

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

BULLETIN 905

MAY 14, 1951.

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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 905

MAY 14, 1951.

1. RECOMMENDATIONS OF THE NEW JERSEY HEALTH OFFICERS' ASSOCIATION PERTAINING TO THE MAINTENANCE OF MINIMUM HEALTH STANDARDS IN LICENSED ESTABLISHMENTS DISPENSING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES.

TO ALL RETAIL CONSUMPTION AND CLUB LICENSEES

In the interest of the public and in his own interest as well, every conscientious licensee seeks to keep his establishment wholesomely clean and sanitary. Here set forth, to assist retail consumption and club licensees in the matter, are the recommendations of the New Jersey Health Officers' Association.

ERWIN B. HOCK

Dated: May 1, 1951.

Director.

1. LIGHTING

All licensed establishments should be lighted with electricity having a sufficient number of outlets and equipped with lamps of sufficient wattage so as 10 foot candle power may be available over all preparation and working surfaces of the licensed premises.

A light should be provided under the bar and directly over the washing facilities.

The intensity of lighting mentioned above does not apply to the dining room.

(The unit of measurement of the intensity of light falling on an object or area is the foot candle. A foot candle is the illumination at a point on a surface which is one-foot distance from the source of one-foot candle power such as a standard candle.)

2. WATER SUPPLY

All licensed establishments should be equipped with hot and cold running water under pressure from a source approved by the local health department. Running hot and cold water under pressure should be easily accessible in all rooms in which food and/or drink is prepared or utensils are washed.

The supply of water should be adequate and should meet the requirements of a potable water supply as defined under the provisions of Section 26:2-65 of the Revised Statutes of the State of New Jersey.

All toilet rooms should be provided with outside ventilation. All window openings shall be properly screened and doors of all toilet rooms should be self-closing.

The minimum floor space of each toilet room should be 5 feet by 7 feet or 35 square feet. The floors of all toilet rooms should be of non-absorbent material.

Toilet rooms for men should be equipped with the following: One wash bowl with hot and cold running water; One intermittent or flush type stall urinal; One flush type toilet bowl. The above equipment should be the minimum for each 100 patrons, based on the seating capacity of the establishment.

In addition, there should be provided in each toilet room an adequate supply of handwashing soap, individual towels, toilet paper with dispenser, and a metal receptacle for accumulated waste.

Toilet rooms for women should have the same equipment as for men, except for the urinal.

Toilet rooms should be maintained in a clean and sanitary condition at all times.

4. UTENSIL CLEANING

All licensed establishments should be provided with at least two tanks for washing, rinsing, and sanitizing of all bar and table service.

All dishes, glasses, mugs, steins, cups and table service used in the serving of food or beverages should be washed and cleansed in clean hot water of not less than 110 degrees F. Such wash water should contain an effective detergent or cleansing agent.

Washed and cleansed dishes, glasses, mugs, steins, cups and table service should be construed to mean that such utensils shall be free of film or foreign material, including lipstick, lip marks and fingerprints.

Immediately after washing and before using, said utensils should be sanitized. The term, "sanitize", shall mean the process of rendering eating and drinking utensils free from disease producing bacteria and other organisms or substances indicative of unsanitary conditions.

Following sanitizing, all dishes, glasses, mugs, steins, cups, and table service should be drained in an inverted position on sanitary drain racks, trays, or boards, and shall be protected from flies, dust, and other contamination during storage.

In all establishments, eating and drinking utensils should be thoroughly cleansed and sanitized after each individual use.

The following sanitizing methods, or other methods approved by the local health department are herein recommended:

Sanitization by hot water:

Following cleansing and rinsing, all utensils should be submerged in clean hot water of a temperature of not less than 170 degrees F. for 30 consecutive seconds.

Sanitization by chemical:

Utensils should be submerged in a clean tank of water containing an approved chemical solution of proper strength for two consecutive minutes.

The Committee:

Wm. J. Young, Jr., Chairman
D. J. Sullivan
Max Colton
H. R. Nicholas
T. E. Ross
Joseph Portley
John Hanson

Dated: March 21st, 1951.

May 1, 1951

2. STATE LIMITATION LAW (CHAPTER 94 OF THE LAWS OF 1947) - HEREIN
EXTREMELY IMPORTANT NOTICE.

NEW RETAIL CONSUMPTION OR RETAIL DISTRIBUTION LICENSES, AS DISTINGUISHED FROM RENEWALS, PROHIBITED IN MOST MUNICIPALITIES - LICENSE FOR 1951-1952 A NEW LICENSE AND NOT A RENEWAL UNLESS ISSUED TO THE SAME PERSON WHO HELD THE 1950-1951 LICENSE AND FOR THE SAME PREMISES.

LICENSED PREMISES - APPLICATION FOR PREMISES NOT YET CONSTRUCTED AND WHICH WILL NOT BE COMPLETED BY NEXT JUNE 30TH.

STATE LIMITATION LAW - HEREIN STATEMENT CONCERNING PROSPECT OF NEW LICENSES PURSUANT TO A MUNICIPALITY'S POPULATION INCREASE SHOWN BY 1950 FEDERAL CENSUS.

TO ALL MUNICIPAL ISSUING AUTHORITIES:

WARNING CONCERNING 1951-1952 "RENEWALS".

Our Alcoholic Beverage Law provides that a license is not a renewal but a new license if granted to a person other than the holder of the preceding year's license or if granted for premises other than those licensed at the end of the preceding license year. (Revised Statutes, 33:1-96.) In most New Jersey municipalities issuance of a new retail consumption or plenary retail distribution license is prohibited by the State Limitation Law or by local ordinance, or by both. A license issued in violation of the State Limitation Law or local ordinance is subject to cancellation. It is of the utmost importance, therefore, that the municipal issuing authorities take special care to see whether the applicant for the 1951-1952 license is the same person who held the 1950-1951 license. Where A holds a license on June 30, 1951, a 1951-1952 license issued to A and B, partners, would not be a renewal but a new license. (Of course, if the 1950-1951 license were duly transferred from A to A and B prior to June 30, 1951, a 1951-1952 license in the names of A and B, effective July 1, 1951, would be a renewal.) Where a corporation holds a license on June 30, 1951, the 1951-1952 license issued to a different corporation or to an individual or to partners would be a new license and not a renewal. Similarly, where an individual or a partnership holds a 1950-1951 license, the 1951-1952 license if issued to a corporation would be a new license. The State Limitation Law has been in effect since May, 1947 and, by this time, municipal issuing authorities should be well aware of the matter hereinabove stressed. If a municipal clerk has any questions regarding a particular application for a 1951-1952 license he should promptly get in touch with this Division.

UNCOMPLETED NEW PREMISES

The Alcoholic Beverage Law makes it the duty of municipal issuing authorities to investigate not only a license applicant's personal qualifications but also to investigate the premises sought to be licensed. (Revised Statutes, 33:1-24.) The State Commissioner's ruling is that where application is made for a building not yet constructed, or for a building in process of construction, the most the municipal issuing authority may do is to grant the application subject to the express condition (imposed in the authorizing resolution, pursuant to Revised Statutes, 33:1-32) that the premises as described in the plans and specifications prepared and submitted by the applicant and found acceptable by the issuing authority shall first be completed. (Re Harris, Bulletin 183, Item 11; Re Salter, Bulletin 184, Item 8; Re Murphy, Bulletin 389, Item 11.)

Unless a license has been actually issued and is in effect on June 30th, it may not legally be renewed for the new license year beginning July 1st. As already pointed out, a renewal must be not only to the holder of the expired or expiring license but also for the same licensed premises; otherwise it is a new license (Revised Statutes, 33:1-96) and issuance of a new license is prohibited in most municipalities by the State Limitation Law or by local ordinance, or by both.

There are circumstances in which a person (whose application for license, or for place-to-place transfer, shall have been granted subject to completion of premises) will be unable, despite good faith and full effort, to complete the premises by June 30th of the then license year. In that situation the municipal issuing authority may determine, in its discretion, to grant a renewal for the ensuing license year. It may not do so, however, unless it adopts a resolution amending the original resolution (or motion) and setting forth that such original resolution (or motion) dated _____ is amended to provide that the license is authorized to be issued (or the place-to-place transfer endorsed, as the case may be), effective immediately, for the sole purpose of permitting a renewal.

If the indicated amendatory resolution is passed, a certified copy should, of course, be forwarded at once to this Division by the municipal clerk.

Where such an amendatory resolution is passed and the license issued thereunder (or place-to-place transfer endorsed, as the case may be) and a renewal application for the ensuing year is duly filed, then, if the issuing authority determines to grant the application for renewal, its resolution granting such application must impose (or reimpose) a special condition reading in the following manner:

"... provided, however, that the license shall not be actually issued unless and until the premises as described in the plans and specifications prepared, submitted to, and found acceptable by this issuing authority, shall first be completed."

Thus the renewal certificate will not be issued and delivered to the applicant unless and until the premises are duly completed by June 30th of the licensing year for which the renewal was granted.

A copy of the resolution imposing (or reimposing) the indicated special condition must be forwarded to this Division for the State Director's approval required by Revised Statutes, 33:1-32.

Furthermore, the applicant's published Notices of Application for the renewal must contain a statement that: "Plans and specifications for premises to be constructed may be examined at the office of the Municipal Clerk." (Rule 2, State Regulations No. 2).

Where application has been granted for place-to-place transfer to premises which will not be duly completed by June 30th of the then license year, and where the applicant will continue to have possession of the old premises on and after July 1st, the applicant will probably wish to continue operation of the business without interruption. Under those circumstances it would appear the proper course to apply for a renewal for the old premises. If such renewal is granted, then, if and when (after July 1st) the new premises are completed, a new application may be filed for a place-to-place transfer to those premises.

I have here pointed out the possibility of granting relief in bona fide and hardship cases. Whether or not the indicated relief is to be granted in a specific case rests in the first instance, and subject to appeal to the State Director, in the sound discretion of the issuing authority.

PROSPECT OF NEW LICENSES PURSUANT TO MUNICIPAL
POPULATION INCREASES UNDER 1950 FEDERAL CENSUS.

Section 2 of the State Limitation Law provides that no new plenary or seasonal retail consumption license shall be issued in a municipality unless and until the number of such licenses (in the aggregate) existing in the municipality is fewer than one for each 1,000 of its population as shown by the latest Federal census; and no new plenary retail distribution license shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer than one for each 3,000 of its population as shown by the latest Federal census.

The Limitation Law's ratios mean one for each full 1,000 and each full 3,000 of population, respectively. There are no fractions. Thus, for example, a municipality having one plenary retail distribution license could not issue a new and second such license unless its population, as shown by the latest Federal census, were at least 6,000.

In many New Jersey municipalities, in view of the number of retail consumption and plenary retail distribution licenses outstanding therein, issuance of an additional license of either type will still be prohibited despite a population increase under the 1950 Federal census. In other New Jersey municipalities the population increases are such that issuance of one or more licenses of either type will not be prohibited by the State Limitation Law. But that does not mean that an application for a new license must be granted.

Of course, a retail license cannot be issued in a municipality which is dry by referendum, or in which issuance of retail licenses is prohibited by ordinance, or in which no fee for the particular type of license is duly fixed by municipal regulations.

Furthermore, Section 9 of the State Limitation Law provides that that Law is in addition to and not in exclusion of municipal regulations limiting the number of licenses. Where a municipal ordinance fixes license quotas more restrictive than those fixed by the State Limitation Law, the municipal regulation prevails.

Furthermore, the fact that a municipality may not have adopted a formal regulation limiting the number of licenses does not mean that the municipal issuing authority must grant a new license application filed with it. Many municipalities without numerical limitation ordinances have adopted a policy of issuing no new licenses. Even where a new license is permitted by the State Limitation Law and by municipal regulations the determination to grant or deny a retail license application rests in the first instance in the discretion of the municipal issuing authority (R.S. 33:1-19), and a municipal authority's action granting or denying such application is appealable to the State Director pursuant to R.S. 33:1-22. The State Limitation Law merely fixes a maximum and in a given municipality far fewer licenses than would be permitted by the law may be ample to serve that municipality's public needs.

In the light of my appellate jurisdiction it is improper for me to comment upon the merits of a specific retail license application which may be pending or in contemplation. However, it appears to be not only proper but appropriately fair and timely for me to comment generally upon an aspect of the situation which a number of municipal issuing authorities might otherwise fail to consider, or might consider belatedly. Assume that with a particular municipality's increase in population under the 1950 Federal census one new license is permitted by the State Limitation Law and that two, or five, or ten, applications are filed for the one available license. In that situation, if the municipal ordinance does not prohibit issuance of a new license, the municipal issuing authority may be faced with the problem of denying all of the new applications or with the onerous task of selecting, reasonably and soundly, among the applicants. I bring this matter to the special attention of the various municipal issuing authorities concerned with the added reminder that first-come-first-served is not in itself a proper principle of selection in the granting of alcoholic beverage licenses.

ERWIN B. HOCK
Director.

3. DISCIPLINARY PROCEEDINGS - HOSTESSES - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 60 DAYS - CHARGE ALLEGING LEWDNESS AND IMMORAL ACTIVITIES (INDECENT DANCE) DISMISSED.

In the Matter of Disciplinary Proceedings against)

GRAYCE H. HOUSTON)
T/a THE MOMBASA)
74 Sidney Street)
Lodi, N. J.,)

Holder of Plenary Retail Consumption License C-29, issued by the Mayor and Council of the Borough of Lodi, and transferred during the pendency of these proceedings to)

CONCLUSIONS AND ORDERS

FLORENCE LANE)
T/a CLUB MOMBASA,)

for the same premises.)

Joseph H. Gaudielle, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to charges alleging that she (1) permitted females employed on her licensed premises to accept drinks at the expense of male patrons, and (2) possessed a 4/5 quart bottle of "MACLACHLANS Blended Scotch Whisky" whose label did not truly describe its contents.

The defendant pleaded not guilty to a third charge alleging that she permitted lewdness and immoral activities on her licensed premises.

With respect to the first two charges, it appears that three ABC agents entered the defendant's tavern about 10:00 p.m. on Friday, December 8, 1950. Seating themselves at the bar, they were soon joined, without any prior invitation, by a female, Goldie Simpson, who was employed as a singer by the defendant. Almost in the same breath, she asked one of the agents to buy her a drink, called the bartender and ordered a scotch and soda which was served to her. She then invited another female, employed by the defendant as a dancer, to join them. Thereafter, both females ordered and consumed drinks at a record pace. Payment for these drinks was made from money the agents had placed on the bar, the bartender sometimes charging 75¢ for each drink and, at other times, \$1.00.

The drinks for the females were served from a bottle labeled "MACLACHLANS Blended Scotch Whisky", which was kept under the bar. After several drinks had been poured from this bottle the agents noticed that, instead of the contents being reduced, the bottle contained more liquid than when the bartender first started serving the females. This bottle had undoubtedly been replenished with water, as was later confirmed by an analysis made by the Division's Chemist and, thus, became the subject matter of the second charge herein.

A careful study of the record leaves me with some doubt that the the third charge has been substantiated by requisite proof. The immoral activity charged rests primarily upon the bodily contortions and gyrations of the dancer while executing a "primitive" dance. In this connection, however, the testimony of the witnesses is not wholly consistent and I am unable to find that the evidence establishes that this dance is necessarily immoral within the intendment

of the Regulation. The same is true of some incidental dance steps performed by the singer while executing her vocal number. The third charge, therefore, must be dismissed.

The circumstances surrounding the admitted violations show a callous disregard for the "hostess" prohibition. The concomitants of the number and rapidity of the drinks consumed by the females, the watered bottle especially reserved for their use and the varying charges made by the bartender, are all part and parcel of the "clip-joint" type of activity and indicate that a severe penalty is merited. Despite the defendant's otherwise clear record, I shall, considering all of the attendant circumstances and the plea, suspend the license for a period of sixty days. Cf. Re Washington Cafe, Bulletin 896, Item 2.

Accordingly, it is, on this 26th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-29, issued by the Mayor and Council of the Borough of Lodi to Grayce H. Houston, t/a The Mombasa, for premises 74 Sidney Street, Lodi, and transferred during the pendency of these proceedings to Florence Lane, t/a Club Mombasa, for the same premises, be and the same is hereby suspended for the balance of its term, effective at 4:00 a.m. May 3, 1951; and it is further

ORDERED that if any license be issued to this licensee, or any other person, for the premises in question for the 1951-52 licensing year, such license shall be under suspension until 4:00 a.m. July 2, 1951.

ERWIN B. HOCK
Director.

4. DISCIPLINARY PROCEEDINGS - EMPLOYMENT PERMIT - ENGAGING IN CONDUCT WHICH IS PROHIBITED TO EMPLOYER - PERMIT SUSPENDED FOR BALANCE OF TERM.

In the Matter of Disciplinary Proceedings against
GOLDIE (GLORIA) SIMPSON
2816 - 8th Avenue
New York 30, N. Y.,

CONCLUSIONS
AND ORDER

Holder of Employment Permit No. 3146,
issued by the Director of the Division
of Alcoholic Beverage Control.

Joseph H. Gaudielle, Esq., Attorney for Defendant-permittee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant, holder of an employment permit required by reason of her residing out of this state, was charged with (a) accepting drinks at the expense of male patrons on licensed premises, and (b) performing an immoral dance on licensed premises. See Rule 9 of State Regulations No. 13. She has entered a confessional plea to the first portion of the charge and a not guilty plea to the latter portion.

The facts and circumstances giving rise to the charge are reported in the proceeding brought against the defendant's licensed employer. See Re Houston, Bulletin 905, Item 3, decided simultaneously herewith. The latter portion of the charge against the defendant is dismissed for the reason set forth in the cited case.

In view of the aggravated character of the "hostess" portion of the charge, as described in the Houston case, I shall suspend the permit for the balance of its term. In addition, it would appear extremely doubtful that the defendant is worthy of receiving a permit for any subsequent licensing year. Determination of this question, however, will be made when and if she files any future application.

Accordingly, it is, on this 26th day of April, 1951,

ORDERED that Employment Permit No. 3146, issued by the Director of the Division of Alcoholic Beverage Control to Goldie (Gloria) Simpson, 2816 - 8th Avenue, New York, N. Y., be and the same is hereby suspended for the balance of its term, effective at 9:00 a.m. May 3, 1951.

ERWIN B. HOCK
Director.

5. APPELLATE DECISIONS - KRAJEWSKI v. SECAUCUS.

HENRY KRAJEWSKI, trading as)
OLD TAMMANY HALL,)
Appellant,)
-vs-)
TOWN COUNCIL OF THE TOWN OF)
SECAUCUS,)
Respondent.)

ON APPEAL
CONCLUSIONS AND ORDER

Levey and Canter, Esqs., by Julius D. Canter, Esq., Attorneys for Appellant.
Edward A. Smarak, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from the action of respondent whereby it suspended appellant's plenary retail consumption license for a period of eighty days after it had adjudged appellant guilty in disciplinary proceedings of the charges hereinafter set forth.

Upon the filing of the appeal, an order dated October 16, 1950 was entered by me staying respondent's order of suspension until the entry of a further order herein. R. S. 33:1-31.

The charges preferred by respondent against appellant are as follows:

- 1. Sale, service and delivery and allowing, permitting and suffering the service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years of age, and allowing, permitting and suffering the consumption of alcoholic beverages by such person upon the licensed premises on June 18, 1950; in violation of Rule 1 of State Regulations No. 20.
- 2. Sale, service and delivery and allowing, permitting and suffering the service and delivery of alcoholic beverages to a person actually or apparently intoxicated and allowing, permitting and suffering such person to consume alcoholic beverages on the licensed premises on June 18, 1950; in violation of Rule 1 of State Regulations No. 20.

"3. Sale, service and delivery and allowing, permitting and suffering the service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years and allowing, permitting and suffering the consumption of alcoholic beverages by such persons upon the licensed premises on September 10, 1950; in violation of Rule 1 of State Regulations No. 20."

It may be noted that Charges 1 and 2 refer to violations allegedly committed on June 18, 1950, whereas Charge 3 refers to a violation allegedly committed on September 10, 1950. To avoid any confusion which might arise if the charges were considered together, I shall first determine from the evidence adduced herein the guilt or innocence of appellant on Charges 1 and 2, and then determine the guilt or innocence of appellant on Charge 3.

William Smentkowski testified as follows: that on June 18, 1950, at which time he was nineteen years of age, he visited appellant's licensed premises between 9:00 and 9:30 p.m.; that he was employed as a truck driver for appellant in a business other than the liquor business; that between the time he entered the premises and 11:00 or 11:30 p.m. he drank fifteen glasses of beer; that at 11:30 p.m. he told the bartender (Charles Krajewski), "I was too drunk to drive the truck" and in response thereto Charles Krajewski remarked, "You're chicken, I'll bet you can't drink ten beers"; that thereafter he consumed ten glasses of beer and, as the witness expressed it, "I got good and drunk"; and that two friends of his took him home where, instead of entering the house, he entered his brother's car which was parked in the driveway.

John Billows, Jr. testified that he drove William to the appellant's licensed premises between 9:00 and 9:30 on the evening of June 18, 1950, and returned for him at appellant's premises about 10:30 or 11:00 p.m.; that when he returned to the premises he observed William with a glass in his hand and that William "sipped on it"; that William's breath "smelled like beer"; and that, although in his opinion William was not sober, he "wouldn't say he was drunk, just about drunk", and described William's condition as "pretty bad" when he took William from appellant's premises to William's home at a quarter-to-twelve.

Charles Smentkowski testified that "at ten minutes to two" on the morning of June 19, 1950, he discovered his brother William in the back seat of his car; that he helped William into the house and put him to bed; that he "went down to Krajewski's saloon and Charles (Krajewski) was there and a fellow and a lady with him". He further testified that, when he asked Charles Krajewski "Where did he get the drinks", Charles replied "He got them over here", and that William was taking a bet with him that he can't drink ten glasses of beer.

Helen Smentkowski, the mother of William, testified that she heard William being brought into the house by her other son in the early morning of June 19, 1950, and that at about 8:00 o'clock (the same morning) she observed that William was quite ill.

Charles Krajewski (a witness produced in behalf of appellant) testified that on June 18, 1950, he first observed William at about 10:30 in the evening. The witness testified that William entered the tavern in the company of "two fellows and a girl"; that William appeared to the witness to be "very drunk"; that William stayed in the barroom until about 12:30 a.m. the following morning; and that at no time were alcoholic beverages served to him. The witness further testified that Charles Smentkowski (brother of William) came into the tavern between 1:30 and 2:00 a.m. and remarked, "You got my brother drunk." The witness testified that he denied to Charles Smentkowski that his brother William had anything to drink in appellant's licensed premises.

One Joseph Muszynski testified that he is employed by appellant as a truck driver and also bartender at night; that on June 18, 1950, he was tending bar when William came into the premises at about 11:30 p.m. and that William appeared to be under the influence of alcoholic beverages. He said that William entered the premises with a couple of men and a young girl and that no alcoholic beverages were served to him that evening.

Appellant testified that at the time in question on June 18, 1950, he was in the back room of the tavern playing a musical instrument. He testified that he did, however, observe William come into the tavern at about half-past eleven and heard him arguing with appellant's brother when the brother remarked, "You're too drunk to drive, that's a heck of a way to come in." The witness further testified that William came to him and apologized for not being able to take the truck out that night because of his condition.

Although the testimony given by the witnesses produced by appellant is contrary to that given by the witnesses for respondent, I am satisfied that William was sold beer at the time in question. Furthermore, I am also satisfied that the wager between William and Charles Krajewski concerning William's ability to consume ten additional glasses of beer actually was made. I believe the testimony of Charles Smentkowski that, when he accused Charles Krajewski of permitting his brother to become intoxicated, Charles Krajewski admitted the incident concerning the consumption of ten glasses of beer.

After careful consideration of the testimony presented with reference to the activities in the licensed premises on June 18, 1950, I find that the appellant is guilty of Charges 1 and 2.

The testimony of two ABC agents discloses that about 4:20-4:30 p.m. on Sunday, September 10, 1950, when they arrived in the vicinity of appellant's licensed premises, they observed various athletic events, games and amusements taking place; that, when they entered appellant's licensed premises at 5:00 p.m., they observed three youths (apparently minors) finish a portion of beer remaining in their glasses and immediately depart from the premises. The ABC agents testified that about 7:10 p.m. the three youths whom they had previously seen returned to the licensed premises and one of them went to the bar and purchased three glasses of beer from the bartender. The bartender was subsequently identified as Charles Krajewski. The youth thereupon passed a glass of beer to each of his two companions. The three youths carried their glasses of beer to a rear room of the licensed premises and occupied a table. Thereafter the agents testified they spoke to the three youths and ascertained that they were three minors, two of whom were seventeen years of age and the third sixteen years of age. The fact that alcoholic beverages were served to the three minors was called to the attention of Charles Krajewski. The latter denied that the glasses of beer were purchased from him and insisted they were taken from the bar without his knowledge.

The testimony of the three youths was in agreement that one of the party, namely, James L. ----, helped himself to the three glasses of beer at the bar but did not purchase them from anyone. Charles Krajewski corroborated the testimony of the three boys.

There seems to be no dispute that the youths consumed beer on the licensed premises at the time in question. Although appellant may not have sold or served the alcoholic beverages to the minors, he is nevertheless guilty of permitting and suffering the consumption of alcoholic beverages by said minors upon his licensed premises. This

is sufficient to establish a violation of Rule 1 of State Regulations No. 20. As was stated by Justice Wachenfeld in the matter of Essex Holding Corp. v. Hock, 136 N. J. L. 28:

"The prevention of the sale to, or the consumption by, minors of liquor upon licensed premises is of the utmost importance. Its purpose is to protect our youth and thereby make more secure the foundation of society. The intent of the Legislature and the rules and regulations of the department governing enforcement clearly encompass the responsibility of the licensee for the consumption of alcoholic beverages by minors under the circumstances complained of."

I find appellant guilty of Charge 3 in so far as said Charge alleges that appellant allowed, permitted and suffered the consumption of alcoholic beverages on his licensed premises by the aforementioned minors.

The action of respondent is, therefore, affirmed.

In view of the aggravating circumstances present in this case, I shall not disturb the length of suspension of the license imposed by respondent Council.

Accordingly, it is, on this 26th day of April, 1951,

ORDERED that the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the Order dated October 16, 1950, be and the same is hereby vacated effective at 2:00 a.m. May 4, 1951; and it is further

ORDERED that the eighty days' suspension by respondent of appellant's plenary retail consumption license C-14, for premises 201 Secaucus Road, Secaucus, which was held in abeyance pending disposition of the instant appeal, is hereby restored, to commence at 2:00 a.m. May 4, 1951, and continue in effect until the expiration of the present license at Midnight on June 30, 1951; and it is further

ORDERED that any further license issued for the licensing year 1951-52, for the premises in question, to appellant, or to any other person, shall be subject to said suspension until 2:00 a.m. July 23, 1951.

ERWIN B. HOCK
Director.

6. ACTIVITY REPORT FOR APRIL 1951

ARRESTS:		
Total number of persons arrested	-----	34
Licensees and employees	----- 6	
Bootleggers	----- 28	
SEIZURES:		
Motor vehicles - cars	-----	1
Stills - over 50 gallons	-----	1
Mash - gallons	-----	650.00
Distilled alcoholic beverages - gallons	-----	28.96
Wine - gallons	-----	766.34
Brewed malt alcoholic beverages - gallons	-----	57.63
RETAIL LICENSEES:		
Premises inspected	-----	1,005
Premises where alcoholic beverages were gauged	-----	836
Bottles gauged	-----	15,134
Premises where violations were found	-----	57
Violations found	-----	68
Type of violations found:		
Unqualified employees	----- 15	Gambling devices ----- 1
Improper beer taps	----- 2	Probable fronts ----- 1
Reg. #38 sign not posted	----- 2	Disposal permit necessary ----- 1
Other mercantile business	----- 2	Other violations ----- 44
STATE LICENSEES:		
Premises inspected	-----	24
License applications investigated	-----	12
COMPLAINTS:		
Complaints assigned for investigation	-----	440
Investigations completed	-----	422
Investigations pending	-----	147
LABORATORY:		
Analyses made	-----	171
"Shake-up" cases (alcohol, water and artificial color) - bottles	-----	10
Liquor found to be not genuine as labeled - bottles	-----	5
IDENTIFICATION BUREAU:		
Criminal fingerprint identifications made	-----	27
Persons fingerprinted for non-criminal purposes	-----	207
Identification contacts made with other enforcement agencies	-----	168
Motor vehicle identifications via N. J. State Police Teletype	-----	9
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	-----	8
Violations involved:		
Sale during prohibited hours	-----	8
Failure to afford view into premises during prohibited hours	-----	2
Cases instituted at Division	-----	25
Violations involved:		
Sale to minors	----- 7	Sale during prohibited hours ----- 2
Bookmaking on premises	----- 5	Sale outside scope of license ----- 2
Possessing illicit liquor	----- 4	Employing unqualified persons ----- 1
Immoral activity on premises	----- 3	Failure to afford view into premises during prohibited hours ----- 1
Lottery activity on premises (numbers, raffles)	----- 3	Hindering investigation ----- 1
Fraud and front	----- 3	Violation of special condition ----- 1
Possessing contraceptives on premises	----- 2	Aiding and abetting unlawful sale ----- 1
Furthering illegal activity	----- 2	Sale to intoxicated persons ----- 1
Cases brought by municipalities on own initiative and reported to Division	-----	12
Violations involved:		
Bookmaking on premises	----- 4	Immoral activity on premises ----- 1
Sale to minors	----- 3	Hindering investigation ----- 1
Brawls on premises	----- 2	Employing unqualified persons ----- 1
Sale during prohibited hours	----- 1	
HEARINGS HELD AT DIVISION:		
Total number of hearings held	-----	31
Appeals	----- 1	Seizures ----- 6
Disciplinary proceedings	----- 18	Tax revocation ----- 1
Eligibility	----- 4	Hearing on petition ----- 1
PERMITS ISSUED:		
Total number of permits issued	-----	737
Employment	----- 122	Social affairs ----- 313
Solicitors	----- 102	Miscellaneous ----- 121
Disposal of alcoholic beverages	----- 79	

Dated: May 1, 1951.

ERWIN B. HOCK
Director.

7. DISCIPLINARY PROCEEDINGS - FAILURE TO FILE WRITTEN NOTICE OF CHANGE IN FACTS SET FORTH IN LICENSE APPLICATION IN VIOLATION OF R. S. 33:1-34 - MAJORITY STOCKHOLDER OF CORPORATION CONVICTED OF CRIME INVOLVING MORAL TURPITUDE AFTER ISSUANCE OF LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE GIVEN TO PETITION FOR RELIEF IF AND WHEN ILLEGAL SITUATION CORRECTED.

MORAL TURPITUDE - CRIME OF MISAPPLYING BANK FUNDS AND AIDING AND ABETTING THE MISAPPLICATION OF BANK FUNDS.

In the Matter of Disciplinary Proceedings against

MILITARY INN, INC. T/a MILITARY INN, INC. N/E Cor. Main St. and Fort Dix Rd. Wrightstown, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Wrightstown.

Parker, McCay and Criscuolo, Esqs., by Robert W. Criscuolo, Esq., Attorneys for Defendant-licensee. William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. You failed to file with the Wrightstown Borough Council, within 10 days after the occurrence thereof, written notice of change in a fact set forth in answer to Question 33 of your license application dated June 6, 1950, upon which you obtained your current plenary retail consumption license, such change being that Myron Colbert, your president, secretary-treasurer and 100% stockholder, was convicted in the Ocean County (New Jersey) Court, Criminal Division, on October 27, 1950 of the crime of uttering worthless checks in violation of R.S. 2:134-17, and in the United States District Court for the District of New Jersey on October 30, 1950 of the crime of misapplying bank funds and aiding and abetting the misapplication of bank funds in violation of 18 USC 656; your failure to file such notice being in violation of R. S. 33:1-34.

"2. On or about October 27, 1950, Myron Colbert, your president, secretary-treasurer and 100% stockholder, was convicted in the Ocean County (New Jersey) Court, Criminal Division, of the crime of uttering worthless checks in violation of R. S. 2:134-17, and on October 30, 1950 in the United States District Court for the District of New Jersey of the crime of misapplying bank funds and aiding and abetting the misapplication of bank funds in violation of 18 USC 656, both crimes involving moral turpitude, such convictions being acts or happenings occurring after the time of your making application for your current license which, if they had occurred before said time, would have prevented the issuance of the license since such issuance would have been contrary to R. S. 33:1-25."

The charges aforesaid are so explicit as to the facts relating to this proceeding that it would be redundant to repeat them herein. Charge (2) is based upon the provisions of R. S. 33:1-31(i).

It is apparent that the crime of which Myron Colbert was convicted in the United States District Court involves moral turpitude. It is unnecessary, therefore, to determine whether the crime of which he was convicted in the County Court involves that element.

R. S. 33:1-25 provides, among other things, that no license shall be issued to any person who has been convicted of a crime involving moral turpitude and that no retail license shall be issued to any corporation (with certain exceptions not here material) unless each owner, directly or indirectly, of more than ten per centum (10%) of its stock qualifies in all respects as an individual applicant.

In view of the fact that Myron Colbert, who has been convicted of a crime involving moral turpitude, is the President, Secretary-Treasurer of defendant corporate licensee, and in addition thereto holds 100% of its stock, the defendant corporate licensee is presently ineligible to hold a liquor license in this state.

Under the circumstances, I have no alternative except to suspend the license for the balance of its term. Leave is given to file a petition for relief, if and when the illegal situation is corrected by the transfer of the shares of stock of defendant-licensee to a qualified person or persons.

Accordingly, it is, on this 26th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Wrightstown to Military Inn, Inc., t/a Military Inn, Inc., for premises N/E Cor. Main St. and Fort Dix Rd., Wrightstown, be and the same is hereby suspended for the balance of its term, effective immediately.

ERWIN B. HOCK
Director.

8. FAIR TRADE - NOTICE OF COMPLETE PUBLICATION.

The next official publication of minimum resale prices pursuant to Fair Trade rules (Revised Regulations No. 30) will become effective on July 1, 1951. Prices to be listed must be filed with the office of this Division not later than May 20, 1951. The publication will be a complete pamphlet in accordance with Rule 3 of Regulations No. 30, providing for issuance of quarterly complete publications.

In submitting price listings it is important to note the following, with particular emphasis on the requirements of items 3-4-5-6:

1. The importance of listing all brands of alcoholic beverages (including malt beverages) is emphasized in light of Rule 6 of Revised Regulations No. 30 which prohibits price advertising of any brand not listed in Fair Trade.
2. It is suggested that close attention be given to the importance of a fair and adequate mark-up for the retailer.
3. Only manufacturers and wholesalers owning brands or wholesalers having specific written authorization of the owner of brands, may file price listings for publication in minimum resale price pamphlets.
4. Where listers of brands choose to publish a permissive case lot discount, the phrase "Discount of _____% permitted on case lot purchases" should be used.
5. True copies of labels or photostats of labels of brands listed in Fair Trade must be submitted with the price listings, if such labels have not been previously submitted. (A separate label for each type listed under a Brand name must be attached to a separate letterhead.)

6. Price listings may be submitted by letter in the same form as heretofore but must bear a statement certifying the existence of a Fair Trade contract between the manufacturer or wholesaler and a licensed New Jersey retailer. It is important to note that copies of such Fair Trade contracts need no longer be filed with the Division.

Notification of the proportionate share of aggregate expenses involved in the publication of the complete pamphlet will be made to participating companies as soon as the pamphlet is mailed to all retail licensees.

ERWIN B. HOCK
Director.

9. STATE LICENSES - NEW APPLICATIONS FILED.

G. Krueger Brewing Co. - Camden
6027 Crescent Blvd., Pennsauken, N. J.
Application filed May 7, 1951 for Limited Wholesale License.

Colossal Lines Ltd.
1845 St. James St. W., Montreal, Canada.
Application filed May 4, 1951 for Transportation License.

Anthony Colaluca, t/a Anthony Colaluca
Lincoln Boulevard, Middlesex Boro, N. J.
Application filed May 7, 1951 for transfer of Limited Wholesale License from M. James Fee, t/a Fee Distributing Company, 78-80 Main Street, Sayreville, N. J.

Anheuser-Busch, Incorporated
200 State Highway Route 25, Newark 5, N. J.
Application filed May 7, 1951 for Limited Wholesale License.

Masters Fast Freight Service Inc.
9 Gypsum Street
South Kearny, N. J.
Application filed May 7, 1951 for Transportation License.

Kramer Beverage Co., Inc.
102-116 N. Virginia Avenue, Atlantic City, N. J.
Application filed May 7, 1951 for transfer of salesroom from 102-116 N. Virginia Ave., Atlantic City to 115-117 N. Virginia Avenue, Atlantic City, N. J.

New Jersey Shore Distributors Inc.
3 Gillette St., Keansburg, N. J.
Application filed May 7, 1951 for additional warehouse at Foot of Washington and Joline Aves., New York and Long Branch Railroad, Long Branch, N. J.

Erwin B. Hock
Director.