

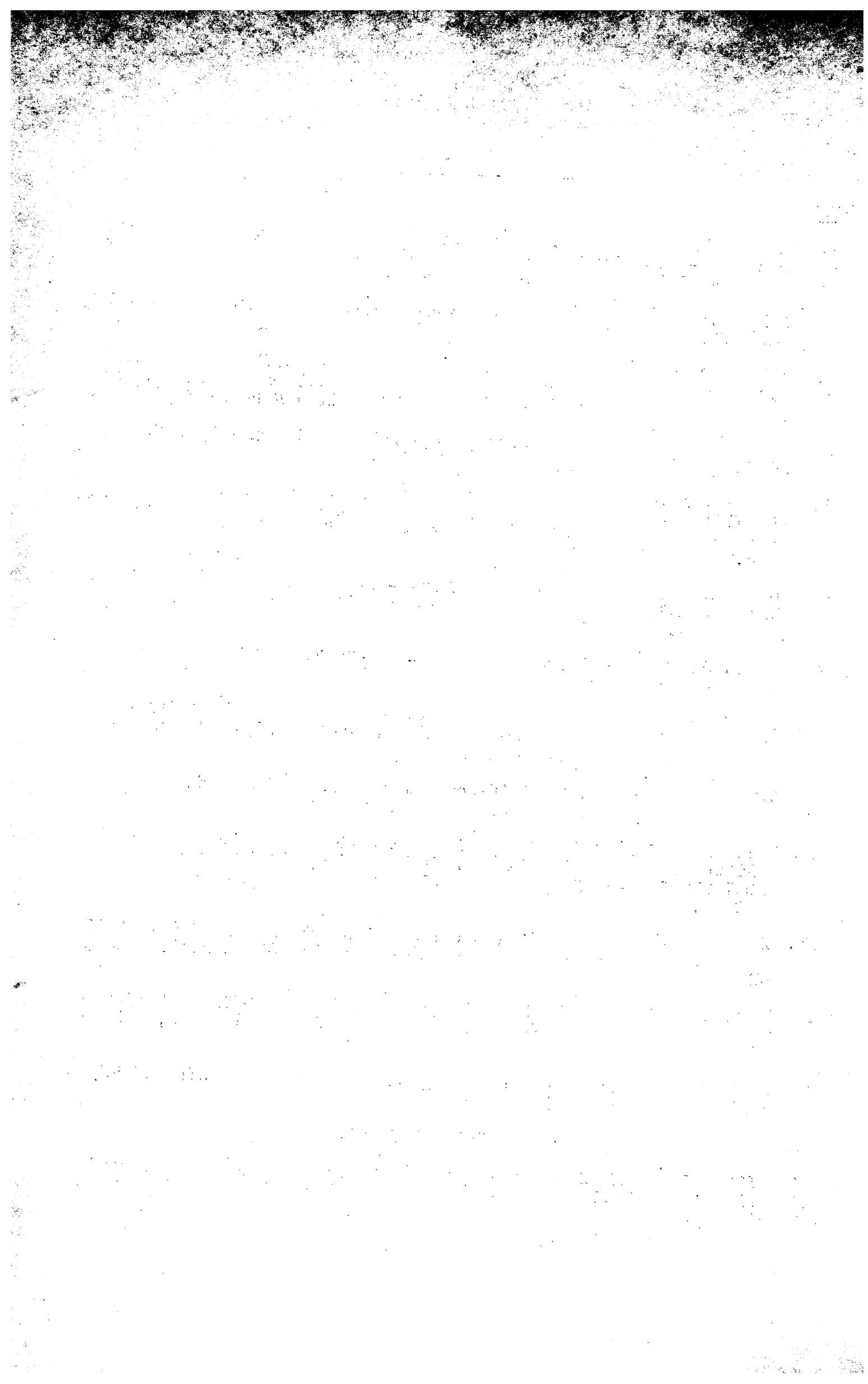
BULLETIN 871

April 3, 1950.

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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 871

April 3, 1950.

1. DISCIPLINARY PROCEEDINGS - STATE BEVERAGE DISTRIBUTOR LICENSEE -
VIOLATION OF RULES 4(a) AND 5(b) OF STATE REGULATIONS NO. 39 -
LICENSE SUSPENDED FOR 5 DAYS.

In the Matter of Disciplinary)
Proceedings against)

QUINLAN BEVERAGE COMPANY, INC.)
647 River Street)
Paterson, N. J.,)

CONCLUSIONS
AND ORDER

Holder of State Beverage Distri-)
butor's License SBD-112, issued)
by the Director of the Division)
of Alcoholic Beverage Control.)
-----)

Leo J. Berg, Esq., Attorney for Defendant-licensee.
Anthony Meyer, Jr., Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

- "1. On eleven dates between July 10, 1948 and December 17, 1948, each date being more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the State Commissioner of Alcoholic Beverage Control a notice of such default, and on twenty dates between March 28, 1949 and October 28, 1949, each date being more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the Director of Alcoholic Beverage Control a notice of such default, in that you failed to notify the said Commissioner and Director, respectively, that retail licensee ---- had failed to make payment for beer delivered to him by you on thirty-one various dates between June 3, 1948 and September 22, 1949; in violation of Rule 5(b) of State Regulations No. 39.
- "2. On twenty-seven dates between July 10, 1948 and December 28, 1948, each date being more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the State Commissioner of Alcoholic Beverage Control a notice of such default, and on eleven dates between January 3, 1949 and March 25, 1949, each date being more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the Director of Alcoholic Beverage Control a notice of such default, in that you failed to notify the said Commissioner and Director, respectively, that retail licensees ---- and ---- had failed to make payment for beer delivered to them by you on thirty-eight various dates between June 3, 1948 and February 17, 1949; in violation of Rule 5(b) of State Regulations No. 39.

- "3. On twenty dates between July 6, 1948 and December 31, 1948, each date being more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the State Commissioner of Alcoholic Beverage Control a notice of such default, and on thirty-three dates between January 7, 1949 and December 31, 1949, each date being more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the Director of Alcoholic Beverage Control a notice of such default, in that you failed to notify the said Commissioner and Director, respectively, that retail licensee ---- had failed to make payment for beer delivered to him by you on fifty-three various dates between June 2, 1948 and November 25, 1949; in violation of Rule 5(b) of State Regulations No. 39.
- "4. On December 17, 1948, June 17, June 24 and December 16, 1949, you sold and delivered alcoholic beverages not for payment in cash on delivery to New Jersey retail licensee ----, which licensee at the time of the first said delivery was listed on the Default List of the State Department of Alcoholic Beverage Control, and at the time of the latter three said deliveries was listed on the Default List of the State Division of Alcoholic Beverage Control, in that you made deliveries of beer on said dates to said retailer on credit; in violation of Rule 4(a) of State Regulations No. 39."

Defendant alleges that the violations set forth in the charges occurred by reason of the fact that some of its records were lost or destroyed in moving from one premises to another.

Defendant was given an opportunity to obtain a special permit (see Bulletin 749, Items 1 and 3). Having failed to do so, the present proceedings were instituted.

Defendant has no prior adjudicated record. Under all the circumstances, and considering the plea entered herein, I shall suspend defendant's license for a period of five days.

Accordingly, it is, on this 22nd day of March, 1950,

ORDERED that State Beverage Distributor's License SBD-112, issued by the Director of the Division of Alcoholic Beverage Control to Quinlan Beverage Company, Inc., for premises 647 River Street, Paterson, be and the same is hereby suspended for five (5) days, commencing at 7:00 a.m. March 27, 1950, and terminating at 7:00 a.m. April 1, 1950.

ERWIN B. HOCK
Director.

2. DISCIPLINARY PROCEEDINGS - SALES TO MINOR - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GERALD COHEN)
30 Bridge Street)
Paterson, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-266, issued by the Board of Alcoholic Beverage Control of the City of Paterson.)

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

BY THE DIRECTOR:

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

It appears from a statement made by the minor to ABC agents that, on January 1, 1949, November 12, 1949 and November 15, 1949, and on other unspecified dates between January 1, 1949 and November 15, 1949, the said minor, then aged 17 years, purchased and was served and permitted to consume various types of alcoholic beverages, i.e., beer and whiskey, on the licensed premises by employees of the said defendant-licensee.

Defendant claims that the said minor's statement about the sale and service of the alcoholic beverages was made by reason of a desire to be revenged against one of the licensee's bartenders who charged her on November 15, 1949 with atrocious assault and battery. However, the statement of the minor was corroborated as to the sales on certain dates by a statement obtained from another patron. Moreover, the motive of the minor is immaterial if, in fact, the violations occurred, as it appears they did from the plea and the corroborating statement.

Defendant has no prior adjudicated record. The age of the minor must be considered as an aggravation. Considering all the aspects of the case, I shall suspend the license for fifteen days. Remitting five days because of the plea will leave a net suspension of ten days. Re Drucker, Bulletin 801, Item 5.

Accordingly, it is, on this 24th day of March, 1950,

ORDERED that Plenary Retail Consumption License C-266, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Gerald Cohen, for premises 30 Bridge Street, Paterson, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. April 3, 1950, and terminating at 3:00 a. m. April 13, 1950.

ERWIN B. HOCK
Director.

3. DISCIPLINARY PROCEEDINGS - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE ("FARMING OUT" LICENSE) - LICENSES SUSPENDED FOR BALANCE OF TERM.

In the Matter of Disciplinary Proceedings against

WILSON LINE OPERATING CO.
24 State Street
New York, New York,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Transit Licenses M-12 and M-15 for M. V. Liberty Belle and Steamer State of Pennsylvania, respectively, issued by the Director of the Division of Alcoholic Beverage Control.

Wilson Line Operating Company, by F. F. James, District Manager.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that it (1) falsified the application by virtue of which it received its plenary retail transit licenses for Steamer State of Pennsylvania and M. V. Liberty Belle, respectively, in suppressing the fact that Ford Brothers Maritime Corporation was the real and beneficial owner of the businesses conducted under said licenses, in violation of R. S. 33:1-25; and (2) aided and abetted said Ford Brothers Maritime Corporation to exercise the rights of its licenses, in violation of R. S. 33:1-52.

Defendant, holder of successive plenary retail transit licenses for the two vessels mentioned in the charges, for a period commencing sometime in May 1949 until the present time, leased the liquor business conducted under said licenses to Ford Brothers Maritime Corporation. This lease, in effect, included a lease or "farming out" of the license privileges.

The "farming out" of a liquor license, in effect, virtually constitutes the licensee (defendant) an extra-legal issuing authority. It is a serious violation of the licensing law, in effect, circumventing the control of the license by legally constituted authority. Re Stetz et al., Bulletin 512, Item 3; Re Beringer, Bulletin 571, Item 10. While the vessels, however, are presently "tied up" for the winter, the illegal situation still exists.

Under the circumstances, I must suspend the licenses for the balance of their respective terms.

Accordingly, it is, on this 24th day of March, 1950,

ORDERED that Plenary Retail Transit Licenses M-12 and M-15 for M. V. Liberty Belle and Steamer State of Pennsylvania, respectively, issued by the Director of the Division of Alcoholic Beverage Control to Wilson Line Operating Co., 24 State Street, New York, New York, be and the same are hereby suspended for the balance of their respective terms, effective forthwith.

ERWIN B. HOCK
Director.

4. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ANTONIO LIPUMA)
610 Raymond Boulevard)
Newark 5, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-865, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)
-----)

Antonio Lipuma, Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he possessed on his licensed premises alcoholic beverages in a bottle bearing a label which did not truly describe the contents thereof, in violation of Rule 28 of State Regulations No. 20.

On January 9, 1950, an agent of the Federal Treasury Department, Internal Revenue Service, seized on defendant's licensed premises one 4/5 quart bottle containing an alcoholic beverage, labeled as follows: "Canadian Club Blended Canadian Whisky", when his field test indicated a variance between the label on the bottle and the contents thereof. An analysis by a Federal chemist confirmed the finding of the field agent that the label on said bottle did not truly describe the contents therein. See Rule 28 of State Regulations No. 20.

Defendant claims that said bottle is one he found on his premises when he acquired the business about four months ago and that he did not know that the illegal bottle was on his bar. The alleged explanation is no excuse. Licensees are responsible for the liquor on their premises. Cf. Cedar Restaurant and Cafe Co. v. Hock, 135 N. J. L. 156.

Defendant has no prior record. His license will be suspended for the minimum period for disciplinary proceedings involving one bottle, fifteen days. Re Rudolph, Bulletin 680, Item 1. Remitting five days for the plea, will leave a net suspension of ten days.

Accordingly, it is, on this 24th day of March, 1950,

ORDERED that Plenary Retail Consumption License C-865, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Antonio Lipuma, for premises 610 Raymond Boulevard, Newark, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. April 3, 1950, and terminating at 2:00 a.m. April 13, 1950.

ERWIN B. HOCK
Director.

- 5. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES - STRIP TEASE DANCE - "OFF-COLOR" STORIES AND INDECENT REMARKS AND ACTIONS - PRIOR RECORD - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

JOHN SANSONE)
 T/a CLUB HARMONY)
 539 Division Avenue)
 Carlstadt, N. J.,)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consump-)
 tion License C-15, issued by the)
 Borough Council of the Borough of)
 Carlstadt.)

-----)
 Grossman & Kampelman, Esqs., Attorneys for Defendant-licensee.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On Tuesday night, February 7th and early Wednesday morning, February 8th, on Friday night, February 10th and early Saturday morning, February 11, 1950, and on Saturday night, February 11th and early Sunday morning, February 12, 1950, you allowed, permitted and suffered lewdness and immoral activities in and upon your licensed premises, in that entertainers performed in a lewd, indecent and immoral manner; in violation of Rule 5 of State Regulations No. 20."

An examination of the record in the instant case discloses that, at the times in question, female entertainers employed by defendant executed a dance commonly known as a "strip tease". Gail, one of the performers, who gave a signed written statement to the ABC agents, in which she admitted having worked in burlesque for a time, described her act thusly: "I parade and I do moderate grinds, and sing a song. Part way through my number I remove the evening gown and panels and then hold the panels in front of me. At the conclusion of my number, I stop and lower the panels and expose my breast which has a net brassiere on." Gail referred to her dance as a "strip tease".

It also appears that on some of the same occasions the Master of Ceremonies made indecent remarks and told "off-color" stories during the course of which he engaged in suggestive movements of his hands. Repeating the remarks and stories and describing the gestures would serve no useful purpose.

Entertainment, if presented upon licensed premises, must be of such character as not to be inimical to the public welfare and morals or to the best interests of the alcoholic beverage industry. Re DiAngelo, Bulletin 753, Item 4. "Strip tease" or any other performance which may tend to arouse or inflame sexual passions has no place in the liquor industry.

Defendant has a prior adjudicated record. Effective February 25, 1948, the license of defendant and one William Palmieri was suspended for the balance of its term. Included among other violations which resulted in the suspension was a violation similar to the one now under consideration. The offense, however, committed at that time was of a more serious nature.

7. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING EFFECTIVE DATES OF SUSPENSION.

In the Matter of Disciplinary Proceedings against

JAMES LEFFLER and STEVEN MRVICHIN)
14 Belmont Avenue)
Newark 3, N. J.,)

ON PETITION
O R D E R

Holder of Plenary Retail Consumption License C-439, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Myron P. Maurer, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

On March 17, 1950, the license held by the petitioner-defendants herein was suspended for a period of twenty days, commencing at 2:00 a.m. March 29, 1950.

Petitioners have filed a verified petition wherein it appears that, prior to March 17, 1950, and, in fact, prior to the date on which they received a copy of the charges mentioned in said Conclusions, the defendants had made commitments for the use of their licensed premises for a social affair to be held on April 9, 1950, and for another social affair to be held on April 10, 1950 as a sick benefit by a group of friends of the sick person. It further appears that a large number of tickets have been sold to the general public for both these affairs and considerable sums of money have been spent by the sponsors of the social affairs aforesaid in the printing of tickets and the advertising of the social events; that the expected attendance by the general public is large; that it is impossible at this late date to secure a suitable place, other than the licensed premises of the petitioners, to which the social events can be transferred; and that large numbers of the general public would be greatly inconvenienced if the affairs were either transferred to another place or postponed. Said petition further requests that the suspension hereinabove be stayed for the two days aforesaid and that the said two days be added to the end of the suspension period.

Giving due consideration to the allegations of the verified petition aforesaid and finding that considerable hardship will affect numerous innocent persons by the suspension of defendants' license on the aforesaid dates of April 9 and April 10, 1950,

It is, on this 27th day of March, 1950,

ORDERED that the suspension of twenty days heretofore imposed in these proceedings shall commence at 2:00 a.m. March 29, 1950 and continue in effect until 2:00 a.m. April 9, 1950; that thereafter said suspension shall be lifted until 2:00 a.m. April 11, 1950, when it shall again become effective and continue in effect until 2:00 a.m. April 20, 1950.

ERWIN B. HOCK
Director.

8. DISCIPLINARY PROCEEDINGS - STATE BEVERAGE DISTRIBUTOR LICENSEE - VIOLATION OF RULES 4(a) AND 5(b) OF STATE REGULATIONS NO. 39 - LICENSE SUSPENDED FOR 5 DAYS.

In the Matter of Disciplinary Proceedings against
 MAX MILASK
 T/a Neptune Distributors
 3 Cooper Street
 Westmont, N. J.,
 Holder of State Beverage Distributor's License SBD-121, issued by the Director of the Division of Alcoholic Beverage Control.

CONCLUSIONS AND ORDER

 David Novack, Esq., Attorney for Defendant-licensee.
 Anthony Meyer, Jr., Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

- "1. On August 30, September 10, September 15, September 22, and October 7, 1949, you sold and delivered alcoholic beverages not for payment in cash on delivery to New Jersey retail licensees ----, which licensees were, at the time of said deliveries, listed on the Default List of the State Division of Alcoholic Beverage Control, in that you made deliveries of beer on said dates to said retailers on credit; in violation of Rule 4(a) of State Regulations No. 39.
- "2. On October 28 and November 11, 1949, both dates being more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the Director of Alcoholic Beverage Control a notice of such default, in that you failed to notify the said Director that retail licensees ---- had failed to make payment for beer delivered to them by you on September 22, 1949 and October 7, 1949, respectively; in violation of Rule 5(b) of State Regulations No. 39.
- "3. On thirty-five dates between March 1, 1949 and November 7, 1949, you sold and delivered alcoholic beverages not for payment in cash on delivery to New Jersey retail licensee ----, which licensee was, at the time of said deliveries, listed on the Default List of the State Division of Alcoholic Beverage Control, in that you made deliveries of beer on said dates to said retailer on credit; in violation of Rule 4(a) of State Regulations No. 39."

Defendant alleges that the violations set forth in the charges occurred by reason of a poor bookkeeping system, and that he has changed the bookkeeping system.

Defendant was given an opportunity to obtain a special permit (see Bulletin 749, Items 1 and 3). Having failed to do so, the present proceedings were instituted.

Defendant has no prior adjudicated record. Under all the circumstances, and considering the plea entered herein, I shall suspend defendant's license for a period of five days.

Accordingly, it is, on this 28th day of March, 1950,

ORDERED that State Beverage Distributor's License SBD-121, issued by the Director of the Division of Alcoholic Beverage Control to Max Milask, t/a Neptune Distributors, for premises 3 Cooper Street, Westmont, be and the same is hereby suspended for five (5) days, commencing at 7:00 a.m. April 10, 1950, and terminating at 7:00 a.m. April 15, 1950.

ERWIN B. HOCK
Director.

9. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - LICENSE SUSPENDED FOR 3 DAYS, LESS 1 FOR PLEA.

In the Matter of Disciplinary Proceedings against

BRAUN'S TAVERN, INC.
289-291 Glenwood Avenue
Bloomfield, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Town Council of the Town of Bloomfield.

William Huck, Jr., 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 a charge that on March 10, 1950 it possessed a mislabeled beer tap in its tavern, in violation of Rule 1 of State Regulations No. 22.

An ABC agent, on routine inspection of defendant's licensed premises on the day in question, found that beer was being drawn from a barrel marked "Rubsam and Horrmann" through two spigots labeled "Krueger".

Defendant has no previous adjudicated record. Its license therefore will be suspended for a period of three days, less one day's remission for the plea entered herein, or a net suspension of two days. Re Badyna, Bulletin 797, Item 5.

Accordingly, it is, on this 28th day of March, 1950,

ORDERED that Plenary Retail Consumption License C-1, issued by the Town Council of the Town of Bloomfield to Braun's Tavern, Inc., 289-291 Glenwood Avenue, Bloomfield, be and the same is hereby suspended for a period of two (2) days, commencing at 2:00 a.m. April 4, 1950, and terminating at 2:00 a.m. April 6, 1950.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (PROCURING FEMALES FOR PROSTITUTION AND SOLICITATION FOR PROSTITUTION) - HOSTESS - SALE TO INTOXICATED PERSON - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against)

BENNIE BALDINO AND)
MICHAEL PANASIUK)
T/a BUDDY'S BAR & PIZZERIA)
10 First Street)
Lodi, N. J.,)

CONCLUSIONS AND ORDER.

-----)
Holders of Plenary Retail Consumption License C-26, issued by the Mayor and Council of the Borough of Lodi.)

Nicholas A. Carella, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants, served with charges alleging:

"1. On Friday night January 13 and early Saturday morning January 14, 1950, and on Saturday night January 14, 1950, and on divers other dates prior thereto, you allowed, permitted and suffered lewdness and immoral activities in and upon your licensed premises, viz., procuring females for purposes of prostitution, solicitation for prostitution and the maintenance of a place for the making of assignations; in violation of Rule 5 of State Regulations No. 20.

"2. On divers dates between December 14, 1949, and January 14, 1950, you sold and distributed, upon and about your licensed premises, contraceptives and contraceptive devices; in violation of Rule 9 of State Regulations No. 20.

"3. On Friday night, January 13, 1950, you allowed, permitted and suffered Mary ----, a female employed on your licensed premises, to accept beverages at the expense of and as a gift from customers and patrons; in violation of Rule 22 of State Regulations No. 20.

"4. On Friday night, January 13, 1950, you sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to one 'Johnny' a person who was actually or apparently intoxicated and allowed, permitted and suffered the consumption of alcoholic beverages by such person upon your licensed premises; in violation of Rule 1 of State Regulations No. 20.

"5. On Friday night, January 13 and early Saturday morning January 14, 1950 and on Saturday night, January 14, 1950 and on divers other dates prior thereto, you sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages, directly or indirectly, at your licensed premises, to Mary ----, a person under the age of twenty-one (21) years, and allowed, permitted and suffered the consumption of alcoholic beverages by such person upon your licensed premises; in violation of Rule 1 of State Regulations No. 20."

entered a plea of not guilty in advance of the hearing date.

On the hearing day, the Division moved that charges designated "2" and "5" above be nolle prosequi because the witnesses to support such charges could not be found to be subpoenaed to attend and testify. No reason appearing to the contrary, a rule of nolle prosequi as to the said charges "2" and "5" shall be and hereby is entered.

Defendants, admitting that the facts as disclosed by the Division's investigative record could not be controverted, asked to be permitted to withdraw the "not guilty" plea and enter a plea of "guilty" to charges designated "1", "3" and "4" above. Said plea was accepted.

The lewdness and immoral activities alleged in the charges, and admitted by the plea, consisted of solicitation by females for the purpose of prostitution, procuring (by one of the licensees) females for the purpose of prostitution, all on the licensed premises, and the maintenance of a place for the making of assignations.

It is not necessary to relate the sordid details of the "procuring" and "soliciting". Suffice to say Bennie Baldino offered to furnish two of the Division's agents a female for the purpose of their sexual "pleasure". Pursuant to said offer, he introduced the agents to several women. Eventually, one of the agents, upon the solicitation of one of the women, left the premises for the avowed purpose of engaging in prostitution. The purpose was interrupted before actually commenced after the agent and the prostitute left the premises. This latter occurrence, on January 14, was the climax of investigations covering the time mentioned in the complaint, during all of which time the said prostitutes were observed making contact with and leaving the premises with other male patrons, via the front door or by the rear door, apparently for the purpose of prostitution and returning after a short interval.

On the night of January 13, one Mary ----, working on the licensed premises, was observed accepting beverages at the expense of various customers and patrons of the licensed business. It was also observed that one "Johnny", a person apparently intoxicated, while in such condition was served alcoholic beverages by Bennie Baldino.

There is no doubt that the illegal activities were carried on with the full knowledge of Michael Panasiuk, the other partner, and that Bennie Baldino actually participated in the interdicted acts.

The privilege of selling alcoholic beverages at retail to the public, one granted to the few and denied to the many, Paul v. Gloucester, 50 N.J.L. 585, must be exercised in the public interest. There can be no question that such practices as herein disclosed must not be permitted to exist on licensed premises. Re Sengebush, Bulletin 311, Item 8, and cases cited. The operator of a liquor licensed business is charged with the responsibility of operating the business in a proper manner. His interest, financial or otherwise, cannot prevail over public interest. Grant Lunch Corp. v. Driscoll, 129 N.J.L. 408; aff. Grant Lunch Corp. v. Driscoll, 130 N.J.L. 554. The operations described herein lead to only one conclusion, i.e., that the defendants are not proper persons to hold a liquor license. I shall, therefore, revoke the defendants' license effective immediately.

Accordingly, it is, on this 28th day of March, 1950,

ORDERED that Plenary Retail Consumption License C-26, issued by the Mayor and Council of the Borough of Lodi to Bennie Baldino and Michael Panasiuk, t/a Buddy's Bar & Pizzeria, for premises 10 First Street, Lodi, be and the same is hereby revoked, effective immediately.

ERWIN B. HOCK
Director.

11. DISCIPLINARY PROCEEDINGS. - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

DAVID DANKNER)
T/a D. D. WINE & LIQUOR)
49 Market Street)
Passaic, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-13, issued by the Board of Commissioners of the City of Passaic.)

-----)
David Dankner, 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 March 9, 1950, the licensee sold a 4/5 quart bottle of Kinsey Gold Label Blended Whiskey to each of two agents of the State Division of Alcoholic Beverage Control -- one for the price or sum of \$3.75, the other for \$3.74. The minimum consumer price for the beverage mentioned above, as listed in the then current "List of Minimum Resale Prices", effective January 1, 1950, was \$3.99.

Defendant has no prior adjudicated record. I shall suspend the license for ten days. Remitting five days for the plea will leave a net suspension of five days. Re Alevras, Bulletin 858, Item 7.

Accordingly, it is, on this 29th day of March, 1950,

ORDERED that Plenary Retail Distribution License D-13, issued by the Board of Commissioners of the City of Passaic to David Dankner, t/a D. D. Wine & Liquor, for premises 49 Market Street, Passaic, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. April 10, 1950, and terminating at 9:00 a.m. April 15, 1950.

ERWIN B. HOCK
Director.

12. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

CHARLES BARCIA and JOSEPH BARCIA T/a ROKAY BEVERAGE COMPANY 733 Main Avenue Passaic, N. J.,

CONCLUSIONS AND ORDER

Holders of Plenary Retail Distribution License D-11, issued by the Board of Commissioners of the City of Passaic.

Defendant-licensees, by Charles Barcia, Partner. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they sold alcoholic beverages at retail below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

On March 13, 1950, ABC agents were present in defendants' premises when a customer purchased from Charles Barcia (one of the licensees) a pint bottle of Kinsey Silver Label Blended Whiskey for the sum of \$2.10. The minimum consumer price of said item, as set forth in list of prices effective January 1, 1950, is \$2.25. Charles Barcia verbally admitted the violation.

The minimum penalty for a Fair Trade violation is ten days. See Bulletin 792, Item 9.

Defendants have no prior adjudicated record. I shall suspend defendants' license for ten days, less five days for the plea, leaving a net suspension of five days.

Accordingly, it is, on this 29th day of March, 1950,

ORDERED that Plenary Retail Distribution License D-11, issued by the Board of Commissioners of the City of Passaic to Charles Barcia and Joseph Barcia, t/a Rokay Beverage Company, for premises 733 Main Avenue, Passaic, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. April 10, 1950, and terminating at 9:00 a.m. April 15, 1950.

ERWIN B. HOCK Director.

13. APPELLATE DECISIONS - QUINLAN ET ALS. v. NEWARK AND SIEGENDORF, BARTELMES AND RICHARDSON.

GEORGE QUINLAN, ALICE L. HALL,)
JAMES S. MARCH, et al.,)
Appellants,)

-vs-

ON APPEAL
O R D E R

MUNICIPAL BOARD OF ALCOHOLIC)
BEVERAGE CONTROL OF THE CITY OF)
NEWARK, and ANNA SIEGENDORF,)
ALBERT BARTELMES and SARAH E.)
RICHARDSON,)
Respondents.

No appearance on behalf of Appellants.
Charles Handler, Esq., by Michael Breitkopf, Esq., Attorney for
Respondent Municipal Board of Alcoholic Beverage Control.
Samuel S. Saiber, Esq., Attorney for Respondents Anna Seigendorf,
Albert Bartelmes and Sarah E. Richardson.

BY THE DIRECTOR:

This is an appeal from the action of the Municipal Board of Alcoholic Beverage Control of the City of Newark in granting a transfer of a plenary retail distribution license from 465 McCarter Highway to 317 Verona Avenue, Newark.

On the day this appeal was scheduled to be heard, a notice addressed to me was received by United States mail to the effect that the appellants did not desire to proceed with said appeal.

At the time and place fixed for hearing the appellants did not appear to prosecute the appeal filed in this matter.

Pursuant to Rule 10 of State Regulations No. 15, the within appeal is dismissed for lack of prosecution.

Accordingly, it is, on this 30th day of March, 1950,

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

ERWIN B. HOCK
Director.

14. STATE LICENSES - NEW APPLICATIONS FILED.

Lawrence Warehouse Company
Market and Fillmore Sts., Gloucester City, N. J.
Application for Public Warehouse License filed March 22, 1950.

Drewrys Limited U.S.A. Inc.
1408 Elwood Ave., South Bend, Indiana.
Application for Limited Wholesale License filed March 23, 1950.

Bertram E. Kloidt and Nicholas R. Krauszer, t/a K & K Beverages
Hurffville Road, Almonesson, N. J.
Application filed March 24, 1950 for transfer of State Beverage Distributor's License SBD-39 from Edward Anthony Wolkowicz.

Gerald Fonsetto, t/a Fonsetto Trucking Service
1 Foster Street, Bergenfield, N. J.
Application for Transportation License filed March 30, 1950.

John P. De Spagna, t/a De Spagna Motor Service Co.
135 Front St., New York, N. Y.
Application for Transportation License filed March 31, 1950.

ERWIN B. HOCK

15. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ALEXANDER LUGOWE & PETER LUGOWE
T/a DUNDEE LIQUOR SHOP
133 Passaic Street
Passaic, N. J.,

CONCLUSIONS
AND
ORDER

Holders of Plenary Retail Distribution License D-19, issued by the Board of Commissioners of the City of Passaic.

Defendant-licensees, by Alexander Lugowe, partner.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they sold alcoholic beverages below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

On March 13, 1950, Alexander Lugowe, one of the licensees herein, sold a pint bottle of P M DeLuxe Blended Whiskey for the sum or price of \$2.20. The then effective minimum resale (consumer) price as published in a pamphlet issued by the State Division of Alcoholic Beverage Control and effective January 1, 1950, was \$2.27.

Defendants have no previous adjudicated record. I shall, therefore, suspend their license for the minimum period of ten days. Five days will be remitted because of the plea entered herein, leaving a net suspension of five days. Re Fox, Bulletin 864, Item 4.

Accordingly, it is, on this 30th day of March, 1950,

ORDERED that Plenary Retail Distribution License D-19, issued by the Board of Commissioners of the City of Passaic to Alexander Lugowe & Peter Lugowe, t/a Dundee Liquor Shop, 133 Passaic Street, Passaic, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. April 10, 1950, and terminating at 9:00 a.m. April 15, 1950.

Edward F. Ambrose

Director.

New Jersey State Library