

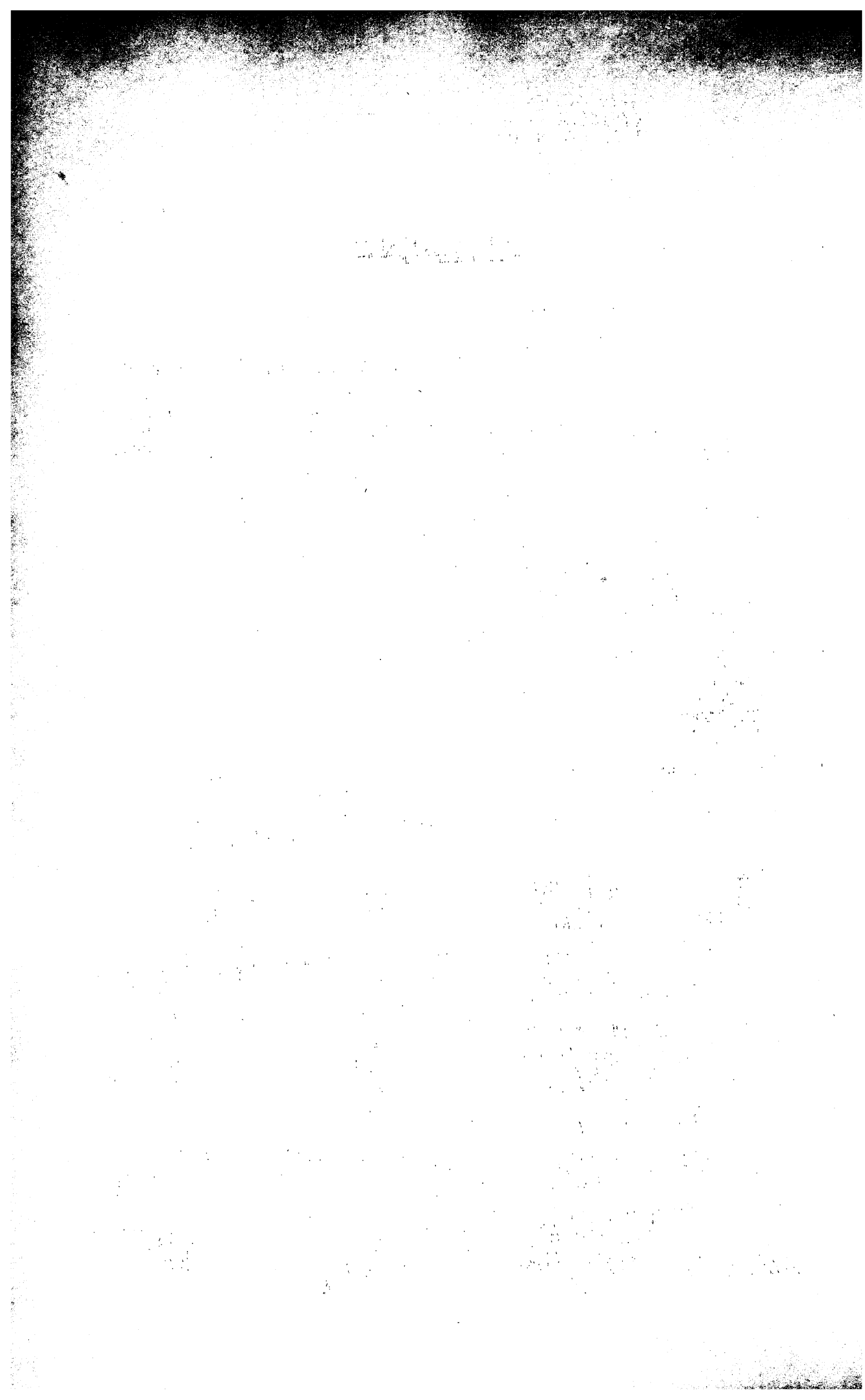
BULLETIN 882

JULY 26, 1950.

TABLE OF CONTENTS

ITEM

1. ACTIVITY REPORT FOR JUNE 1950.
2. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FOR THE FISCAL YEAR 1949-50.
3. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1949 TO JUNE 30, 1950 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R. S. 33:1-19.
4. APPELLATE DECISIONS - MINSKY v. WOODBRIDGE.
5. DISCIPLINARY PROCEEDINGS (Newark) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Secaucus) - TRANSPORTATION OF ALCOHOLIC BEVERAGES, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 - ACCEPTANCE OF ORDERS AT OTHER THAN LICENSED PREMISES, IN VIOLATION OF R. S. 33:1-2 - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (West Long Branch) - TRANSPORTATION OF ALCOHOLIC BEVERAGES, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 - ACCEPTANCE OF ORDERS AT OTHER THAN LICENSED PREMISES, IN VIOLATION OF R. S. 33:1-2 - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Mount Holly) - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Neptune City) - SALE TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Hackensack) - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Phillipsburg) - KNOWINGLY EMPLOYING UNQUALIFIED PERSON - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
12. SEIZURE - FORFEITURE PROCEEDINGS - UNLAWFUL TRANSPORTATION OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLE - ALCOHOLIC BEVERAGES AND OTHER ARTICLES IN MOTOR VEHICLE ORDERED FORFEITED - MOTOR VEHICLE RETURNED TO INNOCENT LIENOR.
13. STATE LICENSES - NEW APPLICATIONS FILED.
14. MORAL TURPITUDE - COMMERCIALIZED GAMBLING HELD TO INVOLVE MORAL TURPITUDE UNDER FACTS OF CASE.
15. DISQUALIFICATION - CONVICTION FOR POSSESSING AND PASSING COUNTERFEIT GASOLINE RATIONING STAMPS AFTER DISQUALIFICATION BECAUSE OF A PRIOR CONVICTION REMOVED - APPLICATION TO LIFT DISQUALIFICATION BECAUSE OF SUBSEQUENT CONVICTION GRANTED.



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

BULLETIN 882

JULY 26, 1950.

ACTIVITY REPORT FOR JUNE 1950		1.
ARRESTS:		
Total number of persons arrested	-----	27
Licensees and employees	10	
Bootleggers	17	
SEIZURES:		
Motor vehicles - cars	-----	1
- trucks	-----	1
Still - 50 gallons or under	-----	2
Alcohol - gallons	-----	1.00
Mash - gallons	-----	275.00
Distilled alcoholic beverages - gallons	-----	7.04
Wine - gallons	-----	427.18
Brewed malt alcoholic beverages - gallons	-----	36.18
RETAIL LICENSEES:		
Premises inspected	-----	844
Premises where alcoholic beverages were gauged	-----	854
Bottles gauged	-----	15,130
Premises where violations were found	-----	24
Violations found	-----	31
Type of violations found:		
Unqualified employees	13	Other mercantile business - 6
Gambling devices	8	Disposal permit necessary - 1
		Other violations - 3
STATE LICENSEES:		
Premises inspected	-----	18
License applications investigated	-----	23
COMPLAINTS:		
Complaints assigned for investigation	-----	277
Investigations completed	-----	316
Investigations pending	-----	126
LABORATORY:		
Analyses made	-----	146
"Shake-up" cases (alcohol, water and artificial color) - bottles	-----	14
Liquor found to be not genuine as labeled - bottles	-----	8
IDENTIFICATION BUREAU:		
Criminal fingerprint identifications made	-----	28
Persons fingerprinted for non-criminal purposes	-----	300
Identification contacts made with other enforcement agencies	-----	259
Motor vehicle identifications via N. J. State Police teletype	-----	5
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	-----	13
Violations involved:		
Sale during prohibited hours	7	
Sale to minors	5	
Permitting bookmaking on premises	1	
Sale outside scope of license	1	
Cases instituted at Division	-----	22
Violations involved:		
Sale outside scope of license	6	Employing unqualified persons - 2
Sale during prohibited hours	5	Permitting slot machines on premises - 1
Sale under Fair Trade price	4	Filing false tax reports - 1
Sale to minors	4	Permitting lottery activity on premises (raffle) - 1
Permitting hostesses on premises	3	Failure to file notice of change in application - 1
Fraud and front	3	Sale to intoxicated persons - 1
Hindering investigation	2	Failure to afford view into premises during prohibited hours - 1
Delivery without bona fide invoices	2	
Possessing illicit liquor	2	
Permitting immoral activity on premises	2	
Cases brought by municipalities on own initiative and reported to Division	-----	10
Violations involved:		
Sale to minors	6	Sale to non-members by clubs - 1
Sale during prohibited hours	3	Permitting immoral activity on premises - 1
Permitting brawls on premises	1	Conducting business as a nuisance - 1
Cancellation proceedings instituted at Division	-----	1
Violations involved:		
Lack of 3-year possession of quarters by club	1	
HEARINGS HELD AT DIVISION:		
Total number of hearings held	-----	34
Appeals	2	Seizures - 3
Disciplinary proceedings	17	Tax revocation - 1
Eligibility	10	Application for license - 1
PERMITS ISSUED:		
Total number of permits issued	-----	770
Employment	174	Social affairs - 399
Solicitors	42	Miscellaneous - 84
Disposal of alcoholic beverages	71	

ERWIN B. HOCK
 Director.

July 12, 1950

2. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FOR THE FISCAL YEAR 1949-50

	1st Quarter			2d Quarter			3d Quarter			4th Quarter			Total
	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
ARRESTS:													
Total number of persons arrested		59		50			62			62			233
Licensees and employees		7		6			16			14			43
Bootleggers		50		44			45			48			187
ABC agent impersonator		2		0			1			0			3
SEIZURES:													
Motor vehicles - cars		5		7			3			3			18
- trucks		1		3			4			2			10
Stills - over 50 gallons		4		5			4			2			15
- 50 gallons or under		4		5			4			9			22
Alcohol - gallons		.12		119.41			0			6.64			126.17
Mash - gallons		1,950.00		11,100.00			1,175.00			1,775.00			16,000.00
Distilled alcoholic beverages - gallons		72.10		120.53			419.35			27.14			639.12
Wine - gallons		100.61		191.71			183.55			1,055.59			1,531.46
Brewed malt alcoholic beverages - gallons		330.88		53.18			47.49			72.92			504.47
RETAIL LICENSEES:													
Premises inspected		2,395		2,396			2,505			2,771			10,067
Premises where alcoholic beverages gauged		2,262		2,119			2,351			2,564			9,296
Bottles gauged		40,611		36,842			42,765			45,198			165,416
Premises where violations were found		107		89			100			81			377
Violations found		130		95			129			101			455
Type of violations found:													
Unqualified employees		66		20			54			45			185
Reg. #38 sign not posted		12		19			7			12			50
Gambling devices		6		4			26			13			49
Other mercantile business		7		11			6			13			37
Probable fronts		8		5			11			1			25
Prohibited signs		3		4			2			1			10
Disposal permit necessary		4		1			0			4			9
Improper beer taps		4		2			2			0			8
Other violations		20		29			21			12			82
STATE LICENSEES:													
Premises inspected		81		66			65			60			272
License applications investigated		45		29			45			46			165
COMPLAINTS:													
Complaints assigned for investigation		952		1,005			867			868			3,692
Investigations completed		1,055		1,130			1,062			1,029			4,274
Investigations pending		-		-			-			126			126
LABORATORY:													
Analyses made		320		470			383			392			1,565
"Shake-up" cases (alcohol, water and artificial color) - bottles		21		22			23			30			96
Liquor found to be not genuine as labeled		29		38			18			12			97
IDENTIFICATION BUREAU:													
Criminal fingerprint identifications made		29		40			91			79			239
Persons fingerprinted for non-criminal purposes		794		462			445			673			2,374
Identification contacts made with other enforcement agencies		667		365			395			567			1,994
Motor vehicle identifications via N. J. State Police teletype		21		24			23			15			81
DISCIPLINARY PROCEEDINGS:													
Cases transmitted to municipalities		24		21			41			32			118
Violations involved:													
Sale during prohibited hours		7		10			22			13			52
Sale to minors		5		2			7			13			27
Sale to intoxicated persons		6		1			5			1			13
Sale to non-members by clubs		1		6			3			3			13
Permitting brawls on premises		3		2			4			0			9
Permitting bookmaking on premises		1		3			2			2			7
Permitting slot machines on premises		2		0			1			1			5
Permitting females to tend bar		1		1			1			0			3
Permitting hostesses on premises		1		1			1			0			3
Employing unqualified persons		1		0			1			0			2
Possessing contraceptives on premises		1		0			0			0			1
Wandering investigation		1		0			0			0			1
Sale outside scope of license		0		1			0			1			2
Permitting lottery activity (numbers)		0		1			0			0			1
Permitting lottery activity (punch boards)		0		0			1			1			2
Licensee working while drunk		0		0			1			0			1
Conducting business as a nuisance		0		0			1			0			1
Sale by retailer on credit		0		0			1			0			1
Possessing gambling devices on premises		0		0			0			1			1

	1st Quarter			2d Quarter			3d Quarter			4th Quarter			Total
	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
DISCIPLINARY PROCEEDINGS (Cont'd):													
Cases instituted at Division	45			34			56			65			200*
Violations involved:													
Possessing illicit liquor	12			5			13			8			38
Sale to minors	8			5			5			17			35
Sale during prohibited hours	7			5			6			11			29
Sale below Fair Trade price	1			6			12			8			27
Fraud and front	3			3			5			8			19
Permitting immoral activity on premises	1			1			5			5			12
Sale outside scope of license	1			3			0			8			12
Permitting hostesses on premises	1			1			3			5			10
Delivery without bona fide invoice	4			0			1			4			9
Mislabeled beer taps	3			1			3			0			7
Sale to non-members by clubs	1			0			3			2			6
Permitting bookmaking on premises	1			3			0			1			5
Failure to afford view into premises during prohibited hours	1			1			1			2			5
Purchase from improper source	1			0			2			1			4
Permitting pin ball machines on premises	2			1			0			0			3
Permitting brawls on premises	1			0			0			1			2
Permitting slot machines on premises	1			0			0			1			2
Permitting female impersonator on premises	1			0			0			0			1
Solicitor employed by retailer	1			0			0			0			1
Sale contrary to conditions of permit	1			0			0			0			1
Hindering investigation	0			1			1			5			7
Failure to report retailer in default	0			2			3			0			5
Sale on credit to retailer in default	0			2			3			0			5
Employing unqualified persons	0			1			0			3			4
Possessing contraceptives on premises	0			1			1			0			2
Advertising below Fair Trade price	0			1			1			0			2
Aiding and abetting unlicensed sale	0			1			0			0			1
Failure to display license certificate	0			1			0			0			1
Illegal activity connected with licensed prem.	0			1			0			0			1
Conduct of sale promotion contest by whslr.	0			1			0			0			1
Sale to intoxicated persons	0			0			1			2			3
Conducting business as a nuisance	0			0			1			1			2
Failure to retain copies of orders	0			0			1			0			1
Combination sale	0			0			1			0			1
Sale at discount	0			0			1			0			1
Storage off licensed premises	0			0			1			0			1
Unauthorized transportation	0			0			0			1			1
Peddling al.bevs. from vehicle	0			0			0			1			1
Failure to file notice of change in application	0			0			0			2			2
Filing false tax reports	0			0			0			1			1
Permitting lottery activity (raffle)	0			0			0			1			1
*One includes cancellation proceedings													
Cases brought by municipalities on own initiative and reported to Division	15			28			6			23			72
Violations involved:													
Sale to minors	5			14			1			8			28
Sale during prohibited hours	4			7			2			4			17
Permitting brawls on premises	3			4			3			7			17
Permitting noise on premises	2			1			0			0			3
Hindering investigation	1			0			1			1			3
Permitting bookmaking on premises	1			1			1			0			3
Permitting immoral activity on premises	1			0			0			1			2
Permitting lottery activity (numbers)	1			0			0			0			1
Permitting prostitutes on premises	1			0			0			0			1
Sale to intoxicated persons	1			0			0			0			1
Conducting business as a nuisance	0			1			0			1			2
Permitting gambling on premises (dice)	0			1			0			0			1
Permitting gambling on premises (cards)	0			0			0			1			1
Sale on election day	0			0			0			4			4
Sale to non-members by clubs	0			0			0			1			1
CANCELLATION PROCEEDINGS instituted at Division:													
Violation involved:													
Lack of 3-yr possession of quarters by club	0			0			0			1			1
HEARINGS HELD AT DIVISION:													
Total number of hearings held	97			97			109			120			423
Appeals	14			14			13			8			49
Disciplinary proceedings	42			40			48			67			197
Eligibility	25			24			24			27			100
Seizures	14			13			16			8			51
Tax revocation	1			6			5			4			16
Application for license	1			0			2			5			8
Application for certificate	0			0			1			0			1
Application for permit	0			0			0			1			1
PERMITS ISSUED:													
Total number of permits issued	7,907			3,816			2,141			2,435			16,299
Employment	2,160			311			287			431			3,189
Solicitors	3,005			308			296			241			3,850
Disposal of alcoholic beverages	372			311			324			282			1,289
Social affairs	1,195			1,089			852			1,204			4,340
Special wine	196			1,401			39			0			1,636
Miscellaneous	979			396			343			277			1,995

ERWIN B. HOCK
Director.

3. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1949 TO JUNE 30, 1950 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surrendered Expired	Number Licenses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	488	\$ 203,400.00	70	\$ 25,963.98	18	\$1,590.86						576	\$ 230,954.84
Bergen	820	297,010.37	296	78,518.00	70	6,523.91	54	\$ 2,300.96	11	\$2,894.20	11	1240	387,247.44
Burlington	186	72,175.00	30	8,400.00	36	5,050.00	1	25.00				253	85,650.00
Camden	456	216,550.00	82	29,325.00	64	5,827.58			2	750.00	2	602	252,452.58
Cape May	133	65,750.00	11	4,150.00	15	1,583.29						159	71,483.79
Cumberland	81	34,800.00	14	3,650.00	29	3,910.00						124	42,360.00
Essex	1376	759,560.00	349	201,850.00	100	13,489.03	33	1,650.00			2	1856	976,549.03
Gloucester	107	33,450.00	13	2,950.00	14	1,400.00						134	37,800.00
Hudson	1562	677,292.45	298	117,766.16	76	9,259.46	74	3,136.58			2	2008	807,454.65
Hunterdon	79	24,075.00	6	1,787.50	5	600.00						90	26,462.50
Mercer	425	255,000.00	51	20,470.83	53	6,814.40			1	120.00	1	529	282,405.23
Middlesex	636	300,954.62	71	22,314.86	64	5,784.16	5	225.00				776	329,278.64
Monmouth	548	270,645.00	112	38,420.52	33	3,725.49	12	390.50	59	25,437.69	30	734	338,619.20
Morris	353	118,515.00	95	27,158.31	40	3,850.14	7	450.00	11	1,992.92	6	500	151,966.37
Ocean	190	106,412.87	45	19,050.00	14	1,306.44						249	126,769.31
Passaic	882	361,897.95	165	50,481.10	34	4,113.08	14	628.36				1095	417,120.49
Salem	50	18,900.00	7	1,300.00	11	1,000.00						68	21,200.00
Somerset	185	75,815.00	36	9,489.35	21	2,336.81						242	87,641.16
Sussex	172	45,055.00	17	3,135.70	8	395.46	1	8.34	1	225.00	2	197	48,819.50
Union	545	288,200.00	142	57,300.00	64	7,116.61	25	1,168.32				776	353,784.93
Warren	148	41,380.00	17	3,307.50	28	2,655.00			2	502.98	2	195	47,845.48
Totals	9422	\$4,266,838.26	1927	\$726,788.81	797	\$88,331.72	226	\$9,983.06	87	\$31,922.79	58	12401	\$ 5,123,864.64

Respectfully submitted,
John H. Michelson
Deputy Director

ERWIN B. HOCK, Director

4. APPELLATE DECISIONS - MINSKY v. WOODBRIDGE.

MAX MINSKY, trading as
MAC'S LIQUOR STORE,

Appellant,

-vs-

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WOODBRIDGE,

Respondent.

ON APPEAL
CONCLUSIONS AND ORDER

Kasen, Schnitzer and Kasen, Esqs., by Daniel G. Kasen, Esq.,
Attorneys for Appellant.
Henry St. C. Lavin, Esq., Attorney for Respondent.

BY THE DIRECTOR:

On May 23, 1950, the appellant's application for a place-to-place transfer of his 1949-50 plenary retail distribution license from premises at 248-250 Amboy Avenue to premises at 94 Main Street, Woodbridge, was denied by the respondent. Hence this appeal.

None of the members of the respondent Committee appeared at the appeal hearing and, as is often the case in such situation, I am unable to determine from the testimony whether the action sought to be reviewed is grounded in a reasonable exercise of the discretionary licensing function vested in the local issuing authority, in the first instance, under the Alcoholic Beverage Law (R.S. 33:1-1 et seq.). In this posture of the record, it would normally be required that a further hearing be scheduled for the purpose of supplementing the record with evidence to supply such deficiency therein.

Irrespective of the merits, however, the appeal must be dismissed because it does not appear that the appellant has ever had requisite possession of the proposed premises. On the contrary, the record is limited to a disclosure that those premises have been occupied by a fruit store under a lease that does not expire until November 1, 1950. There is nothing in the record, therefore, to indicate that the appellant had such a sufficient possessory interest therein as to entitle him to favorable action on his application. Cf. Eavenson et al. v. South Orange et al., Bulletin 283, Item 8.

It is also evident, especially in view of the appellant's continued operation of his licensed business to date at the old premises under a renewal license for the current licensing year, that the appellant did not contemplate that his application should result in an effective transfer of his 1949-50 license. It is apparent that his application was prematurely submitted since the renewal of his license at the old premises would, in any event, necessitate a further transfer application during the current licensing year.

The appeal is dismissed, without prejudice, and in the event a similar application is submitted for a transfer of the license as renewed, the respondent should consider such application anew on its merits.

Accordingly, it is, on this 12th day of July, 1950,

ORDERED that the appeal be and the same is hereby dismissed.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

JOHN & MARY RUTKA)
249 Bruce Street)
Newark 3, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-318 for the 1949-50 and 1950-51 licensing periods, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

-----)
John & Mary Rutka, Defendant-licensees, by John Rutka.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they possessed illicit alcoholic beverages at their licensed premises, in violation of Rule 28 of State Regulations No. 20.

On May 4, 1950, agents of the Federal Treasury Department, Alcohol Tax Unit, while on defendants' licensed premises, seized one quart bottle labeled "Schenley Reserve Blended Whiskey", one quart bottle labeled "Three Feathers Reserve Fine Blended Whiskey", and one quart bottle labeled "Kinsey Blended Whiskey", when their tests indicated that the contents of said bottles were not genuine as labeled. Subsequent analysis by the Federal Department's chemist disclosed that the contents of the seized bottles varied substantially in acids and solids from the contents of genuine samples of the same products.

Defendants deny that they tampered with the contents of the seized bottles. However, the mere possession of an illicit alcoholic beverage on licensed premises constitutes a violation. Cedar Restaurant and Cafe v. Hock, 135 N.J.L. 156.

Defendants have no prior adjudicated record. I shall suspend their license for the minimum period of twenty days, less five days for the plea entered herein, leaving a net suspension of fifteen days. Re Roman, Bulletin 829, Item 6.

Although this proceeding was instituted during the 1949-50 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1950-51. State Regulations No. 16.

Accordingly, it is, on this 6th day of July, 1950,

ORDERED that Plenary Retail Consumption License C-318, issued for the 1950-51 licensing period by the Municipal Board of Alcoholic Beverage Control of the City of Newark to John & Mary Rutka, for premises 249 Bruce Street, Newark, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. July 13, 1950, and terminating at 2:00 a.m. July 28, 1950.

ERWIN B. HOCK
Director.

6. DISCIPLINARY PROCEEDINGS - TRANSPORTATION OF ALCOHOLIC BEVERAGES, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 - ACCEPTANCE OF ORDERS AT OTHER THAN LICENSED PREMISES, IN VIOLATION OF R. S. 33:1-2 - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against CHARLES A. DIEHL 189 Franklin Street Secaucus, N. J., Holder of Limited Retail Distribution License DL-1, for the 1949-50 and 1950-51 licensing years, issued by the Town Council of the Town of Secaucus.

CONCLUSIONS AND ORDER

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 charges alleging (1) that between May 25, 1949 and May 10, 1950, he transported alcoholic beverages, in his licensed vehicle bearing transportation insignia, without accompanying bona fide invoices or manifests, in violation of Rule 3 of State Regulations No. 17, and (2) that, during the time aforesaid, he sold alcoholic beverages beyond the terms of his license in that he accepted orders for alcoholic beverages at premises other than his licensed premises, in violation of R. S. 33:1-2.

The premises for which the limited retail distribution license has been issued comprise a building located at the rear of a two-family house, one of the apartments of which is occupied by defendant as his home. The business telephone over which orders are received is located in defendant's home and not in the licensed premises. Orders for alcoholic beverages may be accepted only at licensed premises. Defendant operates a route for the sale of carbonated beverages, and admits that he accepted orders for beer at various homes, and that in such cases he filled out post cards for the orders which he mailed to himself. This was a mere subterfuge. Clearly, the orders were not received at the licensed premises. Defendant also admits that, when making deliveries of malt alcoholic beverages to consumers in his licensed vehicle, he used cards in place of bona fide invoices. Such cards clearly failed to meet the requirements of Rule 3 of State Regulations No. 17.

Under all the circumstances, I shall suspend the license for a period of twenty days. Remitting five days for the plea entered herein will leave a net suspension of fifteen days. Cf. Re Krouk, Bulletin 880, Item 8.

Although these proceedings were instituted during the 1949-50 licensing period, they remain fully effective against the renewal license for the 1950-51 licensing year. State Regulations No. 16.

Accordingly, it is, on this 6th day of July, 1950,

ORDERED that Limited Retail Distribution License DL-1, for the 1950-51 licensing year, issued by the Town Council of the Town of Secaucus to Charles A. Diehl, for premises 189 Franklin Street, Secaucus, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m. July 17, 1950, and terminating at 9:00 a.m. August 1, 1950.

ERWIN B. HOCK Director.

- 7. DISCIPLINARY PROCEEDINGS - TRANSPORTATION OF ALCOHOLIC BEVERAGES, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 - ACCEPTANCE OF ORDERS AT OTHER THAN LICENSED PREMISES, IN VIOLATION OF R. S. 33:1-2 - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 LEO W. McGUIRE
 16 Wall Street
 West Long Branch
 P.O. Long Branch, N. J.,

CONCLUSIONS AND ORDER

Holder of Limited Retail Distribution License DL-1, for the 1949-50 and 1950-51 licensing years, issued by the Mayor and Council of the Borough of West Long Branch.

 Leo W. McGuire, Defendant-licensee, Pro Se.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to charges alleging (1) that between July 1, 1949 and April 21, 1950, he transported alcoholic beverages in his licensed vehicle, bearing transportation insignia, without accompanying bona fide invoices or manifests, in violation of Rule 3 of State Regulations No. 17, and (2) that, during the time aforesaid, he sold alcoholic beverages beyond the terms of his license in that he accepted orders for alcoholic beverages at premises other than his licensed premises, in violation of R. S. 33:1-2.

The premises for which the limited retail distribution license was issued consists of a garage building at 16 Wall Street, West Long Branch. At the times mentioned in the charges, the business telephone over which orders were received was located in defendant's home at 14 Sherman Avenue, West Long Branch, which is located approximately one-half mile from the licensed premises. All records of defendant's business were kept in his home and not in the licensed premises. Investigation disclosed that defendant operates a route for the sale of carbonated beverages and that, during the period mentioned in the charges, he used route books in place of bona fide invoices. Such books clearly failed to meet the requirements of Rule 3 of State Regulations No. 17.

Under all the circumstances, I shall suspend the license for a period of twenty days. Remitting five days for the plea entered herein will leave a net suspension of fifteen days. Cf. Re Krouk, Bulletin 880, Item 8.

Although these proceedings were instituted during the 1949-50 licensing period, they remain fully effective against the renewal license for the 1950-51 licensing year. State Regulations No. 16.

Accordingly, it is, on this 6th day of July, 1950,

ORDERED that Limited Retail Distribution License DL-1, for the 1950-51 licensing year, issued by the Mayor and Council of the Borough of West Long Branch to Leo W. McGuire, for premises 16 Wall Street, West Long Branch, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m. July 17, 1950, and terminating at 9:00 a.m. August 1, 1950.

ERWIN B. HOCK
 Director.

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

JAMES SENWESKY
T/a MILL STREET HOTEL
67 Mill Street
Mount Holly, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-5 for the 1949-50 and 1950-51 licensing periods, issued by the Township Committee of the Township of Mount Holly.

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

BY THE DIRECTOR:

The defendant pleaded non vult to a charge alleging that he sold, served and delivered alcoholic beverages to three minors, in violation of Rule 1 of State Regulations No. 20.

On Monday night, May 29, 1950, and early Tuesday morning, May 30, 1950, three members of the armed forces, 18, 19 and 20 years of age, respectively, were served alcoholic beverages by the defendant. During the time that they remained on the licensed premises each had been served and consumed approximately ten glasses of beer.

Defendant has no previous adjudicated record. The attendant circumstances, including the number of minors involved and the amount of beverages served and consumed, warrant the imposition of a fifteen-day penalty instead of the ten-day penalty ordinarily imposed for the usual unaggravated violation of sale to a minor where there is no previous record. Five days will be remitted for the plea, leaving a net suspension of ten days. Cf. Re Ramsey, Bulletin 769, Item 1.

Although this proceeding was instituted during the 1949-50 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1950-51. State Regulations No. 16.

Accordingly, it is, on this 17th day of July, 1950,

ORDERED that Plenary Retail Consumption License C-5, issued for the 1950-51 licensing period by the Township Committee of the Township of Mount Holly to James Senwesky, t/a Mill Street Hotel, for premises 67 Mill Street, Mount Holly, be and the same is hereby suspended for a period of ten (10) days, commencing at 1:00 a.m. July 25, 1950, and terminating at 1:00 a.m. August 4, 1950.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

OLINDO E. SICILIANO & SAMUEL W. SICILIANO)
62 Sylvania Avenue)
Neptune City, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-3 for the 1949-50 and 1950-51 licensing periods, issued by the Mayor and Council of the Borough of Neptune City.)

D. Joseph DeVito, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendants pleaded non vult to a charge alleging that they sold and served alcoholic beverages to two minors, in violation of Rule 1 of State Regulations No. 20.

It appears that, on each of two occasions in May 1950, the defendants served alcoholic beverages to two eighteen-year-old soldiers.

Since no aggravating circumstances appear, and the defendants have no previous record, I shall impose the usual ten-day penalty, with a remission of five days for the plea, leaving a net suspension of five days.

Although this proceeding was instituted during the 1949-50 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1950-51. State Regulations No. 16.

Accordingly, it is, on this 21st day of July, 1950,

ORDERED that Plenary Retail Consumption License C-3, issued for the 1950-51 licensing period by the Mayor and Council of the Borough of Neptune City to Olindo E. Siciliano & Samuel W. Siciliano, for premises 62 Sylvania Avenue, Neptune City, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. July 31, 1950, and terminating at 2:00 a.m. August 5, 1950.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ABE & IRVING ROSENBERG)
T/a DAIRY MAID FOOD MARKET)
110-112 Main Street)
Hackensack, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-10 for the 1949-50 and 1950-51 licensing periods, issued by the City Council of the City of Hackensack.)

Abe & Irving Rosenberg, Defendant-licensees, Pro Se.
Vincent T. Flanagan, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendants pleaded non vult to a charge alleging that they sold alcoholic beverages below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

On June 21, 1950, an ABC agent purchased at the defendants' premises six 4/5 quart (fifths) bottles of P. M. DeLuxe Blended Whiskey for the total price of \$20.47. Since the established price for this product was \$3.59 per bottle, the total correct price should have been \$21.54.

In the absence, as here, of any prior record, I shall suspend the defendants' license for ten days, less five days for the plea, leaving a net suspension of five days. Re Giant Liquors, Inc., Bulletin 876, Item 9.

Although this proceeding was instituted during the 1949-50 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1950-51. State Regulations No. 16.

Accordingly, it is, on this 20th day of July, 1950,

ORDERED that Plenary Retail Distribution License D-10, issued for the 1950-51 licensing period by the City Council of the City of Hackensack to Abe & Irving Rosenberg, t/a Dairy Maid Food Market, for premises 110-112 Main Street, Hackensack, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. July 24, 1950, and terminating at 9:00 a.m. July 29, 1950.

ERWIN B. HOCK
Director.

11. DISCIPLINARY PROCEEDINGS - KNOWINGLY EMPLOYING UNQUALIFIED PERSON - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ETHEL HORVATH)
62-64-66 Sitgreaves Street)
Phillipsburg, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-34 for the 1949-50 licensing year, and Plenary Retail Consumption License C-65 for the 1950-51 licensing year, both issued by the Board of Commissioners of the Town of Phillipsburg.)
- - - - -)

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

BY THE DIRECTOR:

The defendant pleaded non vult to a charge alleging that she knowingly employed and had connected with her in a business capacity a person who had been convicted of a crime involving moral turpitude, in violation of Rule 1 of State Regulations No. 13.

The employee in question had been convicted in April 1948 of the crime of maintaining a disorderly house. The conviction resulted from lewd sexual acts which were committed on the premises involved therein. This crime involves the element of moral turpitude, thus disqualifying the person so convicted from holding a liquor license or being employed by a liquor licensee in this state. R.S. 33:1-25, 26.

The fact that the employee was not regularly employed, or that he received no compensation for his services, presents no defense to the violation. Re Maronski and Zochowski, Bulletin 876, Item 3.

The defendant's only other suspension occurred in August 1943. See Bulletin 579, Item 5. In view of the lapse of time and the dissimilarity of the violations, I shall not consider the previous suspension in fixing the penalty herein. Under all the circumstances, I shall suspend the defendant's license for ten days, less five days for the plea, leaving a net penalty of five days. Re Maronski and Zochowski, supra.

Although this proceeding was instituted during the 1949-50 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1950-51. State Regulations No. 16.

Accordingly, it is, on this 20th day of July, 1950,

ORDERED that Plenary Retail Consumption License C-65, issued for the 1950-51 licensing period by the Board of Commissioners of the Town of Phillipsburg to Ethel Horvath, for premises 62-64-66 Sitgreaves Street, Phillipsburg, be and the same is hereby suspended for five (5) days, commencing at 7:00 a.m. July 24, 1950, and terminating at 7:00 a.m. July 29, 1950.

ERWIN B. HOCK
Director.

12. SEIZURE - FORFEITURE PROCEEDINGS - UNLAWFUL TRANSPORTATION OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLE - ALCOHOLIC BEVERAGES AND OTHER ARTICLES IN MOTOR VEHICLE ORDERED FORFEITED - MOTOR VEHICLE RETURNED TO INNOCENT LIENOR.

In the Matter of the Seizure on) Case No. 7637
 June 3, 1950 of a quantity of)
 wine, clothing and a Ford station)
 wagon, on King's Highway, near)
 Franklin Street, in the Borough)
 of Swedesboro, County of Gloucester)
 and State of New Jersey.)
 ON HEARING
 CONCLUSIONS AND ORDER

 Cobbin & Farr, Esqs., by William R. Farr, Esq., Attorney for
 Commercial Credit Corporation.
 Harry Castelbaum, Esq., appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether a quantity of wine, clothing, miscellaneous articles, and a Ford station wagon, described in a schedule attached hereto, seized on June 3, 1950 on King's Highway, near Franklin Street, Swedesboro, New Jersey, constitute unlawful property and should be forfeited.

It appears that the station wagon and its contents were detained by Swedesboro police officers on the day in question for further investigation after Restituto Gomez, the owner and driver of the car, had allegedly violated a traffic requirement of the borough. ABC agents were notified and the motor vehicle and its contents were turned over to them after it was ascertained that there were 44 pints of wine, totalling 5½ gallons, in the car.

When the matter came on for hearing pursuant to R.S. 33:1-66, an appearance was entered for Commercial Credit Corporation, which sought recognition of a lien which it claimed against the motor vehicle. Neither Restituto Gomez, nor any other person, appeared to oppose forfeiture of the other seized property.

The motor vehicle was not licensed to transport alcoholic beverages. Transportation of more than five gallons of wine in an unlicensed vehicle is unlawful, irrespective of whether the wine was intended for resale or personal use. R.S. 33:1-2.

According to the testimony of an ABC agent, Gomez was unable to give a satisfactory explanation as to the source and destination of the wine. The facts developed by such agent strongly indicate that Gomez, who was not licensed to sell alcoholic beverages, was peddling the wine, which is a further violation of the Alcoholic Beverage Law. The wine is an illicit alcoholic beverage on either score, and hence such wine, the motor vehicle in which it was transported, and the other personal property in the motor vehicle, are all subject to forfeiture. R.S. 33:1-1(i) and (y), R.S. 33:1-2, R.S. 33:1-66.

Commercial Credit Corporation presented documentary evidence which establishes that Restituto Gomez purchased the motor vehicle on October 8, 1949 from Berglund Motor Company of Camden on a conditional sales contract wherein he agreed to pay \$650.55, the balance of the purchase price, in monthly installments. This contract was assigned to the finance company and its encumbrance was noted on the certificate of ownership of the motor vehicle issued by the Division of Motor Vehicles of New Jersey.

It appears that at the time Gomez applied for the loan, he stated that he had been employed for some years at a local canning

plant. The finance company checked this and other information given by Gomez and found it to be accurate. It further checked with a credit agency, which informed the finance company that it had nothing detrimental against Gomez.

I am satisfied that Commercial Credit Corporation acted in good faith and had no knowledge of the unlawful use to which the motor vehicle was put, or of such facts as would have led a person of ordinary prudence to discover such use. Accordingly, I shall recognize its lien, pursuant to the discretionary authority afforded me by R.S. 33:1-66(f).

The amount presently due on this lien claim is \$303.59. It appears that this amount and the costs of seizure and storage of the car exceeds its appraised retail value. Hence, it would not benefit the state to retain the car for the use of a state institution conditioned upon payment of such lien. The Ford station wagon will therefore be turned over to the finance company upon payment of the costs of its seizure and storage.

Accordingly, it is DETERMINED and ORDERED that if on or before the 31st day of July, 1950 Commercial Credit Corporation pays the costs incurred in the seizure and storage of the Ford station wagon, described in Schedule "A" attached hereto, such motor vehicle will be turned over to it; and it is further

DETERMINED and ORDERED that the balance of the seized property described in Schedule "A" constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66 and that it be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

ERWIN B. HOCK

Dated: July 21, 1950.

Director.

SCHEDULE "A"

44 - pint bottles of wine
 9 - pairs of shoes
 6 - men's suits
 1 - raincoat
 Miscellaneous merchandise as itemized in
 an inventory on file in the case
 1 - Ford station wagon, Serial #185600928,
 1950 N. J. Reg. C/A252

13. STATE LICENSES - NEW APPLICATIONS FILED.

Long Transportation Company
 Building #9, Tidewater Terminal Warehouses, Port Newark, Newark, N.J.
 Application for Transportation License filed July 6, 1950.

M. James Fee, t/a Fee Distributing Company
 501 Cass Street, Trenton, N. J.
 Application filed July 7, 1950 for transfer of Limited Wholesale License WL-43 from The United Distributors Corp.

Concesso Pizzarelli
 71 - 7th Avenue, Newark, N. J.
 Application for Transportation License filed July 10, 1950.

Dobler Brewing Company, Inc.
 180 Elm Street, Albany, N. Y.
 Application for Limited Wholesale License filed July 11, 1950.

The Old Reading Brewery, Inc.
 9th & Laurel Streets, Reading, Pennsylvania.
 Application for Transportation License filed July 19, 1950.

Federal Wine and Liquor Co., Inc.
 418 North North Carolina Avenue, Atlantic City, N. J.
 Application for Plenary Wholesale License filed July 21, 1950.

Lawrence Warehouse Co.
 95 Broad Street, Red Bank, N. J.
 Application for Public Warehouse License filed July 21, 1950.

ERWIN B. HOCK
 Director.

14. MORAL TURPITUDE - COMMERCIALIZED GAMBLING HELD TO INVOLVE MORAL
 TURPITUDE UNDER FACTS OF CASE.

July 17, 1950.

Re: Case No. 622

On January 26, 1950, subject pleaded guilty to a charge of Poolselling and Bookmaking on the Horse Races, and as a result thereof was fined \$100.00 by a Judge of a Court of General Sessions. Subject testified that he had been taking bets at his home when it was raided by the vice squad of the municipal police department. Subject further testified that he was the sole operator of the gambling establishment.

The police authorities of the city in which subject resides have advised that subject is "a known bookmaker, having been arrested twice by the Vice Squad for Poolselling & Bookmaking on the Horse Races".

After careful review of the evidence in the instant proceeding, I am satisfied that subject operated the gambling establishment as a principal and that the crime of Poolselling and Bookmaking on the Horse Races, to which subject pleaded guilty on January 26, 1950, involves the element of moral turpitude.

I recommend, therefore, that subject be advised that, in the opinion of the Director, he has been convicted of a crime involving moral turpitude and that, in the opinion of the Director, any licensee who employs him or permits him to be associated in any capacity with his business would subject his license to suspension or revocation. R.S. 33:1-25, 26.

Clarence E. Kremer
 Attorney.

APPROVED:
 ERWIN B. HOCK
 Director.

15. DISQUALIFICATION - CONVICTION FOR POSSESSING AND PASSING COUNTERFEIT GASOLINE RATIONING STAMPS AFTER DISQUALIFICATION BECAUSE OF A PRIOR CONVICTION REMOVED - APPLICATION TO LIFT DISQUALIFICATION BECAUSE OF SUBSEQUENT CONVICTION GRANTED.

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. 856.
-----)

BY THE DIRECTOR:

On July 5, 1933, petitioner pleaded guilty to an indictment charging him with grand larceny resulting from his arrest for stealing penny gum and weighing machines. The Court imposed a suspended sentence upon him. On April 11, 1942, the statutory disqualification resulting from the above conviction was removed by order of the Commissioner of Alcoholic Beverage Control. Re Case No. 202, Bulletin 504, Item 1.

On April 29, 1943, petitioner was arrested by agents of the United States Treasury Department for possessing and passing counterfeit gasoline rationing stamps. Thereafter he was indicted by a Federal Grand Jury and pleaded guilty in a District Court of the United States to said indictment on July 19, 1943. As a result of said plea he was sentenced, on November 5, 1943, to serve a term of two months' imprisonment, and to pay a fine of \$100.00. He served his sentence and paid the fine. He was released from prison on January 5, 1944, and has no subsequent criminal record. Petitioner admits that he was arrested for selling counterfeit gasoline coupons and, under the circumstances of this case, I find that the crime involved moral turpitude.

At all times herein mentioned, petitioner was employed as a watchman by a municipality in New Jersey, except that after the previous order removing disqualification was entered on April 11, 1942, he was employed for a short time as a part-time salesman by a plenary retail distribution licensee. At the hearing herein he testified that he has not been employed by any licensee since his arrest on April 29, 1943.

A county official and two municipal officials testified that they have known petitioner for at least ten years and that since January 1944 he has been law-abiding.

This is the first case in which application has been made to remove disqualification because of a conviction occurring after the entry of a previous order removing disqualification. I am reluctant to grant relief in any case in which petitioner has been convicted of a crime subsequent to the time he obtains an order removing his statutory disqualification because of a previous conviction. However, in this case it appears from the evidence given by petitioner and his character witnesses that petitioner's services as a municipal employee have been satisfactory; that he is a married man, residing with his family, and that he is not a person with criminal tendencies. Upon the evidence presented, I conclude that his association with the alcoholic beverage industry will not be contrary to public interest.

Accordingly, it is, on this 7th day of July, 1950,

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