STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
NEWARK INTERNATIONAL PLAZA
U.S. Routes 1-9 (Southbound) Newark, N. J. 07114

BULLETIN 2301 October 31, 1978

TABLE OF CONTENTS

ITEM

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
NEWARK INTERNATIONAL PLAZA
U.S. Routes 1-9 (Southbound) Newark, N. J. 07114

BULLETIN 2301 October 31, 1978

1. DISCIPLINARY PROCEEDINGS - POSSESSION OF SIX BOTTLES OF ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against Desmond Ferrante 501 Garden Street Hoboken, N.J. 07030 Holder of Plenary Retail Consumption License C-31, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.	CONCLUSIONS and ORDER

Desmond Ferrante, Pro se.
Mart Vaarsi, Deputy Attorney General, Appearing for Division.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee entered a plea of "not guilty" to the following charge:

> "On March 3, 1977, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises (an) alcoholic beverage(s) in (a) bottle(s) which bore (a) label(s) which did not truly describe their (its) contents, viz.,
>
> One quart bottle labeled, "Chivas Regal Blended Scotch Whisky, 86 proof,"
>
> One quart bottle labeled, "Gordon's Distilled London Dry Gin, 80 proof,"
>
> One four-fifths quart bottle labeled, "Dewar's White Label Blended Scotch Whisky, 86.8 proof,"
>
> One four-fifths quart bottle labeled, "Smirnoff Vodka, 80 proof,"

One four-fifths quart bottle labeled, "Black & White Buchanan's Blended Scotch Whisky, 86.8 proof," and

One four-fifths quart bottle labeled, "Cutty Sark Blended Scots Whisky, 86 proof;"

in violation of Rule 27 of State Regulation No. 20."

ABC Agent S testified at the hearing in this Division that, on March 3, 1977, he went to the licensed premises to conduct a routine liquor and retail inspection. He seized the six bottles referred to in the charge, after observing that the bottles were overfilled, i.e., filled in excess of the standard contents.

These bottles were submitted to the Division laboratory for analysis, and admitted into evidence at the hearing.

Penelope Moore, a qualified chemist, employed by the Division, testified that, except for the Dewar's Scotch Whisky bottle, by accurate measurement, each of the subject bottles contained an excessive content or an overfill when compared to the content described on the label. Moore explained that each of the bottles were filled with the proper brands, they were proper "in terms of proof and the other properties" and that there was no indication of watering. Moore further explained that, from her experience, she knows that bottles are filled mechanically and are measured with exactitude. Although bottles may be "underfilled" on rare occasion due to some tiny hole in the stopper from which evaporation could take place, the converse would be impossible.

Relative to the bottle of Dewar's Scotch Whisky mentioned in the charge, Moore testified as follows:

Q. With respect to the Dewar's bottle, you say that was the exact fill on that, is that correct?

A. Yes.

Q. Now, what other observations, if any, did you make with respect to the Dewar's bottle?

A. If it was filled up exactly to the proper amount, it means the bottle had not been used, nothing had been poured from it. I noticed that the label itself was soiled, indicating that it had, in some way, been in use.

The licensee, Desmond Ferrante, testified that, due to being engaged in another occupation, in the main, he entrusted the bartending duties at the tavern business to his bartender, Michael Romondi.

Ferrante asserted that, although the seals of the bottles were open, nothing had been taken from each of them, and

their contents reflected what had been placed therein by the manufacturer. He denied that he or any other person did or would have touched the content of the bottles.

In its pertinent part Rule 27 of State Regulation No. 20 which is alleged to have been violated, reads as follows:

> No retail licensee shall possess, have custody of or allow, permit or suffer in or upon the licensed premises any alcoholic beverage...in violation of the Alcoholic Beverage Law, or any alcoholic beverage in any keg, barrel, can, bottle, flask or similar container which...bears a label which does not truly describe its contents...
>
> (emphasis added)

The underlined portion of the subject rule is clear and unambiguous. It renders the mere possession of a container bearing a label which does not truly describe its contents a violation. Mere possession is malum prohibitum.

An offense which is malum prohibitum does not require proof of guilty knowledge or intent unless the statute or regulation clearly so provides. There is no inference that may be reasonably drawn from the quoted regulation which would give rise to the principle that guilty knowledge, or mens rea or criminal intent, is a prerequisite to a finding of guilt.

Hence, any defense predicated upon a lack of guilty knowledge is effectively negated without considering the bona fides thereof.

A licensee is responsible for any alcoholic beverages not truly labeled found upon his licensed premises. Cedar Restaurant & Cafe Co. v. Hock, 135 N.J.L. 156, 159 (Sup. Ct. 1947). As the Court stated therein:

> We find nothing within the Alcoholic Beverage Control Act, R.S. 33:1-1, et seq., to indicate an intent that the holder of a retail consumption license must have knowledge that he possesses illicit beverages in order to make him amenable to disciplinary action. Our courts have consistently held that such knowledge is not an essential ingredient to conviction for possession under statutes similar to the one under consideration.

Although there is no evidence of this being the classic case wherein the licensee watered the contents or substituted an alcoholic beverage of a kind other than that noted on the respec-

tive labels, he is, nonetheless, guilty of the charge. The testimony clearly establishes that the licensee permitted and suffered in his licensed premises bottles which had been refilled.

In sum, applying the foregoing firmly established principles, I am persuaded, by the fair preponderance of the credible evidence, that the licensee is guilty of said charge and, therefore, recommend that the licensee be found guilty thereof.

Licensee has no prior adjudicated record. It is further recommended that the license be suspended for twenty days.

CONCLUSIONS AND ORDER

Written Exceptions to the Hearer's Report were filed by the licensee, pursuant to Rule 6 of State Regulation No. 16.

In his Exceptions, the licensee argues that the facts and the expert testimony of the Division's chemist do not support the recommended findings of guilt to the said charges.

The expert testimony as to the conditions of the bottles, seized from the licensee's premises, was not rebutted in the record. The preponderance of the credible evidence clearly manifests that the seized bottles were the subject of refills, in violation of Division Regulations.

Those Exceptions raised by the licensee as to the identification of the Division agent, the failure to introduce any empty bottles in evidence, or an improperly filled "beer" bottle introduced by the licensee at the hearing, are irrelevant in the determination of the issues herein.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, the Hearer's Report and the written Exceptions filed thereto by the licensee, I concur in the findings and recommendation of the Hearer, and adopt them as my conclusions herein. I find the licensee guilty of the subject charge, and shall impose a twenty (20) days suspension of license.

Accordingly, it is, on this 15th day of June, 1978,

ORDERED that Plenary Retail Consumption License C-31 issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Desmond Ferrante for premises 501 Garden Street, Hoboken, be and the same is hereby suspended for the balance of its term, to wit, midnight, Friday, June 30, 1978, commencing 2:00 a.m. Tuesday, June 27, 1978; and it is further

ORDERED that upon any renewal of the subject license which may be granted for the 1978-79 license term, said license be and the same is hereby suspended until 2:00 a.m. Monday, July 17, 1978.

JOSEPH H. LERNER
DIRECTOR

2. APPELLATE DECISIONS - W.B.J. CORPORATION v. HOPATCONG - REMAND ORDER.

W.B.J. Corporation t/a Lighthouse, Appellant, v. Borough Council of The Borough of Hopatcong, Respondent.	ON APPEAL ORDER FOR REMAND

McGovern and Roseman, Esqs., by Stephen Roseman, Esq., Attorneys for Appellant.

Valentino and Sweeney, Esqs., by Edward M. Dunne, Esq., Attorneys for Respondent.

BY THE DIRECTOR:

Appellant appeals from the action of respondent Borough Council of the Borough of Hopatcong whereby it renewed appellant's plenary retail consumption license for the licensing year 1978-79 with certain specified conditions; and

It appears that appellant's petition of appeal contains an allegation (among others) that such action was erroneous for the reason that it was not afforded a hearing; and that respondent, in addition to filing an answer to said petition of appeal, has also filed a petition for remand to it, so that a hearing may be held and proper reproduction of the proceedings may be made reflecting the public's sentiment crucial to the determination of the conditions attached to the renewal of the said license by the issuing authority in conformance with the appropriate statutes and rules and regulations.

Good cause appearing, I shall grant respondent's petition and remand this matter as requested.

Accordingly, it is, on this 7th day of July, 1978,

ORDERED that the within matter be and the same is hereby remanded for a plenary hearing before the respondent, Borough Council of the Borough of Hopatcong, on all issues relevant to the renewal of the aforesaid license. Jurisdiction will not be retained.

JOSEPH H. LERNER
DIRECTOR

3. APPELLATE DECISIONS - MEDINA v. TRENTON.

Senen Medina, Appellant, v. City Council of the City of Trenton, Respondent.	ON APPEAL CONCLUSIONS AND ORDER

Angelo S. Ferrante, Esq., Attorney for Appellant.
George T. Dougherty, Esq., Attorney for Respondent.

BY THE DIRECTOR

The Hearer has filed the following report herein:

HEARER'S REPORT

This is an appeal from the action of the City Council of the City of Trenton (hereafter Council) which, on October 7, 1977 revoked appellant's Plenary Retail Consumption License C-173, for premises known as "Cave Bar" at 79 Asbury Street, Trenton, upon a finding that appellant violated Rule 4 of State Regulation No. 20, by permitting sales and distribution of controlled dangerous substances, including heroin, within the licensed premises, and allowing the premises to be a market-place for drug traffic.

Appellant in his Petition of Appeal contends that the Council's action was erroneous, in that, there was insufficient evidence upon which a guilty finding could be based; and, further, that the appellant's constitutional rights against self incrimination were violated because he had not then answered to certain federal charges directed against him concerning the same subject violations.

The Council in its answer denies appellant's contentions, adding that there was ample evidence to support its conclusions.

Upon the filing of the appeal, the Director of this Division, by Order of October 19, 1977, stayed the revocation of appellant's license pending the determination of the appeal.

A de novo hearing on the appeal was scheduled to be held in this Division pursuant to Rule 6 of State Regulation No. 15. A transcript of the proceedings before the Council was provided the Director of this Division in accordance with Rule 8 of the said Regulation. In lieu of the scheduled hearing, at which the parties would have been permitted to introduce evidence and cross-examine witnesses, counsel for the respective parties requested that the appeal be determined on the transcript of the proceedings before the Council.

The transcript reveals that the council heard testimony from Federal Narcotic's Agent James Williams. He recounted an interstate narcotic's network which included as an integral part, the appellant and appellant's l icensed premises. Although he made no direct purchase of narcotic drugs from appellant within the building of the licensed premises itself, he conducted a series of six to eight meetings therein with appellant that culminated in the purchase of narcotic drugs elsewhere.

However, on one occasion, he discussed such a purchase with the appellant in a car parked on a part of appellant's licensed premises, and there received a packet of narcotic drugs. On this occasion, May 15, 1977, the appellant came directly from his licensed premises to the car parked in his own driveway, bringing with him a packet of proven narcotic drugs.

Trenton Police Detective Louis Glenn also testified in support of the charges. On July 11, 1977, he and other police officers conducted a raid upon the appellant's licensed premises pursuant to warrants. He described the discovery of narcotic drugs upon the licensed premises in a plastic bag containing aluminum foil packets. The bag "....was picked up near an entranceway to the rear of the bar where normally the bartender and the owner would only have access to." Other narcotic drugs were discovered in the public portion of the establishment. The appellant was not present on the licensed premises at the time of the raid.

Appellant introduced the testimony of Walter Goss and others in defense of the charges. They stated, in essence, that the appellant's management had a salutary effect upon the neighborhood and that fights and other disruptive behavior were now virtually nonexistant in the area.

Johnny Rue also testified in defense of the charges that he was in the premises at the time of the raid, and saw two policemen dispose of narcotic drugs on the floor which had been confiscated from patrons. Mr. Rue was one of the persons the police had an arrest warrant for at the time of the raid.

Appellant did not testify on his behalf. Counsel urged that, since the appellant was facing prospective federal indictment, his constitutional rights would be abridged by requiring him to do so at this hearing. This contention was again repeated upon the filing of this appeal.

- I -

The contention of appellant that, the proceedings against the licensee should not have proceeded because of a prospective criminal action against him, has been raised in parallel matters in this Division over many years. It has been most recently responded to as follows:

The attorney for the licensee argued that his request for adjournment should be honored because Dorothy was under indictment in the criminal court for allegedly having accepted numbers bets. However, it has consistently been held that disciplinary action against a licensee should not be held in abeyance pending the outcome of criminal charges. Disciplinary proceedings are proceedings in rem (against the license) and not in personam (against the licensee). Thus the licensee's argument is without merit. Disciplinary proceedings against a licensee are civil in nature. Kravis v. Hock, 137 N.J.L. 252 (1948); In re Schneider, 12 N.J. Super 449 (App. Div. 1951). The two proceedings, one criminal and the other disciplinary, are different in kind, involve different issues, quantum of proof and types of penalty. See Re DuPree, Bulletin 108, Item 8; Re Messina and Ruisi, Bulletin 392, Item 12; Re Rosenthal & Geller, Bulletin 843, Item 4; Re 17 Club, Inc., Billetin 949, Item 2; Re The Sport Center, Bulletin 1131, Item 5.

Re Renee's Bar & Liquor Store, Inc. Bulletin 1929, Item 2. See also, Re Ada Bond, Bulletin 1925, Item 4.

In consequence, therefore, the contention of the appellant is without merit.

- II -

In a thorough and well-documented brief, counsel for appellant contends that the action of the Council was arbitrary in that its decision was not coupled with the reasons upon which it was based. Hence, appellant alleges a violation of N.J.S.A. 52:14B-10, which requires that decisions of quasi-judicial bodies set forth the reasons for its decisions.

The appellant has misinterpreted the import of that statute. The Administrative Procedure Act was adopted to safeguard the rights of litigants so that department conclusions would be based upon expressed reasoning.

The appellant was furnished with charges almost identical in form to that suggested in the addenda to the Regulations adopted by the Director of this Division. A plenary hearing followed which embraced several hearing dates; during which counsel participated to the fullest extent. Upon the conclusion of that hearing, the Council, in its quasi-judicial capacity, determined that the appellant was guilty. A resolution to that effect was supplied the appellant from which this appeal was taken.

- III -

Appellant further contends that the finding of the Council was based upon insufficient evidence. This contention is likewise without merit. The Federal Agent testified that the appellant brought a narcotic drug from the interior of the licensed establishment to the driveway adjacent, where the agent's car was parked. Additionally, there were six or eight conversations within the licensed premises concerning narcotic transactions engaged in by the licensee and the Agent. The testimony of Officer Glenn proved the finding of the narcotic drugs within the premises.

Counsel likens the situation herein to that described in Ishmal v. Div. of Alcoholic Beverage Control, 58 N.J. 347 (1971). The similarity between the cases ends following the determination that both places appear to be drug supermarkets. In Ishmal, the licensee was not a party to the drug traffic, and had continually gone to great lenghts to obtain police aid to rid her establishment of the drug users. In the instant case, a principal drug traffiker was the appellant himself.

In order for an appellant to be successful in an appeal from the action of an issuing authority, the appellant must show that the action of the respondent was erroneous and should be reversed. Rule 6 of State Regulation No. 15. This burden rests solely upon appellant.

Appellant's entire appeal relies upon the contention that the evidence introduced by the Council was insufficient in either quantity or quality to support its conclusions. For example, as the narcotic drugs were given to the Federal Agent by appellant in the automobile outside the licensed premises, rather than in it, appellant implies that there was thus no proof that appellant possessed narcotic drugs within the license premises. Thus, he should have been acquitted. This is not so; arrangements for such sales within premises which are consumated outside have been found to violate Rule 4 of State Regulation No. 20. Re 160 Ocean Avenue Corp., Bulletin 2209, Item 3.

The further implication that, since patrons of the establishment allegedly disposed of their individual packets of drugs on the floor is in itself a reason to find the appellant not guilty, is also spurious. The abundance of discovered narcotic drugs amply supports the testimony relative to the narcotic operation described by the Federal Narcotics Agent. Smith v. Newark, Bulletin 1726, Item 1.

I find that there is more than ample support for the action of the Council and that the appellant has failed to establish that such action is erroneous and should be reversed. To the contrary, the Council could not have reasonably come to any other conclusion in view of appellant's central role in the narcotic activity.

The penalty usually imposed for proven charges as alleged herein is revocation of license. Re Elite, Inc., Bulletin 1951, Item 1; Re Richards, Bulletin 1838, Item 1; Re Smithpaul Corp., Bulletin 1777, Item 1; Hodes Corp v. Newark, Bulletin 1730, Item 1; Re Gnewcenski, Bulletin 1722, Item 1; Smith v. Newark, supra.

Appellant's allegation that numerous patrons disposed of their personal narcotics by dropping them to the floor when the police raid began, amply demonstrates that the premises is more of a gathering point for narcotic users than a place for alcoholic beverage refreshment. Hence, the Council by this revocation, acted to eliminate the community of this undesireable operation.

It is, thus, recommended that the action of the Council be affirmed, the appeal be dismissed, the stay of revocation granted by the Director upon the filing of this appeal be vacated and the appellant's license be revoked forthwith.

CONCLUSIONS AND ORDER

No Exceptions to the Hearer's Report were filed pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits and the Hearer's Report, I concur in the findings and recommendation of the Hearer, and adopt them as my conclusions herein.

Accordingly, it is, on this 1st day of August, 1978,

ORDERED that the action of the City Council of the City of Trenton be and the same is hereby affirmed, the appeal be and is hereby dismissed, and my Order of October 19, 1977, staying the revocation of appellant's license, be and the same is hereby vacated.

JOSEPH H. LERNER
DIRECTOR

4. APPELLATE DECISIONS - MILIK v. BOONTON.

Frank Milik and Aleksandra Milik t/a Frank and Aleksandra's Tavern, Appellants, vs. Mayor and Board of Aldermen of the Town of Boonton, Respondent.	CONCLUSIONS AND ORDER

Weinstein and Korn, Esqs., by Herbert Korn, Esq., Attorneys for Appellant.
Joseph H. Maraziti, Jr., Esq., by Lawrence Kalish, Esq., Attorneys for Respondent.

BY THE DIRECTOR:

This is an appeal from the action of the Mayor and Board of Aldermen of the Town of Boonton (hereinafter Board) which, by Resolution dated March 20, 1978, imposed a one-hundred and eight (108) days suspension of appellants' Plenary Retail Consumption License C-2, effective April 1, 1978, for premises 304-308 Main Street, Boonton, in consequence of a non vult plea to charges alleging that appellants permitted sales and possession of a controlled dangerous substance (marijuana and LSD) in the licensed premises on three separate occasions; in violation of Rule 4 of State Regulation No. 20.

Appellants' appeal is directed solely to the penalty imposed, which they consider overly severe in view of the otherwise clear record of the license, and contend that such suspension should be reduced.

The Board in its Answer denies any improper action or excessive penalty. Upon the filing of the appeal, no stay was granted by the Director of the suspension pending appeal. In lieu thereof, an early hearing date was filed.

A de novo appeal was heard in this Division, pursuant to Rule 6 of State Regulation No. 15, with full opportunity afforded the parties to introduce evidence and to cross-examine witnesses. However, the parties waived that opportunity, and relied upon oral argument of counsel in lieu thereof.

Appellants advance in support of their appeal that they had conducted their licensed business without incident since they acquired it two years before, and that they were not in the premises on the occasions when the offenses were committed. They submit that these factors should be weighed in the assessment of the penalty. Appellants recognize that the acts of an employee or agent bind a licensee, despite ignorance by the licensee of the employee's activity.

Appellants further argue that, as three of the offenses were identical in character and involved the same transgressor, the son of the appellants, these offenses should have been merged into one charge for penalty purposes. Appellants cite Weinstein v. Div. of Alcoholic Beverage Control, 70 N.J. Super. 164 (App. Div. 1961) as authority for this contention.

Weinstein, supra, does not support appellant's contention. There the appellant challenged the imposition of a single 45 day penalty for all four violations, rather than a separate penalty being imposed for each charge. The court, citing Middleton v. Div. etc., Dept. of Banking and Ins. 39 N.J. Super. 214, 220-221 (App. Div. 1956) stated:

> "The imposition of a single penalty for all the violations is not improper under the circumstances. The Commission has broad discretionary control over the matter. Having reached the conclusion of guilt on each infraction, the overall demonstration of unworthiness might properly be met with a single penalty...." (underscore added)

The Board herein adjudicated from separate charges and imposed a single penalty for all violations. This is consistent with the holding in the Weinstein case supra. There is no basis in the law to merge similar offenses. In fact, it is specifically provided that, each violation constitutes a separate offense for which a separate penalty may be imposed. N.J.S.A. 33:1-70.

Lastly, appellants contend that further consideration should have been accorded to their status as emigrants from Poland with some language difficulties, and the fact that they were the victims of a thoughtless, law-defying son whose drug related activity was unknown to them. The penalty will visit great financial hardship upon them, and they have barred their son from any further involvement in the licensed business.

Counsel for the Board urged affirmance, and stated that the Board properly consider the entire record and did take into full consideration the mitigating circumstances related by appellants.

At the conclusion of oral arguments, both parties waived a Hearer's Report and requested that the Director make a determination in the matter as soon as practicible.

The crucial issue presented by this appeal is: Is the penalty of one-hundred thirty-five days, reduced by remission on the plea to one-hundred and eight days, excessive?

This Division has, for several decades, employed a penalty schedule indicating the customary minimum penalties imposed for many common offenses. That schedule, which is a guide for prospective penalties imposed by the Director on charges brought by agents of this Division, indicates that, on proof of sale or possession of the type of narcotics, sub judice, by an employee, a minimum forty-five days suspension would result for each sale and a thirty day suspension for possession. Applying this guide in the instant matter, this Division's penalty could have been a total of one hundred and sixty-five days suspension of license.

In the alternative, a revocation of license may have been established as the appropriate penalty. See Re Elite, Inc., Bulletin 1951, Item 1.

In light of the growing prevalenace of narcotic activity, and to insure adherence to the concomitant obligation imposed upon licensees to prevent those instances where employees succumb to the lure of drug-traffic profits, stern penalties must be imposed. Hence, in recent matters, proof of sale of a narcotic drug by an employee resulted in imposition of suspensions of one-hundred and eighty days. Re Gi-Mo-Do Enterprises, Bulletin 1979, Item 1; Re Kyle, Bulletin 1993, Item 1. Revocation of license still prevails for licensees who themselves traffic in narcotic drugs. Re El Torero, Inc., Bulletin 1989, Item 1.

Therefore, I find that the penalty imposed by the Board was not excessive or unduly harsh. The penalty imposed was less than the minimum that would have been imposed in this Division. It is apparent that all of the mitigating circumstances related by appellants were taken into consideration by the Board.

The appellants have failed to establish that the action of the issuing authority is erroneous and should be reversed. Rule 6 of State Regulation No. 15. I shall affirm the action of the Board.

Accordingly, it is, on this 19th day of July, 1978,

ORDERED that the action of the Board of Aldermen of the Town of Boonton be and the same is hereby affirmed, and the appeal filed herein be and the same is hereby dismissed.

JOSEPH H. LERNER
DIRECTOR

5. SEIZURES - ENUMERATED MISCELLANEOUS SEIZURE CASES.

SEIZURE CASE NO. 13,525 - On March 26, 1977 at 210 Railroad Avenue, Jersey City, alcoholic beverages, miscellaneous personalty and $42.70 in cash and sums of $500 posted by the vending machine owner and $50 posted by the owner of remaining personalty ordered forfeited.

SEIZURE CASE NO. 13,528 - On March 25, 1977 at Almond Road, Norma, Pittsgrove Twp., Salem County, alcoholic beverages, miscellaneous personalty and $56 in cash and sums of $500 posted by vending machine owner and $100 posted by owner of remaining personalty ordered forfeited; sum of $150 posted by other vending machine owner recognized and returned.

SEIZURE CASE NO. 13,537 - On April 17, 1977 at 1510 West Lake Avenue, Neptune, Monmouth County, alcoholic beverages and $129.34 in cash and miscellaneous personalty and sum of $500 posted by owner forfeited; sum of $200 posted by vending machine owner recognized and returned.

SEIZURE CASE NO. 13,562 - On July 15, 1977 at "Veterans Pool Parlor", 82 Central Ave., Passaic, alcoholic beverages, miscellaneous personalty and $207.55 cash and $1,000 posted by owner of personalty forfeited; sum of $400 posted by vending machine owner recognized and returned.

SEIZURE CASE NO. 13,556 - On June 26, 1977 at 1105 St. George Ave., Roselle, alcoholic beverages, miscellaneous personalty and $134.20 cash and $1,000 posted by owner of the personalty forfeited.

SEIZURE CASE NO. 13,611 - On November 22, 1977 at "Sportsmen's Club", Tierney Road, Jefferson Township, Morris County, alcoholic beverages, miscellaneous personalty and $37.85 in cash and $1,500 posted by owner of the personalty forfeited.

SEIZURE CASE NO. 13,621 - On January 10, 1978 at a luncheonette at Trenton Road, Pemberton Twp., Burlington County, alcoholic beverages, miscellaneous personalty and $821.54 in cash and sum of $400 posted by vending machine owner and sum of $375 posted by owner of remaining personalty ordered forfeited; the sum of $769.48 taken simultaneously with the seizure but not part thereof, ordered returned.

SEIZURE CASE NO. 13,628 - On February 19, 1978 at 797 Broadway, Newark, alcoholic beverages, miscellaneous personalty and $42.30 cash and $350 posted by owner forfeited; sum of $1,100 posted by vending machine owner recognized and returned.

SEIZURE CASE NO. 13,676 - On June 30, 1978 at 201 Riverview Ave., Little Silver Borough, Monmouth County, alcoholic beverages and $25 in cash and miscellaneous personalty ordered forfeited excepting two air tanks, gauges, hoses, stand and taps, two beer coolers ordered returned to bailor.

6. STATE LICENSES - NEW APPLICATIONS FILED.

American B. D. Company
56-72 Utter Avenue & 62 5th Avenue
Hawthorne, New Jersey
Application filed October 20, 1978
for place-to-place transfer of
Plenary Wholesale License from
62 5th Avenue, Hawthorne, New Jersey.

Robert Pomert Incorporated
550 Durie Avenue
Closter, New Jersey
Amended application filed Oct ober 24, 1978
changing address on original application
for limited wholesale license from Dogwood
Lane, Alpine, New Jersey.

Joseph H. Lerner
Director