

41 Sheffield St.
Jersey City, 5, N. J.

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

BULLETIN 922

JANUARY 7, 1952.

TABLE OF CONTENTS

ITEM

1. ACTIVITY REPORT FOR NOVEMBER 1951.
2. APPELLATE DECISIONS - FINBAR, INC. v. JERSEY CITY AND COMMUTERS
BAR, INC.
MASKE ET AL. v. JERSEY CITY AND COMMUTERS
BAR, INC.
TUBE BAR, INC. v. JERSEY CITY AND COMMUTERS
BAR, INC.
3. DISCIPLINARY PROCEEDINGS (Parsippany-Troy Hills Township) -
LEWDNESS AND IMMORAL ACTIVITIES (RENTING ROOMS FOR IMMORAL
PURPOSES) - LICENSE SUSPENDED FOR 180 DAYS.
4. DISCIPLINARY PROCEEDINGS (Paterson) - SALES TO MINORS - PRIOR
RECORD OF STOCKHOLDERS OF DEFENDANT CORPORATION - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Pennsauken Township) - FALSE STATEMENT
IN APPLICATION (AS TO RESIDENCE OF FORMER STOCKHOLDER) - LICENSE
SUSPENDED FOR 10 DAYS.
6. DISCIPLINARY PROCEEDINGS (Elizabeth) - SALE OF ALCOHOLIC
BEVERAGES AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE
PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Lawrence Township, Mercer County) -
MISLABELED BEER TAP - LICENSE SUSPENDED FOR 3 DAYS, LESS 1 FOR
PLEA.
8. DISQUALIFICATION - FALSE STATEMENT IN APPLICATION FOR SOLICITOR'S
PERMIT - APPLICATION TO LIFT DISQUALIFICATION GRANTED TO BECOME
EFFECTIVE JULY 1, 1952.
9. AUTOMATIC SUSPENSION - SALES TO MINORS - LICENSE PREVIOUSLY
SUSPENDED BY LOCAL ISSUING AUTHORITY FOR 15 DAYS - APPLICATION TO
LIFT GRANTED.
10. DISCIPLINARY PROCEEDINGS (Mahwah) - BOOKMAKING AND GAMBLING -
POSSESSION OF LOTTERY SLIPS ON LICENSED PREMISES - LICENSE
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Camden) - SALE TO MINORS - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Long Branch) - SALE TO MINOR - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
13. DISCIPLINARY PROCEEDINGS (Mountainside) - SALE OF ALCOHOLIC
BEVERAGES AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE
PRICE LIST - PRIOR RECORD OF SUBSTANTIALLY SIMILAR VIOLATION MORE
THAN FIVE YEARS AGO - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR
PLEA.
14. STATE LICENSES - NEW APPLICATIONS FILED.

New Jersey State Library

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

BULLETIN 922

JANUARY 7, 1952.

ACTIVITY REPORT FOR NOVEMBER 1951

1.	
Arrests:	
Total number of persons arrested - - - - -	38
Licensees and employees - - - - -	11
Bootleggers - - - - -	27
SEIZURES:	
Motor vehicles - cars - - - - -	2
Stillis - over 50 gallons - - - - -	2
- 50 gallons or under - - - - -	6
Mash - gallons - - - - -	1,128.00
Distilled alcoholic beverages - gallons - - - - -	155.72
Wine - gallons - - - - -	.10
Brewed malt alcoholic beverages - gallons - - - - -	24.84
RETAIL LICENSEES:	
Premises inspected - - - - -	780
Premises where alcoholic beverages were gauged - - - - -	989
Bottles gauged - - - - -	15,049
Premises where violations were found - - - - -	221
Violations found - - - - -	228
Type of violations found:	
Unqualified employees - - - - -	8
Improper beer taps - - - - -	5
Reg. #38 sign not posted - - - - -	2
Probable fronts - - - - -	1
Other mercantile business - - - - -	1
Disposal permit necessary - - - - -	1
Other violations - - - - -	210
STATE LICENSEES:	
Premises inspected - - - - -	15
License applications investigated - - - - -	9
COMPLAINTS:	
Complaints assigned for investigation - - - - -	515
Investigations completed - - - - -	473
Investigations pending - - - - -	129
LABORATORY:	
Analyses made - - - - -	134
Refills (from licensed premises) - - - - -	1
Bottles from unlicensed premises - - - - -	45
IDENTIFICATION BUREAU:	
Criminal fingerprint identifications made - - - - -	27
Persons fingerprinted for non-criminal purposes - - - - -	172
Identification contacts made with other enforcement agencies - - - - -	175
Motor vehicle identifications via N. J. State Police Teletype - - - - -	13
DISCIPLINARY PROCEEDINGS:	
Cases transmitted to municipalities - - - - -	9
Violations involved:	
Sale during prohibited hours - - - - -	5
Sale to minors - - - - -	2
Permitting hostesses on premises - - - - -	2
Failure to afford view into premises during prohibited hours - - - - -	1
Unqualified employee - - - - -	1
Permitting gambling (wager) on premises - - - - -	1
Sale beyond scope of license - - - - -	1
Permitting brawl on premises - - - - -	1
Cases instituted at Division - - - - -	11
Violations involved:	
Sale to minors - - - - -	6
Possessing illicit liquor - - - - -	1
Sale below minimum resale price - - - - -	3
Permitting female impersonator on prem. - - - - -	1
Permitting immoral activity on premises - - - - -	1
Mislabeled beer taps - - - - -	1
Cases brought by municipalities on own initiative and reported to Division - - - - -	2
Violations involved:	
Sale during prohibited hours - - - - -	1
Permitting bookmaking on premises - - - - -	1
CANCELLATION PROCEEDINGS instituted at Division - - - - -	1
Violation involved: Limited distribution premises not operated as bona fide food store	
HEARINGS HELD AT DIVISION:	
Total number of hearings held - - - - -	38
Appeals - - - - -	4
Disciplinary proceedings - - - - -	27
Eligibility - - - - -	4
Seizures - - - - -	3
PERMITS ISSUED:	
Total number of permits issued - - - - -	1,418
Employment - - - - -	156
Solicitors - - - - -	50
Disposal of alcoholic beverages - - - - -	66
Social affairs - - - - -	411
Special wine - - - - -	623
Miscellaneous - - - - -	112

Dated: December 5, 1951.

ERWIN B. HOCK, DIRECTOR

2. APPELLATE DECISIONS - FINBAR, INC. v. JERSEY CITY AND COMMUTERS
 BAR, INC.
 MASKE ET AL. v. JERSEY CITY AND COMMUTERS
 BAR, INC.
 TUBE BAR, INC. v. JERSEY CITY AND COMMUTERS
 BAR, INC.

FINBAR, INC., a New Jersey
 corporation,)
 Appellant,)

-vs-)

MUNICIPAL BOARD OF ALCOHOLIC
 BEVERAGE CONTROL OF THE CITY OF)
 JERSEY CITY, and COMMUTERS BAR, INC.,)
 Respondents.)

-----)
 JOHN MASKE; JOSEPH GORMAN; GRAYS EATING
 PLACES OF N. J., a New Jersey corporation;)
 BERNHARD MILLER; JOHN DeDOUSIS; JOURNAL
 SQUARE BAKERY, INC., a New Jersey corpora-)
 tion; UNIVERSAL MARKETS, a New Jersey)
 corporation; and THEODORE G. ANTOS,)
 Appellants,)

ON APPEAL

CONCLUSIONS
 AND
 ORDER

-vs-)

MUNICIPAL BOARD OF ALCOHOLIC BEVERAGE)
 CONTROL OF THE CITY OF JERSEY CITY, and)
 COMMUTERS BAR, INC.,)
 Respondents.)

-----)
 TUBE BAR, INC., a New Jersey corporation,)
 Appellant,)

-vs-)

MUNICIPAL BOARD OF ALCOHOLIC BEVERAGE)
 CONTROL OF THE CITY OF JERSEY CITY, and)
 COMMUTERS BAR, INC.,)
 Respondents.)

-----)
 John J. LaFianza, Jr., Esq., Attorney for Appellant Finbar, Inc.,
 a New Jersey Corporation.

Michael Halpern, Esq., Attorney for Appellants John Maske; Joseph
 Gorman; Grays Eating Places of N.J., a New Jersey Corporation;
 Bernhard Miller; John DeDousis; Journal Square Bakery, Inc.,
 a New Jersey Corporation; Universal Markets, a New Jersey
 Corporation; and Theodore G. Antos.

John Warren, Esq., by Charles Hershenstein, Esq., Attorney for
 Appellant Tube Bar, Inc., a New Jersey Corporation.

John B. Graf, Esq., by Jacob J. Levey, Esq., Attorney for Respondent
 Municipal Board of Alcoholic Beverage Control of the City of
 Jersey City.

Wall, Walsh, Kelly & Whipple, Esqs., by Robert H. Wall, Esq.,
 Attorneys for Respondent Commuters Bar, Inc.

BY THE DIRECTOR:

Except as to Metropolitan Liquor Corp., a New Jersey corpora-
 tion, t/a Terminal Bar, and Ace Shirt Shops, Inc., a New Jersey
 corporation (which corporations did not file an appeal herein), the
 parties to the present appeals are the same as the parties in the
 prior appeals of Finbar et al. v. Municipal Board of Alcoholic
 Beverage Control of the City of Jersey City, and Commuters Bar, Inc.,
 Bulletin 917, Item 1.

The present appeals are from respondent Board's action granting transfer of respondent corporation's 1951-1952 license from 35 Enos Place to 9B Journal Square Building, Journal Square, Jersey City. The cited prior appeals were from the granting of application for place-to-place transfer of the 1950-1951 license. Pending my determination of the prior appeals respondent corporation obtained a 1951-1952 renewal of its license for the premises at 35 Enos Place.

In my Conclusions and Order dismissing the prior appeals I stated that my finding therein is not moot but "is dispositive of identical issues in any subsequent application by respondent licensee for transfer of the renewed license to premises 9B Journal Square Building, Journal Square, Jersey City, N. J."

It was stipulated by the parties to the present appeals that no further testimony or exhibits be offered herein with respect to the transfer of license in question. It was further stipulated and agreed by the parties that the testimony and exhibits in the prior appeals be incorporated in the present appeals as though set forth at length herein.

Petitions of Appeal herein set forth alleged "new grounds" for reversal, as follows:

1. That respondent Board, by its determination, varied or disregarded the City's distance-between-premises ordinance which it had no legal authority to do.
2. That respondent Board's determination was not supported by, but was contrary to, the facts before it.
3. That if the ordinance power delegated to municipal governing bodies by R. S. 33:1-40 is a legislative power and is construed as authorizing them by ordinance to provide standards, then such standards when enacted by the municipal officials are binding upon the local Board and the Director, who must respect and enforce them.

Alleged "new grounds" 1 and 2 are not new grounds. They constitute no substantive addition to the grounds alleged in Finbar et al. v. Municipal Board of Alcoholic Beverage Control of Jersey City and Commuters Bar, Inc., supra, and my extended discussion and findings in those appeals are incorporated herein by reference.

I find no merit in the third of the alleged "new grounds". An ordinance may be just and reasonable in general and yet be arbitrary and unreasonable in a particular instance -- may operate reasonably in some instances or circumstances and unreasonably in others. In such a posture it would seem clear that the ordinance should be permitted to stand to the end that it may be enforced except in particular cases wherein it is made to appear plainly that its operation is unreasonable. While it is the general rule that a license may not be issued (or transferred) in contravention of a municipal ordinance it is also true that even if a municipal ordinance is reasonable in itself it should not be enforced against a licensee who can successfully show that such ordinance is unreasonable as applied to him. (See Re Neiden Bar & Grill, Inc., Bulletin 329, Item 6. See, also, the late Commissioner Burnett's Conclusions in South Plainfield Liquor and Beverage Stores, Inc. v. South Plainfield, Bulletin 216, Item 7 and pertinent cases therein cited.)

The municipal ordinance power conferred in R. S. 33:1-40 is not unlimited. It is subject, as to certain provisions to State administrative approval and, as to other provisions, to administrative review on appeal. The Commissioner's (now Director's ex parte

approval may be reconsidered on appeal in which the validity or the reasonableness and application of the ordinance are in issue. (See Bulletin 21, Item 58.)

Our Alcoholic Beverage Law affords the Director supervisory control over the issuance of retail licenses and the granting of retail license transfers by municipal issuing authorities. That law contains not the slightest suggestion that the Director may not in the course of an appeal consider and pass upon all pertinent issues, including the reasonableness or unreasonableness of an ordinance. In the absence of such jurisdiction and power the comprehensive statutory appeals (R. S. 33:1-22; R.S. 33:1-26; R.S. 33:1-38) would be empty and ineffective gestures.

In the prior appeals I found Section 4 of the ordinance in question to be unreasonable, with respect to respondent licensee, in that its exceptive proviso purports to apply only to persons licensed at the time of the ordinance's adoption. If this exception were reasonable and uniform, instead of unreasonable and improperly discriminatory, it would have purported to permit the transfer here appealed from since the premises at 35 Enos Place are well within 500 feet from the premises at 9B Journal Square Building. I also found the ordinance unreasonable, with respect to respondent licensee, in its provision concerning consent of the landlord. Thus I found and find here that respondent Board, in so far as the ordinance is concerned, did not err in granting the transfer in question. I find that respondent Board's granting of the transfer was not unlawful, arbitrary or unreasonable or otherwise in abuse of its discretionary power so as to call for reversal. The Board's action will, therefore, be affirmed.

Accordingly, it is, on this 12th day of December, 1951,

ORDERED that the action of respondent Board be and the same is hereby affirmed, and that the present appeals be and the same are hereby dismissed.

ERWIN B. HOCK
Director.

3. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES
(RENTING ROOMS FOR IMMORAL PURPOSES) - LICENSE SUSPENDED FOR 180
DAYS.

In the Matter of Disciplinary
Proceedings against)

OLD WAGON WHEEL INN, INC.)
T/a OLD WAGON WHEEL INN)
North side Route 6, about 500 feet)
east of Troy Road, Troy Hills)
Parsippany-Troy Hills Township)
PO RD 1, Parsippany, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-16, issued by the Township)
Committee of the Township of)
Parsippany-Troy Hills.)

Harry L. Sears, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge as follows:

"On October 10, 1951, and on divers days prior thereto, you
allowed, permitted and suffered lewdness and immoral activity
in and upon your licensed premises, viz., the renting of
rooms for the purpose of illicit sexual intercourse; in
violation of Rule 5 of State Regulations No. 20."

On October 9, 1951, ABC agents visited the defendant's
licensed premises conducted as a tavern and rooming house (hotel).
Entering the barroom, they entered into a conversation with the bar-
tender on duty, one "Bill". Eventually the agents inquired of
"Bill" as to the possibility of renting rooms specifically for the
purpose of engaging in illicit sexual relations with their "girl
friends". After advising "Bill" that these "girls" were not the
wives of the investigators, he then remarked "Oh, you can always get
rooms here for that." After further conversation concerning the
necessity for baggage (none was required), and instructions from
"Bill" to sign any name and make it "Mr. and Mrs.", the agents left
with a promise to return the next evening.

The agents returned to the licensed premises the next evening
and again talked with "Bill" about the rooms for that night. After
some preliminary discussion in language particularly suited to the
gutter, "Bill" registered the agents as "Guests" and received payment
for two rooms. The agents then arranged with "Bill" to show the
"girls" to the rooms when they arrived; they retired to one of the
rooms. Needless to say the non-existent "girl friends" did not
appear, but shortly thereafter other agents with the local police
appeared and the evidence of the illegal activity was seized. At
this time the principal stockholder of defendant corporation
appeared. She admitted that "Bill" was the bartender employed by
the corporation and that he had full authority to rent the rooms
when she is not available.

The renting of rooms for the ostensible purpose of their use
for unlawful sexual intercourse is a violation of the regulations
(Rule 5 of State Regulations No. 20). Cf. Re Schneider, Bulletin
892, Item 3; Re Appeal Sam Schneider, 12 N. J. Super. 449. The mere
fact that no such illegal act was performed, nor in fact contempla-
ted, does not exculpate the defendant nor excuse the unlawful action.
Re Appeal Sam Schneider, supra.

The fact that the violation was caused by an employee is no excuse. Rule 31 -- State Regulations No. 20. Re Larsen, Bulletin 919, Item 12; Re Paton, Bulletin 898, Item 3.

Defendant has no prior adjudicated record. I shall suspend the license for 180 days. Cf. Re McCarty, Bulletin 919, Item 3.

Accordingly, it is, on this 3rd day of December, 1951,

ORDERED that Plenary Retail Consumption License C-16, issued by the Township Committee of the Township of Parsippany-Troy Hills to Old Wagon Wheel Inn, Inc., t/a Old Wagon Wheel Inn, North side Route 6, about 500 feet east of Troy Road, Troy Hills, Parsippany-Troy Hills Township, be and the same is hereby suspended for a period of one hundred eighty (180) days, commencing at 3:00 a.m. December 10, 1951, and terminating at 3:00 a.m. June 7, 1952.

ERWIN B. HOCK
Director.

4. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD OF STOCKHOLDERS OF DEFENDANT CORPORATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

NEW GLASS BAR, INC.)
197 Paterson Street)
Paterson, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-176, issued by the)
Board of Alcoholic Beverage Control)
of the City of Paterson.)

Harold P. Altshuler, Esq., Attorney for Defendant-licensee.
Vincent T. Flanagan, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to minors, in violation of Rule 1 of State Regulations No. 20.

An examination of the file in the instant case discloses that at 8:30 p.m., on October 11, 1951, ABC agents observed Frank Briglidore, secretary of the defendant corporate licensee, serve beer to two youths, ages 18 and 20 years, respectively.

In the absence of a prior record, the minimum suspension for a violation of this type would be ten days. Re Hawaiian Palms, Inc., Bulletin 897, Item 11. However, Sam Moskowitz and Frank Briglidore, officers and stockholders of the defendant corporate licensee, held the liquor license as partners before transferring same to defendant. During the operation of the liquor establishment as a partnership, the license was suspended on two occasions. Effective November 12, 1947, the license was suspended for 15 days for possession of illicit alcoholic beverages (Bulletin 782, Item 7); and again, effective October 7, 1948, it was suspended for 60 days for permitting immoral activities and hostess activity on the licensed premises (Bulletin 817, Item 9).

Under the circumstances I shall suspend defendant's license for a period of 15 days, less 5 days' remission for the plea entered herein, leaving a net suspension of 10 days.

Accordingly, it is, on this 4th day of December, 1951,

ORDERED that Plenary Retail Consumption License C-176, issued by the Board of Alcoholic Beverage Control of the City of Paterson to New Glass Bar, Inc., for premises 197 Paterson Street, Paterson, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. December 10, 1951, and terminating at 3:00 a.m. December 20, 1951.

ERWIN B. HOCK
Director.

5. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN APPLICATION (AS TO RESIDENCE OF FORMER STOCKHOLDER) - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary)
Proceedings against)
HOWARD, INC.)
T/a HOFFMAN'S LIQUORS)
4100 Maple Avenue)
Pennsauken Township)
P.O. Merchantville, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-)
bution License D-2, issued by the)
Township Committee of Pennsauken)
Township.)
-----)

Leo J. Berg, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that the applications upon which it secured its current and a prior license contain false statements of fact, in violation of R. S. 33:1-25.

The application filed by defendant, dated June 6, 1951 (the application upon which its present license was issued), discloses that thirty-eight shares of defendant's stock were then outstanding, of which nineteen had been issued to Jean Hoffman, eighteen to Nathan Hoffman and 1 share to Sarah Hoffman. The application sets forth the residence of Jean Hoffman as 3051 Mickle Street, Camden, N. J. Said application also, in answer to Question No. 27(a) which asks "Are you and all persons mentioned in this application actual and bona fide residents of the State of New Jersey at the present time?", stated "Yes." The 1950-51 application, as amended, states the address of Jean Hoffman to be 2255 Baird Avenue, Camden.

Jean Hoffman now resides at 3036 W. Page Street, Philadelphia, Pa., and, according to a sworn statement made by her, she has always resided in that city.

After the charges were served and on or about October 23, 1951, Jean Hoffman sold her stock to Nathan Hoffman. Eighteen of the shares formerly owned by her were transferred to Nathan Hoffman, and the other share formerly owned by her was transferred to Aline Frisch, who apparently holds her one share to qualify her under the General Corporation Law to be a director, the real interest in said one share being in Nathan Hoffman. Evidence has been presented which leads me to conclude that the sale of stock was bona fide.

In the absence of a prior adjudicated record, as here, the minimum suspension for this type of violation is ten days. Re Tedraydot, Inc., Bulletin 707, Item 11. In view of the correction, the suspension can become effective immediately. Such shall be the order herein.

Accordingly, it is, on this 3rd day of December, 1951,

ORDERED that Plenary Retail Distribution License D-2, issued by the Township Committee of Pennsauken Township to Howard, Inc., t/a Hoffman's Liquors, for premises 4100 Maple Avenue, Pennsauken Township, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. December 10, 1951, and terminating at 9:00 a.m. December 20, 1951.

ERWIN B. HOCK
Director.

6. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

LEE'S WINE & LIQUOR INC.
408 Jefferson Avenue
Elizabeth, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-11, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth.

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold an alcoholic beverage at retail at less than the price listed in the minimum consumer resale price list then in effect, in violation of Rule 5 of State Regulations No. 30.

On October 30, 1951, an ABC agent purchased from Bernard Warsetsky, Secretary and Treasurer of the defendant corporation, one case of 4/5 quart bottles of Schenley Reserve Blended Whiskey for the sum of \$45.00. The minimum price for this whiskey as listed in the then current "Complete list of New Jersey Minimum Consumer Resale Prices of Alcoholic Beverages" was \$4.04 per 4/5 quart bottle, with a discount of five per cent. permitted on case-lot purchases, or a minimum of \$46.06 for the case in question.

Defendant has no prior adjudicated record. I shall suspend the license for ten days, less five days for the plea, leaving a net suspension of five days. Re Rosen, Bulletin 903, Item 9.

Accordingly, it is, on this 3rd day of December, 1951,

ORDERED that Plenary Retail Distribution License D-11, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Lee's Wine & Liquor Inc., for premises 408 Jefferson Avenue, Elizabeth, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. December 10, 1951, and terminating at 9:00 a.m. December 15, 1951.

ERWIN B. HOCK
Director.

7. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - LICENSE SUSPENDED FOR 3 DAYS, LESS 1 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

BERNARD CZAPLICKI
T/a CZAPLICKI'S BAR AND
PACKAGE GOODS
1145 Brunswick Avenue
Lawrence Township (Mercer Co.)
P.O. Trenton, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-13, issued by the
Township Committee of Lawrence
Township.

Bernard Czaplicki, Defendant-Licensee, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he allowed on his licensed premises a beer tap bearing a label or marker which did not truly indicate the brand of beer in the barrel to which said tap was connected, in violation of Rule 26 of State Regulations No. 20.

During the course of a routine inspection of defendant's licensed premises on October 26, 1951, an agent of the State Division of Alcoholic Beverage Control found a beer tap labeled "Trommer's" connected with a barrel of Hensler beer.

Defendant has no prior adjudicated record. I shall suspend the license for three days (the minimum period heretofore imposed in such cases). Remitting one day for the plea will leave a net suspension of two days. Re Three Star Tavern, Bulletin 914, Item 6.

Accordingly, it is, on this 3rd day of December, 1951,

ORDERED that Plenary Retail Consumption License C-13, issued by the Township Committee of Lawrence Township to Bernard Czaplicki, t/a Czaplicki's Bar and Package Goods, 1145 Brunswick Avenue, Lawrence Township (Mercer Co.), be and the same is hereby suspended for a period of two (2) days, commencing at 2:00 a.m. December 10, 1951, and terminating at 2:00 a.m. December 12, 1951.

ERWIN B. HOCK
Director.

8. DISQUALIFICATION - FALSE STATEMENT IN APPLICATION FOR SOLICITOR'S PERMIT - APPLICATION TO LIFT DISQUALIFICATION GRANTED TO BECOME EFFECTIVE JULY 1, 1952.

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. 937.
- - - - -)

BY THE DIRECTOR:

On December 11, 1940, petitioner was convicted in a municipal court in a city in a neighboring state of "larceny of auto". His sentence was suspended and he was placed on probation for three months. While the record shows no such notation, petitioner says he was also fined \$12.50 (possibly costs). The crime involved moral turpitude. Hence, petitioner is presently ineligible to hold a liquor license or to be employed in any business capacity by the holder of such a license in this state.

Petitioner, who is employed as a messenger by a brewery in another state, made application to me on September 11, 1951 for a solicitor's permit. In said application he denied under oath any conviction of crime. After fingerprinting, his solicitor's permit was issued, only to be canceled one month later upon the receipt of the return of the fingerprint record. Petitioner swears that he never sold or solicited the sale of alcoholic beverages in New Jersey; that his present territory is in Philadelphia and Bucks County, Pennsylvania. His purpose in securing the solicitor's permit was to permit him to help out on the Jersey shore next spring and summer. He claims that he did not know that his experience with the criminal court in 1940 resulted in a conviction. I doubt his lack of knowledge of the conviction, and conclude that he knowingly made a false statement in his application for a solicitor's permit.

At the hearing herein, three persons -- neighbors who have known him from six to ten years -- testified that during that period petitioner has been a law-abiding person and that he bears a very good reputation in his neighborhood.

However, I cannot overlook petitioner's untruthful statement in his application. Ordinarily I would grant his petition but delay the effective date of any order entered herein until ninety days after November 28, 1951, the date upon which he filed his petition. Re Case No. 857, Bulletin 885, Item 10. Under the circumstances of this case, such procedure would not penalize petitioner for his false statement because he does not intend to work as a solicitor in New Jersey until next spring. I shall, therefore, grant his petition but delay the effective date of the order entered herein until July 1, 1952.

Accordingly, it is, on this 17th day of December, 1951,

ORDERED that petitioner's statutory disqualification, because of the conviction described herein, be and the same is hereby removed in accordance with the provisions of R. S. 33:1-31.2, effective July 1, 1952.

ERWIN B. HOCK
Director.

9. AUTOMATIC SUSPENSION - SALES TO MINORS - LICENSE PREVIOUSLY
SUSPENDED BY LOCAL ISSUING AUTHORITY FOR 15 DAYS - APPLICATION TO
LIFT GRANTED.

Case No. 80

In the Matter of a Petition by

ANTONINA OBERTZ & ALEXANDER M.

SAWON

T/a PIER 19

117 Front Street

Elizabeth, N. J.,

ON PETITION
CONCLUSIONS AND ORDER

To Lift the Automatic Suspension
of Plenary Retail Consumption
License C-104, issued by the
Municipal Board of Alcoholic Beverage
Control of the City of Elizabeth.

Anthony D. Rinaldo, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

It appears from the petition filed herein that on November 30, 1951, Alexander M. Sawon, one of the above named licensees, pleaded non vult in the County Court of Union County to an indictment alleging that he sold alcoholic beverages to minors, as a result of which he was sentenced to pay a fine of \$250.00, which fine has been paid.

On December 18, 1951, at about 11:15 a.m., an ABC agent picked up the license held by petitioners, and no business has been conducted thereunder since that time.

It appears from the records of the Division of Alcoholic Beverage Control that on September 21, 1951, the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth suspended the license held by petitioners for a period of twenty days, less five for the plea, making a net suspension of fifteen days, after they had pleaded non vult in disciplinary proceedings to a charge alleging that they had sold alcoholic beverages to, and permitted the consumption of alcoholic beverages by, two minors on their licensed premises. As a result of said suspension, the licensed premises were closed from 6:00 a.m. September 24, 1951, to 6:00 a.m. October 9, 1951.

The indictment in the criminal proceedings and the charges in the disciplinary proceedings were based upon the same facts. The case concerns the sale of alcoholic beverages to two minors, one of whom was sixteen years of age and the other of whom was seventeen years of age.

The conviction of one of the partners in the criminal proceedings has resulted in the automatic suspension of the license held by petitioners for the balance of its term. R. S. 33:1-31.1. The petition herein prays that the automatic suspension of the license may be lifted.

After reviewing the facts of the case, I am of the opinion that the suspension heretofore imposed by the local issuing authority was adequate under the circumstances of the case. Hence, the relief sought herein will be granted.

Accordingly, it is, on this 19th day of December, 1951,

ORDERED that the automatic suspension of License C-104, held by Antonina Obertz & Alexander M. Sawon, t/a Pier 19, for premises 117 Front Street, Elizabeth, be and the same is hereby lifted, and said license is hereby restored to full force and operation, effective immediately.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - BOOKMAKING AND GAMBLING - POSSESSION OF LOTTERY SLIPS ON LICENSED PREMISES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

HERBERT W. PELZER
T/a PELZER'S TAVERN
Franklin Turnpike
Mahwah, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-10, issued by the
Township Committee of the Township
of Mahwah.

Samuel Denson, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) on October 13 and October 16, 1951, he permitted bookmaking and gambling in and upon his licensed premises, in violation of Rule 7 of State Regulations No. 20; and (2) on October 16, 1951, he possessed in and upon his licensed premises participation rights in lotteries commonly known as baseball and football pools, in violation of Rule 6 of State Regulations No. 20.

It appears from the file herein that on October 13 and October 16, 1951, an ABC agent placed bets on horses with a man summoned by telephone to the defendant's licensed premises by defendant. After the ABC agents identified themselves, they found sundry participation rights in lotteries known as baseball and football pools in various containers on the back bar.

Defendant has no prior adjudicated record. I shall, therefore, suspend defendant's license for a period of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 28th day of December, 1951,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Mahwah to Herbert W. Pelzer, t/a Pelzer's Tavern, for premises on Franklin Turnpike, Mahwah, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. January 7, 1952, and terminating at 2:00 a.m. January 22, 1952.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary
Proceedings against

BERNIE'S BAR, INC.
451 S. Third Street
Camden, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-52, issued by the
Municipal Board of Alcoholic
Beverage Control of the City of
Camden.

Leo J. Berg, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on July 27, 1951, Bernard Solotoff, President and Treasurer of defendant corporate licensee, served "a few" shots of whiskey and "a few" glasses of beer to two youths, each eighteen years of age. The minors stated that they were served alcoholic beverages either by Bernard Solotoff or another employee on prior occasions in defendant's licensed premises.

Defendant has no previous adjudicated record. I shall suspend defendant's license for a period of ten days, less five days' remission for the plea, leaving a net suspension of five days.

Accordingly, it is, on this 28th day of December, 1951,

ORDERED that Plenary Retail Consumption License C-52, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Bernie's Bar, Inc., for premises 451 S. Third Street, Camden, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. January 7, 1952, and terminating at 2:00 a.m. January 12, 1952.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against

BARNEY CASAMENTO
T/a BARNEY'S TAVERN
118 Broadway
Long Branch, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-16, issued by the Board of Commissioners of the City of Long Branch.

Elvin R. Simmill, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on the evening of October 3, 1951 and on the early morning of October 4, 1951, an employee of defendant-licensee sold and served alcoholic beverages to a member of the military forces who at the time was 19 years of age.

Defendant has no prior adjudicated record. In the absence of aggravating circumstances, I shall suspend the license for a period of ten days. Re Steel's Ship Bar, Inc., Bulletin 917, Item 10. Five days will be remitted for the plea, leaving a net suspension of five days.

Accordingly, it is, on this 28th day of December, 1951,

ORDERED that Plenary Retail Consumption License C-16, issued by the Board of Commissioners of the City of Long Branch to Barney Casamento, t/a Barney's Tavern, 118 Broadway, Long Branch, be and the same is hereby suspended for a period of five (5) days, commencing at 3:00 a.m. January 7, 1952, and terminating at 3:00 a.m. January 12, 1952.

ERWIN B. HOCK
Director.

13. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES AT LESS THAN PRICE LISTED IN MINIMUM RESALE PRICE LIST - PRIOR RECORD OF SUBSTANTIALLY SIMILAR VIOLATION MORE THAN FIVE YEARS AGO - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against)

MOUNTAINSIDE DRUG CO.,)

a corporation)

899 Mountain Avenue)

Mountainside, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-
bution License D-2, issued by the)
Borough Council of the Borough of)
Mountainside.)

Defendant-licensee, by Ralph M. Sandler, President.

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold an alcoholic beverage at retail at less than its price as listed in the minimum resale price list then in effect, in violation of Rule 5 of State Regulations No. 30.

On October 27, 1951, an ABC agent purchased from Elmer Jones, a clerk employed on defendant's licensed premises, two 4/5 quart bottles of Schenley Reserve Blended Whiskey for \$7.60. The minimum price for this whiskey as listed in the then current "Complete List of New Jersey Minimum Resale Prices of Alcoholic Beverages" was \$4.04 for each 4/5 quart bottle, or \$8.08 for the two bottles.

Defendant has a prior record. Effective February 4, 1946, its license was suspended by the Commissioner for five days after it had pleaded guilty to charges that it had sold alcoholic beverages at a discount, and also below the Fair Trade minimum price which was then in effect. Re Mountainside Drug Co., Bulletin 692, Item 9. It thus appears that the present violation is substantially similar to the prior violation. However, since more than five years elapsed between the violations, I shall suspend defendant's license in this case for fifteen days, instead of doubling the period of suspension for a second similar violation. Re Hoffmann, Bulletin 916, Item 4. Five days will be remitted because of the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 28th day of December, 1951,

ORDERED that Plenary Retail Distribution License D-2, issued by the Borough Council of the Borough of Mountainside to Mountainside Drug Co., a corporation, for premises 899 Mountain Avenue, Mountainside, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. January 7, 1952, and terminating at 9:00 a.m. January 17, 1952.

ERWIN B. HOCK
Director.

14. STATE LICENSES - NEW APPLICATIONS FILED.

Arnold and Doris Sacks
T/a Frank's Beverage Distributors
256 Water St.
Paterson, N. J.

Application filed December 6, 1951 for transfer of State
Beverage Distributor's License SBD-93 from Louis Miesch, Sr.,
t/a Golden Rule Beverages, 72 Dewey Avenue, Totowa, N. J.

John Vogel Inc.
271 Culver Ave.
Jersey City, N. J.

Application filed December 10, 1951 for Transportation License.

Alexander Aragona Sr. & Mary V. Aragona
T/a Rapid Trucking Co.
603 Anderson Avenue
Cliffside Park, N. J.

Application filed January 3, 1952 for Transportation License.

Ernest J. Hock
Director.