

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

BULLETIN 546

JANUARY 8, 1943

1. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS,  
IN VIOLATION of R.S. 33:1-77 - AGGRAVATING CIRCUMSTANCES -  
PREVIOUS RECORD - 40 DAYS' SUSPENSION.

In the Matter of Disciplinary Proceedings against

DOMENICO VESPER,  
t/a VESPER'S CAFE,  
15 S. 4th Street,  
Camden, N. J.

CONCLUSIONS  
AND  
ORDER

Holder of Plenary Retail Consumption License C-111, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

Anthony F. Marino, Esq., Attorney for Defendant-Licensee.  
William F. Wood, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded not guilty to the following charges:

1. On or about August 5, 1942, you sold alcoholic beverages to Theresa \_\_\_\_, a minor, in violation of R. S. 33:1-77.

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

3. On or about the date aforesaid, you served Theresa \_\_\_\_, a woman, with beverages directly over a bar, in violation of Section 1 of an ordinance concerning alcoholic beverages adopted September 12, 1935 by the Board of Commissioners of the City of Camden.

Defendant also pleaded not guilty to the following supplemental charges:

1. On or about August 9, 1942, you sold alcoholic beverages to Louella \_\_\_\_, a minor, in violation of R.S. 33:1-77.

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

3. On or about the date aforesaid, you served Louella \_\_\_\_\_, a woman, with beverages directly over a bar, in violation of Section 1 of an ordinance concerning alcoholic beverages adopted September 12, 1935 by the Board of Commissioners of the City of Camden.

As to the original charges: At the hearing, Theresa \_\_\_\_\_, a minor, fourteen years of age, testified that, on August 5, 1942, she had been served an alcoholic beverage on the licensed premises; that she and her escort, a soldier, were served at the bar by Ferdinand Vesper, son of the licensee, and that no inquiry had been made as to her age. The soldier testified that he had on many occasions prior to the date in question been served drinks in the licensed premises. He further testified that, on the day in question, he accompanied the girl to Vesper's where he ordered for her and she drank a glass of beer at the bar.

As to the supplemental charges: Detectives of the City of Camden and an investigator from the Department of Alcoholic Beverage Control testified that, on the evening of August 9, 1942, they stopped early in the evening outside the licensed premises and observed men and women drinking at the bar. They returned a second time and saw that the same condition existed. Upon their return for the third time that evening, they entered the licensed premises and found Louella \_\_\_\_\_, a minor, nineteen years of age, at the bar drinking a sloe gin mixed drink.

Louella \_\_\_\_\_ testified at the hearing that she had not been served the alcoholic beverage but had merely taken a sip of the man's drink at the bar. Louella had previously signed a statement admitting that a man had bought her two sloe gin drinks because it was her birthday; that these drinks had been consumed at the bar, and that no inquiry had been made as to her age because Ferdinand Vesper knew her age.

On behalf of the defendant, Ferdinand Vesper, the bartender, testified that he did not serve Theresa \_\_\_\_\_, and that she was never in the licensed premises. He admitted that Louella \_\_\_\_\_ was in the licensed premises on the evening of August 9, 1942, and that she was standing in close proximity to the bar and near a gin fizz drink which he stated had been served to a man. He denied that he had served any alcoholic beverages to Louella.

After having considered all the testimony, I conclude that the defendant is guilty of all the charges.

As to penalty: The sale of alcoholic beverages to, or permitting the consumption by, a minor, and particularly one only fourteen years of age, is a serious violation. The defendant has a previous record, having had his license suspended by the local issuing authority of Camden for three days in March of 1941 for selling alcoholic beverages during prohibited hours on Sunday. I shall suspend his license for a period of forty days.

Accordingly, it is, on this 29th day of December, 1942,

ORDERED that plenary retail consumption license C-111, heretofore issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Domenico Vesper, t/a Vesper's Cafe, for premises 15 S. 4th Street, Camden, be and the same is hereby suspended for a period of forty (40) days, commencing at 2:00 A.M. January 4, 1943, and terminating at 2:00 A.M. February 13, 1943.

ALFRED E. DRISCOLL,  
Commissioner

2. APPELLATE DECISIONS - RITTER v. NORTH BERGEN (CASES NOS. 1 AND 2).

Case #1- )  
 ALFRED RITTER, t/a ALPINE )  
 VILLAGE, )  
 Appellant, )  
 -vs- )  
 MUNICIPAL BOARD OF ALCOHOLIC )  
 BEVERAGE CONTROL OF THE TOWNSHIP )  
 OF NORTH BERGEN, )  
 Respondent. ) On Appeal

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Case #2- ) CONCLUSIONS AND ORDER  
 ALFRED RITTER, t/a ALPINE )  
 VILLAGE, )  
 Appellant, )  
 -vs- )  
 MUNICIPAL BOARD OF ALCOHOLIC )  
 BEVERAGE CONTROL OF THE TOWNSHIP )  
 OF NORTH BERGEN, )  
 Respondent. )

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Louis Steisel, Esq., and Mervin Herzfeld, Esq., Attorneys for Appellant.  
 Nicholas S. Schloeder, Esq., Attorney for Respondent.

BY THE COMMISSIONER:

On May 29, 1942, respondent revoked plenary retail consumption license C-64 which appellant then held for premises at 805 - 90th Street, North Bergen. In Case No. 1 herein, appellant appealed from the action of respondent in revoking his license and, on June 5, 1942, an order was entered in said case staying the revocation until further order of the Commissioner, in accordance with the provisions of R.S.33:1-31. Thereafter, and while the appeal in Case No. 1 was pending, appellant applied to respondent for a renewal of his license for the present fiscal year. Respondent denied the application for renewal because of the previously mentioned revocation. Appellant filed an appeal from said action in Case No. 2 herein and, by an order dated June 30, 1942, I extended the term of the old license until further order, in accordance with the provisions of R.S. 33:1-22. The two appeals were heard together and will be decided at one and the same time.

The license in question was revoked after respondent had found the appellant-licensee guilty of violating Rules 5 and 22 of State Regulations No. 20. Charges of violating the foregoing regulations were preferred as a result of statements given to the North Bergen Police by one Katherine Towers on May 4, 1942. On the basis of these statements, the institution of disciplinary proceedings was clearly warranted.

In her statements Miss Towers set forth certain alleged facts from which it is possible to conclude:

1. That a brawl had occurred on the licensed premises on the morning of May 4th;
2. That on a dozen times she had accompanied men from the licensed premises for the purpose of having sexual intercourse with them outside of the premises;
3. That she had consumed alcoholic beverages at the bar at the expense of certain patrons.

At the hearing before the local Board, however, Miss Towers repudiated the previous statements given by her to the police. She testified that, on the early morning of May 4, while she was present on the licensed premises, a male patron accused her of being a prostitute, as a result of which she engaged in a verbal argument with one Mary Rulat, appellant's bartender and housekeeper. This argument was apparently followed by her departure from the premises and her meeting with the local police. She denied, under oath, that she had ever accompanied men from the licensed premises for the purpose of having sexual intercourse with them, and she further denied that any patron had ever purchased any alcoholic beverages for her. Her previous statements to the police were not sworn to nor were they made in the presence of the appellant. No other evidence was presented to substantiate the charges.

On the record thus presented before the local Board, containing, as it did, an absolute denial of all the charges, by Miss Towers, the licensee and Mary Rulat, I must reluctantly conclude that the evidence was not sufficient to sustain the finding of guilt.

On appeal, however, respondent produced an additional witness, one Alfred Erhardt. Since the appeal was heard de novo, I shall consider his testimony despite the fact that it was not produced at the hearing below. This witness, a male patron, testified that he first met Katherine Towers in the licensed premises in December 1941. He testified that, on a subsequent visit to the "Alpine Village," the two of them left the premises and had sexual intercourse in an automobile parked nearby. It does not appear from his testimony that any solicitation took place upon the licensed premises, and this witness stated that neither the licensee nor the bartender had any knowledge that he intended to go out with the girl for immoral purposes. As a matter of fact, as far as I can ascertain from the record, no immoral activities took place or were contemplated while this man and woman remained upon the licensed premises. In any event, there is no evidence before the Commissioner that the licensee or his agent permitted, allowed or suffered any immoral activity in or upon the licensed premises. If activities of this character took place, they are not set forth in the record upon which the Commissioner must base his decision. Hence, considering the record presented below, and also the additional evidence herein, the finding of guilt as to the violation of Rule 5 of State Regulations No. 20 must be reversed.

However, Alfred Erhardt testified in the appellate proceedings that on many occasions during December of 1941, and January and February 1942, he purchased drinks in the licensed building for Katherine Towers. This testimony on his part is denied by Miss Towers, as well as by the licensee and the bartender. Nevertheless, I believe his testimony. This witness

apparently had no reason to lie and severe cross-examination failed to weaken his story. Miss Towers was also called as a witness in the appellate proceedings. After having carefully studied her testimony, both before the local Board and before the Commissioner, I conclude that it is unworthy of belief. Her reluctant confession of immoral conduct with the witness previously referred to, as it appears in her testimony on appeal, indicates that she perjured herself when she appeared as a witness before the local Board. Her confession confirms, in part, the story told by Alfred Erhardt. Nor can I give much credence to the story of the licensee. Anyone holding an alcoholic beverage license who is foolish enough to "take in" stray girls and permit them to hang around the premises, cannot expect much faith to be placed in his story when he subsequently finds himself in trouble.

It clearly appears from the evidence that Miss Towers was employed on the licensed premises. She acted as a waitress and, even if, as she states, she received no fixed salary for these services, it does appear that she received her board and lodging as well as occasional tips. This was sufficient to constitute her an employee. Watson v. The Watson Manufacturing Company, 30 N.J. Eq. 588, 590; Re Vlaminck, Bulletin 147, Item 4; Re Haino, Bulletin 295, Item 7.

The evidence in the case is sufficient to show that the licensee permitted a female employed on the licensed premises to accept beverages at the expense of a customer or patron. The finding of guilt in the revocation proceedings as to the violation of Rule 22 of State Regulations No. 20 is therefore affirmed.

It is to be noted that the testimony in these cases does not disclose the usual, common, and more vicious type of hostess activity. There is no testimony before the Commissioner that the female in question solicited drinks or, in fact, that she received any alcoholic beverages at the expense of any patron other than the one who testified.

Since the finding of guilt on the first charge is reversed and the finding of guilt as to the second charge is affirmed, I must conclude that the penalty of revocation imposed in Case No. 1 is, in the absence of any previous record, too severe and, therefore, should be reduced to a suspension of the license for sixty days. Cf. Cuneo v. Hoboken, Bulletin 519, Item 1.

I shall remand Case No. 2 to respondent to determine whether appellant's license should be renewed for the current fiscal year in view of the reduction in penalty in Case No. 1 from revocation to suspension for sixty days. In considering that question, respondent should not treat appellant any differently than it would treat any other licensee whose license had been suspended for sixty days for a violation similar to that of which appellant has been found guilty herein. If renewal of the license is granted, it shall be upon the express condition that the new license shall stand suspended from the date of issuance to March 6, 1943, at 3:00 A. M. I shall vacate, effective January 5, 1943, at 3:00 A. M., my order heretofore entered herein extending the old license. Thus, in any event, it will not be possible for appellant herein to operate his licensed business for a period of sixty days.

Accordingly, it is, on this 31st day of December, 1942,

ORDERED that the penalty imposed in Case No. 1 herein be and the same is hereby modified to a suspension for a period of sixty (60) days and it is further

ORDERED that Case No. 2 be remanded to respondent to determine, in accordance with the views expressed herein, whether the license should be renewed for the present fiscal year upon the express condition that the new license shall stand suspended from the date of issuance until March 6, 1943, at 3:00 A.M.; and it is further

ORDERED that the order heretofore entered herein, on June 30, 1942, extending the term of the old license, be and the same is hereby vacated, effective January 5, 1943, at 3:00 A.M.

ALFRED E. DRISCOLL,  
Commissioner.

3. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO WOMEN OVER THE BAR, IN VIOLATION OF LOCAL ORDINANCE - 5 DAYS' SUSPENSION, LESS 2 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against

BETTY DECKERT HENCINSKI,  
t/a Betty's Cafe,  
1633 Mt. Ephraim Avenue,  
Camden, N.J.

CONCLUSIONS  
AND  
ORDER

Holder of Plenary Retail Consumption License C-41, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

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John Claud Simon, Esq., Attorney for Defendant-Licensee.  
Abraham Merin, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The licensee has pleaded guilty to a charge alleging that she sold alcoholic beverages to women directly over her bar, in violation of local regulation.

The regulation in question (Section 10 of an ordinance adopted December 27, 1934, as amended September 12, 1935) provides: "No woman shall be served with beverages directly over any bar." On October 16, 1942, several agents of this Department observed a bartender serve liquor to four women seated at a bar in the rear room of the defendant's tavern. The defendant admitted the service of alcoholic beverages to the women but stated that she was under the impression that the ordinance prohibited such service only at her front bar and not at the bar in the rear room. The cited ordinance, however, makes no such distinction.

The defendant has no previous record. I shall suspend her license for the instant violation for a period of five days, less two days for the guilty plea, leaving a net suspension of three days.

Accordingly, it is, on this 30th day of December, 1942,

ORDERED that Plenary Retail Consumption License C-41, heretofore issued to Betty Deckert Hencinski, for premises

1633 Mt. Ephraim Avenue, Camden, New Jersey, by the Municipal Board of Alcoholic Beverage Control of the City of Camden, be and the same is hereby suspended for a period of three (3) days, commencing January 4, 1943 at 2:00 A. M. and concluding January 7, 1943 at 2:00 A. M.

ALFRED E. DRISCOLL,  
Commissioner.

4. DISQUALIFICATION - APPLICATION TO LIFT - FACTS EXAMINED - APPLICATION DENIED.

In the Matter of an Application )  
to Remove Disqualification be- )  
cause of Convictions, Pursuant )  
to R.S. 33:1-31.2. )  
Case No. 250. )  
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CONCLUSIONS  
AND  
ORDER

BY THE COMMISSIONER:

Petitioner, in this proceeding, prays that his disqualification resulting from the conviction of crimes be lifted pursuant to R.S. 33:1-31.2.

In January 1925 petitioner was found guilty of breaking and entering and in July 1925 he was found guilty of larceny. In each case petitioner was sentenced to 90 days in the county workhouse. In November 1925 petitioner was found guilty of malicious mischief. In 1926 petitioner was found guilty of disorderly conduct and sentenced to 90 days in the county workhouse. On November 28, 1939 petitioner was found guilty of assault and battery and fined \$10.00.

One of the requisites necessary for the lifting of a disqualification is that petitioner must have a clean record for at least five years last past. Aside from the actual conviction of assault and battery in 1939, the petitioner was arrested on June 8 and August 30, 1940 for assault and battery but both complaints were withdrawn. Because of the conviction in November 1939, it does not appear that petitioner has been law-abiding for at least five years last past. Moreover, because of his long criminal record, I believe his association with the alcoholic beverage industry would be contrary to public interest. Hence, I shall not at this time exercise my discretionary power to lift petitioner's disqualification.

Therefore, the petition is denied.

ALFRED E. DRISCOLL,  
Commissioner.

Dated: December 31, 1942.

5. MORAL TURPITUDE - CRIME OF PASSING COUNTERFEIT MONEY INVOLVES MORAL TURPITUDE.

DISQUALIFICATION - APPLICATION TO LIFT - FACTS EXAMINED - APPLICATION DENIED.

In the Matter of an Application )  
to Remove Disqualification because )  
of a Conviction, pursuant to R. S. )  
33:1-31.2. )  
Case No. 247. )

CONCLUSIONS  
AND  
ORDER

BY THE COMMISSIONER:

In 1936 petitioner pleaded guilty in a Federal Court to the charge of passing counterfeit money. He was sentenced to serve eighteen months in the penitentiary and released on June 2, 1937. This crime, prima facie, involved moral turpitude. Re Case No. 182, Bulletin 498, Item 8.

When petitioner was released from the penitentiary, he was turned over to police officers on an open charge of breaking with intent to steal. The latter crime apparently occurred sometime in 1936. A plea of not guilty was entered, but in October 1940 petitioner retracted the plea, and pleaded non vult. Thereupon, he received a suspended sentence of from two to three years in State Prison. This crime likewise involved moral turpitude. Re Case No. 179, Bulletin 485, Item 8.

By reason of these convictions, petitioner is disqualified from working for a liquor licensee or holding a liquor license in this State. R.S. 33:1-25, 26.

Petitioner seeks removal of his disqualification, pursuant to R.S. 33:1-31.2, on claim that he has led a law-abiding life for the past five years.

Petitioner urges that his conviction in 1940 of breaking with intent to steal should not be regarded as evidence of misconduct within the past five years, because the offense was committed in 1936, and further, because he was actually innocent of the crime but pleaded non vult for convenience, and on the representation that he would receive a suspended sentence.

Petitioner may not here collaterally attack his own confessional plea or the merits of his conviction in the criminal court. Re Case No. 421, Bulletin 505, Item 5. Hence, nothing has been presented to eliminate the element of moral turpitude from the crime. Five years of law-abiding conduct must elapse from the date of conviction, and not the date when the crime was committed, before a petition for lifting of disqualification may be entertained. Re Case No. 162, Bulletin 477, Item 6.

Since, to date, only a little over two years have elapsed from the date of petitioner's conviction in 1940, the instant application for removal of disqualification is premature.

The petition is therefore denied.

ALFRED E. DRISCOLL,  
Commissioner.

Dated: January 5, 1943.

6. DISCIPLINARY PROCEEDINGS - LICENSEE CONDUCTED A LOTTERY ON LICENSED PREMISES, IN VIOLATION OF RULE 6 OF STATE REGULATIONS NO. 20 - 5 DAYS' SUSPENSION, LESS 2 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against )

ERNA BOEHNKE, )  
t/a BILLY'S BAR AND GRILL, )  
Ridge Road, Jefferson Township, )  
P.O. Oak Ridge, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-15, issued by the Township Committee of the Township of Jefferson. )

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Erna Boehnke, Pro Se.  
Richard C. Gossweiler, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant-licensee has pleaded guilty to a charge of conducting a lottery upon her licensed premises on September 6, 1942, in violation of Rule 6 of State Regulations No. 20.

On September 6, 1942, during the course of a clambake, conducted by the licensee on the licensed premises, she sold chances to patrons entitling them to participate in a drawing for a basket of assorted liquors.

Defendant states that she was unaware that this conduct on her part was in violation of State Regulations. Ignorance of the law is no excuse. In Re The Great Atlantic and Pacific Tea Company, Bulletin 172, Item 9, it was stated:

"Rule 6 of the Rules Concerning Conduct of Licensees applies, however, even though the chances or tickets are given away free for the rule prohibits not only the sale of tickets or participation rights but goes further and expressly provides: 'No licensee shall allow, suffer or permit any lottery to be conducted ... on or about the licensed premises.'"

The defendant has no previous record and I shall, therefore, impose the usual penalty by suspending her license for a period of five days, less a remission of two days for the guilty plea. See Re Alpine Village Tavern, Inc., Bulletin 252, Item 1.

Accordingly, it is, on this 6th day of January, 1943,

ORDERED that plenary retail consumption license C-15, heretofore issued by the Township Committee of the Township of Jefferson to Erna Boehnke, t/a Billy's Bar and Grill, for premises at Ridge Road, Jefferson Township, be and the same is hereby suspended for a period of three (3) days, commencing at 3:00 A. M. January 11, 1943, and concluding at 3:00 A.M. January 14, 1943.

ALFRED E. DRISCOLL,  
Commissioner.

- 7. DISCIPLINARY PROCEEDINGS - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACTS - DISQUALIFIED STOCKHOLDERS (NON-RESIDENCE AND NON-CITIZENSHIP) - EMPLOYMENT OF DISQUALIFIED PERSONS - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO PETITION TO LIFT UPON BONA FIDE CORRECTION OF ILLEGAL SITUATION AND EXPIRATION OF 60 DAYS.

In the Matter of Disciplinary Proceedings against )  
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RODEO, INC., )  
 S/E Cor. Route #17 and )  
 Prospect Avenue, )  
 Rochelle Park, N. J. )

CONCLUSIONS  
 AND  
 ORDER

Holder of Plenary Retail Consumption License C-3 issued by the Township Committee of the Township of Rochelle Park. )  
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 Winne & Banta, Esqs., by Edward G. Evertz, Esq., Attorneys for Defendant-Licensee:  
 Richard C. Gossweiler, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleads non vult to the following charges:

1. In its license-application it falsely answered Question 24 by stating that no stockholder had any beneficial interest in the stock of any other stockholder of the corporation, whereas in fact William Vance and Gaetano Candella were the real and beneficial owners of additional shares of stock listed in the name of Michael Ingannamorte, such false statement being in violation of R.S. 33:1-25.
2. From July 1, 1942, and until the present time, it knowingly employed William Vance and Gaetano Candella, persons who would fail to qualify as licensees because of non-residence and non-citizenship, in violation of R.S. 33:1-26 and also Rule 1 of State Regulations No.11.

The departmental file discloses that Michael Ingannamorte invested \$1500.00 for the purchase of a liquor business. Upon advice of counsel the defendant-corporation was formed and eighteen shares of stock were listed in the name of Michael Ingannamorte, one share in the name of William Vance and one share in the name of Gaetano Candella. Ingannamorte is a non-resident of the State of New Jersey; Vance and Candella are non-citizens and non-residents.

Vance and Candella actually ran the business, being paid a salary for their work. Subsequent to the organization of the corporation, each invested \$750.00 of his own money in the corporate enterprise. It was understood that, if the corporation was sold, Vance and Candella were severally to receive twenty-five per cent. of the purchase price and that Ingannamorte was to retain the balance. Thus it appears that Ingannamorte was the beneficial owner of a fifty per cent. interest in the corporation and that Vance and Candella severally held a twenty-five per cent. interest in the corporation.

In mitigation defendant contended that there had been no desire or attempt on its part to conceal any facts or to evade the law; that it had relied entirely upon the advice of its attorney and, as a result of such advice, the corporation had been formed. The fact that this licensee relied upon the advice of counsel may not be considered in mitigation. See Re Carabelli, Bulletin 174, Item 15.

All three of the stockholders are disqualified from holding a retail license in this State (R.S. 33:1-25) and also from holding a beneficial interest in more than ten per cent. of defendant's stock (R.S. 33:1-12.1). Ingannamorte is disqualified because he is a non-resident of the State of New Jersey, while Vance and Candella are disqualified because of non-residence and non-citizenship. See Re Scharnberg, Bulletin 540, Item 4.

As to penalty: The licensee has no previous record. However, the "front" still exists; hence I have no alternative other than to suspend the operation of the license for the balance of the term. In the event, however, that the licensee makes a bona fide sale of the business, I shall then entertain an application by a bona fide purchaser, who obtains a transfer of the license, to lift the suspension. However, in no event will the Order lifting said suspension be entered until sixty days have expired from the effective date of the suspension herein imposed.

Accordingly, it is, on this 6th day of January, 1943,

ORDERED that plenary retail consumption license C-3, heretofore issued by the Township Committee of the Township of Rochelle Park to Rodeo, Inc., for premises at S/E Cor. Route #17 and Prospect Avenue, Rochelle Park, be and the same is hereby suspended for the balance of its term, effective at 3:00 A.M. January 9, 1943; and it is further

ORDERED that, in the event a correction of the "front" is effected, leave be given as aforesaid to make application to the Commissioner of Alcoholic Beverage Control to lift the suspension.

ALFRED E. DRISCOLL,  
Commissioner.

8.

NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1ST, 1942  
TO DECEMBER 31ST, 1942 AS PER CERTIFICATIONS RECEIVED FROM THE ISSUING AUTHORITIES

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

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surren- dered Revoked Expired	Number Licen- ses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	444	\$ 167,954.19	60	\$ 20,926.04	10	\$ 1,025.00					3	511	\$ 189,905.23
Bergen	803	264,332.91	243	58,652.32	48	4,526.23	28	\$1,293.23	6	\$ 1,126.86	11	1,117	329,931.55
Burlington	191	63,235.00	16	4,000.00	30	3,674.79	1	25.00			1	237	70,934.79
Camden	440	188,200.67	53	19,155.00	55	5,085.47			1	174.24	3	546	212,615.38
Cape May	123	50,625.00	11	3,150.00	6	600.00						140	54,375.00
Cumberland	77	22,897.12	7	1,700.00	26	2,750.00						110	27,347.12
Essex	1,382	693,601.58	346	163,571.80	83	10,924.99	16	800.00			1	1,826	868,898.37
Gloucester	110	30,800.00	10	1,575.00	6	400.00					1	125	32,775.00
Hudson	1,593	654,050.91	268	106,514.87	48	6,040.73	45	1,749.11			10	1,944	768,355.62
Hunterdon	79	20,512.61	1	300.00	1	150.00			1	115.54	1	81	21,078.15
Mercer	432	161,957.81	45	11,492.63	38	4,886.03			1	101.06	2	514	198,437.53
Middlesex	597	234,493.15	43	12,110.00	28	2,325.00	1	25.00	2	398.83	5	666	249,351.98
Monmouth	480	192,482.55	70	20,238.00	23	2,557.34	5	175.00	22	6,788.16	28	572	222,241.05
Morris	327	96,972.51	70	17,743.43	27	2,309.93	1	25.00	10	1,495.99	11	424	118,546.86
Ocean	168	76,901.19	27	10,665.00	7	700.00					1	201	88,266.19
Passaic	885	340,347.61	120	34,090.00	26	3,075.00	11	500.00	1	136.78	3	1,040	378,149.39
Salem	50	15,750.00	4	550.00	10	875.00						64	17,175.00
Somerset	182	62,166.00	24	5,575.00	8	800.00						214	68,541.00
Sussex	148	31,371.62	12	1,915.00	3	159.86			3	450.00	7	159	33,896.48
Union	550	270,952.87	127	43,300.00	54	7,675.00	13	600.00	2	750.00	2	744	323,277.87
Warren	135	37,265.38	13	2,307.50	19	1,900.75	1	35.00	2	265.13	2	168	41,773.76
TOTALS	9,196	\$3,696,870.68	1,570	\$539,531.59	556	\$62,441.12	122	\$5,227.34	51	\$11,802.59	92	11,403	\$4,315,873.32

ALFRED E. DRISCOLL, Commissioner.

Respectfully submitted,

E. B. Hock,  
Deputy Commissioner.

## 9. ACTIVITY REPORT FOR DECEMBER, 1942

To: Alfred E. Driscoll, Commissioner

<u>ARRESTS:</u>	Licensees and employees - - - - -	3	Bootleggers - - - - -	11	
	Total number of persons arrested - - - - -				14
<u>SEIZURES:</u>	Stills - 1 to 50 gallons daily capacity - - - - -			4	
	50 gallons and more daily capacity - - - - -			0	
	Total number of stills seized - - - - -				4
	Mash - gallons - - - - -				15
	Motor vehicles - Trucks - - - - -			0	
	Passenger cars - - - - -			0	
	Total number of motor vehicles seized - - - - -				0
	Beverage alcohol - gallons - - - - -				3
	Brewed malt alcoholic beverages (beer, ale, etc.) - gallons - - - - -				10.78
	Wine - gallons - - - - -				888.68
	Distilled alcoholic beverages (whiskey, brandy, etc.) gallons - - - - -				2.40

RETAIL LICENSEES:

Number of premises inspected - - - - -	1,783
Total number of bottles gauged - - - - -	12,761
Total number of premises where violations were found - - - - -	106
Number and type of violations found:-	
Illicit (bootleg) liquor - 0 "Fronts" (concealed ownership) - - -	3
Gambling devices - - - - - 1 Improper beer tap markers - - - - -	0
Prohibited signs - - - - - 1 Stock disposal permits necessary - - -	14
Unqualified employees - - 119 Other types of violations - - - - -	15

<u>MILITARY AREA PATROL INSPECTIONS:</u> - - - - -	357
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STATE LICENSEES:

Premises inspected - - - - -	72
License applications investigated - - - - -	13

COMPLAINTS:

Investigated, reviewed and closed - - - - -	374
Investigation assigned, not yet completed - - - - -	460

LABORATORY:

Analyses made - - - - -	121
"Shake-up" cases (alcohol, water and artificial coloring) - - - - -	15
Liquor found to be not genuine as labeled - - - - -	0

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made - - - - -	14
Persons fingerprinted for non-criminal purposes - - - - -	67
Identification contacts with other enforcement agencies - - - - -	42
Motor vehicle identifications via N. J. State Police Teletype - - - - -	3

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - -	14
Cases instituted at Department - - - - -	30
Cancellation proceedings - - - - -	2

HEARINGS HELD AT DEPARTMENT:

Number of hearings held - - - - -	41
Appeals - - - - - 5 Eligibility - - - - - 5	
Disciplinary proceedings - - - 30 Seizures - - - - - 1	

PERMITS ISSUED:

Total number of permits issued - - - - -	1,384
Unqualified employees - - - - -	434
Solicitors - - - - -	52
Social affairs - - - - -	102
Home manufacture of wine - - - - -	601
Disposal of alcoholic beverages - - - - -	45
Miscellaneous permits - - - - -	150

Respectfully submitted,

SYDNEY B. WHITE,  
Chief Inspector.

- 10. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BY CLUB LICENSEE DURING PROHIBITED HOURS, IN VIOLATION OF LOCAL ORDINANCE - SALE OF ALCOHOLIC BEVERAGES BY CLUB LICENSEE TO NON-MEMBERS, IN VIOLATION OF RULE 5 OF STATE REGULATIONS NO. 7 - SALE OF ALCOHOLIC BEVERAGES BY CLUB LICENSEE FOR CONSUMPTION OFF LICENSED PREMISES - "BOTTLING" IN VIOLATION OF R.S. 33:1-78 - FALSE ANSWER IN LICENSE APPLICATION - FRONT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against )

CAMDEN COUNTY POLISH AMERICANN )  
 REPUBLICAN CLUB, )  
 1101 Van Hook Street, )  
 Camden, N. J. )

CONCLUSIONS AND ORDER

Holder of Club License CB-44, issued )  
 by the Municipal Board of Alcoholic )  
 Beverage Control of the City of )  
 Camden. )

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 C. Richard Allen, Esq., Attorney for Defendant-Licensee.  
 Milton H. Cooper, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

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

"1. From about 9:00 A.M. until about 1:20 P.M. on Sunday, September 20, 1942, you sold, served and delivered and suffered and permitted the sale, service and delivery of alcoholic beverages upon your licensed premises in violation of Section 5 of an ordinance concerning alcoholic beverages, adopted December 27, 1934 by the Board of Commissioners of the City of Camden, which ordinance prohibits such activity after 2:00 A.M. on Sundays.

"2. On or about the date aforesaid, you sold alcoholic beverages to other than bona fide members of your club and their bona fide guests, thereby violating Rule 5 of State Regulations No. 7; and since such sales exceeded the terms of your license as defined by R.S. 33:1-12(5), you thereby also violated R.S. 33:1-2.

"3. On or about the date aforesaid, you sold alcoholic beverages for consumption off your licensed premises, thereby violating Rule 5 of State Regulations No. 7; and since such sales exceeded the terms of your license as defined by R.S. 33:1-12(5), you thereby also violated R.S. 33:1-2.

"4. On or about the date aforesaid you, not being the holder of a New Jersey brewery, distillery, winery or rectifier's license, bottled an alcoholic beverage for sale and resale, in that you poured a quantity of whiskey from one bottle into another bottle and sold the last mentioned bottle of whiskey; such bottling being in violation of R.S. 33:1-78."

The defendant pleads guilty to the following supplemental charges:

"1. In your application for license dated June 26, 1942 filed with the Board of Commissioners of the City of Camden, upon which Club License CB-44 for the year 1942-43 was granted to you on July 13, 1942, you falsely stated 'No' in answer to Question 29, which asks: 'Has any individual, partnership, corporation or association, other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?', whereas in truth and fact Alex Rogowski, 1101 VanHook St., Camden, N.J. was so interested in that he was the true owner of the licensed business; said false statement being in violation of R.S. 33:1-25.

"2. From on or about November 25, 1940 and until the present time, you knowingly aided and abetted Alex Rogowski, a non-licensee, to exercise the rights and privileges of your license contrary to R.S. 33:1-26, in violation of R.S. 33:1-52."

The departmental file discloses that on Sunday, September 20, 1942, at about 1:20 P.M., detectives of the Camden Police Department apprehended two men leaving the licensed premises and, upon examining a package carried by one of the men, they found that it contained a quart bottle approximately half-full of whiskey. The two men admitted that they were not members, nor had they been guests of any member of the club; that they had purchased the whiskey in the licensed premises, and that the club's steward had poured the whiskey from one bottle into another. The club was then raided and Alex Rogowski, steward and nominal trustee of the club, was found to be in charge. Three other men who appeared to be customers were also in the premises. Rogowski admitted that he had been open since 9 A.M. and also that he had sold the two men alcoholic beverages for consumption on the premises and had also sold them the whiskey which was found in their possession. Rogowski further declared that one of the men had ordered a pint of Burton's whiskey. Because he was out of pint bottles of that brand of whiskey, he stated that he poured a pint of the same into a quart bottle and sold it to the customer.

Investigators from the Department of Alcoholic Beverage Control, upon investigation, found that this club was not a bona fide club but was a dummy organization apparently conceived for the purpose of obtaining a liquor license. It was also found that the persons whose names were listed as officers of the club in the license application were not in fact officers nor had there ever been any meeting held to elect officers. The investigation further disclosed that all the profits from the bar went to Alex Rogowski. It is obvious that the club was a "front" for Alex Rogowski and was kept in existence solely for his profit and benefit.

It is noted that the defendant has a previous record, having had its license suspended in 1939 for selling during prohibited hours on Sunday and for sale to non-members. In view of the "front", the previous record, and the aggravating circumstances surrounding the instant violations, I must revoke the license.

Accordingly, it is, on this 6th day of January, 1943,

ORDERED that Club License CB-44, heretofore issued to Camden County Polish American Republican Club by the Municipal Board of Alcoholic Beverage Control of the City of Camden, for premises 1101 VanHook Street, Camden, be and the same is hereby revoked, effective immediately.

CHECKED BY 102 6

Alfred E. Gussell  
Commissioner.