

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd., Newark, N.J. 07102

BULLETIN 1571

July 22, 1964

TABLE OF CONTENTSITEM

1. APPELLATE DECISIONS - PALGROTT, INC. v. WASHINGTON TOWNSHIP (BERGEN COUNTY)
2. DISCIPLINARY PROCEEDINGS (Palisades Park) - SALE BELOW FILED PRICE - UNLAWFUL TRANSPORTATION - HINDERING INVESTIGATION - PRIOR RECORD OF SIMILAR AND DISSIMILAR VIOLATION OF CORPORATE STOCKHOLDER - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Newark) - NUISANCE (INDECENT LANGUAGE AND CONDUCT - SOLICITATION FOR PROSTITUTION - HOSTESS ACTIVITY) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 130 DAYS - NO REMISSION FOR PLEA ENTERED AFTER PARTIAL HEARING.
4. DISCIPLINARY PROCEEDINGS (Atlantic City) - POSSESSION OF PINBALL MACHINES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Passaic) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Union) - ADVERTISING BELOW FILED PRICE - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.
7. DISQUALIFICATION REMOVAL PROCEEDINGS - POSSESSING AND PASSING COUNTERFEIT MONEY - RECEIVING STOLEN GOODS - PRESIDENTIAL PARDON TO MEMBERS OF ARMED FORCES - EFFECT OF PARDON - ORDER REMOVING DISQUALIFICATION.
8. DISCIPLINARY PROCEEDINGS (Camden) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD OF CORPORATION IN WHICH LICENSEES WERE STOCKHOLDERS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (New Brunswick) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Camden) - SERVING BEVERAGES TO WOMEN AT BAR - FOUL LANGUAGE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Bernards) - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
12. STATE LICENSES - NEW APPLICATIONS FILED.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd., Newark, N.J. 07102

BULLETIN 1571

July 22, 1964

1. APPELLATE DECISIONS - PALGROTT, INC. v. WASHINGTON
TOWNSHIP (BERGEN COUNTY).

Palgrott, Inc.,)	
)	
Appellant,)	
v.)	
)	On Appeal
Township Committee of the)	
Township of Washington (Bergen)	CONCLUSIONS and ORDER
County),)	
)	
Respondent.)	
-----)	

J. Mortimer Rubenstein, Esq., by Joel M. Albert, Esq.,
Attorney for Appellant
Alfred D. Schiaffo, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report.

This is an appeal from the unanimous action of respondent in denying an application for person-to-person and place-to-place transfer of Plenary Retail Consumption License C-5 from Frida Bluhm, t/a Maple Tree Inn, to appellant and from premises 571 Ridgewood Road to premises 299 Pascack Road, Washington Township, Bergen County.

Appellant alleges in its petition of appeal that the action of respondent in denying the transfer in question was erroneous for the following reasons:

"The same was an arbitrary, unreasonable and capricious abuse of discretion in that the said area in which the said license was to be transferred is zoned for business which does not prohibit the sale of alcoholic beverages and there are other establishments selling alcoholic beverages in the immediate vicinity and there were no valid or legal reasons for the denial of the application for transfer."

Respondent's answer denies the allegations contained in the petition and lists as reasons for respondent's action the following:

"a. The purpose and intent of the development of the location in question is, and was, to allow the establishment of a centralized SHOPPING area so that the needs of the citizens could be satisfied at their greatest convenience. The general philosophy was carried into the Zoning Ordinance and its Amendments and Supplements. The Zoning Ordinance sets

forth affirmatively those businesses allowed in the location in question to the exclusion of all other businesses. A public bar, the necessary prerequisite to the retail sale of liquor is not among the permitted uses.

"b. The Township Committee is of the opinion that the establishment of a public bar would materially increase the flow of traffic in and upon the parking lot adjacent to the location in question and, the increased flow of traffic together with the consumption of intoxicating liquors would create hazards which would be detrimental to the safety of the citizens and taxpayers of the community.

"c. It is the feeling of the Township Committee that the location of a public bar in a place which is frequented by young persons would be detrimental to their welfare and moral development and that public bars should be allowed where they can be reached by those intending to take advantage of them.

"d. The best interests of the Township would be served by confining the businesses in the location in question to those permitted by the Zoning Ordinance, that is: to those businesses which take care of the daily needs of the citizens."

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15.

Christopher LaGrotteria (an officer of appellant corporation) testified that he has conducted a restaurant at the proposed premises but that the restaurant is not presently operating; that there are various types of business in the shopping area, namely, "a woman's beauty salon, a milk store, Garden State Milk Store, a Rexall Drugstore, a baker's shop, a stationery store, luncheonette type. Next to that is a cleaner, a barber shop, then my restaurant, then a pork store" and also "a gift circle, next to that, I believe, there is a new hardware store coming in, and next to that is a real estate office building, and next to that is the Oritani Savings and Loan, and office buildings;" that on Pascack Road across the street from the shopping center is a tavern, next to which is a package goods store, the latter being about three to four hundred feet from the proposed location; that the package goods store and a barber shop share parking space for six or eight cars; and that the present location of the license on Ridgewood Road is approximately one mile distant from the proposed site.

James J. Leone (president of the corporate owner of the shopping center) testified that in his opinion there is sufficient parking space for the businesses in the shopping center; that he has seen as many as eight or ten children, age 14 to 16 years, "hang out by the luncheonette" which is approximately fifty or sixty feet away from appellant's restaurant.

John W. Stapleton (a member of respondent Committee) testified that the present liquor license is located in a residential area and, to his knowledge, there are no parking facilities. Committeeman Stapleton further testified that he voted against the transfer because "I felt that the use was not permitted by the zoning ordinance. I also felt if the license were

granted that there could be -- it would constitute or create an unsafe situation in that it would increase the traffic within the Shopping Center, and finally I felt that in view of the number of children in and about the Shopping Center that the alcohol being dispensed in the area would not create a very happy situation."

Judith Lange testified that she resides "15 to 16 hundred feet" from the proposed location and that she objects to the transfer of the license because there are constantly many children in the shopping center.

A brief comment may be in order regarding respondent's contention that one of the reasons for denial of the transfer of the liquor license to the shopping center would violate the zoning ordinance pertaining thereto.

A liquor license may be properly issued or transferred to a location where the zoning ordinance prohibits such type of business. However, such issuance or transfer does not permit the licensee to operate until he complies with all applicable statutes and ordinances, including zoning ordinances. See Lubliner, et al. v. Board of Alcoholic Beverage Control of Paterson, 59 N.J.Super. 419 (App.Div. 1960), reprinted in Bulletin 1325, Item 1; aff'd id. nom. 33 N.J. 428, reprinted in Bulletin 1365, Item 1.

Although appellant's proposed premises would be three to four hundred feet from the nearest retail liquor outlet, this in itself would not compel the respondent to grant the transfer in question. In Fanwood v. Rocco and Div. of Alcoholic Beverage Control, 59 N.J.Super. 306, 320 (App.Div. 1960), where the court sustained the denial by the local issuing authority of a transfer of a liquor license, Judge Gaulkin stated:

"The transfer of a license into an area in which there are no taverns or package stores is in the same category as the issuance of an original license. No person is entitled to either as a matter of law. N.J.S.A. 33:1-26; Zicherman v. Driscoll, supra, 133 N.J.L., at page 588; Bumball v. Burnett, supra, 115 N.J.L. 254.

"As we have indicated, when a municipality decides in good faith that a substantial area within its boundaries in which there are no taverns or package stores shall remain that way, the Director may not interfere. That there are no licenses in the area is no reason that there should be one. Cf. Mauriello v. Driscoll, 135 N.J.L. 220 (Sup.Ct. 1947). Nor does the municipality need to have any articulated reasons for keeping the area inviolate. It is sufficient if in good faith and not with the intention of oppressing the individual applicant the governing body wants it that way. If the motive of the governing body is pure, its reasons, whether based on morals, economics, or aesthetics, are immaterial."

On appeal, the New Jersey Supreme Court affirmed the Superior Court's decision in the denial of said transfer. Fanwood v. Rocco and Div. of Alcoholic Beverage Control, 33 N.J. 404 (1960).

There is no indication or is there a suggestion that respondent's refusal to grant appellant's application was inspired by improper motives. After a careful examination of all

the pertinent evidence presented herein, I conclude that appellant has failed to sustain the burden of establishing that the action of the respondent in denying the transfer of the license was unreasonable, arbitrary or constituted an abuse of its discretionary power. Rule 6 of State Regulation No. 15, supra.

Under the circumstances in this case, I recommend that an order be entered affirming the action of respondent and dismissing the appeal.

Conclusions and Order.

Pursuant to the provisions of Rule 14 of State Regulation No. 15, written exceptions to the Hearer's Report and written argument thereto were filed with me by the attorney for appellant.

After carefully considering the evidence presented herein, the argument presented by the attorneys for the respective parties, the Hearer's Report, the exceptions thereto and written argument filed in behalf of appellant, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 11th day of June, 1964,

ORDERED that the action of respondent Township Committee be affirmed, and that the appeal herein be and the same is hereby dismissed.

JOSEPH P. LORDI
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE -
UNLAWFUL TRANSPORTATION - HINDERING INVESTIGATION - PRIOR
RECORD OF SIMILAR AND DISSIMILAR VIOLATION OF CORPORATE
STOCKHOLDER - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Anton's Wines & Liquors, Inc.
257 Broad Avenue
Palisades Park, N. J.,

Holder of Plenary Retail Distribution
License D-8, issued by the Borough
Council of the Borough of Palisades
Park.

CONCLUSIONS
and
ORDER

Joseph P. Dunn, Esq., Attorney for Licensee
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that
(1) on July 3, 1961, July 23, 1962 and July 18, 1963, it sold
quantities of alcoholic beverages at less than filed price, in
violation of Rule 5 of State Regulation No. 30, and on December
13, 1962, it (2) transported alcoholic beverages not accompanied

by requisite invoice, in violation of Rule 3 of State Regulation No. 17, and (3) hindered investigation, in violation of R.S. 33:1-35.

With respect to Charges 2 and 3, reports of investigation disclose that on the date in question the licensee was apprehended in the course of transportation of sixteen packages containing a total of approximately three hundred fifty bottles of alcoholic beverages, all without indication of their destination, and that when questioned, the licensee refused to disclose such destination.

Licensee has a previous record of suspension of license then held for premises 252 Broad Avenue, Palisades Park, by the Director for thirty-five days effective February 13, 1951, for transportation in unlicensed vehicle and without requisite invoice, aiding and abetting unlawful transportation, and storage on unlicensed premises. Re Anton's Wines & Liquors, Inc., Bulletin 898, Item 5. In addition, the license then held by Matthew Weinstein and Ruth Weinstein (the latter president and principal stockholder of the licensee), t/a Library Delicatessen & Liquor Shop, for premises 275 Main Street, Hackensack, was suspended by the Director for five days effective January 17, 1949, for sale below minimum price. Re Weinstein, Bulletin 829, Item 4. Further, the license of Ruth Weinstein and Melvin Leventhal for premises 252 Broad Avenue, Palisades Park, was suspended by the Director for twenty days effective January 5, 1954, for sale below minimum price. Re Weinstein and Leventhal, Bulletin 999, Item 4. Finally, the license of Matthew Weinstein and Ruth Weinstein for premises 257 Broad Avenue, Palisades Park, was suspended by the Director for forty-five days effective January 8, 1962, for filing inaccurate beverage tax reports, failure to file notice of changes in the license application, conviction of Matthew Weinstein of a crime involving moral turpitude, and his employment on the licensed premises after conviction. Re Weinstein, Bulletin 1393, Item 3; aff'd Weinstein v. Div. of Alcoholic Beverage Control, 70 N.J. Super. 164, reprinted in Bulletin 1424, Item 2; Re Weinstein, Bulletin 1433, Item 1.

Under all of the circumstances and considering the previous record of Ruth Weinstein for dissimilar violation within the past five years and similar violation within the past ten years, the license will be suspended for fifty days, with remission of five days for the plea entered, leaving a net suspension of forty-five days.

Accordingly, it is, on this 15th day of June, 1964,

ORDERED that Plenary Retail Distribution License D-8, issued by the Borough Council of the Borough of Palisades Park to Anton's Wines & Liquors, Inc. for premises 257 Broad Avenue, Palisades Park, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1964, commencing at 9:00 a.m. Monday, June 22, 1964; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 9:00 a.m. Thursday, August 6, 1964.

JOSEPH P. LORDI
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - NUISANCE (INDECENT LANGUAGE AND CONDUCT - SOLICITATION FOR PROSTITUTION - HOSTESS ACTIVITY) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 130 DAYS - NO REMISSION FOR PLEA ENTERED AFTER PARTIAL HEARING.

In the Matter of Disciplinary)
Proceedings against)

Helen Milchman)
t/a Conlon's Bar)
497 Washington Street)
Newark 2, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-660, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)
-----)

Saul C. Schutzman, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

After partial hearing, licensee pleaded non vult to charges as follows:

- "1. On Monday, November 18, Thursday, November 21, Friday night, November 22 into Saturday morning, November 23, Wednesday, November 27, Thursday, December 5, Wednesday, December 11, Saturday, December 14 and Saturday, December 21, 1963, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that you allowed, permitted and suffered lewdness, immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises; allowed, permitted and suffered persons employed on your licensed premises and other persons thereon to make offers, overtures and arrangements with male patrons to procure females to engage with them in acts of illicit sexual intercourse; allowed, permitted and suffered females employed on your licensed premises to accept and consume food and beverages at the expense of or as a gift from customers and patrons; allowed, permitted and suffered unescorted females frequenting your licensed premises to make overtures to and solicitation of male customers and patrons to purchase food and beverages for consumption by them and others; and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20.
- "2. On Saturday, November 23, 1963, at about 1:30 A.M. and on Thursday, December 5, 1963 at about 11:30 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, at retail, in their original containers for consumption off your licensed premises, and allowed, permitted and suffered the removal of said alcoholic beverages in their original containers from your licensed premises; in violation of Rule 1 of State Regulation No. 38.
- "3. In your application filed with the Municipal Board of

Alcoholic Beverage Control of the City of Newark, dated May 13, 1963, and upon which you obtained your current plenary retail consumption license you falsely stated 'No' in answer to Question No. 41 which asks: 'Have you or has any other person mentioned in this application ever had any interest, directly or indirectly, in any alcoholic beverage license or permit in New Jersey or any other state which was surrendered, suspended, revoked or cancelled?', whereas in truth and fact plenary retail consumption license held by you for these same premises, effective July 1, 1959, for the 1959-1960 period was suspended for ten (10) days commencing June 6, 1960 by the Municipal Board of Alcoholic Beverage Control of the City of Newark for violation of Rule 1 of State Regulation No. 38; said false answer, statement, evasion and suppression being in violation of R.S. 33:1-25."

With respect to so much of the first charge as concerns the making of arrangements for illicit sexual intercourse, reports of investigation disclose that no females were actually produced or ever made available for such purpose and that the alleged offers, overtures and arrangements were purely conversation, viz., a so-called "snow job." However, the appearance of evil is as bad as the evil itself so far as the public impact of the conduct of the licensed business is concerned.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective June 6, 1960, for sale in violation of State Regulation No. 38.

Considering its various elements, the license will be suspended on the first charge for ninety days. Cf. Re Rogers, Bulletin 1546, Item 8 (foul, filthy and obscene language and conduct -- ten days); Re Kobylarz, Bulletin 1464, Item 2 ("snow job" solicitation for prostitution -- sixty days); Re Blue Chateau Inc., Bulletin 1496, Item 4 (hostess activity by barmaids and patrons -- twenty days). In addition, the prior record of similar violation within the past five years considered, the license will be suspended on the second charge for thirty days (Re Gacos, Bulletin 1554, Item 4) and on the third charge for ten days (Re Bernstein, Bulletin 1562, Item 2), or a total of one hundred thirty days. No remission will be granted for the plea entered after partial hearing. Re Jockey Club, Inc., Bulletin 1543, Item 2.

Accordingly, it is, on this 8th day of June, 1964,

ORDERED that Plenary Retail Consumption License C-660, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Helen Milchman, t/a Conlon's Bar, for premises 497 Washington Street, Newark, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1964, commencing at 2 a.m. Monday, June 15, 1964; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Friday, October 23, 1964.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - POSSESSION OF PINBALL MACHINES -
 LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

Hotel Morton Company (a corp.))
 t/a Hotel Morton)
 150 S. Virginia Avenue)
 Atlantic City, N. J.,)

CONCLUSIONS
 and
 ORDER

Holder of Plenary Retail Consumption)
 License C-232, issued by the Board)
 of Commissioners of the City of)
 Atlantic City.)

-----)

Licensee, by Philip F. DeGroodt, Secretary, Pro se
 Edward F. Ambrose, Esq., Appearing for the Division of
 Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on
 May 15 and 20, 1964, it permitted four pinball machines on
 its licensed premises, in violation of Rule 7 of State Regu-
 lation No. 20.

Absent prior record, the license will be suspended
 for ten days, with remission of five days for the plea entered,
 leaving a net suspension of five days. Re Stadium Cocktail
Lounge, Inc., Bulletin 1558, Item 7.

Accordingly, it is, on this 8th day of June, 1964,

ORDERED that Plenary Retail Consumption License C-232,
 issued by the Board of Commissioners of the City of Atlantic City
 to Hotel Morton Company (a corp.), t/a Hotel Morton, for prem-
 ises 150 S. Virginia Avenue, Atlantic City, be and the same is
 hereby suspended for five (5) days, commencing at 7:00 a.m.
 Monday, June 15, 1964, and terminating at 7:00 a.m. Saturday,
 June 20, 1964.

JOSEPH P. LORDI
 DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE
 REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS
 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

Lounge 68, A Corporation)
 t/a Lounge 68)
 66 Myrtle Avenue)
 Passaic, N. J.,)

CONCLUSIONS
 and
 ORDER

Holder of Plenary Retail Consumption)
 License C-80, issued by the Board of)
 Commissioners of the City of Passaic.)

-----)

Peter P. Zangara, Esq., Attorney for Licensee
 Edward F. Ambrose, Esq., Appearing for the Division of
 Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 18, 1964, it sold six cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Bun, Bulletin 1556, Item 10.

Accordingly, it is, on this 8th day of June, 1964,

ORDERED that Plenary Retail Consumption License C-80, issued by the Board of Commissioners of the City of Passaic to Lounge 68, A Corporation, t/a Lounge 68, for premises 66 Myrtle Avenue, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, June 15, 1964, and terminating at 3:00 a.m. Thursday, June 25, 1964.

JOSEPH P. LORDI
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ADVERTISING BELOW FILED PRICE -
LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary)	
Proceedings against)	
Bapham Company, A Corporation)	
t/a Bapham-Shoprite)	CONCLUSIONS
Route 22 and Springfield Road)	and
Union, N. J.,)	ORDER
Holder of Plenary Retail Distribution)	
License D-8, issued by the Township)	
Committee of the Township of Union,)	
County of Union)	
-----)	

Ehrenkranz and Lieberman, Esqs., Attorneys for Licensee
David S. Piltzer, Esq., Appearing for the Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge as follows:
"On or about March 4, 11 and 18, 1964, you advertised, directly and indirectly, in a periodical, publication and direct mailing piece, namely, 'The County Bulletin', a price for alcoholic beverages, viz., 4/5 quart bottles of Four Roses Blended Whiskey and 4/5 quart bottles of The Christian Brothers American Brandy, other than the price thereof then filed with the Director of the Division of Alcoholic Beverage Control; in violation of Rule 6(d) of State Regulation No. 30."

The cited rule plainly provides that:

"No retailer shall display upon the licensed premises or advertise, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece, a price for any alcoholic beverage other than the price thereof filed with the Director."

Reports of investigation disclose that, as alleged, the licensee advertised the price of 4/5 quarts of Four Roses whiskey at \$4.95 when the filed price was \$4.99 and 4/5 quarts of Christian Brothers brandy at \$4.19, the filed price being \$5.10.

Licensee has a previous record of two similar violations which were the subject of warning letters, viz., that of June 28, 1963 with reference to display on the licensed premises of a price label on a bottle of rum below filed price and that of December 31, 1963 with reference to circular advertising of the price of a bottle of whiskey below filed price.

Since the prosecution herein is a matter of novel impression, the license will be suspended for five days, with remission of two days for the plea entered, leaving a net suspension of three days. However, all licensees are warned that if the instant penalty proves inadequate to deter similar violations, consideration will be given to its increase.

Accordingly, it is, on this 8th day of June, 1964,

ORDERED that Plenary Retail Distribution License D-8, issued by the Township Committee of the Township of Union, County of Union, to Bapham Company, A Corporation, t/a Bapham-Shoprite, for premises Route 22 and Springfield Road, Union, be and the same is hereby suspended for three (3) days, commencing at 9:00 a.m. Monday, June 15, 1964, and terminating at 9:00 a.m. Thursday, June 18, 1964.

JOSEPH P. LORDI
DIRECTOR

7. DISQUALIFICATION REMOVAL PROCEEDINGS - POSSESSING AND PASSING COUNTERFEIT MONEY - RECEIVING STOLEN GOODS - PRESIDENTIAL PARDON TO MEMBERS OF ARMED FORCES - EFFECT OF PARDON - ORDER REMOVING DISQUALIFICATION.

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

CONCLUSIONS
and
ORDER

Case No. 1829)
-----)

BY THE DIRECTOR:

Petitioner's criminal record discloses that on July 3, 1939, he was convicted in a local magistrate's court

as a disorderly person and was sentenced to serve thirty days in a county jail. It further appears that he was convicted in a federal court on September 21, 1939, for passing and possessing counterfeit money and on January 13, 1947, for receiving goods stolen from an interstate shipment; that on his first of said convictions he was sentenced to serve one year and one day in a federal reformatory, and on his second conviction he was given a suspended sentence of one year and one day and was placed on probation for four years.

The crime of receiving stolen goods involves the element of moral turpitude (Re Case No. 1727, Bulletin 1545, Item 4). Cf. Weinstein v. Division of Alcoholic Beverage Control et al., 70 N.J. Super. 164 (App. Div. 1961), and the petitioner by conviction thereof was rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

With reference to petitioner's conviction on September 21, 1939, it appears that he was a member of the Armed Forces of the United States between February 3, 1942 and November 10, 1945 and was honorably discharged therefrom. By reason thereof petitioner was granted a full pardon of said conviction by a presidential proclamation. See Presidential Proclamation No. 2676 reprinted in 10 Federal Register 15409, dated December 24, 1945, providing in pertinent part that:

"... I, Harry S. Truman, President of the United States of America, do hereby grant a full pardon to all persons convicted of violation of any law of the United States or of the Territory of Alaska, except the laws for the government of the Army and the Navy, who on or after the twenty-ninth day of July, 1941, and prior to the date hereof, entered, enrolled in, or were inducted into the armed forces of the United States and who after serving in active status for not less than one year have been or shall hereafter be honorably discharged or separated therefrom, or separated under honorable conditions from active service therein: provided, however, that such pardon shall not be construed to include the pardon of such persons for any offenses for which conviction has been obtained after the date of such entry, enrollment, or induction into service."

Such pardon wipes out the conviction and everything pertaining to it, and the petitioner is therefore not disqualified by reason of said conviction. Re Case No. 998, Bulletin 945, Item 12.

Petitioner's conviction as a disorderly person is not a conviction of a crime. Re Case No. 1722, Bulletin 1488, Item 3.

At the hearing held herein, petitioner (46 years old) testified that for the past seven and one-half years he has lived in two neighboring municipalities; that he has been employed as a sales manager for the past six months, and that prior thereto he was employed as a shipping clerk by one company for twelve years.

Petitioner further testified that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this State and that, ever since his conviction on January 13, 1947, he has not been convicted of any crime or arrested.

The Police Department of the municipality wherein petitioner resides reports that there are no complaints or investigations presently pending against the petitioner.

The petitioner produced three character witnesses (a platform worker, a barber, and a realtor) who testified that they have known petitioner for more than five years last past and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

Considering all of the aforesaid facts and circumstances, I am satisfied that the petitioner has conducted himself in a law-abiding manner for five years last past and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 9th day of June 1964,

ORDERED that petitioner's statutory disqualification because of the 1947 conviction described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

JOSEPH P. LORDI
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD OF CORPORATION IN WHICH LICENSEES WERE STOCKHOLDERS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Francis X. & Mary T. Engel
t/a Engel's Cafe
3209-3211 River Rd.,
Camden, New Jersey,

CONCLUSIONS
and
ORDER

Holders of Plenary Retail Consumption
License C-93, issued by the Municipal
Board of Alcoholic Beverage Control
of the City of Camden.

Licensees, Pro se

David S. Piltzer, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on April 30, 1964, they possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Although licensees as individuals have no previous record of suspension of license, the license of Engel's Tavern, Inc., t/a Engel's Tavern, for premises 6324 Westfield Avenue, Pennsauken Township, in which they were respectively forty-nine per cent. and one per cent. stockholders and of which Francis X. Engel was vice president, secretary and treasurer, was suspended by the municipal issuing authority (1) for three days effective May 4, 1959, for permitting females at the bar contrary to local regulation, (2) for ten days effective January 23, 1961, for sale to minors, and (3) for fifteen days effective January 8, 1963, for sale to minors.

The minimum penalty imposed in unaggravated first offense cases involving possession of one bottle not truly labeled is suspension of license for ten days. Re Chance, Bulletin 1557, Item 6. However, because of the three suspensions of license of Engel's Tavern, Inc. in which the licensees were stockholders (Re Moore, Bulletin 1477, Item 8) for dissimilar violations occurring within the past five years, the minimum penalty will be increased by fifteen days (Re Hala Corporation, Bulletin 1525, Item 4) or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 10th day of June 1964,

ORDERED that Plenary Retail Consumption License C-93, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Francis X. & Mary T. Engel, t/a Engel's Cafe, for premises 3209-3211 River Rd., Camden, be and the same is hereby suspended for the balance of its term, viz., until Midnight June 30, 1964, commencing at 2 a.m. Wednesday, June 17, 1964; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Tuesday, July 7, 1964.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)

Washington Street Tavern (A Corp.))
246 Neilsen Street)
New Brunswick, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-32, issued by the Board of)
Commissioners of the City of New)
Brunswick.)

Licensee, by Milton Applebaum, President, Pro se
David S. Piltzer, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on May 18, 1964, it possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Although licensee-corporation has no previous record, the license of Milton Applebaum, its president and 98% stockholder, then held in partnership with Philip Lippitt for premises at Stelton Road and Lakeside Avenue, Piscataway Township, was suspended by the Director for five days effective January 14, 1952, for sale to minors. Re Lippitt and Applebaum, Bulletin 923, Item 7.

The prior record of suspension for dissimilar violation disregarded because occurring more than five years ago, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Haydock, Bulletin 1552, Item 8.

Accordingly, it is, on this 10th day of June 1964,

ORDERED that Plenary Retail Consumption License C-32, issued by the Board of Commissioners of the City of New Brunswick to Washington Street Tavern (A Corp.), for premises 246 Neilsen Street, New Brunswick, be and the same is hereby suspended for the balance of its term, viz., until Midnight June 30, 1964, commencing *at 2 a.m. Wednesday, June 17, 1964; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Thursday, July 2, 1964.

JOSEPH P. LORDI
DIRECTOR

* By order dated June 15, 1964, the penalty was deferred to commence at 2 a.m. Monday, July 6, 1964, and to terminate at 2 a.m. Tuesday, July 21, 1964.

10. DISCIPLINARY PROCEEDINGS - SERVING BEVERAGES TO WOMEN AT BAR - FOUL LANGUAGE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

L and S Corp.
t/a Berkley Bar
451 South Third Street
Camden, N. J.,

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-94, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

Licensee, by Sydney Gross, President, Pro se
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on May 24, 1964, it (1) served beverages to women at a bar, in violation of local ordinance, and (2) permitted foul, filthy and obscene language on the licensed premises, in violation of Rule 5 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for five days (Re Blakjak, Inc., Bulletin 1547, Item 11) and on the second charge for ten days (Re Club Del Rose, Bulletin 1556, Item 1) or a total of fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days.

Accordingly, it is, on this 10th day of June, 1964,

ORDERED that Plenary Retail Consumption License C-94, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to L and S Corp., t/a Berkley Bar, for premises 451 South Third Street, Camden, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m. Monday, June 15, 1964, and terminating at 2:00 a.m. Thursday, June 25, 1964.

JOSEPH P. LORDI
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE -
LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)	
Proceedings against)	
Robert W. Pretzfelder and)	
Richard H. Davis)	
t/a G. & H. Wine & Liquor Store)	CONCLUSIONS
4 E. Henry Street)	and
Bernards Township)	ORDER
PO Basking Ridge, New Jersey,)	

Holder of Plenary Retail Distribution)
License D-1, issued by the Township
Committee of the Township of Bernards.)

Stern and Mitchell, Esqs., by Peter W. Mitchell, Esq.,
Attorneys for Licensees
Morton B. Zemel, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on May 12, 1964, they sold six quart bottles of whiskey below filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Merit Liquor Stores, Inc., Bulletin 1549, Item 6.

Accordingly, it is, on this 15th day of June 1964,

ORDERED that Plenary Retail Distribution License D-1, issued by the Township Committee of the Township of Bernards to Robert W. Pretzfelder and Richard H. Davis, t/a G. & H. Wine & Liquor Store, for premises 4 E. Henry Street, Bernards Township, be and the same is hereby suspended for five (5) days, commencing at 9 a.m. Monday, June 22, 1964, and terminating at 9 a.m. Saturday, June 27, 1964.

JOSEPH P. LORDI
DIRECTOR

12. STATE LICENSES - NEW APPLICATIONS FILED.

Sunshine Brewing Co. (New Corporation)
N.W. Corner West Elm and Gordon Streets
Reading, Pennsylvania

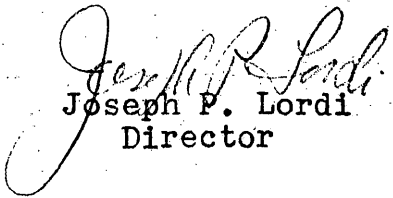
Application filed July 14, 1964 for person-to-person transfer of Limited Wholesale License WL-2 from Sunshine Brewing Co. (Old Corporation).

R.U. Delapenha & Co.
655 Madison Avenue
New York, N. Y.

Application filed July 20, 1964 for place-to-place transfer to maintain a warehouse in New Jersey at 223-283 (rear) Bergen Boulevard, Fairview, New Jersey, on Plenary Wholesale License W-104.

Peter J., August, Joseph, Julien and Arthur Mustardo
t/a Lyndale Beverages
15-17 Hackensack Avenue
Ridgefield Park, N. J.

Application filed July 21, 1964 for person-to-person transfer of State Beverage Distributor's License SBD-173 from Park Beverages, A Corporation.


Joseph P. Lordi
Director