

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

BULLETIN 1679

June 16, 1966

TABLE OF CONTENTSITEM

1. DISCIPLINARY PROCEEDINGS (ATLANTIC CITY) - PROCUREMENT FOR PROSTITUTION - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE REVOKED.
2. DISCIPLINARY PROCEEDINGS (CAMDEN) - GAMBLING (NUMBERS BETS) - FALSE STATEMENT IN LICENSE APPLICATION - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (NEWARK) - SALE TO MINORS - RECORD OF REVOCATION IMPOSED SUBSEQUENT TO VIOLATION DISREGARDED - LICENSE SUSPENDED FOR 10 DAYS WITH DEFERRED EFFECTIVE DATE.
4. DISCIPLINARY PROCEEDINGS (JERSEY CITY) - GAMBLING (NUMBERS BETS) - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR RECORD DISREGARDED BECAUSE OF CHANGE OF STOCKHOLDERS - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (CAMDEN) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS - NO REMISSION FOR PLEA ENTERED AT HEARING.
6. DISCIPLINARY PROCEEDINGS (BAYONNE) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE DURING PROHIBITED HOURS - SALE BELOW FILED PRICE - SERVING FEMALES AT BAR - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.
7. SEIZURE - FORFEITURE PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES WITHOUT A LICENSE - APPLICATION BY CLAIMANTS FOR RETURN OF PROPERTY DENIED FOR FAILURE TO ESTABLISH GOOD FAITH - CASH DEPOSIT, PROPERTY AND CASH ORDERED FORFEITED.
8. DISCIPLINARY PROCEEDINGS (PRINCETON TOWNSHIP) - SALE TO NON-MEMBERS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (PATERSON) - ORDER LIFTING SUSPENSION FOR BALANCE OF TERM ON PROOF OF CORRECTION OF UNLAWFUL SITUATION.
10. DISCIPLINARY PROCEEDINGS (AVON-BY-THE-SEA) - ORDER IMPOSING DEFERRED SUSPENSION.
11. STATE LICENSES - NEW APPLICATION FILED.



The licensee's prior record of suspension of license considered, particularly the most recent suspension for, inter alia, soliciatation for prostitution, as well as the nature and gravity of the offense of procurement for prostitution alleged herein, the only proper penalty is outright revocation of the license. Re New Peppermint Lounge, Inc., Bulletin 1666, Item 1; Re Charlie's Tavern, Bulletin 1619, Item 2; Re Caprio, Bulletin 1540, Item 1; Re Monkey Club, Inc., Bulletin 1511, Item 1; Benedetti v. Trenton, Bulletin 1040, Item 1, aff'd Benedetti v. Trenton and Division of Alcoholic Beverage Control (App.Div. 1955), not officially reported, reprinted in Bulletin 1058, Item 1; Re 17 Club, Inc., Bulletin 949, Item 2, aff'd In re 17 Club, Inc., 26 N.J. Super. 43 (App.Div. 1953), reprinted in Bulletin 970, Item 1.

Accordingly, it is, on this 4th day of May 1966,

ORDERED that Plenary Retail Consumption License C-30, issued by the Board of Commissioners of the City of Atlantic City to Lanin Corporation, t/a Bamboo Club, for premises 2101 Pacific Avenue and 38 S. Arkansas Avenue, Atlantic City, be and the same is hereby revoked, effective immediately.

Joseph P. Lordi,  
Director

2. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - FALSE STATEMENT IN LICENSE APPLICATION - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Florence Frankenstein t/a Joe's Little Click 245 Chestnut Street Camden, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-77, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden )

A. Morton Shapiro, Esq., Attorney for Licensee. Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) and (2) on March 9 and 10, 1966, she permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20, and (3) in her current application for license, concealed her record of prior license suspension, in violation of R.S. 33:1-25.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective October 7, 1957, for sale to minors, non-disclosure of which being the subject of the third charge.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded for penalty purposes, the license will be suspended on the first and second charges for sixty days (Re DiGiuseppe, Bulletin 1659, Item 2) and on the third charge for ten days (Re Dugout, Inc., Bulletin 1669, Item 2) or a total of seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days.

Accordingly, it is, on this 4th day of May, 1966,

ORDERED that Plenary Retail Consumption License C-77, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Florence Frankenstein, t/a Joe's Little Click, for premises 245 Chestnut Street, Camden, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1966, commencing at 2:00 a.m. Wednesday, May 11, 1966; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Friday, July 15, 1966.

JOSEPH P. LORDI, DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - RECORD OF REVOCATION IMPOSED SUBSEQUENT TO VIOLATION DISREGARDED - LICENSE SUSPENDED FOR 10 DAYS WITH DEFERRED EFFECTIVE DATE.

In the Matter of Disciplinary Proceedings against )

New Peppermint Lounge, Inc. )  
303 Lafayette Street )  
Newark, New Jersey )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-307, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

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Licensee, by Richard A. Pereira, President, Pro se  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 7, 1966, it sold mixed drinks of alcoholic beverages to two minors, age 18 and 19, in violation of Rule 1 of State Regulation No. 20.

Licensee has a record of revocation of its license by the Director effective February 10, 1966, for procurement for prostitution, sale of alcoholic beverages for resale, aiding and abetting sale without license, and permitting unlawful use of its vehicle bearing transit insignia. Re New Peppermint Lounge, Inc. Bulletin 1666, Item 1.

The record of revocation effective February 10, 1966 disregarded because imposed subsequent to the occurrence of the violation herein (Re Cletzky, Bulletin 1659, Item 6), the license would normally be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days (Re Tompkins, Bulletin 1650, Item 10). However, since the license has already been revoked, no effective dates for such suspension may now be fixed.

Accordingly, it is, on this 2nd day of May, 1966,

ORDERED that Plenary Retail Consumption License C-307, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to New Peppermint Lounge, Inc., for premises 303 Lafayette Street, Newark, be and the same is hereby suspended for ten (10) days, the effective dates of such suspension to be fixed if and when the licensee again obtains a license after the expiration of its two-year statutory ineligibility (R.S. 33:1-31) resulting from the revocation of its license.

JOSEPH P. LORDI,  
DIRECTOR

DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR RECORD DISREGARDED BECAUSE OF CHANGE OF STOCKHOLDERS - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
Duffy's Tavern, Inc.  
147 Jackson Avenue  
Jersey City, N. J.,  
Holder of Plenary Retail Consumption License C-136, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS  
and  
ORDER

Patrick Di Martini, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) and (2) on December 22 and 28, 1965, January 13 and 19 and February 26, 1966, it permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20, and (3) in its current application for license, concealed its record of prior license suspension, in violation of R.S. 33:1-25.

Licensee has a previous record of suspension of license by the Director for ten days effective August 13, 1962, for sale during prohibited hours (Re Duffy's Tavern, Inc., Bulletin 1476, Item 8), non-disclosure of which being the subject of the third charge.

The prior record of suspension of license disregarded for penalty purposes by reason of intervening change of stockholders (Re Bruno Hardcastle, Inc., Bulletin 1663, Item 9), the license will be suspended on the first and second charges for sixty days (Re DiGiuseppe, Bulletin 1659, Item 2) and on the third charge for ten days (Re Dugout, Inc., Bulletin 1669, Item 2) or a total of seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days.

Accordingly, it is, on this 4th day of May 1966,

ORDERED that Plenary Retail Consumption License C-136, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Duffy's Tavern, Inc., for premises 147 Jackson Avenue, Jersey City, be and the same is hereby suspended \* for the balance of its term, viz., until midnight June 30, 1966, commencing at 2 a.m. Wednesday, May 11, 1966; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Friday, July 15, 1966.

JOSEPH P. LORDI,  
DIRECTOR

\*By order dated May 19, 1966, the suspension imposed was lifted for two days, viz., June 12 and 24, 1966, and the termination date extended two days, until 2:00 a.m. Sunday, July 17, 1966.

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS - NO REMISSION FOR PLEA ENTERED AT HEARING.

In the Matter of Disciplinary Proceedings against )  
 Gatefern, Inc. )  
 t/a Fern Tavern )  
 800 Fern Street )  
 Camden, N. J. )

Holder of Plenary Retail Consumption License C-178, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. )

CONCLUSIONS AND ORDER

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David Novack, Esq., Attorney for Licensee.  
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

At the time scheduled for hearing, the licensee pleaded non vult to charges (1) and (2) alleging that on March 5, 9 and 10, 1966, it permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days (Re DiGiuseppe, Bulletin 1659, Item 2) without remission for the confessive plea untimely entered (Re Arahill, Bulletin 1646, Item 1).

Accordingly, it is, on this 9th day of May, 1966,

ORDERED that Plenary Retail Consumption License C-178, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Gatefern, Inc., t/a Fern Tavern, for premises 800 Fern Street, Camden, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1966, commencing at 7:00 a.m. Monday, May 16, 1966; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 7:00 a.m. Friday, July 15, 1966.

JOSEPH P. LORDI,  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE DURING PROHIBITED HOURS - SALE BELOW FILED PRICE - SERVING FEMALES AT BAR - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Michael J. Barrett 1325 Boulevard Bayonne, N. J. Holder of Plenary Retail Consumption License C-38, issued by the Municipal Council of the City of Bayonne

CONCLUSIONS AND ORDER

Licensee, Pro se. Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to charges alleging that (1) on Sunday, March 13 and on April 2, 1966, he sold a 4/5 pint bottle of whisky on each occasion for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38, (2) and (3) on April 2, 1966, he sold drinks of alcoholic beverages after 3:00 a.m., in violation of local hours regulation, (4) on March 13, and April 2, 1966, he sold the two bottles of whisky at less than filed price, in violation of Rule 5 of State Regulation No. 30, and (5) on April 2, 1966, he served drinks to females at the bar, in violation of local regulation.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Orbach, Bulletin 1670, Item 5), on the second and third charges for fifteen days (Re Pecoraro and Marchitto, Bulletin 1656, Item 7), on the fourth charge for ten days (Re Lensi, Bulletin 1664, Item 4), and on the fifth charge for five days (Re L and S Corp., Bulletin 1571, Item 10), or a total of forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days.

Accordingly, it is, on this 4th day of May, 1966,

ORDERED that Plenary Retail Consumption License C-38, issued by the Municipal Council of the City of Bayonne to Michael J. Barrett for premises 1325 Boulevard, Bayonne, be and the same is hereby suspended for forty (40) days, commencing at 2:00 a.m. Wednesday, May 11, 1966, and terminating at 2:00 a.m. Monday, June 20, 1966.

JOSEPH P. LORDI, DIRECTOR

7. SEIZURE - FORFEITURE PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES WITHOUT A LICENSE - APPLICATION BY CLAIMANTS FOR RETURN OF PROPERTY DENIED FOR FAILURE TO ESTABLISH GOOD FAITH - CASH DEPOSIT, PROPERTY AND CASH ORDERED FORFEITED.

In the Matter of the Seizure	)	
On November 6, 1965 of a quantity	)	On Hearing
of alcoholic beverages, fixtures,	)	
furnishings, equipment and \$65.00	)	CONCLUSIONS
in cash in a dwelling located at	)	and
294 Grove Avenue, North Edison, in	)	ORDER
Edison Township, County of Middle-	)	
sex and State of New Jersey.	)	

----- )

Wesley Rainey, Pro Se.  
Triangle Amusements, Inc., by Harry Steinberg, President.  
Part Vending Company, by Anthony C. Ferraro, President.  
I. Edward Amada, Esq., appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to R.S. 33: 1-66 and State Regulation No. 28, and further pursuant to a stipulation, dated December 3, 1965, signed by Triangle Amusements, Inc., to determine whether a quantity of alcoholic beverages, fixtures, furnishings, equipment and \$65.00 in cash, more particularly set forth in an inventory attached hereto, made part hereof and marked Schedule "A", seized on November 6, 1965 at a dwelling located at 294 Grove Avenue, North Edison in Edison Township, Middlesex County, N. J., constitute unlawful property and should be forfeited; and further to determine whether the sum of \$250.00, representing the retail value of a pool table, exclusive of the alcoholic beverages and other property seized, paid under protest by Triangle Amusements, Inc., should be forfeited or returned to it.

The seizure was made by ABC agents because of alleged unlawful sales of alcoholic beverages at a speakeasy conducted at the said premises.

When the matter came on for hearing pursuant to R.S. 33: 1-66, Wesley Rainey, appearing pro se, sought the return of a television set, radio, booths and bar stools. An appearance was entered by Triangle Amusements, Inc., which sought the return of the pool table. An appearance was also entered by Park Vending Company which entered a claim for the return of one National 22 column cigarette machine.

The following picture was reflected by the testimony of the ABC agents: On Friday, October 29, 1965 at about 11:45 p.m. ABC agent M entered premises designated and advertised as the Twin Oaks Social Club. He noted that the operating part thereof was a large room containing a bar, a six-pocket pool table, tables and chairs, a cigarette machine and a juke box. Approximately 30 males and females, many of whom appeared to

be under 18, were in the room and a person, (later identified as Wesley Rainey), was tending bar. The agent engaged in conversation with a male patron, who requested that he purchase a drink for him. Agent M ordered a drink and Rainey served him a bottle of Ballantine beer and the other male a double shot of whiskey, charging the agent \$1.00 for both drinks.

On Saturday, November 6, 1965 at approximately 7:45 p.m. Agent M. fortified with a search warrant which he had previously obtained from the Magistrate of Edison Township, re-entered the above described premises while other agents, together with local police officers, waited at a distance according to a pre-arranged plan. He observed Rainey serving alcoholic beverages to some of the 20 patrons who were then present and noted that these patrons paid Rainey for the said drinks.

At this time a person, (later identified as William Bennett), appeared to scrutinize the appearance of the agent, then whispered something to Rainey and some of the other patrons. The agent then ordered a bottle of Ballantine beer and Rainey went to the refrigerator, served him with the beer and was paid therefor with a "marked" \$5.00 bill upon receipt of which, Rainey returned \$4.65 to him. Rainey placed the "marked" bill with other monies in his pocket and returned to serve alcoholic beverages and food to the other patrons.

At approximately 9:15 p.m. by pre-arrangement, the other agents, accompanied by local police officers, entered the premises, and Rainey was thereupon placed under arrest. At this time one Randolph Dickinson entered the premises, stated that he was the owner of the alcoholic beverages and was thereupon arrested, as was Bennett. Dickinson said that he was the lessee of the premises and leased the pool table and the machines.

The records of this Division establish that no license for the sale of alcoholic beverages was issued to Bennett, Dickinson or Rainey or to the premises in question.

Rainey was thereafter charged with the sale of alcoholic beverages without a license in violation of R.S. 33:1-50(e); Dickinson was charged with possession with intent to sell alcoholic beverages without a license in violation of R.S. 33:1-50 (b); Bennett was charged with aiding and abetting in the sale of alcoholic beverages without a license in violation of R.S. 33:1-50(c); they were arraigned on these charges in the Edison Township Municipal Court.

Report of the Division's chemist analysis shows, in part, that a sample of a six-ounce bottle containing six ounces of alleged Ballantine beer is an alcoholic beverage fit for beverage purposes with alcohol by volume of 5.3%.

There was presented into evidence the affidavits of mailing and publication, notice of hearing, the inventory and the Division's chemist report, duly certified by the Director.

Wesley Rainey, a claimant herein, testified that he is the lessee of the premises occupied by the Twin Oaks Social Club, under a license to operate such club from the Township of Edison. Such license, however was not produced. He gave the following account:

The Twin Oaks Social Club is a social club and Randolph Dickinson is the owner of "The alcohol and stuff in the place, but they (the members) chipped in together and bought the whiskey for that reception." The "reception" referred to a party for a newly-married couple. Rainey was present that night to serve the drinks to 25 or 30 invited guests who had tickets. No charge was made for the tickets and he served everyone. "I knowed all of them." He specifically denied serving Agent M. None of the alleged admission tickets were produced at the hearing.

He also stated that this club, which had been in operation for the past three months, after having moved there from Jersey City, had never served any alcoholic beverages except for the night of the seizure. He denied having served alcoholic beverages to Agent M on October 9, 1965. The witness could not produce a sample membership card or a membership list, nor was he able to tell how much each member was required to "chip in" for the alcoholic beverages. Nor was he able to establish, through documentary evidence, title to or ownership of the claimed personal property. I advised this claimant to send in any documentary evidence within the week following the hearing, if, indeed, he had any; none was received by this Division.

After examining the testimony and observing the demeanor of the claimant, I find that this claimant was engaged in the unlawful sale of alcoholic beverages. Since this claimant did not have any license authorizing him to sell alcoholic beverages, the alcoholic beverages are illicit and constitute unlawful property subject to forfeiture. R.S. 33:1-1(i); R.S. 33:1-2; R.S. 33:1-66. Seizure Case No. 11,431, Bulletin 1644, Item 3; Seizure Case No. 11,156, Bulletin 1557, Item 5.

The seized alcoholic beverages are illicit because they were intended for sale without a license. R.S. 33:1-1(i). Such illicit alcoholic beverages, the personal property claimed by the said claimant and the commingled cash, as set forth in Schedule "A", constitute unlawful property and are subject to forfeiture. R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 11,182, Bulletin 1568, Item 5.

I disbelieve claimant's testimony, and am convinced that this claimant has not acted in good faith. Furthermore, he has not presented adequate proof of ownership of the property claimed.

Accordingly, I recommend that this claimant's claim be rejected, and an Order be entered forfeiting the claimed personal property, alcoholic beverages and cash.

The Triangle Amusements, Inc. presented a claim for the return of the deposit upon which it secured the seized pool table.

Harry Steinberg, president of the corporate claimant, testified that he had the said pool table installed at these premises as a result of a telephone call from Dickinson. This table was installed upon an oral understanding whereby this claimant was to receive 50% of the receipts.

No investigation was made of Dickinson or of the use to which the said property was to be put; indeed, said this witness, "We take a chance." He admitted that he had heard, in his expe-

rience as an operator of vending machines that "...places are raided for not having licenses". He added that his son was in charge of servicing the said machine on a bi-weekly basis. However, the son was not produced as a witness, to delineate his experience with this Club, or his observations, if any, of its activities.

I am persuaded that the claimant did not act reasonably, in the full discharge of its statutory responsibility in the operation of its property in the said premises. The Director has the discretionary authority to return property subject to forfeiture to a claimant who has established to his satisfaction that it has acted in good faith, and did not know or have any reason to believe that the property would be used in unlawful liquor activity. R.S. 33:1-66(f). I find that there was an absence of good faith on the part of this claimant, that it demonstrated a careless indifference to the use to which its property was being put.

I therefore recommend that its claim be rejected, that the claimant's application for return of the deposit be denied; and that an order be entered forfeiting the \$250.00, deposited by this claimant, under protest, under the aforementioned stipulation.

Park Vending Company also presented a claim for the return of its National 22 column cigarette machine. Anthony C. Ferraro, its corporate president, testified that it had previously leased the cigarette machine to Dickinson at the premises located at Jersey City, and had the said machine moved to the present premises when the Twin Oaks Social Club transferred its operations. He stated that Dickinson operated a club under the name of "The Wheel" and changed the name to "Twin Oaks Social Club" when the said operation moved to the present address.

When he visited the present premises he noticed that there was a bar and stools but he did not inquire about the operations of the business nor did he make any investigation of the background of either Dickinson, Rainey, Bennett, or of the club in question.

I am similarly persuaded, as with the prior claimant that this claimant did not exercise its statutory responsibility or act in good faith; nor has there been any affirmative evidence of title of claimant to the said machine. All of these elements must be present and fully established in order to authorize the Director to return the said property. R.S. 33:1-66(f).

Under these circumstances I am constrained to recommend that the application of the claimant, Park Vending Company, for the return of the cigarette machine be denied, and that an order be entered forfeiting the same.

#### Conclusions and Order

Exceptions to the Hearer's report were taken by Park Vending Company, a claimant herein, pursuant to Rule 4 of State Regulation No. 28. No exceptions were filed by the other claimants herein. The exceptions in the form of a letter by Davis and Roth, Esqs., attorneys for said claimant argue:

- (1) That there was adequate proof of title to the cigarette machine claimed by

- Park Vending Company because there was a card inserted in the front of the machine at the lower section showing the name of the claimant, and there was an official stamp of the New Jersey State Cigarette Tax Division on the machine issued to the said claimant; and
- (2) That there was no intent on the part of the claimant to "participate in any way in the illegal sale of alcoholic beverages.."

It is obvious from my examination of the transcript that there was no affirmative proof of title presented at the hearing herein. In fact, neither the alleged card nor the cigarette stamp were produced at the hearing or offered in evidence. A mere assertion of title, without more, is no substitute for legal proof. Counsel now sets forth in his exceptions that, in fact, this claimant has no bill of sale reflecting his title to the said machine, and further states that claimant is unable to locate an invoice reflecting the alleged purchase and the transfer of title from National Vending Machine Company to the claimant. However, he attaches a photostat copy of a check made payable to one Bill La Porte, who, he asserts, is a salesman for the National Vending Machine Company, which said check purports to represent payment for the machine. He urges that this matter be re-opened for the purpose of introducing this document and, if necessary, the testimony of La Porte.

Such application for the re-opening of this matter for purpose hereinabove stated, cannot be entertained at this time because it is not supported by affidavit, nor does it meet the general requirements for such motion. The guidelines for the consideration of such application are delineated in State v. Artis, 36 N.J. 538, at p. 541 (1962). Cf. State v. Smith, 29 N.J. 561, 573; State v. Johnson, 34 N. J. 212, 222; State v. Bunk, 4 N.J. 482, 486; Seizure Case No. 11,431; Bulletin 1644, Item 3.

Additionally dispositive of this matter is the substantive basis upon which the Hearer grounded his recommendation that this claim be rejected: namely, that the claimant did not exercise its statutory responsibility or act in good faith. As the Hearer pointed out, this claimant was well aware that the premises operated by the Twin Oaks Social Club and the individuals associated therewith conducted a bar operation both at their prior location in Jersey City and at the present premises. Ferraro, the president of the corporate claimant herein, admitted that he did not, nor did anyone else on claimant's behalf, make any investigation of the background of the officers and agents of the Twin Oaks Social Club, nor did he inquire about the nature of the operation of the business of these individuals or of the club in question. Thus, the Hearer properly found that there was an absence of good faith on the part of the claimant, and that it demonstrated a careless indifference to the use to which its property was being put.

The Director has the discretionary authority to return property subject to forfeiture to a claimant who has established, by affirmative proof, ownership of the property; that he has acted in good faith and did not know or have any reason

to believe that its property would be used in unlawful liquor activity. Since there was an absence of these essential elements it follows that the Director has no authority to relieve the claimant of forfeiture. R.S. 33:1-66 (e and f); Seizure Case No. 11,059, Bulletin 1533, Item 8; Seizure Case No. 10,695, Bulletin 1444, Item 6.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's report and I adopt them as my conclusions herein.

Accordingly, it is on this 4th day of May, 1966,

DETERMINED and ORDERED that the seized property, including the \$65.00 in cash, more fully described in Schedule "A", attached hereto, constitutes unlawful property and the same be and is hereby forfeited in accordance with the provisions of R.S. 33:1-66 to be accounted for in accordance with law; and it is further

DETERMINED and ORDERED that the sum of \$250.00, representing the appraised retail value of a pool table, paid under protest by Triangle Amusements, Inc., pursuant to a stipulation signed by it, shall be and the same is hereby forfeited in accordance with the provisions of R.S. 33:1-66 to be accounted for in accordance with law; and it is further

DETERMINED and ORDERED that the alcoholic beverages are hereby forfeited and shall be retained for the use of hospitals and State, county and municipal institutions or destroyed, in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

Joseph P. Lordi,  
Director

SCHEDULE "A"

- 291 - containers of alcoholic beverages
- 1 - pool table
- 1 - juke box, 1 cigarette machine
- 1 - television, 1 radio, 1 cash register
- Tables, seats and glasses
- \$65.00 in cash

8. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Witherspoon Lodge #178 I.B.P.O.E. of W. )  
124 Birch Avenue )  
Princeton Township )  
PO Princeton, N. J. )

CONCLUSIONS AND ORDER

Holder of Club License CB-1, issued by the Township Committee of the Township of Princeton )

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Licensee, by Fred B. Goldsborough, Chairman of Trustees, Pro se. Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 2, 1966, it sold drinks of alcoholic beverages to non-members, in violation of Rule 8 of State Regulation No. 7.

Licensee has a previous record of suspension of license (1) by the Director for ten days effective February 17, 1958, for sale during prohibited hours (Re Witherspoon Lodge #178, Bulletin 1214, Item 4) and by the municipal issuing authority (2) for fifteen days effective June 27, 1960, for sale during prohibited hours, and (3) for ten days effective June 24, 1963, for sale to non-members.

The prior record of suspensions of license for dissimilar violation in 1958 and 1960 occurring more than five years ago disregarded but the prior record of suspension for similar violation in 1963 occurring within the past five years considered, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re American Legion Post #380, Bulletin 1661, Item 3.

Accordingly, it is, on this 9th day of May, 1966,

ORDERED that Club License CB-1, issued by the Township Committee of the Township of Princeton to Witherspoon Lodge #178 I.B.P.O.E. of W. for premises 124 Birch Avenue, Princeton, be and the same is hereby suspended for twenty-five (25) days, commencing at 8:00 a.m. Monday, May 16, 1966, and terminating at 8:00 a.m. Friday, June 10, 1966.

JOSEPH P. LORDI,  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ORDER LIFTING SUSPENSION FOR BALANCE OF TERM ON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against )

The Three Musketeer's, Inc. t/a The Nite Spot 534 E. 18th Street Paterson, N. J. )

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-269, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

Walter H. Jones, Esq., by Marvin H. Gladstone, Esq., Attorney for Licensee Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On April 12, 1966 I entered an order herein suspending the license for the balance of its term commencing on April 19, 1966, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the unlawful situation (principal stockholder a non-resident of New Jersey and non-resident employed without requisite employment permit) for lifting of the suspension on or after 3 a.m. Monday, May 9, 1966, after the license had been suspended for twenty days (Re The Three Musketeer's, Inc., Bulletin 1676, Item 6).

It appearing from verified petition submitted by the licensee that the unlawful situation has been corrected by transfer of all of the corporate stock to qualified persons and termination of the unlawful employment, I shall grant the petition requesting termination of the suspension.

Accordingly, it is, on this 9th day of May, 1966,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective 3 a.m. Monday, May 9, 1966.

JOSEPH P. LORDI, DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary Proceedings against )

Stratford Inn, Inc. )  
t/a Stratford Inn )  
N/W Corner Garfield & Second Aves. )  
Avon-by-the-Sea, N.J. )

SUPPLEMENTAL ORDER

Holder of Seasonal Retail Consumption License CS-3 for the 1965 summer season and Seasonal Retail Consumption License CS-2 for the 1966 summer season issued by the Board of Commissioners of the Borough of Avon-by-the-Sea )  
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Joseph M. Keegan, Esq., Attorney for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On September 14, 1965, I entered an order herein deferring the license suspension of twenty days for sale to minors because it appeared that the licensed business was about to be discontinued for the season. Re Stratford Inn, Inc., Bulletin 1641, Item 7.

Report of recent inspection discloses that the licensed business is now being conducted. Consequently, I am satisfied that the deferred suspension may now be imposed.

Accordingly, it is, on this 5th day of May, 1966,

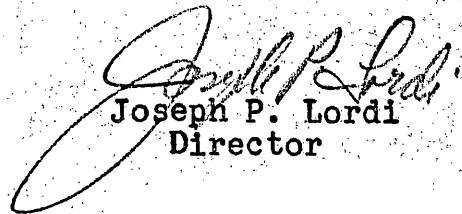
ORDERED that Seasonal Retail Consumption License CS-2, issued by the Board of Commissioners of the Borough of Avon-by-the-Sea to Stratford Inn, Inc., t/a Stratford Inn, for premises northwest corner Garfield and Second Avenues, Avon-by-the-Sea, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Saturday, May 7, 1966, and terminating at 2:00 a.m. Friday, May 27, 1966.

JOSEPH P. LORDI  
DIRECTOR

11. STATE LICENSES - NEW APPLICATION FILED.

Fuhrmann & Schmidt Brewing Co.  
235 S. Harrison Street  
Shamokin, Pennsylvania

Application filed June 14, 1966 for limited wholesale license for 1966-1967.

  
Joseph P. Lordi  
Director