

STATE OF NEW JERSEY
 Department of Law and Public Safety
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL
 1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1164

MAY 8, 1957.

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1164

MAY 8, 1957.

1. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PRIOR RECORD -
LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

PASSAIC RIVER YACHT CLUB, INC.)
Hackensack River & Lincoln Highway)
Kearny, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-2, issued)
by the Town Council of the Town of)
Kearny.)

Defendant-licensee, by John H. Osmun, Chairman, Board of
Trustees.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On February 1, 1957, you possessed, had custody of
and allowed, permitted and suffered in and upon your
licensed premises, alcoholic beverages in bottles which
bore labels which did not truly describe their contents,
viz.,

One 4/5 quart bottle labeled 'Seagram's Seven Crown
Blended Whiskey 86.8 Proof',

One 4/5 quart bottle labeled 'Wilson That's All
Blended Whiskey 86 Proof',

One 4/5 quart bottle labeled 'Lord Calvert Blended
Whiskey #W998117 - 86.8 Proof',

One 4/5 quart bottle labeled 'Imported Seagram's V.O.
Canadian Whisky A Blend 86.8 Proof',

One 4/5 quart bottle labeled 'Four Roses Blended Whiskey
86.8 Proof';

in violation of Rule 27 of State Regulation No. 20."

The file discloses that on February 1, 1957, an ABC
agent, while testing and gauging the licensee's open bottles of
alcoholic beverages, seized a number of said bottles because
their contents appeared to be low in proof and off in color.
The chemist's report shows that, when compared with samples of
the genuine product of the labeled brands, the contents of each
of the five bottles mentioned in the charge were found to be low
in proof, acids and solids.

Defendant has a prior adjudicated record. Effective
July 27, 1942, the local issuing authority suspended its license
for ten days for sale to non-members and sale for off-premises
consumption, and effective October 13, 1952, the local issuing
authority suspended its license for five days for sale to non-
members. The minimum period of suspension for a violation of

this kind, where five bottles are involved, is twenty-five days (Re 20th Century Bar, Inc., Bulletin 802, Item 4). The suspension effective July 27, 1942, will not be considered because it was imposed more than ten years ago, but because of the suspension effective October 13, 1952 (imposed as a result of a dissimilar violation within the past five years), I shall suspend defendant's license in this proceeding for thirty days. Five days will be remitted for the plea herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 14th day of March, 1957,

ORDERED that Club License CB-2, issued by the Town Council of the Town of Kearny to Passaic River Yacht Club, Inc., for premises on Hackensack River & Lincoln Highway, Kearny, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. March 25, 1957, and terminating at 2:00 a.m. April 19, 1957.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - SALES TO INTOXICATED PERSONS - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against)

ROLLY BESKIN & LOUIS J. SCHWARTZ)
T/a BOBALOO TAVERN)
178 Twelfth Avenue)
Paterson, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-165, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

George S. Grabow, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendants pleaded not guilty to charges alleging that on Friday night, September 28, 1956 and early Saturday morning, September 29, 1956 they (1) sold, served and delivered alcoholic beverages to two minors and permitted the consumption of such beverages by said minors in and upon their licensed premises and (2) they allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person actually or apparently intoxicated and permitted the consumption of such beverages by said person in and upon their licensed premises, both in violation of Rule 1 of State Regulation No. 20.

"At the hearing herein, the Division called as its witnesses Zack ---, Frances --- and the ABC agents who participated in the investigation of defendants' licensed premises.

"Zack and Frances testified that they were eighteen and twenty years of age, respectively, on September 28, 1956.

"During the hearing defendants admitted that on the dates alleged Frances consumed alcoholic beverages in their tavern and that such beverages were served by a bartender who, on the occasion, required no written proof of her age. The testimony of the ABC agents and Zack as to Zack's activity on the licensed premises is hereinafter set forth. On cross-examination Zack testified that when he entered the licensed premises he was intoxicated. However, defendants sought to prove (a) that the sale, service and delivery of the beverages to Frances were in accord with the provisions of R.S. 33:1-77 and (b) that Zack was not served and did not consume any alcoholic beverages in defendants' premises on the dates charged herein.

"As to (a), the testimony of defendants' witnesses tends to show that on a previous occasion Frances visited defendants' tavern with her mother, at which time Frances stated to Rolly Beskin, one of the licensees, that she was twenty-one years of age; that her mother verbally confirmed the statement; that Frances exhibited for the perusal of said licensee an affidavit, duly executed by her mother, which purported to verify their claim that Frances was in fact twenty-one years of age; that her mother admitted that the affidavit was untrue and was executed to enable her daughter 'to get a job'; that Beskin notwithstanding the fact, as testified to by him, that Frances 'always looked young', relied upon the representations and that thereafter he and his employees sold, served and delivered to the minor Frances alcoholic beverages which she consumed in defendants' establishment.

"R. S. 33:1-77 provides that 'Anyone who sells any alcoholic beverage to a minor shall be guilty of a misdemeanor; provided, however, that the establishment of all of the following facts by a person making any such sale shall constitute a defense to any prosecution therefor: (a) that the minor falsely represented in writing that he or she was twenty-one (21) years of age or over, and (b) that the appearance of the minor was such that an ordinary prudent person would believe him or her to be twenty-one (21) years of age or over, and (c) that the sale was made in good faith relying upon such written representation and appearance and in the reasonable belief that the minor was actually twenty-one (21) years of age or over.'

"The defense outlined in the aforesaid statute has been ruled to be effective in disciplinary proceedings as well as in criminal proceedings. Cf. Caruso v. Jersey City, Bulletin 694, Item 1.

"Defendants rely upon the case of Caruso v. Jersey City, supra as authority for dismissal of the charge with respect to Frances. However, the facts in that case are distinguishable from those herein. In the Caruso case the minor himself falsely represented in writing that he was twenty-one years of age and his appearance was such that an ordinary prudent person would believe him to be twenty-one years of age or over. In the instant case the minor did not represent in writing that she was twenty-one years of age or over.

"As to (b), the agents testified that they observed Zack take a bottle of beer from a friend at the bar and drink a portion of the contents; that later the friend ordered two

bottles of beer which were placed on the bar in front of him by James Boyce, one of the bartenders, who neither made inquiry as to the persons for whom they were intended nor supervised their distribution; that Zack reached over and took one of the bottles off the bar and proceeded to consume the contents; and that they then made their identities known.

"Zack testified that 'I grabbed a fellow's beer and turned it up and he snatched it away from me.' He denied that he took a bottle of beer from the bar and stated that he did not order or pay for any alcoholic beverages and that no alcoholic beverages were served to him by any of the bartenders in the licensed premises on the dates alleged.

"Boyce denied that he served Zack any drinks but on cross-examination when asked if, when he served two bottles of beer to any one man, he inquired for whom the other bottle was intended, he replied 'I don't question people who it's for. If he is of age and he asked, I don't question who the second bottle is for.'

"I can see no reason for disbelieving the agents' testimony respecting Zack's activities and the bartender's unconcern respecting the ultimate consumers of the beer he served.

"A violation of Rule 1 of State Regulation No. 20 results when a minor consumes the alcoholic beverage, since that Rule provides that no licensee shall 'allow, permit or suffer' the service or delivery of alcoholic beverages, directly or indirectly, to any minor on the licensed premises or the consumption of such beverages by a minor on said premises.

"Since in the instant case the licensees freely permitted minors upon their premises a duty was imposed upon them to see that the bottles of beer placed together on the bar in front of the adult were not intended for those minors. See Re Morganstern and Oliner, Bulletin 292, Item 9.

"Having carefully considered the entire record herein, including the memorandum submitted by defendants' attorney, I find that defendants failed to comply with the provisions of R. S. 33:1-77 with respect to the sale, service and delivery of alcoholic beverages to and consumption of such beverages by the minor Frances and I find, further, that the licensees served alcoholic beverages on the licensed premises to the minor Zack, who was intoxicated when served, and I conclude that the defendants are guilty of the violations as set forth in both of the charges herein.

"Defendants have a prior adjudicated record. Effective September 12, 1955 their license was suspended for fifteen days by the Director for bookmaking and lottery activity. Re Beskin & Schwartz, Bulletin 1080, Item 11. The minimum suspension imposed for sale of alcoholic beverages to an eighteen-year-old minor is fifteen days (Re Krugel, Bulletin 1130, Item 11), and the minimum suspension usually imposed for serving such beverages to an intoxicated, or apparently intoxicated person, is twenty days (Re Blanker, Bulletin 1107, Item 10). However, taking into consideration all the facts of this case, including defendants' prior record, I recommend that defendants' license be suspended for a period of thirty days."

Exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16.

After carefully reviewing the record herein, I concur in and adopt the findings and recommended conclusions of the Hearer, but wish to add that the minimum penalty (considering the prior record) would normally be forty days. However, since the facts in this case are rather unusual, the circumstances surrounding the violation will be considered in mitigation of the penalty which will be a suspension of defendants' license for a period of thirty days.

Accordingly, it is, on this 14th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-165, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Rolly Beskin & Louis J. Schwartz, t/a Bobaloo Tavern for premises 178 Twelfth Avenue, Paterson, be and the same is hereby suspended for thirty (30) days, commencing at 3:00 a.m. March 21, 1957, and terminating at 3:00 a.m. April 20, 1957.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FRANK'S TAVERN, INC.)

T/a ESSEX LODGE)

Fairfield Rd. and Plog Road)

Caldwell Township)

PO Caldwell RD, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Caldwell.)
-----)

Frank's Tavern, Inc., Defendant-licensee, by Elsie Knechtal, President.

William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On January 24, 1957, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, alcoholic beverages in bottles which bore labels which did not truly describe their contents, viz.,

One 4/5 quart bottle labeled 'Black and White Blended Scotch Whisky 86.8 Proof',

One 4/5 quart bottle labeled 'Old Smuggler Brand Blended Scotch Whisky 86 Proof',

One 4/5 quart bottle labeled 'Blended Scotch Whisky Vat 69 - 86.8 Proof',

One quart bottle labeled 'Lord Calvert Blended Whiskey #D939382 - 86.8 Proof',

One quart bottle labeled 'Four Roses Blended Whiskey 86.8 Proof',

One quart bottle labeled 'Imperial Hiram Walker Blended Whiskey 86 Proof' and

One quart bottle labeled 'Schenley Reserve Blended Whiskey 86 Proof';

in violation of Rule 27 of State Regulation No. 20."

The file discloses that on January 24, 1957, an ABC agent, while testing and gauging the licensee's opened bottles of alcoholic beverages, seized a number of said bottles because their contents appeared to be low in proof. The chemist's report shows that, when compared with samples of the genuine product of the labeled brands, the contents of each of the seven bottles mentioned in the charge were found to be low in proof, acids and solids.

Defendant has no prior adjudicated record. I shall suspend defendant's license for thirty days, the minimum suspension imposed in a case involving seven bottles (Re Buttler, Bulletin 840, Item 7). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 14th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Caldwell to Frank's Tavern, Inc., t/a Essex Lodge, for premises at Fairfield Rd. and Plog Road, Caldwell Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. March 25, 1957, and terminating at 2:00 a.m. April 19, 1957.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ANTHONY DELBONO)
T/a DELBONO'S GRILL)
181 Throop Avenue)
New Brunswick, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-70, issued by the Board of Commissioners of the City of New Brunswick.)

John A. Lynch, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to a minor, and allowed, permitted and suffered the consumption of such beverages by said minor in his licensed premises, in violation of Rule 1 of State Regulation No. 20.

At about 12:25 a.m. February 10, 1957, ABC agents who were then in defendant's premises observed Stanley Krzywicki, a bartender, serve a glass of beer to each of two young men who appeared to be minors. After each apparent minor had consumed part of his drink, other ABC agents entered and the agents identified themselves to the bartender. Subsequent investigation disclosed that one of the apparent minors was twenty-one years of age but that Robert --- (the other apparent minor) was only nineteen years of age. Robert --- gave to the ABC agents a statement in which he said that no one in the licensed premises had questioned him as to his age.

Defendant has a prior record. The local issuing authority suspended his license on four previous occasions: for fifteen days, effective June 7, 1942, for permitting gambling and sale to minors; for five days, effective June 15, 1953, for sale during prohibited hours; for twenty days, effective May 10, 1954, for sale to minors, and for twenty days, effective July 10, 1955, for sale during prohibited hours. The first violation, having occurred beyond a ten-year period, will not be considered in fixing penalty herein (Re Stein, Bulletin 1067, Item 4). The minimum suspension in an unaggravated case for sale to a nineteen-year-old minor is now fifteen days (Re Pennington, Bulletin 1133, Item 9). Because of the similar violation and the two dissimilar violations committed within the past five years, I shall suspend defendant's license in this case for thirty-five days. Five days will be remitted for the plea, leaving a net suspension of thirty days.

Accordingly, it is, on this 18th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-70, issued by the Board of Commissioners of the City of New Brunswick to Anthony Delbono, t/a Delbono's Grill, for premises 181 Throop Avenue, New Brunswick, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. March 25, 1957, and terminating at 2:00 a.m. April 24, 1957.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ERICH & JOHANNA GRETHLEIN
T/a WAYNE'S INN
2323 New Road
Northfield, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-2, issued by the Common Council of the City of Northfield.

Erich & Johanna Grethlein, Defendant-licensees, Pro se.
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, served and delivered and allowed, permitted

and suffered the sale, service and delivery of alcoholic beverages to three minors, and permitted the consumption of such beverages by said minors on their licensed premises, in violation of Rule 1 of State Regulation No. 20.

The three minors involved are Edward --- (age 17), Richard --- (age 18) and James --- (age 19) who are the same minors mentioned in Re Rugby Inn, Inc., Bulletin 1163, Item 5. In their statements the minors say that, after they left the Rugby Inn on the evening of January 26, 1957, they went to defendants' premises where each consumed three or four glasses of beer served by Charles Thomas Schafer, who did not question any of them as to their respective ages. Schafer claimed that two of the minors exhibited cards indicating that they were of full age, but this is denied by the minors and, in any event, none of the minors made any written representation as to his age.

Defendants have no prior adjudicated record. I shall suspend defendants' license for twenty-five days (Re Rugby Inn, Inc., supra). Five days will be remitted for the plea, leaving a net suspension of twenty days.

Accordingly, it is, on this 18th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-2, issued by the Common Council of the City of Northfield to Erich & Johanna Grethlein, t/a Wayne's Inn, for premises 2323 New Road, Northfield, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. March 26, 1957, and terminating at 3:00 a.m. April 15, 1957.

WILLIAM HOWE DAVIS
Director.

- 6. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF STATE REGULATION NO. 38 - SALE DURING PROHIBITED HOURS AND FAILING TO HAVE PREMISES CLOSED DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - SALE BELOW MINIMUM CONSUMER RESALE PRICE - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

WALLACE J. MIANOWSKI and)
WALLACE J. KISLOWSKI)
T/a WALLY'S BAR & GRILL)
207 Bloomfield Avenue)
Bloomfield, N. J.,)

CONCLUSIONS
AND ORDER

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

Joseph F. Zeller, Esq., Attorney for Defendant-licensees.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to charges alleging that (1) on Sunday, December 9, 1956, they sold an alcoholic

beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulation No. 38; (2) on said date they sold an alcoholic beverage during prohibited hours, in violation of a local ordinance; (3) on said date they failed to have their barroom closed during prohibited hours, in violation of a local ordinance, and (4) they sold an alcoholic beverage at less than the price listed in the currently effective Minimum Consumer Resale Price List, in violation of Rule 5 of State Regulation No. 30.

The file herein discloses that three ABC agents entered defendants' premises at about 1:30 a.m. Sunday, December 9, 1956; that about 1:50 a.m. a Bloomfield Police officer entered and cautioned Wallace J. Mianowski about the time; that about 1:55 a.m. Mianowski made a call for the last round of drinks and extinguished the exterior lights; that about 2:00 a.m. another bartender started to serve drinks to two of the investigators and Mianowski told the bartender that he should not serve any more drinks, whereupon these two investigators left the premises; that a few minutes later Mianowski requested three remaining patrons and the third investigator to leave; that the three other patrons left, but the third investigator remained and, at 2:05 a.m., asked Mianowski for a pint of Seagram's Seven Crown whiskey which was sold to said investigator for \$2.80 although the minimum resale price then in effect for said item was \$2.83; that the third investigator left the premises with the bottle of whiskey at 2:10 a.m.; rejoined the other investigators and all returned to the premises where they identified themselves.

Defendants have no prior adjudicated record. Ordinarily I would suspend defendants' license for twenty days on Charges 1, 2 and 3 and for an additional ten days on Charge 4, making a total of thirty days (Re Marsam Quality Food & Liquor Center, Inc., Bulletin 1054, Item 4). However, I shall consider as mitigating circumstances the apparent effort made to close the premises at 2:00 a.m. and the fact that the only sale made after that time was the sale of the bottle to the third investigator. Under the circumstances of this case, I shall suspend defendants' license for twenty-five days, less five for the plea, leaving a net suspension of twenty days.

Accordingly, it is, on this 12th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-2, issued by the Town Council of the Town of Bloomfield to Wallace J. Mianowski and Wallace J. Kislowski, t/a Wally's Bar & Grill, for premises 207 Bloomfield Avenue, Bloomfield, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. March 19, 1957, and terminating at 2:00 a.m. April 8, 1957.

WILLIAM HOWE DAVIS
Director.

7. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN PRIVATE RESIDENCE - STOCK OF ALCOHOLIC BEVERAGES ORDERED FORFEITED - HOUSEHOLD EFFECTS RETURNED.

In the Matter of the Seizure on) Case No. 9260
 August 9, 1956 of a quantity of)
 alcoholic beverages, furnishings,)
 fixtures, equipment and \$13.26 in)
 cash, at premises occupied by) ON HEARING
 Catherine Lanzafama and Anthony) CONCLUSIONS AND ORDER
 Trimarco, located on Inman Avenue)
 (Route No. 4), in Edison Township,)
 County of Middlesex and State of)
 New Jersey.)

-----)
 Morris Spritzer, Esq., Attorney for Catherine Lanzafama.
 I. Edward Amada, Esq., appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether a quantity of alcoholic beverages, \$13.26 in cash, and various articles of furniture, fixtures and equipment, described in a schedule attached hereto, seized on August 9, 1956 in a dwelling occupied by Catherine Lanzafama and Anthony Trimarco located on Inman Avenue (Route No. 4), in Edison Township, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R. S. 33:1-66, an appearance was entered by Catherine Lanzafama, who sought return of five specific articles hereinafter referred to. No one opposed forfeiture of the alcoholic beverages, \$13.26 in cash, and the balance of the property seized.

Reports of ABC agents and other documents in the file presented in evidence with consent of counsel for Catherine Lanzafama disclose the following facts:

On August 8, 1956 at about 6:00 p.m. an ABC agent visited the premises to investigate a complaint that alcoholic beverages were being sold there without a license. The agent met Catherine Lanzafama outside the building and asked her where he could purchase beer, whereupon she directed him to the basement of the dwelling. The agent entered such basement, where Anthony Trimarco and two other persons were present. The latter were watching television. The room was equipped with a refrigerator, tables, chairs and other articles. The agent purchased various drinks of alcoholic beverages from Anthony Trimarco, who handed the money to Catherine Lanzafama. The agent left without disclosing his identity.

On August 9, 1956 at about 5:00 p.m. the agent returned to the basement in the dwelling. He was greeted by Catherine Lanzafama and observed three other persons there drinking alcoholic beverages. The agent purchased drinks of alcoholic beverages from Catherine Lanzafama and paid her with dollar bills identified by serial numbers. Another agent then entered the basement and purchased drinks of alcoholic beverages from Catherine Lanzafama similarly paying for the drinks with marked dollar bills. Other ABC agents and local police officers entered the basement and all of the officers disclosed their identities.

Neither Catherine Lanzafama nor Anthony Trimarco hold any license authorizing either of them to sell alcoholic beverages and the premises were not licensed for that purpose. The agents obtained a signed sworn statement from Catherine Lanzafama wherein she acknowledges that she sold alcoholic beverages in the basement to people who came to her home and that the agent purchased alcoholic beverages there on the above mentioned dates; that the \$13.26 which she had in her purse represented proceeds of the sale of alcoholic beverages and included four of the marked dollar bills, and that she stored some of her stock of alcoholic beverages in a refrigerator located in the kitchen on the upper floor of the dwelling.

The agents seized the stock of beer, wine and whiskey, \$13.26 in cash and various articles of furniture and furnishings in the basement, and seized the Westinghouse refrigerator in the kitchen on the upper floor.

The evidence presented establishes that the seized alcoholic beverages were intended for unlawful sale and hence are illicit. R. S. 33:1-1(1). Such illicit alcoholic beverages and the cash, furniture, fixtures and other equipment seized therewith constitute unlawful property and are subject to forfeiture. R. S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

Catherine Lanzafama seeks return of the Westinghouse refrigerator, a washing machine, electric toaster, a five-year-old 10" television set and various pots and pans. Although she owned and operated a speakeasy in her private residence, her household effects will not be forfeited, since such has been the uniform policy of the Division, where there are no aggravating circumstances. See Seizure Case No. 7784. The washing machine, electric toaster, television set, and pots and pans may fairly be considered to be household effects. The Westinghouse refrigerator was on the upper floor where no unlawful alcoholic beverage activity apparently took place and thus may likewise be fairly considered a household effect. Therefore, such items, more fully described in Schedule "A", attached hereto, and therein specifically identified as items numbered 7, 11, 15, 29 and 34 on the inventory of the seized property, will be returned to her upon payment of the costs of seizure and storage.

Accordingly, it is DETERMINED and ORDERED that if on or before the 21st day of March, 1957, Catherine Lanzafama pays the costs incurred in the seizure and storage of such articles, listed in Schedule "A" aforesaid and further identified therein as inventory item numbers 7, 11, 15, 29 and 34, such household effects will be returned to her; and it is further

DETERMINED and ORDERED that the \$13.26 in cash and the balance of the seized property more fully described in Schedule "A" attached hereto, constitute unlawful property, and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and shall be sold at public sale for the use of the state in accordance with State Regulation No. 29 or 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.

WILLIAM HOWE DAVIS
Director.

Dated: March 11, 1957.

Inventory
Item No.

SCHEDULE "A"

	480 -- bottles of beer	N 65
	17 -- bottles of assorted brands of other alcoholic beverages	
	50 -- gallons of home made wine	
	14 -- chairs	N 65
	5 -- tables	
	1 -- Frigidaire	
	1 -- Philco radio	
34	1 -- Westinghouse refrigerator	N 65
	54 -- packs of cigarettes	
	23 -- bottles of anisette flavor	
7	1 -- Maytag washing machine	
	1 -- kitchen cupboard	
	1 -- buffet	
	1 -- dresser & stools	
11	1 -- television set	
	1 -- phonograph	
	1 -- electric clock	
15	1 -- electric toaster	
	2 -- fans	
	1 -- slicing machine	
	1 -- scale	
29	Miscellaneous kitchen equipment	
	\$13.26 in cash	

8. APPELLATE DECISIONS - HENCINSKI v. HADDON TOWNSHIP.

BETTY DECKERT HENCINSKI,
t/a BETTY'S MUSICAL BAR,

Appellant,

-vs-

BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF HADDON,

Respondent.

ON APPEAL
ORDER

Frank M. Lario, Esq., Attorney for Appellant.
Bennett & Wingate, Esqs., by Leon A. Wingate, Jr., Esq.,
Attorneys for Respondent.

Daniel B. Toll, Esq., Attorney for Objector.
Emory S. Kates, Esq., Attorney for Objector.

BY THE DIRECTOR:

Appellant is the holder of a plenary retail consumption license for premises at the southwest corner of Nicholson Road and Crescent Boulevard, Township of Haddon. She filed the within appeal from respondent's action whereby it denied an application to transfer her license to premises including her present licensed premises and a proposed addition thereto approximately 20 x 30 feet in area, facing on Nicholson Road.

Prior to the hearing the attorney for appellant advised me by letter that his client had instructed him to withdraw the pending appeal, and that copies of his letter had been sent to the other interested attorneys. No reason appearing to the contrary,

It is, on this 18th day of March, 1957,

ORDERED that the within appeal be and the same is hereby discontinued.

WILLIAM HOWE DAVIS
Director.

9. MORAL TURPITUDE - BIGAMY HELD TO INVOLVE MORAL TURPITUDE.

March 11, 1957.

Re: Eligibility No. 673

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

When applicant called at the offices of this Division he executed a sworn statement wherein he said that he is twenty-seven years of age; that in 1952 he was convicted on a charge of nonsupport; that he has never been convicted of any other crime and has had no difficulty with the law for the past five years. Thereafter he was fingerprinted.

Since it has been determined that a conviction on a charge of nonsupport is not a conviction of crime within the meaning of R. S. 33:1-25 (Re Case No. 775, Bulletin 858, Item 12), a corporate liquor licensee in this State was advised that it might employ applicant on its licensed premises unless his fingerprint returns disclosed that he is ineligible, in which event it would be notified to that effect.

It appears from the fingerprint returns that applicant was charged with the crimes of desertion on April 15, 1950 and bigamy on May 11, 1951 and was indicted on both charges; that on October 22, 1951 he pleaded guilty to said indictments and on November 9, 1951 was sentenced to Annandale Reformatory from which he was paroled on August 19, 1952; that on March 9, 1954 he was returned to Annandale for violating his parole and was again paroled therefrom on November 4, 1954. His maximum sentence expired August 31, 1956.

The crime of desertion may or may not involve moral turpitude depending upon the facts surrounding the commission of the offense. Re Case No. 286, Bulletin 346, Item 15. The evidence herein is insufficient for a determination with respect to that crime. However, bigamy, involving as it does an abuse of the formal and solemn contract of marriage, forbidden by law because of its outrage on public decency (3 R.C.L. 804), at least ordinarily involves moral turpitude. Cf. Whitty v. Weedon, 68 F. (2d) 127. It has been established by this Division that said crime involves the element of moral turpitude. Re Case No. 373, Bulletin 455, Item 10; Re Case No. 1232, Bulletin 1077, Item 10.

In view of the aforesaid, I recommend that applicant and the licensee employer be advised that, in the opinion of the Director, applicant is not presently eligible to be employed by or connected in any business capacity whatsoever with the holder of a liquor license in this State.

I recommend further that applicant be advised that he may, pursuant to R. S. 33:1-31.2, apply to have his disqualification removed on or after November 4, 1959.

Joseph A. Burns
Attorney.

APPROVED:
WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary)
Proceedings against)
)
PHILIP OLSHAKER)
T/a PHIL'S LIQUOR STORE)
State Highway #9)
Ocean Township)
PO Waretown, N. J.,)
)
Holder of Plenary Retail Distri-)
bution License D-1, issued by the)
Township Committee of Ocean)
Township.)
-----)

CONCLUSIONS
AND ORDER

Novins and Novins, Esqs., by Robert F. Novins, Esq., Attorneys
for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he
sold, served and delivered alcoholic beverages, directly or
indirectly, to two minors, in violation of Rule 1 of State
Regulation No. 20.

The file herein discloses that an ABC agent obtained
from the New Jersey State Police original statements which had
been taken from four minors during a police investigation. In
his statement Alexander --- (20 years of age) said that on the
evening of February 28, 1957, he and Paul --- entered defend-
ant's licensed premises and purchased from defendant one case
of beer. In his statement Paul --- (18 years of age) said that
on February 28, 1957, at about 9:00 p.m., he and Alexander ---
entered defendant's premises and asked defendant for a case of
beer; that he (Paul) paid for the case which was carried by
Alexander --- from the premises to an automobile parked out-
side. In their statements the other two minors said that, on
the evening in question, they remained in the automobile while
Paul --- and Alexander --- entered defendant's premises and
returned with a case of beer.

In attempted mitigation it is alleged that the sale
was made only to the twenty-year-old minor, but the statements
lead me to conclude that the sale was made to both of the
minors who entered the premises.

Defendant has no prior adjudicated record. I shall
suspend defendant's license for fifteen days (Re Acerra, Bul-
letin 1153, Item 4). Five days will be remitted for the plea
herein, leaving a net suspension of ten days.

Accordingly, it is, on this 13th day of March, 1957,

ORDERED that Plenary Retail Distribution License D-1,
issued by the Township Committee of Ocean Township to Philip
Olshaker, t/a Phil's Liquor Store, for premises on State
Highway #9, Ocean Township, be and the same is hereby sus-
pended for ten (10) days, commencing at 9:00 a.m. March 18,
1957, and terminating at 9:00 a.m. March 28, 1957.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

WALTER BRUDZINSKI)
T/a FRIENDLY TAVERN)
1323 Erial Road)
Pine Hill)
PO Sicklerville, N. J.,)

CONCLUSIONS AND ORDER

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

Walter Brudzinski, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

The file herein discloses that at about 10:20 p.m. on Wednesday, March 6, 1957, ABC agents observed the defendant serve a glass of beer to Patrick ---. The agents made known their identities to Patrick and when they questioned him as to his age, he informed them that he was nineteen years old. He further stated that he was served a glass of beer by the defendant some time prior to the one the agents observed being served to him. The defendant admitted the service thereof.

Defendant has no prior adjudicated record. The minimum penalty for sale to a nineteen-year-old minor is fifteen days. Re Baloney John's, Inc., Bulletin 1132, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 18th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Pine Hill to Walter Brudzinski, t/a Friendly Tavern, 1323 Erial Road, Pine Hill, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. March 25, 1957, and terminating at 3:00 a.m. April 4, 1957.

WILLIAM HOWE DAVIS
Director.

12. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JIM'S RESTAURANT, INC.)
State Highway Route #35 & Morgan Ave.)
Sayreville RFD #1, So. Amboy, N.J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-25, issued by the Borough Council of the Borough of Sayreville.)

Jim's Restaurant, Inc., Defendant-licensee, by Frank Pepitone, President.

Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on January 18, 1957 it sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to three minors and allowed, permitted and suffered said minors to consume such beverages in and upon its licensed premises, in violation of Rule 1 of State Regulation No. 20.

On January 18, 1957, ABC agents at defendant's licensed premises observed a waitress serve Maureen ---, age 20, and Catherine ---, age 19, each a bottle of beer which they drank and also observed the bartender serve two whiskey highballs to John ---, age 19, which he drank. In the signed sworn statements of the three minors, they acknowledge that such are the facts and further that none of them were questioned as to his or her age or requested to sign any written representation thereof.

Defendant has no prior adjudicated record. The minimum suspension imposed for a sale of alcoholic beverages to a nine-teen-year-old minor, after January 16, 1956, is fifteen days (Re Malek, Bulletin 1147, Item 3) to which five days will be added because three minors were involved. Re Fogler, Bulletin 1145, Item 7. I shall suspend defendant's license for twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 18th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-25, issued by the Borough Council of the Borough of Sayreville to Jim's Restaurant, Inc., State Highway Route #35 & Morgan Ave., Sayreville, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3:00 a.m. March 25, 1957, and terminating at 3:00 a.m. April 9, 1957.


William Howe Davis
Director