

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

BULLETIN 858

NOVEMBER 7, 1949.

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

BULLETIN 858

NOVEMBER 7, 1949.

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

In the Matter of Disciplinary Proceedings against

BUENA VISTA HOTEL CO. OF BELMAR
T/a BUENA VISTA HOTEL PAN-AMERICAN BAR
105-107 Second Avenue
Belmar, N. J.,

CONCLUSIONS
AND ORDER

Holder of Seasonal Retail Consumption License CS-7, issued by the Board of Commissioners of the Borough of Belmar.

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it possessed on its licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 28 of State Regulations No. 20.

On August 31, 1949 an agent of the State Division of Alcoholic Beverage Control seized on defendant's licensed premises two 4/5 quart bottles labeled "Schenley Reserve Blended Whiskey" and one 4/5 quart bottle labeled "Ballantine's Liqueur Blended Scotch Whisky" when his field tests indicated a considerable variation in the proof of the contents of said bottles from that indicated on the labels thereon. The result of an analysis of the contents of said bottles by the Division chemist confirmed the field tests that the labels on the respective bottles did not truly describe their contents as required by Rule 28 of State Regulations No. 20.

The defendant denies any active participation in any illegal tampering with the said liquor by anyone and a total lack of knowledge of any such discrepancy. Such lack of knowledge is no defense. Cedar Restaurant & Cafe Co. v. Hock, 135 N.J.L. 156.

Defendant has no previous adjudicated record. I shall suspend the license for twenty days, the minimum indicated in three-bottle cases. Re Zeidner et al., Bulletin 680, Item 2. Remitting five days for the plea will leave a net suspension of fifteen days.

Defendant holds a seasonal retail consumption license, the term of which will expire on November 1, 1949. I am advised that it has closed its licensed premises and that they will not reopen prior to the termination of its license. Thus, no effective penalty can be imposed at the present time. Cf. Re Solomon, Bulletin 586, Item 2.

Accordingly, it is, on this 19th day of October, 1949,

ORDERED that Seasonal Retail Consumption License CS-7, issued by the Board of Commissioners of the Borough of Belmar to Buena Vista Hotel Co. of Belmar, t/a Buena Vista Hotel Pan-American Bar, for premises 105-107 Second Avenue, Belmar, or any license issued in renewal thereof, be and the same is hereby suspended for a period of fifteen (15) days. Further order fixing the period of suspension will be entered if and when the defendant, or any other person, obtains a renewal of his seasonal retail consumption license for the period commencing May 1, 1950.

ERWIN B. HOCK

2. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 AND MUNICIPAL REGULATION - FAILURE TO HAVE PREMISES OPEN TO PUBLIC VIEW IN VIOLATION OF MUNICIPAL REGULATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

STANLEY JOHN WDZIECZKOWSKI)
T/a GINGER'S)
1627 Norris Street)
Camden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-130, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

Stanley John Wdzieczkowski, Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to charges alleging that he (1) sold and delivered alcoholic beverages at retail in the original container for consumption off the licensed premises, in violation of Rule 1 of State Regulations No. 38; (2) sold, served and delivered alcoholic beverages on his licensed premises, in violation of a local closing ordinance; and (3) failed to arrange the curtains and screens at the door and windows of his licensed premises so that the licensed premises would be exposed to public view, in violation of said local ordinance.

On Sunday, September 25, 1949, at about 12:40 p.m., two agents of the State Division of Alcoholic Beverage Control observed a man leave the defendant's licensed premises carrying a parcel. Upon their request, the man opened the parcel and disclosed three one-quart bottles of beer in original containers, which he admitted having purchased at defendant's licensed premises. Returning to defendant's premises with the customer, they observed that the screens and curtains at the doors and windows were arranged so that no clear view could be had of the interior of said premises by a person on the outside thereof.

Rule 1 of State Regulations No. 38 prohibits the sale at retail of alcoholic beverages in original containers for consumption off licensed premises on Sundays.

Section 5 of the Camden ordinance prohibits any sale of alcoholic beverages on licensed premises on Sunday after 2:00 a.m. Section 8 of said ordinance requires a clear public view of the interior of licensed premises from the outside during the hours sales thereon are prohibited.

The first two charges arise out of one act. I shall suspend the license for twenty days. (Re Bolton, Bulletin 774, Item 5). The third charge constitutes a separate violation of the law and requires an additional suspension. Cf. Blockburger v. U. S., 284 U. S. 299. I shall add five days to the twenty aforesaid. Re Tamboer, Bulletin 824, Item 5. Remitting five days for the plea will leave a net suspension of twenty days.

Accordingly, it is, on this 19th day of October, 1949,

ORDERED that Plenary Retail Consumption License C-130, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Stanley John Wdzieczkowski, t/a Ginger's, 1627 Norris Street, Camden, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. October 27, 1949, and terminating at 2:00 a.m. November 16, 1949.

ERWIN B. HOCK
Director.

3. APPELLATE DECISIONS - DIBUONO v. BRIDGETON.

SALVATORE DIBUONO and ANTHONY)
DIBUONO,)

Appellants,)

-vs-)

CITY COUNCIL OF THE CITY OF)
BRIDGETON,)

Respondent.)

ON APPEAL
CONCLUSIONS AND ORDER

Harry Adler, Esq., Attorney for Appellants.
John A. Casarow, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from respondent's refusal to renew for the current licensing year appellants' plenary retail consumption license for premises at 19-23 Lemon Street, Bridgeton.

Upon the filing of the appeal I entered an order herein on June 27, 1949, extending the term of the license held by appellants for the prior licensing year pending the return of an order to show cause and until the entry of a further order herein. R.S. 33:1-22. Appellants are presently operating under said extension of their license.

A hearing upon the order to show cause and upon the merits of the case was held on July 21, 1949. At the hearing Commissioner Henderson, Commissioner of Public Safety, testified that, when he examined the licensed premises in the latter part of June 1949, they were dirty and, in his opinion, the toilet facilities were inadequate. Chief of Police Semple testified that during the past licensing year his Department received fifty-seven police calls concerning events which occurred in the building at 19-23 Lemon Street or in the immediate vicinity thereof. He stated that not more than five of these calls were received from the licensed premises, and it appears that these calls were made by the appellants or their employees when disturbances occurred on the licensed premises. There is nothing in the record to show that appellants were responsible for these disturbances. Some of the other calls concerned disturbances outside of the licensed premises, but the large majority of the calls concerned events which occurred on the second and third floors of this building which is owned by Salvatore Dibuono, one of the appellants herein. The second and third floors are not part of the licensed premises. Three other police officers of the City of Bridgeton substantially corroborated the evidence given by the Chief of Police.

It is apparent from the testimony that, especially on Friday and Saturday nights, many migrant workers, who are employed on farms near Bridgeton, gather in the vicinity of appellants' premises and cause many of the disturbances referred to above. This presents a

police problem but, in the absence of adequate affirmative proof that the conduct of their premises contributes to the conditions requiring correction, appellants should not be held responsible. Weber v. Lakewood, Bulletin 657, Item 3; Salmanowitz v. Hightstown, Bulletin 807, Item 2.

On behalf of appellants, Salvatore Dibugno testified that in 1941 he purchased the building known as 19-23 Lemon Street from the City of Bridgeton. On the second and third floors he has set up numerous small rooms, with partitions which do not extend to the ceiling. Apparently undesirable persons reside in these rooms because, as Chief Semple testified, "We have arrested people there for everything from escaped murderers, atrocious assault and battery, larceny, robbery, illicit sale of alcoholic beverages on Sunday, disorderly house". This is not denied by appellants, but they contend that they have operated their licensed premises in a proper manner and that renewal of their license should not be denied because of the unsatisfactory conditions on the second and third floors of the building. It is true that no disciplinary proceeding were ever instituted against the licensees and that there is very slight evidence of any disturbances upon the licensed premises. Nevertheless, the unsatisfactory conditions which may be aggravated by the presence of the licensed premises in the same building should not be permitted to continue. Salvatore Dibugno offered, in the event of renewal of the license, to remove the tenants from the second and third floors but at the time of hearing these tenants still remained upon the premises.

Under all the circumstances, I shall withhold the entry of a final order in this case pending a further hearing, to be held on a date to be fixed by the attorneys for the respective parties, subject to my approval. At said hearing appellants will be given an opportunity to present further proof that the sanitary condition of the licensed premises and adequacy of toilet facilities have been passed upon by the City Sanitary Inspector, and that the tenants have been removed from the second and third floors of the building. In the meantime I shall cancel my order dated June 27, 1949, effective October 31, 1949, at 8:00 a.m. The result of this cancellation will be that appellants must cease all alcoholic beverage activities at 19-23 Lemon Street, Bridgeton, at 8:00 a.m. October 31, 1949, and may not resume any such activities unless and until the pending appeal is decided in favor of appellants.

Accordingly, it is, on this 20th day of October, 1949,

ORDERED that the order heretofore entered herein on June 27, 1949, be and the same is hereby cancelled, effective October 31, 1949, at 8:00 a.m.; and it is further

ORDERED that the entry of a final order herein be and the same is hereby deferred pending a further hearing as set forth above.

ERWIN B. HOCK
Director.

4. APPELLATE DECISIONS - RUDBERG vs BRIDGETON.

HARRY RUDBERG, trading as
VICTORY BAR,
Appellant,

-vs-

ON APPEAL
CONCLUSIONS AND ORDER

CITY COUNCIL OF THE CITY OF
BRIDGETON,

Respondent.

Harry Adler, Esq., Attorney for Appellant.
John A. Casarow, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from respondent's refusal to renew for the current licensing year appellant's plenary retail consumption license for premises at 51 East Commerce Street, Bridgeton.

The answer herein alleges, in substance, that the main rooms and toilets of the licensed premises are very dirty and that the licensee permits his patrons to conduct themselves in an improper manner, especially upon Cohansey Street which adjoins the side of the licensed premises.

At the hearing herein Commissioner Henderson, Commissioner of Public Safety, testified that, within a period of two weeks prior to the denial of the license, he visited appellant's premises on three occasions and observed that they were very dirty. He also testified that on two of these occasions one or two of the patrons were in a semi-intoxicated condition. Sergeant Knipe, of the Bridgeton Police, testified that on Friday and Saturday nights "crowds would gather around there" and that, on several occasions, he saw people who had too much to drink coming from the side entrance on Cohansey Street. Police Officer Cliff testified that he made several arrests on Cohansey Street and that the persons he arrested came from appellant's premises. Police Officer Fletcher testified that he found it necessary on several occasions to clear the sidewalk of loiterers, some of whom showed evidence of intoxication. Three citizens of the City of Bridgeton testified that, on a number of occasions, they had observed intoxicated persons on Cohansey Street near appellant's premises.

Appellant testified that he has conducted his licensed premises for a period of three and one-half years; that no charges have ever been preferred against him, and that his attention was never called to any of the incidents testified to by the police officers or the three citizens. The evidence shows that he employs a man to clean his licensed premises. This man testified that he arrives at the licensed premises between 10:00 a.m. and 11:00 a.m., cleans the entire premises including the toilets, thereafter leaves the licensed premises and returns at 4:00 p.m., remaining on duty until the closing hour at midnight. The inspections by Commissioner Henderson were made in the afternoon shortly before the clean-up man returned to duty.

The licensed premises should be kept in a clean and sanitary condition at all times. Appellant seems to have made efforts to correct the condition, and Harry T. Marshall, City Sanitary Inspector, who was called as a witness by appellant, testified that at one time the premises were not in a very good condition but that "they have become better".

There is little, if any, evidence of misconduct upon the licensed premises. There is no proof that alcoholic beverages were sold to intoxicated persons on appellant's premises. Appellant

admits that on a number of occasions intoxicated persons have visited his licensed premises, but he denies that he ever sold any alcoholic beverage to an intoxicated person, and testified that he required these persons to leave his licensed premises. He further testified that, because of fire regulations, he is required to keep open his side entrance on Cohansey Street.

The condition on Cohansey Street appears to have been extremely unsatisfactory. However, there are other licensed premises in the immediate neighborhood, and the proof is not sufficiently clear that appellant is responsible for these conditions. It is fundamental that a licensee is responsible for conditions outside of his licensed premises which are caused by his patrons. Conte v. Princeton, Bulletin 139, Item 8; Repici v. Hamilton, Bulletin 201, Item 8. But, unless it appears that appellant is responsible for the conditions, evidence of unsatisfactory conditions outside the licensed premises would not be sufficient to warrant denial of the renewal. Freeland v. Roselle, Bulletin 352, Item 5; Weber v. Lakewood, Bulletin 657, Item 3; Salmanowitz v. Hightstown, Bulletin 807, Item 2. Under all the circumstances, I am constrained to reverse the action of respondent.

The Conclusions I have reached herein apply merely to renewal of the license for the present licensing year. Appellant will be given a further opportunity to demonstrate his worthiness to hold a license. Respondent may, for proper cause appearing in the future, institute disciplinary proceedings, or refuse to renew the license for the next fiscal year.

Accordingly, it is, on this 20th day of October, 1949,

ORDERED that the action of respondent, in denying appellant's application for renewal of his license, be and the same is hereby reversed, and respondent is directed to issue a renewal of appellant's plenary retail consumption license for the current licensing year.

ERWIN B. HOCK
Director.

5. MORAL TURPITUDE - ROBBERY AND ASSAULT WITH INTENT TO KILL.

DISQUALIFICATION - APPLICATION TO LIFT - FALSE STATEMENT IN AN APPLICATION FILED FOR A RETAIL LICENSE - APPLICATION DENIED WITH LEAVE TO REAPPLY ON OR AFTER AUGUST 31, 1950.

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. 791.
-----)

BY THE DIRECTOR:

In November 1932 petitioner pleaded guilty in a Court of Special Sessions to charges of robbery and assault with intent to kill. As a result he was sentenced to a Reformatory and remained there until he was paroled in January 1934. He has never been convicted of any other crime. The crimes to which he pleaded guilty undoubtedly involve moral turpitude.

At the hearing herein three witnesses, who have known him for seven, fifteen and ten years respectively, testified that, during the

period they have known petitioner, he has conducted himself in a law-abiding manner. The Chief of Police of the municipality in which petitioner lives has certified that no charges or investigations are pending against petitioner.

I would have no hesitancy in granting relief in this case except that petitioner denied he had ever been convicted of a crime when he and another person filed an application for a plenary retail distribution license in another municipality. The application was filed in March or April 1947, and the local issuing authority granted the license which was held by petitioner and his partner for about two years, at which time it was transferred to another person. Prior to 1947 petitioner had been employed for twelve years in a factory and, since the aforesaid transfer of the license, he has been unemployed.

Petitioner testified at the hearing herein that he was under the impression that it was not necessary to disclose his conviction because the crime had been committed "far back and it was before Repeal of the Prohibition Act". It does not appear that he revealed his conviction to the lawyer who prepared the application. Applicants for licenses must answer all questions in the application fully and frankly. In his favor, it appears that petitioner volunteered to the Division the information concerning his false statement. It further appears that the Mayor of the municipality in which petitioner held the license has advised me that the partners conducted the licensed premises "without censure" and that petitioner was "an asset to the community". The Mayor further says:

"Our investigation here at the time of granting the license did not bring to light any mark against his record or we would have taken steps toward advising him to have the disqualification removed at the time and frankly it was a surprise to me to learn of it at this late date.

"However, knowing ---- I can appreciate his reluctance in discussing his past and I hope that your department will see fit to withdraw the mark of record."

Under all the circumstances, I shall deny the present petition because of his false answer in his application for a retail license which enabled him to engage in the alcoholic beverage industry when he was ineligible to do so. I shall, however, permit him to file a new petition for relief on or after August 31, 1950.

Accordingly, it is, on this 21st day of October, 1949,

ORDERED that the petition herein be and the same is hereby denied, with leave to reapply as aforesaid.

ERWIN B. HOCK
Director.

6. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against MICHAEL A. NICAS T/a COLONIAL INN Main Street Oceanport, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Mayor and Council of the Borough of Oceanport.

Golden & Hurley, Esqs., Attorneys for Defendant-licensee. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that he sold, served and delivered alcoholic beverages to two minors and permitted the consumption of alcoholic beverages by the minors, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

An examination of the file in the instant case discloses that on September 11, 1949 a member of the armed forces, 19 years of age, purchased and consumed ten or twelve glasses of beer on defendant's licensed premises. Again, on September 26, 1949, another member of the armed forces, 19 years of age, consumed beer on defendant's licensed premises.

Defendant has no previous adjudicated record. I shall suspend his license for a period of ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 21st day of October, 1949,

ORDERED that Plenary Retail Consumption License C-1, issued by the Mayor and Council of the Borough of Oceanport to Michael A. Nicas, t/a Colonial Inn, for premises on Main Street, Oceanport, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. October 31, 1949, and terminating at 2:00 a.m. November 5, 1949.

ERWIN B. HOCK Director.

7. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM IN VIOLATION OF RULE 5 OF STATE REGULATIONS NO. 30 - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CHRIS G. ALEVRAS)
359 1/2 South Orange Avenue)
Newark 3, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-96, issued by the)
Municipal Board of Alcoholic Beverage Control of the City of)
Newark.)
-----)

Chris G. Alevras, 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 alcoholic beverages at retail for a price below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

On October 8, 1949, the licensee sold to an agent of the State Division of Alcoholic Beverage Control eight one-half gallon jugs of "Fior Di California Burgundy Scelto" wine for the total price of \$8.40. The minimum consumer price for said wine, as listed in the then current "List of Minimum Resale Prices", effective October 1, 1949, giving effect to the permissive 10% discount permitted therein for "case" sales, was \$9.50.

Defendant has no prior adjudicated record. I shall suspend the license for ten days. Re Auerbach, Bulletin 849, Item 11. Remitting five days for the plea will leave a net suspension of five days.

Accordingly, it is, on this 25th day of October, 1949,

ORDERED that Plenary Retail Distribution License D-96, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Chris G. Alevras, 359 1/2 South Orange Avenue, Newark, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. October 31, 1949, and terminating at 9:00 a.m. November 5, 1949.

ERWIN B. HOCK
Director.

8. MORAL TURPITUDE - LARCENY.

DISQUALIFICATION - APPLICATION TO LIFT - FALSE STATEMENT IN APPLICATION FOR SOLICITOR'S PERMIT - APPLICATION DENIED WITH LEAVE TO REAPPLY ON OR AFTER JANUARY 19, 1950.

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. 785.
-----)

BY THE DIRECTOR:

In 1936 petitioner was convicted of larceny and sentenced to probation for one year. This is ordinarily the conviction of a crime involving moral turpitude within the meaning of R. S. 33:1-25, 26; Case No. 551, Bulletin 728, Item 10. No reason appears to the contrary in this case and petitioner, therefore, is disqualified from holding a liquor license in this state or from being employed by the holder of such a license.

This would seem to be petitioner's only conviction of any breach of the law. Apparently he has rehabilitated himself, has been gainfully employed in legitimate business, is married and has a family.

Petitioner produced three witnesses: one a retired deputy sheriff, one a retired engineer and one a salesman, who have known him for from five to twenty-five years. The witnesses all testify that petitioner bears an excellent reputation and is an honest and law-abiding person.

The Police Department of petitioner's home municipality has no complaints, charges or investigations now pending involving the petitioner.

I must consider, however, petitioner's apparent attempt to mislead me in that upon making an application for a solicitor's permit he answered "No" to the question on said application which asks, "Have you ever been convicted of any crime?" Petitioner testified that he was advised by a local police officer that his conviction did not require disclosure and that he answered "No" to a similar question on an employee's questionnaire in 1944 because he was not aware that he had been convicted because he was "under a probationary period". Applicants must tell the truth and a permit may be denied or withheld for failure to do so. The question is clear. It required no interpretation by a lawyer or any other person. If applicants falsify their applications they must be prepared to pay the penalty.

I shall deny the prayer of the petitioner at this time. Petitioner may renew his application for relief after January 19, 1950.

Accordingly, it is, on this 25th day of October, 1949,

ORDERED that the petition herein be and the same is hereby dismissed.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

GLEN ROCK ATHLETIC CLUB, INC.)
221 Main Street)
Glen Rock, N. J.,)

CONCLUSIONS AND ORDER

Holder of Club License CB-1, issued by the Mayor and Council of the Borough of Glen Rock.)

-----)
Glen Rock Athletic Club, Inc., by William T. Green, Jr., President. William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleads non vult to a charge that it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 28 of State Regulations No. 20.

On October 4, 1949 an ABC agent tested twelve opened bottles of alcoholic beverages on defendant's premises and seized a 4/5 quart bottle labeled "Canadian Club Blended Canadian Whisky" when his field test indicated that the contents of said bottle were not genuine as labeled. Subsequent analysis by the Division's Chemist of the contents of the seized bottle indicated that the label of said bottle did not truly describe its contents.

Defendant has a prior record. Effective June 25, 1948, its license was suspended by the local issuing authority for a period of seven days as a result of its plea of guilty to charges of sales of alcoholic beverages to non-members.

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

Accordingly, it is, on this 25th day of October, 1949,

ORDERED that Club License CB-1, issued by the Mayor and Council of the Borough of Glen Rock to Glen Rock Athletic Club, Inc., for premises 221 Main Street, Glen Rock, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 1:00 a.m. November 1, 1949, and terminating at 1:00 a.m. November 16, 1949.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

CESARE FRANCIA)
T/a NEW CITY CLUB)
15-17 Third Avenue)
Long Branch, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of Long Branch.)

-----)
J. Stanley Herbert, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that he sold, served and delivered alcoholic beverages to a minor and permitted the consumption of alcoholic beverages on his licensed premises by the minor, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

An examination of the file in the instant case discloses that on October 1, 1949 a member of the armed forces, 18 years of age, purchased and consumed two glasses of whiskey on defendant's licensed premises.

Defendant has no previous adjudicated record. I shall suspend his license for a period of ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Wink and Leitner, Bulletin 755, Item 9.

Accordingly, it is, on this 25th day of October, 1949,

ORDERED that Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of Long Branch to Cesare Francia, t/a New City Club, for premises 15-17 Third Avenue, Long Branch, be and the same is hereby suspended for a period of five (5) days, commencing at 3:00 a.m. October 31, 1949, and terminating at 2:00 a.m. November 5, 1949.

ERWIN B. HOCK
Director.

11. DISCIPLINARY PROCEEDINGS - PLENARY WINERY LICENSEE - SALE OF WINE TO CONSUMERS WHERE LICENSEE DID NOT HAVE ADDITIONAL PRIVILEGE OF SELLING AT RETAIL - LICENSE SUSPENDED FOR BALANCE OF TERM.

In the Matter of Disciplinary Proceedings against)

VIRGIL FILIPPI)
T/a FILIPPI WINES)
771 Palisade Avenue)
Cliffside Park, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Winery License V-46, issued by the Director of the Division of Alcoholic Beverage Control.)

Bernard S. White, 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 charge:

"From July 1, 1949 to on or about August 3, 1949, you sold and distributed approximately 726.25 gallons of wines not pursuant to and within the terms of your plenary winery license to various persons in New Jersey other than wholesalers or retailers licensed in accordance with the Alcoholic Beverage Law or churches for religious purposes, contrary to R.S. 33:1-10(2)a; in violation of R.S. 33:1-2."

On August 4, 1949, ABC agents made an investigation at defendant's premises because defendant had continued to advertise in a newspaper after July 1, 1949, the sale and delivery of "good table or dessert wines". Investigation disclosed that the advertisement had been running in the same newspaper since 1947, but that defendant had notified the newspaper to discontinue the advertisement shortly before the investigation began. During the course of the investigation defendant admitted, in writing, that between July 1, 1949 and August 3, 1949, he had sold 717.5 gallons of still wine and 8.75 gallons of Vermouth to consumers for off-premises consumption.

Although in previous years defendant had obtained the right to sell wine at retail on his licensed premises upon payment of an additional fee of \$100.00, the records of this Division show that for the licensing year beginning July 1, 1949, he obtained a renewal of his plenary winery license without the additional privilege of selling at retail. See P.L. 1949, c. 276. Hence, after July 1, 1949, he was permitted to sell and distribute his products only to licensed wholesalers and retailers, to churches for religious purposes, and without this State to any persons pursuant to the laws of the places of such sale and distribution.

Defendant has been licensed since 1936 and has no prior record. In alleged mitigation defendant states that in prior years the major part of his business consisted of sales to consumers and that the enactment of P.L. 1949, c. 276, has worked a great hardship upon him because he formerly relied upon sales to consumers. However, this explanation is no excuse for selling beyond the terms of his license in deliberate violation of the law. The violation might well warrant the revocation of the license but, since defendant has operated his business in a proper manner for thirteen years, I shall not revoke but shall suspend the license for the balance of its term ending June 30, 1950.

Accordingly, it is, on this 25th day of October, 1949,

ORDERED that Plenary Winery License V-46, issued by the Director of the Division of Alcoholic Beverage Control to Virgil Filippi, t/a Filippi Wines, for premises 771 Palisade Avenue, Cliffside Park, be and the same is hereby suspended for the balance of its term ending June 30, 1950, effective October 31, 1949, at 7:00 a.m.

ERWIN B. HOCK
Director.

12. MORAL TURPITUDE - ROBBERY.

DISQUALIFICATION - APPLICATION TO LIFT - FALSE STATEMENTS IN QUESTIONNAIRE - APPLICATION DENIED WITH LEAVE TO REAPPLY ON OR AFTER JANUARY 11, 1950.

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. 775.
-----)

BY THE DIRECTOR:

Petitioner, after three arrests as a juvenile delinquent, was arrested shortly after his sixteenth birthday and convicted in a county court of breaking and entering. He was sentenced to the State Reformatory at Rahway for an indeterminate term and paroled in November 1927. In 1930 he was again convicted in the same court of breaking, entering, larceny and receiving and grand larceny. Committed to the Reformatory, he was paroled again in 1931. Later in 1931, he was convicted of assault and battery and robbery, and sentenced to six months in a county penitentiary. Released early in 1932, he apparently has had no further conviction of crime until 1949 when, upon his conviction of a charge of non-support, he was sentenced to one year in a county penitentiary. His sentence was suspended and he was placed on probation.

There can be no doubt that petitioner's earlier convictions are convictions of crimes involving moral turpitude, within the provisions of R.S. 33:1-25, 26. The non-support conviction is not the conviction of a crime within the meaning of said law. Cf. Re Case No. 471, Bulletin 540, Item 9.

Petitioner, shortly after 1932, secured regular employment as a laborer or truck driver.

Apparently, there are no charges or investigations currently pending involving him.

He produced three witnesses, one a lawyer who has known petitioner for seven years, one an employee of a law firm who has known him for ten years, and one a longshoreman who has known him for six years. They testified that petitioner, during their acquaintanceship, bore and now bears a good reputation and is an honest and law-abiding person.

Petitioner, who has worked off and on for various holders of licenses under the Alcoholic Beverage Law, alleges that he was ignorant of the fact that his convictions disqualified him. Such

ignorance has been excused in certain rehabilitation cases where the facts so warranted. Cf. Re Case No. 61, Bulletin 338, Item 2. I cannot, however, overlook petitioner's apparent disregard for truth. During his employment by licensees he has filed at least two "questionnaires" and on each he answered "no" to a question which asks: "Have you ever been convicted of any crime?" There is no excuse for lying.

I cannot grant the prayer of the petitioner at this time. Petitioner may renew his application for relief after January 11, 1950.

Accordingly, it is, on this 25th day of October, 1949,

ORDERED that the petition herein be and the same is hereby dismissed.

ERWIN B. HOCK
Director.

13. DISCIPLINARY PROCEEDINGS - ORDER SUSPENDING LICENSE STAYED BY AUTHORIZATION OF JUDGE OF APPELLATE DIVISION PENDING PROCEEDINGS TO REVIEW.

In the Matter of Disciplinary Proceedings against

LLOYD'S MANOR
42-48 Beacon Street
Newark 3, N. J.,

O R D E R

Holder of Plenary Retail Consumption License C-966, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

It appearing that a notice of appeal has been filed in the Superior Court, Appellate Division, from the Conclusions and Order entered herein on October 19, 1949, suspending the plenary retail consumption license of the defendant for a period of thirty days, commencing October 31, 1949; and it further appearing that application was made, pursuant to Rule 3:81-12, for an ad interim stay before a single Judge of said court; and the said Judge having authorized the Director to enter an order staying the effect of said suspension upon condition that the defendant perfect its application for a pendente lite stay to be made before the said court on Monday, November 7, 1949;

It is, on this 28th day of October, 1949,

ORDERED that the suspension herein be and the same is hereby stayed upon condition that the defendant perfect its application for a pendente lite stay to be made before the Superior Court, Appellate Division, on Monday, November 7, 1949, and that said stay shall continue until a further order is entered herein.

ERWIN B. HOCK
Director.

14. APPELLATE DECISIONS - DIBUONO v. BRIDGETON - FINAL ORDER.

SALVATORE DIBUONO and ANTHONY DIBUONO,)

Appellants,)

-vs-)

CITY COUNCIL OF THE CITY OF BRIDGETON,)

Respondent.)

ON APPEAL
O R D E R.

Harry Adler, Esq., Attorney for Appellants.
John A. Casarow, Esq., Attorney for Respondent.

BY THE DIRECTOR:

It appearing that by Conclusions and Order entered herein on October 20, 1949, the entry of a final order was withheld pending a further hearing at which appellants were to be given an opportunity to present proof that the sanitary condition of the licensed premises and adequacy of toilet facilities had been passed upon by the city sanitary inspector and that the tenants had been removed from the second and third floors of the building; and

It further appearing from an affidavit of Harry T. Marshall, sanitary inspector of the City of Bridgeton, that he visited appellants' licensed premises on October 26, 1949 and found that the sanitary condition of the licensed premises is adequate and that the toilet facilities for both men and women are adequate and clean; and

It further appearing from the affidavit of John A. Casarow that, on October 26, 1949, he inspected the second and third floor premises of the building at 19-23 Lemon Street, Bridgeton, and found that the tenants of the second and third floor premises had been removed and that there are no tenants on the second and third floor premises of said building; and

It further appearing that, because of the introduction of said affidavits, no further hearing is necessary and that appellants have complied with the requirements of the original Conclusions and Order;

It is, on this 31st day of October, 1949,

ORDERED that the action of respondent in denying appellants' application for renewal of their license be and the same is hereby reversed, and respondent is directed to issue a renewal of appellants' plenary retail consumption license for the current licensing year.

ERWIN B. HOCK
Director.

15. STATE LICENSES - NEW APPLICATIONS FILED.

Pride Transportation Co., Inc.
Route 25, Avenel, N. J.

Application for Transportation License filed November 2, 1949.

Wooster Express, Inc.
106 Fiske St., Jersey City, N. J.

Application for Transportation License filed November 4, 1949.

Scarborough Distributors, Inc.
506-510 Perry St., Trenton, N. J.

Application filed November 7, 1949 for transfer of State Beverage Distributor's License SBD-221 from Roy Scarborough.

Erwin B. Hock

New Jersey State Library