and I have been fortunate with some securities in the market, and that's about all I have been doing." On the evidence presented, I am not fully convinced that petitioner's association with the alcoholic beverage

industry will not be contrary to the public interest. I shall deny the petition filed herein, but shall grant petitioner leave to file a new petition after the expiration of one year from the date of this order.

Accordingly, it is, on this 9th day of July, 1952,

ORDERED that the petition herein be and the same is hereby denied, with leave to file a new petition after the expiration of one year from the date of this order.

DOMINIC A. CAVICCHIA
Director.

13. STATE LICENSES - NEW APPLICATIONS FILED.

Joseph Tesei, t/a Volor Beverage Co.
278 Main Street, New Milford, N. J.
Application filed June 23, 1952 for transfer from person to person of State Beverage Distributor's License SBD-85 from Volor Beverage Company, Inc.

Ruth Orris, t/a Wine Specialists Co.
433-35 Harrison Ave., Harrison, N. J.
Application filed June 23, 1952 for transfer from place to place of Wine Wholesale License WW-37 from 100-02-04 Belmont Avenue, Newark, N. J.

Yale Motor Service, Inc.
149 Front Ave., West Haven 16, Connecticut.
Application filed June 24, 1952 for Transportation License.

Carl J., Jack W. and Esther U. Bredenberg
T/a Bredenberg Distributing Company
9 Elk Market Term., Buffalo, N.Y.
Application filed June 26, 1952 for Limited Wholesale License.

Seggerman Slocum Inc.
35-02 Northern Boulevard, Long Island City, N.Y.
Application filed June 30, 1952 for Transportation License.

Louis Galinkin, Inc.
676 South 12th St., Newark, N. J.
Application filed July 1, 1952 for transfer from person to person of State Beverage Distributor's License SBD-133 from Louis Galinkin.

Jacobi & Gallo, Inc.
16th & Madison Sts., Hoboken, N.J.
Application filed July 2, 1952 for Transportation License.

George Stone, t/a Atlas Trucking Company
44 Bleecker St., Newark, N. J.
Application filed July 9, 1952 for Transportation License.