

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

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

BULLETIN 947

NOVEMBER 12, 1952

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New Jersey State Library

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSION ON THE ORGANIZATION
OF THE DEPARTMENT OF CHEMISTRY

The Commission on the Organization of the Department of Chemistry was organized in 1964 to study the structure and functioning of the Department of Chemistry at the University of Chicago. The Commission was composed of members from various fields of chemistry and physics, and its mandate was to recommend changes to the Department's organization that would improve its effectiveness and efficiency. The Commission's report, published in 1966, outlined a series of reforms that were implemented over the following years. These reforms included the creation of new departments and the restructuring of existing ones, as well as changes to the Department's governance and administrative structure. The Commission's recommendations were based on a thorough analysis of the Department's current state and a vision of what it could become in the future. The reforms were designed to create a more cohesive and integrated Department, one that was better able to attract and retain top talent and to conduct cutting-edge research in a wide range of chemical and physical sciences. The Commission's report was a landmark document in the history of the Department of Chemistry at the University of Chicago, and its recommendations have had a lasting impact on the Department's organization and functioning.

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

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NOVEMBER 12, 1952

1. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES, FAILURE TO CLOSE AND FAILURE TO REMOVE SCREENS DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

EDWIN F. KELLY & MABEL F. KELLY
7 Sylvania Avenue
Neptune City, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Neptune City.

Lester E. Mahr, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to charges alleging that on Saturday, August 23, 1952, they (1) sold and permitted the consumption of alcoholic beverages upon their licensed premises during prohibited hours; (2) failed to close the licensed premises during prohibited hours; (3) failed to remove screens obstructing view of the interior of the licensed premises during prohibited hours; and (4) hindered and failed to facilitate the investigation made at the licensed premises on that date. Charges (1), (2) and (3) alleged violations of local regulations while charge (4) alleged violation of R. S. 33:1-35.

The file discloses that two ABC agents arrived in the vicinity of the licensed premises at approximately 2:00 a.m. on Saturday, August 23, 1952. One of the agents remained outside; the other agent entered the licensed premises, where he found three bartenders on duty and approximately 150 patrons. Mabel F. Kelly, one of the licensees, was also upon the licensed premises. At approximately 2:55 a.m. (the closing hour being 3:00 a.m.) the bartender who had been serving the agent told him that he was serving the "last" drinks. After serving several other customers the same bartender returned to the agent and, at 3:05 a.m., sold and served a bottle of beer to him, charging 35 cents therefor. Some of the patrons had started to leave the licensed premises around 2:50 a.m., but at 3:15 a.m. there were still approximately 25 patrons remaining, some of whom, including the agent, continued to consume their drinks.

At this time the agent who had remained outside endeavored to gain admittance to the licensed premises via the rear door but found it locked. However, it was opened as patrons were leaving. Seeing licensee Mabel F. Kelly at the door, the agent called her by name, exhibited his badge and announced that he was an ABC agent; but said licensee quickly slammed the door, injuring the agent's hand. The agent then went to the front door, which was also locked, and, although he again identified himself as an ABC agent and sought to enter as patrons were leaving, the door was slammed in his face.

The agent who was inside the licensed premises heard a commotion at the rear door and also heard the door slam. He then

observed licensee Mabel F. Kelly going among the patrons at the bar and heard her tell them to leave because the "police" were outside. Shortly thereafter, as one of the bartenders left the licensed premises by way of the front door, the agent who was outside exhibited his credentials and requested the bartender to call the licensee. The bartender did so; and licensee Mabel F. Kelly then admitted the agent to the licensed premises, where he saw his fellow agent and another man drinking beer at the bar. There were four other patrons in the licensed premises at this time (3:30 a.m.). The agents also observed that the blinds were drawn, obscuring a view of the interior of the licensed premises from the street.

In a written statement, licensee Mabel F. Kelly endeavored to explain why patrons had been permitted to remain upon the licensed premises and to continue to consume their drinks after 3:00 a.m., by saying that she had tried to get them out but "they all would not leave". She further stated that she had "overlooked" opening the blinds.

In alleged mitigation it is claimed that the local regulation, permitting sale and service of alcoholic beverages up to 3:00 a.m., must, of necessity, permit "a reasonable amount of time" after 3:00 a.m. for the purchaser to consume his drink. This contention is wholly without merit. The local regulation specifically provides that no licensee shall "... permit consumption of any alcoholic beverages on the licensed premises ..." on weekdays between 3:00 a.m. and 7:00 a.m. (during the summer season). Furthermore the regulation clearly provides that "During the hours ... when sales are prohibited, all licensed premises shall be closed".

It is also contended that the licensee would have opened the blinds had she not been busy getting the patrons to leave and "had a reasonable time been afforded". Here again the regulation requires the licensee to remove obstructions to view "During the hours when said licensed premises are required to be closed ...", and it is to be noted that the obstructions had not been removed one half hour after the closing hour.

As to charge (4) it is claimed that licensee Mabel F. Kelly is partly deaf and did not recognize the agent as such. However, the statement she made to the patrons after she slammed the rear door indicates that she knew that the person who tried to enter was an ABC agent. In any event, the same standard of conduct applies to all licensees alike, and physical and other handicaps may explain but cannot excuse the failure of any licensee to meet that standard.

The licensees have no prior adjudicated record. I shall suspend the license for twenty days on charges (1), (2) and (3) (Re Nevin's Bankers Club, Inc., Bulletin 942, Item 2). Charge (4) (hindering) involves a type of violation which strikes at the very heart of enforcement and control. Where such hindering results in physical injury to an enforcement agent, even though such injury may not have been deliberately inflicted, the minimum penalty should and will be a twenty-day suspension of the license. Therefore, I shall suspend the license for an additional twenty days on charge (4), making a total suspension of forty days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 17th day of October, 1952,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Neptune City to Edwin F. Kelly & Mabel F. Kelly, 7 Sylvania Avenue, Neptune City, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 2:00 a.m. October 22, 1952, and terminating at 2:00 a.m. November 26, 1952.

DOMINIC A. CAVICCHIA
Director.

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT DANCE, INDECENT LANGUAGE) - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN HYETT)
T/a JOCKEY CLUB)
5-7-7½ South North Carolina Avenue)
Atlantic City, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-189, issued by the Board of Commissioners of the City of Atlantic City.)

Saul C. Schutzman, 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 the following charges:

1. On Wednesday night, August 20, 1952 and early Thursday morning, August 21, 1952, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises in that female entertainers performed in a lewd, indecent and immoral manner and a male entertainer made remarks having lewd, lascivious, indecent, filthy, disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulations No. 20.

2. On the occasion aforesaid, you allowed, permitted and suffered a male entertainer to use foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulations No. 20.

As to charge 1: On the dates alleged, ABC agents observed on the licensed premises two generally similar floor shows, each comprising several acts. Two of the acts were performed by female entertainers (a different one in each act) who began their performances fully clothed but finished them scantily attired, meanwhile doing a "strip tease". Both of these entertainers did suggestive "bumps and grinds" during their respective performances. A third act was performed by a male entertainer, announced as the star of the show, who made his appearance dressed in male clothing but also wearing a fur stole about his shoulders. This performer mimicked a female dancer, meanwhile carrying on a patter which included lewd and lascivious remarks to various persons in the audience. (There was a mistress of ceremonies whose performances were unobjectionable, as were the performances of most of the entertainers.)

As to charge 2: The male entertainer described in charge 1 not only spoke in a suggestive and lewd manner but interspersed his remarks with language so obviously foul, filthy and obscene that it was more suited to the gutter than to licensed premises. It is unnecessary to detail here the language he used.

This type of entertainment has no place on licensed premises. Re M. P. Corporation, Bulletin 943, Item 1. Entertainment, if presented upon licensed premises, must be of such character as not to be inimical to the public welfare and morals or to the best interests of the alcoholic beverage industry. Re DiAngelo, Bulletin 753, Item 4.

In attempted mitigation, defendant's attorney has stated (in part):

"The entertainment in question was contracted for through a booking agency and was witnessed for the first time by Mr. Hyett at the time that they performed at his club.

"We can all agree that the performance unquestionably transcended the bounds of decency. Were it not for a false impression that arose in the mind of the licensee because of his contractual relationship with the performers, I prefer to believe that their services might conceivably have been dispensed with prior to August 26, 1952 (the date of the charges)."

But this explanation skirts the fundamental principle that a licensee is fully responsible for the conduct of entertainers upon his licensed premises. See Re Primiceri, Bulletin 916, Item 3, citing Guastamachio v. Brennan, 128 Conn. 356, 23 A. 2nd 140 (Sup. Ct. of Err. Conn. 1941). I am constrained to point out that a licensee holds too lightly the privilege of his license if he is willing to risk his continued enjoyment of it by the blind booking of entertainment. And when, as here, the bounds of decency have been overreached and the Regulations accordingly violated, the injudicious licensee must suffer the consequences.

Defendant has a prior adjudicated record. Effective April 26, 1943, his license was suspended for five days for allowing, permitting and suffering bookmaking and gambling on his licensed premises. Re Hyett, Bulletin 565, Item 2. Because more than five years have elapsed since the previous dissimilar violation, I shall not consider it in arriving at the present penalty.

The minimum penalty for lewdness and immoral activity involving a "strip tease" is suspension of the license for thirty days. Cf. Re Bajewicz, Bulletin 902, Item 4; Re Corma, Bulletin 913, Item 4; Re Primiceri, supra; Re Cliquot Club, Inc., Bulletin 943, Item 2. The minimum penalty for foul, filthy and obscene language is suspension of the license for ten days. Re Arno, Bulletin 830, Item 1; Re Klein, Bulletin 887, Item 7; Re Deutsch, Bulletin 904, Item 5; Re Agnellino, Bulletin 933, Item 2. Accordingly, I shall suspend the defendant's license for a period of forty days. Cf. M.P. Corporation, supra. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 29th day of October, 1952,

ORDERED that Plenary Retail Consumption License C-189, issued by the Board of Commissioners of the City of Atlantic City to John Hyett, t/a Jockey Club, 5-7-7 $\frac{1}{2}$ South North Carolina Avenue, Atlantic City, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 7:00 a.m. November 5, 1952, and terminating at 7:00 a.m. December 10, 1952.

DOMINIC A. CAVICCHIA
Director.

3. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SECOND SIMILAR VIOLATION - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

N. Alexander Carr)
T/a Carr's Tavern)
Stelton Road and Murray Ave.)
Piscataway Township)
P.O. New Market, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Piscataway.)

N. Alexander Carr, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold, served and delivered alcoholic beverages to minors, and allowed, permitted and suffered the consumption of alcoholic beverages by said minors on his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file discloses that, on the night of September 1, 1952, three members of the armed forces, Pvt. Herman T. ---, 20 years of age, Pfc. Ernest ---, 19 years of age, and A/3C Harmon F. ---, 18 years of age, visited defendant's licensed premises. Each entered separately and remained for a period of time varying from twenty minutes to eight hours and each consumed a quantity of alcoholic beverages. All three identified the same waiter as the person who served them their drinks. None of the minors was questioned as to his age.

Defendant has a prior record. His license was suspended for twenty days, effective November 28, 1949, for sale of alcoholic beverages to minors. Ordinarily the minimum suspension of ten days in this type of case is doubled where the licensee has a prior similar record within a five-year period. Re Roey, Bulletin 747, Item 3. However, I deem the case to be aggravated by the number of minors involved. Re Camarda, Bulletin 946, Item 3. Consequently I shall suspend the license for twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 16th day of October, 1952,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Piscataway to N. Alexander Carr, t/a Carr's Tavern, Stelton Road, and Murray Ave., Piscataway Township, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. October 22, 1952, and terminating at 2:00 a.m. November 11, 1952.

DOMINIC A. CAVICCHIA
Director.

4. DISCIPLINARY PROCEEDINGS - FALSE ANSWER IN APPLICATION - ALLOWING ACT OF VIOLENCE AND DISTURBANCE ON PREMISES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

BRIDGETON LODGE #733, B.P.O. ELKS
225-7-9 North Laurel Street)
Bridgeton, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-5, issued by the City Council of the City of Bridgeton.)

-----)
Bridgeton Lodge #733, B.P.O. Elks, Defendant-licensee, by Warren J. Holst, Exalted Ruler.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) in its license application for the current licensing year, it falsely denied that its Esteemed Leading Knight had been convicted of any crime, in violation of R. S. 33:1-25, and (2) it allowed, permitted and suffered an act of violence and disturbance in and upon its licensed premises, in violation of Rule 5 of State Regulations No. 20.

As to charge (1): The file discloses that, in 1936, the officer in question was convicted in a federal court of the crime of conspiracy to smuggle liquor into the United States and, in 1938, was convicted in another state of the crime of attempted bank robbery. He was sentenced to jail terms of one year and one day on the conviction first above mentioned and twelve years on the other. Immediately after the incident referred to in charge (2), he resigned his office in the Lodge.

As to charge (2): The file discloses that, at approximately 11:00 p.m., on July 22, 1952, an argument arose between the aforementioned officer and another member of the Lodge in the barroom of the licensed premises during which a blow or blows were struck. The two men were separated by other members, and both left the licensed premises.

Defendant has no prior adjudicated record. I shall suspend the license for a period of ten days on charge (1) (cf. Re Pride of Eliz. Lodge of Elks #1117, Bulletin 821, Item 7), and for an additional fifteen days on charge (2) (Re Chi-Chi Club, Inc., Bulletin 827, Item 1). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 29th day of October, 1952,

ORDERED that Club License CB-5, issued by the City Council of the City of Bridgeton to Bridgeton Lodge #733, B.P.O. Elks, 225-7-9 North Laurel Street, Bridgeton, be and the same is hereby suspended for a period of twenty (20) days, commencing at 8:00 a.m. November 5, 1952, and terminating at 8:00 a.m. November 25, 1952.

DOMINIC A. CAVICCHIA
Director.

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

In the Matter of Disciplinary Proceedings against)

THOMAS E. HESLIN & KATHLEEN HESLIN SCOTT, Executors Estate of Mary E. Heslin, t/a Heslin's Hotel 22 North Main Street Wharton, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-2, issued by the Borough Council of the Borough of Wharton.)

Michael P. Danna, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they sold, served and delivered alcoholic beverages to minors, and allowed, permitted and suffered the consumption of alcoholic beverages by said minors on their licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file discloses that, on the night of Thursday, October 2, 1952, Pvt. James ---, 17 years of age, and Pfc. Joseph A. ---, 19 years of age, both of whom are in the U. S. Marine Corps, were sold and served a number of drinks of alcoholic beverages by a male bartender. Only Pvt. James --- was questioned as to his age by the bartender and this questioning consisted of a perfunctory "You're twenty-one aren't you?", to which the minor replied "Yes." This falls far short of establishing the facts required by the provisions of R. S. 33:l-77 to constitute a defense.

Defendants have no prior adjudicated record. Since one of the minors was only 17 years of age I shall suspend the license for fifteen days. Re Jacek, Bulletin 933, item 5. Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 29th day of October, 1952,

ORDERED that Plenary Retail Consumption License C-2, issued by the Borough Council of the Borough of Wharton to Thomas E. Heslin & Kathleen Heslin Scott, Executors Estate of Mary E. Heslin, t/a Heslin's Hotel, 22 North Main Street, Wharton, be and the same is hereby suspended for a period of ten (10) days, commencing at 1:00 a.m. November 5, 1952, and terminating at 1:00 a.m. November 15, 1952.

DOMINIC A. CAVICCHIA
Director.

6.

ACTIVITY REPORT FOR OCTOBER 1952

ARRESTS:		
Total number of persons arrested	- - - - -	33
Licensees and employees	- - - - - 18	
Bootleggers	- - - - - 15	
SEIZURES:		
Motor vehicles - cars	- - - - -	1
Stills - 50 gallons or under	- - - - -	2
Mash - gallons	- - - - -	3.00
Distilled alcoholic beverages - gallons	- - - - -	31.25
Wine - gallons	- - - - -	132.41
Brewed malt alcoholic beverages - gallons	- - - - -	22.62
RETAIL LICENSEES:		
Premises inspected	- - - - -	1,120
Premises where alcoholic beverages were gauged	- - - - -	1,374
Bottles gauged	- - - - -	17,959
Premises where violations were found	- - - - -	104
Violations found	- - - - -	149
Type of violations found:		
Unqualified employees	- - - - - 51	Probable fronts - - - - - 4
Disposal permit necessary	- - - - - 16	Gambling devices - - - - - 1
Reg. #38 sign not posted	- - - - - 9	Other mercantile business - - - - - 1
Prohibited signs	- - - - - 8	Other violations - - - - - 59
STATE LICENSEES:		
Premises inspected	- - - - -	23
License applications investigated	- - - - -	11
COMPLAINTS:		
Complaints assigned for investigation	- - - - -	426
Investigations completed	- - - - -	465
Investigations pending	- - - - -	104
LABORATORY:		
Analyses made	- - - - -	65
Bottles from unlicensed premises	- - - - -	14
IDENTIFICATION BUREAU:		
Criminal fingerprint identifications made	- - - - -	31
Persons fingerprinted for non-criminal purposes	- - - - -	202
Identification contacts made with other enforcement agencies	- - - - -	178
Motor vehicle identifications via N. J. State Police Teletype	- - - - -	5
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	- - - - -	14
Violations involved:		
Sale to minors	- - - - - 8	Possessing chilled beer (DL licensee) - 1
Sale during prohibited hours	- - - - - 5	Sale of less than 72 fluid oz. of
Permitting females to tend bar	- - - - - 1	beer (DL licensee) - - - - - 1
Cases instituted at Division	- - - - -	15
Violations involved:		
Sale to minors	- - - - - 7	Permitting slot machines on premises - 1
Fraud and Front	- - - - - 3	Permitting bookmaking activity - - - - 1
Permitting immoral activity on premises	- - - - 2	Permitting lottery activity (numbers) - 1
Permitting prostitutes on premises	- - - - 1	Hindering investigation - - - - - 1
Permitting filthy language on premises	- - - - 1	Unqualified employee - - - - - 1
Permitting hostesses on premises	- - - - 1	Purchase from improper source - - - - 1
Cases brought by municipalities on own initiative and reported to Division	- - - - -	20
Violations involved:		
Sale to minors	- - - - - 11	
Permitting brawl on premises	- - - - - 5	
Sale during prohibited hours	- - - - - 2	
Permitting bookmaking activity on prem.	- - - - 2	
Permitting lottery activity on premises	- - - - 1	
HEARINGS HELD AT DIVISION:		
Total number of hearings held	- - - - -	41
Appeals	- - - - - 3	Seizures - - - - - 14
Disciplinary proceedings	- - - - - 13	Tax revocation - - - - - 3
Eligibility	- - - - - 8	
PERMITS ISSUED:		
Total number of permits issued	- - - - -	1,646
Employment	- - - - - 173	Social affairs - - - - - 456
Solicitors	- - - - - 75	Special wine - - - - - 614
Disposal of alcoholic beverages	- - - - - 175	Miscellaneous - - - - - 153

Dated: November 3, 1952.

Dominic A. Cavicchia
Director.

7. AUTOMATIC SUSPENSION - SALE TO MINORS - LICENSE PREVIOUSLY SUSPENDED BY DIRECTOR - APPLICATION TO LIFT GRANTED.

In the Matter of a Petition by)

FRED D. PAPA)
T/a ROADSIDE INN)
2901 Paterson Plank Road)
North Bergen, N. J.,)

ON PETITION
CONCLUSIONS AND ORDER

To Lift the Automatic Suspension,
of Plenary Retail Consumption)
License C-76, issued by the Board
of Commissioners of the Township)
of North Bergen.)

-----)
Sidney Simandl, Esq., Attorney for Petitioner.

It appears from a verified petition filed herein that on September 16, 1952, the petitioner, Fred D. Papa, pleaded non vult in the Hudson County Court to charges alleging that he had sold alcoholic beverages to minors and that, as a result of said plea, a Judge of said Court on September 26, 1952, suspended sentence and ordered petitioner to pay costs.

It appears from the records of the Division of Alcoholic Beverage Control that on February 26, 1952, the Acting Director suspended the license then held by petitioner for a period of thirty days after petitioner had pleaded non vult in disciplinary proceedings to a charge alleging that he had sold alcoholic beverages to and permitted the consumption of alcoholic beverages by minors on his licensed premises. Said suspension was effective from 3:00 a.m. March 4, 1952, to 3:00 a.m. April 3, 1952. Bulletin 928, Item 4.

The charges in the criminal proceedings and the charge in the disciplinary proceedings were based upon the same facts. The case concerns the sale of alcoholic beverages to five minors, one of whom was 15 years of age, one of whom was 17 years of age, one of whom was 18 years of age, and two of whom were 20 years of age.

The conviction in the criminal proceedings has resulted in the automatic suspension of the license held by petitioner for the balance of its term. R. S. 33:1-31.1. On October 1, 1952, ABC agents picked up petitioner's license and no business has been conducted at the licensed premises since that time. The petition herein prays that the automatic suspension of the license may be lifted.

The suspension heretofore imposed appears to be adequate under the circumstances of the case. Hence, the relief sought herein will be granted.

Accordingly, it is, on this 8th day of October, 1952,

ORDERED that the automatic suspension of License C-76, now held by Fred D. Papa, t/a Roadside Inn, for premises 2901 Paterson Plank Road, North Bergen, be and the same is hereby lifted, and said license is hereby restored to full force and operation, effective immediately.

DOMINIC A. CAVICCHIA
Director.

By: Edward J. Dorton
Deputy Director.

3. MORAL TURPITUDE - CONVICTION FOR COMMERCIALIZED GAMBLING HELD NOT TO CONSTITUTE CONVICTION OF CRIME INVOLVING MORAL TURPITUDE UNDER FACTS OF CASE.

October 15, 1952.

Re: Case No. 634.

The purpose of this proceeding is to obtain from the Director an expression of his opinion as to whether or not applicant has been convicted of a crime involving moral turpitude. If the crime involved moral turpitude, applicant is disqualified by statute from obtaining a liquor license or being associated with the liquor industry in any capacity whatsoever in this state.

On February 18, 1949, applicant pleaded non vult to a charge of keeping a disorderly house (booking horses), in violation of a state statute, R.S. 2:103-1, and as a result thereof was sentenced to a county workhouse for one year. The execution of the sentence was suspended and applicant was fined \$200.00 and placed on probation for a period of five years. The probation office advised that applicant made "an excellent adjustment", and as a consequence thereof the period of probation was terminated on June 27, 1952. Applicant, a veteran, has been employed since April 1952 by a brewery. He disclosed the conviction in his questionnaire.

Applicant testified that during a period when he was unemployed he frequently visited a social club wherein bookmaking flourished. He testified that, although he did not personally place bets, he occasionally was handed a bet by someone to take into the back room. Applicant further testified that at times he received compensation from the club in payment for scrubbing floors and cleaning windows.

In view of his confessional plea in the criminal proceedings, the guilt or innocence of applicant cannot be redetermined herein. Re Case No. 236, Bulletin 279, Item 2; Re Case No. 587, Bulletin 733, Item 2.

Commercialized gambling may or may not involve moral turpitude. In Case No. 239, Bulletin 305, Item 9, it was held that the conviction of the head of a ring conducting gambling establishments, where the activities of the ring were attended by methods of violence, did involve moral turpitude. In Case No. 283, Bulletin 337, Item 14, the conviction of a "lieutenant" of the real operator of a lottery conducted on a large scale, it was held, did involve moral turpitude. Report received from a probation officer confirms applicant's testimony that, if anything, he acted in a minor capacity and was not one of the principals engaged in the conduct and operation of the unlawful enterprise. I conclude that the crime of which petitioner was convicted does not involve moral turpitude. Cf. Case No. 611, Bulletin 867, Item 8; Case No. 220, Bulletin 263, Item 8.

It is recommended that applicant be advised that, in the opinion of the Director, he is not disqualified by statute from being associated with the alcoholic beverage industry in this state.

Clarence E. Kremer
Attorney.

APPROVED:
DOMINIC A. CAVICCHIA
Director.

9. DISQUALIFICATION - FIVE YEARS' GOOD CONDUCT - APPLICATION TO LIFT 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. 1002.
-----)

BY THE DIRECTOR:

In November 1946 petitioner was found guilty in a county court of the crime of maintaining a house of prostitution, as a result of which he was sentenced to serve a term of one year in a county penitentiary from which he was released after serving nine months. Earlier in the same year he had been convicted in a municipal court of maintaining a disorderly house (prostitution) in violation of a local ordinance and was fined \$200.00. Since the conviction first above mentioned resulted from the commission of a crime involving moral turpitude, petitioner was thereby rendered ineligible to be engaged with the alcoholic beverage industry in this state.

At the hearing petitioner produced three witnesses, a porter, a garment worker and a businesswoman, all of whom have known petitioner for more than five years. All testified that during that time petitioner has been law-abiding and that he bears a good reputation.

Petitioner testified that since his release from the penitentiary he has not been convicted of any offense; that, during that period, he has been employed as a porter and shop steward but is presently unemployed; and that the reason he seeks the removal of his disqualification resulting from conviction of crime is that he has an opportunity to obtain employment as a bartender (an occupation in which he has had previous experience) or as a clerk in a licensed premises.

I find that petitioner has been law-abiding for at least five years last past and that his entry into the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 16th day of October, 1952,

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.

DOMINIC A. CAVICCHIA
Director.

10. DISCIPLINARY PROCEEDINGS - SUSPENSION REIMPOSED AFTER AFFIRMANCE BY COURT OF DIRECTOR'S DECISION.

In the Matter of Disciplinary Proceedings against
 DOROTHY GUTMAN
 T/a GENE'S TAVERN
 56 West Mt. Pleasant Avenue
 Livingston, N. J.,
 Holder of Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Livingston.

O R D E R

BY THE DIRECTOR:

On May 12, 1952, the defendant's license was suspended for a period of 30 days, effective May 19, 1952. See Bulletin 936, Item 4. Pending the defendant's appeal to the Superior Court, Appellate Division, the suspension was held in abeyance. On October 7, 1952, the Court sustained the imposition of the suspension (see Bulletin 946, Item 1), and the penalty may now be reimposed.

Accordingly, it is, on this 21st day of October, 1952,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Livingston to Dorothy Gutman, t/a Gene's Tavern, for premises 56 West Mt. Pleasant Avenue, Livingston, be and the same is hereby suspended for a period of thirty (30) days, commencing at 2:00 a.m. October 27, 1952, and terminating at 2:00 a.m. November 26, 1952.

DOMINIC A. CAVICCHIA
 Director.

11. MORAL TURPITUDE - POSSESSION OF MACHINE GUN - CONVICTION HELD NOT TO INVOLVE MORAL TURPITUDE UNDER FACTS OF CASE.

October 24, 1952.

Re: Case No. 636

Applicant seeks a determination as to whether or not he is ineligible for employment by the holder of a liquor license in New Jersey by reason of his conviction of crime.

In 1947, applicant pleaded non vult to the crime of possession of a machine gun in violation of R. S. 2:176-50, as a result of which he was sentenced to a term of from one to three years in State Prison. This sentence was suspended and, instead, he was placed on probation for one year and required to pay costs of court.

Reports from the police department and the county prosecutor disclose that applicant was arrested upon a complaint that he illegally transported a .45 caliber machine gun which, it was claimed, had thereafter been used in a robbery. Applicant could not be connected with the robbery in any way. It appears that when a friend asked him, as a favor, to deliver to his (the friend's) home a machine gun described as "a souvenir", applicant rode in a vehicle driven by another man and merely held the gun on his lap until they arrived at the friend's home where he delivered the gun believing it to be a "souvenir".

In my opinion the crime of possession of a machine gun, like the crime of carrying concealed weapons, may or may not involve moral

turpitude. Case No. 131, Bulletin 451, Item 7; Case No. 265, Bulletin 307, Item 12; Case No. 169, Bulletin 193, Item 3. Under the circumstances above related, it is my opinion that the crime of which applicant was convicted did not involve moral turpitude.

Under the circumstances herein, I believe that applicant is not disqualified, within the meaning of R. S. 33:1-25, 26, by reason of the conviction herein, from being employed by or connected with the holder of an alcoholic beverage license in this state and that he should be so informed.

APPROVED:
DOMINIC A. CAVICCHIA
Director.

Anthony Meyer, Jr.,
Attorney.

12. AUTOMATIC SUSPENSION - SALE TO MINOR - LICENSE SUSPENDED BY LOCAL ISSUING AUTHORITY FOR 10 DAYS - ORDER ENTERED LIFTING SUSPENSION AT EXPIRATION OF 15 DAYS FROM EFFECTIVE DATE THEREOF.

In the Matter of a Petition by)

PETER SIM)
182 Getty Avenue)
Paterson 3, N. J.,)

ON PETITION
O R D E R

To Lift the Automatic Suspension)
of Plenary Retail Consumption)
License C-13, issued by the Board)
of Alcoholic Beverage Control of)
the City of Paterson.)
-----)

William F. Hinchliffe and Hugh C. Spernow, Esqs., Attorneys for
Petitioner.

BY THE DIRECTOR:

It appears from a petition filed herein that on October 3, 1952, petitioner was found guilty by a Magistrate of the City of Paterson on a charge alleging that he sold alcoholic beverages to a minor, in violation of R. S. 33:1-77, and was fined the sum of \$100.00. On October 23, 1952, at 3:30 p.m., ABC agents picked up his license because, under the provisions of R. S. 33:1-31.1, his license was automatically suspended for the balance of its term. The petition prays that the automatic suspension may be lifted.

It appears from the records of the Division of Alcoholic Beverage Control that on October 17, 1952, the Board of Alcoholic Beverage Control of the City of Paterson instituted disciplinary proceedings against petitioner. The charges therein were based upon the same sale of alcoholic beverages to a minor which resulted in the institution of the criminal proceedings. At a special meeting of said Board held on October 27, 1952, petitioner pleaded guilty to the charges in the disciplinary proceedings and thereupon the Board suspended his license for a period of fifteen days, less five days, commencing October 23, 1952, at 3:30 p.m. and to terminate on November 2, 1952, at 3:30 p.m.

Despite the ten-day penalty imposed by the local Board, I shall not lift the automatic suspension on November 2, 1952. The purpose of the automatic suspension is to insure that when a licensee is convicted in a criminal court there is swift and sure penalty against his license. In view of such purpose it has been the policy to lift such suspension when, and only when, the license has been suspended for what appears, in view of all the facts, to be a sufficiently

penalizing length of time. Re Panasevitz, Bulletin 485, Item 3; Re Solitare, Bulletin 538, Item 4. This case concerns the sale of alcoholic beverages to a boy sixteen years of age. The minimum penalty imposed in similar cases has been a suspension of the license for twenty days, with a remission of five days if a plea of guilty or non vult has been entered in the proceedings. Re Gordon, Bulletin 906, Item 8. Hence the penalty imposed by the local board is inadequate under the facts of this case. I shall not lift the automatic suspension of petitioner's license until fifteen days have elapsed from the date upon which it became effective.

Accordingly, it is, on this 31st day of October, 1952,

ORDERED that the automatic suspension of the license referred to herein be lifted effective at 3:30 p.m. on Friday, November 7, 1952. In the meantime the statutory suspension of the license shall remain in full force and effect.

DOMINIC A. CAVICCHIA
Director.

13. AUTOMATIC SUSPENSION - SALE TO MINORS - LICENSE SUSPENDED BY LOCAL ISSUING AUTHORITY FOR 6 DAYS - ORDER ENTERED LIFTING SUSPENSION AT EXPIRATION OF 15 DAYS FROM EFFECTIVE DATE THEREOF.

In the Matter of a Petition by)
THERESA PANYKO and ANDREW PANYKO)
T/a HUSZAR TAVERN)
11 Monroe Street)
Passaic, N. J.,)

ON PETITION
O R D E R

To Lift the Automatic Suspension of)
Plenary Retail Consumption License)
C-30, issued by the Board of Com-)
missioners of the City of Passaic.)

Sigmond Unger, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

It appears from a petition filed herein that on October 22, 1952, Theresa Panyko was found guilty by a Magistrate of the Passaic Municipal Court on a charge alleging that she had sold alcoholic beverages to a 17-year-old minor, in violation of R. S. 33:1-77, and was fined the sum of \$50.00 and \$5.00 costs. On October 22, 1952, ABC agents picked up the license held by petitioners because, under the provisions of R. S. 33:1-31.1, the conviction of a member of a partnership holding a license results in the automatic suspension of the license for the balance of its term. The petition prays that the automatic suspension may be lifted.

It appears from the records of the Division of Alcoholic Beverage Control that on October 24, 1952, the Board of Commissioners of the City of Passaic instituted disciplinary proceedings against petitioners. The charge therein alleged that the defendants in said proceeding had sold alcoholic beverages to, and permitted the consumption of alcoholic beverages on their licensed premises by, persons under the age of twenty-one years. The charge evidently refers to the sale of alcoholic beverages to a minor, which resulted in the institution of the criminal proceedings, and also the sale of Alcoholic beverages to two other minors. At a meeting of said Board of

Commissioners held on October 28, 1952, the petitioners pleaded non vult to the charge in the disciplinary proceedings and thereupon the Board suspended their license for a period of "ten days retroactive to October 22, 1952 at 11:00 o'clock with an allowance of four days because of the entry of a plea of non vult or a net suspension of six days".

Despite the six-day penalty imposed by the local Board, I shall not lift the automatic suspension at this time. The purpose of the automatic suspension is to insure that, when a licensee is convicted in a criminal court, there is swift and sure penalty against his license. In view of such purpose, it has been the policy to lift said suspension when, and only when, the license has been suspended for what appears, in view of all the facts, to be a sufficiently penalizing length of time. Re Panasevitz, Bulletin 485, Item 3; Re Solitare, Bulletin 538, Item 4. The file herein discloses that this case concerns the sale of alcoholic beverages to three minors who are, respectively, 17, 20 and 17 years of age. The minimum penalty imposed in cases involving the sale of alcoholic beverages to a 17-year-old minor consists of a suspension for a period of fifteen days. Re Cedar Bar, Bulletin 942, Item 5. The fact that three minors are involved is an additional aggravating circumstance. Re Camarda, Bulletin 946, Item 3. The penalty imposed by the local Board is inadequate under the facts of this case. The minimum penalty that should have been imposed was a suspension of the license for a period of twenty days, less five days for the plea. Hence I shall not lift the automatic suspension of petitioners' license until fifteen days have elapsed from the date upon which it became effective.

Accordingly, it is, on this 31st day of October, 1952,

ORDERED that the automatic suspension of the license referred to herein be lifted at 11:00 a.m. on Thursday, November 6, 1952. In the meantime the statutory suspension of the license shall remain in full force and effect.

DOMINIC A. CAVICCHIA
Director.

14. STATE LICENSES - NEW APPLICATION FILED.

The Middlesex Transportation Co., Inc.
Burnet St. (Municipal Dock)
New Brunswick, N. J.

Application for Transportation License filed October 28, 1952.

DOMINIC A. CAVICCHIA
Director.

15. MINIMUM CONSUMER RESALE PRICE PAMPHLET - NOTICE OF PUBLICATION

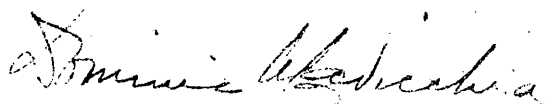
November 3, 1952

The next complete and official publication of minimum consumer resale prices pursuant to Regulations No. 30 will become effective on January 1, 1953. Prices to be listed must be filed with the office of this Division not later than 4:00 p.m. of November 20, 1952. It is extremely important to note the following:

1. A listing of minimum consumer resale prices covering every brand and item sold to retailers in this state must be made either by the manufacturer or wholesaler who owns the brands; or a wholesaler who sells the brands and has written authorization from the owner of the brands to file price listings; or by any wholesaler who sells a brand whose owner does not file or is unable to file a schedule or designate an agent for such purposes, provided my approval is obtained for such filing. Each schedule of minimum consumer resale prices submitted by a manufacturer or wholesaler not owning the designated brands must be accompanied by an affidavit certifying that the lister has been authorized to file prices for such designated brands. Note particularly that every wholesaler is not required to file minimum consumer prices.
2. Manufacturers or wholesalers are not required to file a schedule of minimum consumer resale prices for any brand sold exclusively to one New Jersey retailer.
3. Where listers of brands choose to publish a permissive case lot discount of either 5 or 10 per cent, the phrase "Discount of _____% permitted on case lot purchases" should be used.
4. True copies of labels or photostats of labels of brands to be listed in the Minimum Consumer Resale Price Pamphlet must be submitted with the schedule of price listings, if such labels have not been previously submitted. (A separate label for each type listed under a brand name and each label must be attached to a separate letterhead.)
5. Price listings may be submitted by letter in the same form as heretofore.

NOTE OF CAUTION AND WARNING: ANY BRAND OF ALCOHOLIC BEVERAGE NOT LISTED IN THE MINIMUM CONSUMER RESALE PRICE PAMPHLET TO BECOME EFFECTIVE JANUARY 1, 1953 MAY NOT BE SOLD TO A NEW JERSEY RETAILER BY ANY MANUFACTURER OR WHOLESALER ON AND AFTER JANUARY 1, 1953.

Notification of the proportionate share of aggregate expenses involved in the publication of the new complete Minimum Consumer Resale Price Pamphlet will be made to participating listers as soon as the pamphlet is mailed to all retail licensees.



Dominic A. Cavicchia
Director

New Jersey State Library