

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

DP

BULLETIN 1336

May 3, 1960

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On the evening of January 13, 1960, one of the ABC agents had visited defendant's premises and had observed the aforesaid John --- tending bar. The agent did not identify himself at that time. However, on January 29, 1960, John --- gave a written statement to the agents wherein he admitted that he had tended bar in defendant's premises on three occasions and had received free drinks for his services.

Defendant has no prior adjudicated record. The minimum penalty for sale to a 19-year-old minor is fifteen days (Re Russakow, Bulletin 1197, Item 5). However, in view of the number of minors involved, I shall suspend defendant's license for twenty days on Charge 1 (Re Pandolfi, Bulletin 1231, Item 1). I shall suspend defendant's license for an additional period of ten days on Charge 2 (Re Fay's Wine & Liquor Co., Inc., Bulletin 1014, Item 7), making a total suspension of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 22d day of March 1960,

ORDERED that Plenary Retail Consumption License C-8, issued by the Common Council of the City of South Amboy to Francis J. Zebro, t/a Tom & Boxes Tavern, for premises 113 South Feltus St., South Amboy, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m., Monday, March 28, 1960 and terminating at 2:00 a.m., Friday, April 22, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

2. MILITARY INSTALLATIONS - SALES BY NEW JERSEY LICENSED MANUFACTURERS AND WHOLESALERS TO INDIVIDUALS AT MILITARY INSTALLATIONS PROHIBITED.

April 18, 1960

TO ALL MANUFACTURERS AND WHOLESALERS:

Recent investigation has disclosed that some manufacturers and wholesalers have been making what are federally designated as "Class 6" sales of alcoholic beverages to individual military personnel and making delivery to such personnel at military installations in New Jersey where such personnel are stationed, ostensibly for consumption on the military installation.

Reports of investigation also disclose that in many instances alcoholic beverages so sold and delivered are transported from the military installation to the homes of military personnel not living on the installation and in some instances the alcoholic beverages so removed from the installation appear to have been sold by the military personnel to civilians.

Obviously such sale is unlawful. So also is the related transportation of alcoholic beverages by military personnel from the military reservation to any point in New Jersey.

Accordingly, in an effort to prevent any such unlawful transportation and sale, I have concluded that New Jersey licensed manufacturers and wholesalers may not sell alcoholic beverages to individuals at military installations in New Jersey, whether they be military personnel there stationed or civilian personnel there employed notwithstanding that such sale may be permissible under federal law, and that sales for military use may be made only to organizations of military personnel and then only the extent permitted by R.S. 33:1-11.1, which provides as follows:



2:50 p.m. At 1:25 p.m. a male referred to as Benny (subsequently identified as Bernard Donofrio) came into the premises. A short time thereafter the agent heard a man inquire from the bartender (later identified as Charles Romano) about placing a "numbers" bet and after obtaining some change from Romano, placed a bet with Donofrio who recorded same on a piece of paper.

On Saturday, January 23, 1960 at 12:10 p.m., the agent aforementioned again visited defendant's premises and after observing two patrons place "numbers" bets with Donofrio, requested a pencil and paper from Romano, the bartender, and after receiving same wrote two "numbers" bets and read them to Donofrio who recorded the bets and received from the agent \$1.00 in payment therefor.

On Monday, January 25, 1960 at about 12:45 p.m., the agent who had visited defendant's premises on the prior occasion, in the company of another agent went into defendant's tavern. The agents observed Romano accept "numbers" bets from a female patron which he gave to Donofrio. Both agents discussed "numbers" bets with Romano and after each had written the numbers which they intended to play, one of the agents asked whether Romano would accept the bets or if they should give them to Donofrio who was on the premises. Romano said that "it doesn't make any difference". Thereafter the agents placed their respective "numbers" bets with Donofrio.

On Tuesday, January 26, 1960 at 1:25 p.m., the agents who had previously visited the defendant's premises again entered its establishment. Romano was again tending bar and Donofrio answered the telephone on four different occasions. At 2:15 p.m. the agents placed "numbers" bets with Donofrio, who, upon leaving the premises, was stopped by the agents who had placed "numbers" bets with him. The agents were joined by two other agents (one of whom took wrinkled slips of paper bearing numbers from Donofrio). The agents and Donofrio entered the premises and after the agents identified themselves to Romano, Donofrio was asked to empty his pockets which were found to contain, among other things, seven "numbers" slips bearing 50 numbers and a roll of bills (money). The two one-dollar bills (the serial numbers of which had been previously recorded) used by the agents in payment for their respective bets were found among Donofrio's money. After police were contacted by one of the agents, Lieutenant Little responded and after examining the evidence took Donofrio to police headquarters.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty-five days (the minimum period of suspension imposed for the violations imposed herein). Re Holian, Bulletin 1298, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 21st day of March 1960,

ORDERED that Plenary Retail Consumption License C-196, issued by the Board of Commissioners of the City of Union City to Calicchio's, Inc., for premises 615 Central Avenue, Union City, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m., Tuesday, March 29, 1960 and terminating at 3:00 a.m., Monday, April 18, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

4. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1959 THROUGH MARCH 31, 1960

	1st Quarter			2d Quarter			3d Quarter			Total
	July,	Aug.,	Sept.	Oct.,	Nov.,	Dec.	Jan.,	Feb.,	March	
<b>ARRESTS:</b>										
Total number of persons arrested			98			99			98	295
Licensees and employees			49			39			45	133
Bootleggers			48			59			52	159
ABC agent impersonators			1			1			1	3
<b>SEIZURES:</b>										
Motor vehicles - cars			7			4			6	17
- trucks			1			1			1	3
- trallers			1			-			1	2
Still - over 50 gallons			1			-			2	3
- 50 gallons or under			2			2			2	6
Alcohol - gallons			-			-			4.50	4.50
Mash - gallons			1,800.00			-			1,862.00	3,662.00
Distilled alcoholic beverages - gallons			299.21			315.95			120.36	735.52
Wine - gallons			52.95			134.46			956.78	1,144.19
Brewed malt alcoholic beverages - gallons			134.98			45.66			51.21	231.85
<b>RETAIL LICENSEES:</b>										
Premises inspected			1,308			1,697			1,338	4,943
Premises where alcoholic beverages were gauged			1,480			1,521			1,490	4,491
Bottles gauged			26,620			26,177			24,735	77,532
Premises where violations were found			141			128			115	384
Violations found			223			178			181	582
Unqualified employees			146			70			95	311
Application copy not available			45			46			30	121
Reg. #38 sign not posted			9			20			12	41
Prohibited signs			6			9			5	20
Other mercantile business			5			7			3	15
Disposal permit necessary			11			6			9	16
Improper beer taps			1			1			1	3
Other violations			10			19			26	55
<b>STATE LICENSEES:</b>										
Premises inspected			107			99			32	238
License applications investigated			34			21			14	69
<b>COMPLAINTS:</b>										
Complaints assigned for investigation			1,389			1,257			1,139	3,785
Investigations completed			1,330			1,248			1,109	3,687
Investigations pending			(195)			(190)			177	177
<b>LABORATORY:</b>										
Analyses made			1,176			843			865	2,884
Refills from licensed premises - bottles			252			100			80	432
Bottles from unlicensed premises			285			105			175	565
<b>IDENTIFICATION:</b>										
Criminal fingerprint identifications made			56			55			38	149
Persons fingerprinted for non-criminal purposes			885			631			629	2,145
Identification contacts made with other enforcement agencies			707			441			457	1,605
Motor vehicle identifications via N.J.State Police teletype			21			7			5	33
<b>DISCIPLINARY PROCEEDINGS:</b>										
Cases transmitted to municipalities			43			43			36	122
Violations involved			48			44			43	135
Sale during prohibited hours			28			21			26	75
Sale to minors			11			15			8	34
Failure to close premises during prohibited hours			4			1			6	11
Sale to non-members by club			3			1			1	5
Service to women at the bar (local regulation)			-			1			2	3
Permitting brawl, etc. on premises			1			1			-	2
Possessing chilled beer (DL licensee)			-			2			-	2
Failure to afford view into premises during prohibited hrs			1			-			-	1
Sale of drinks on credit (local regulation)			-			1			-	1
Employing female bartender (local regulation)			-			1			-	1
Cases instituted at Division			117			78*			64**	259
Violations involved			177			107			92	376
Sale to minors			30			15			12	57
Possessing liquor not truly labeled			26			16			13	55
Sale during prohibited hours			16			19			11	46
Permitting lottery activity on premises			12			4			8	24
Sale at less than filed price			6			3			7	16
Hindering investigation			8			3			3	14
Permitting bookmaking on premises			9			2			2	13
Conducting business as a nuisance			4			5			3	12
Permitting immoral activity on premises			5			5			1	11
Sale to intoxicated persons			4			5			1	10
Possessing contraceptives on premises			6			2			1	9
Possessing indecent matter			6			2			1	9
Fraud and front			2			5			2	9
Sale outside scope of license			3			3			2	8
Unauthorized transportation			5			-			3	8
Delivery without bona fide invoice			3			-			4	7
Permitting gambling on premises			3			2			1	6
Aiding and abetting unauthorized transportation			3			-			3	6

\*Includes one cancellation proceeding against blanket employment permit--females who acted as hostesses.

\*\*Includes one cancellation proceeding--license improvicently issued since licensee had ceased to be a bona fide club.

DISCIPLINARY PROCEEDINGS (Continued) Cases Instituted at Division (Continued) Violations Involved:	1st Quarter	2d Quarter	3d Quarter	Total
	July, AUG., Spt.	Oct., Nov., Dec.	Jan., Feb., Mar.	
Purchase from improper source	5	-	-	5
Sale to non-members by club	1	2	1	4
Permitting premises to be used in connection with illegal activity	3	1	-	4
Unqualified employees	1	2	1	4
Failure to close premises during prohibited hours	-	2	2	4
Aiding and abetting unauthorized sale	2	1	-	3
Permitting foul language on premises	2	1	-	3
Sol'r engaging in conduct prohibited to employer	2	-	1	3
Failure to file notice of change in application	1	1	1	3
Permitting brawl, etc. on premises	-	2	-	2
Permitting hostesses on premises	-	2	-	2
Failure to file tax reports within time	1	-	1	2
Mislabeled beertaps	1	-	-	1
Retailer-to-retailer sales	1	-	-	1
Sale on credit to retailer in default	1	-	-	1
Unlicensed storage	1	-	-	1
Unlicensed sale by solicitor	1	-	-	1
Furnishing unlawful inducements to retailers	1	-	-	1
Accepting delivery on credit while in default	1	-	-	1
Substituting drinks other than ordered	1	-	-	1
Service to women at the bar (local regulation)	-	1	-	1
Solicitor employed by retailer	-	1	-	1
Receiving delivery during license suspension	-	-	1	1
Employing female bartender (local regulation)	-	-	1	1
Permitting minors to loiter on premises (local reg.)	-	-	1	1
Employee working while intoxicated	-	-	1	1
Solicitor violating terms of permit	-	-	1	1
Sale during license suspension	-	-	1	1
Sale on election day	-	-	1	1
Cases brought by municipalities on own initiative and reported to Division	49	66	71	186
Violations Involved	62	81	87	230
Sale to minors	30	44	35	109
Sale during prohibited hours	6	5	20	31
Permitting brawl, etc. on premises	7	6	7	20
Failure to close premises during prohibited hours	4	1	4	9
Hindering investigation	3	3	2	8
Permitting bookmaking on premises	2	4	1	7
Permitting lottery activity on premises	-	3	3	6
Conducting business as a nuisance	1	3	2	6
Permitting immoral activity on premises	4	2	-	6
Permitting prostitutes on premises	3	1	1	5
Unqualified employees	-	4	1	5
Sale to intoxicated persons	1	1	1	3
Permitting gambling on premises	-	-	3	3
Employee working while intoxicated	-	1	1	2
Employing female bartender (local regulation)	-	-	2	2
Failure to afford view into premises during prohibited hrs	1	-	-	1
Unauthorized transportation	-	1	-	1
Sale to non-members by club	-	1	-	1
Allowing minor unaccompanied by parent in barroom (local reg.)	-	1	-	1
Purchase from improper source	-	1	1	2
Permitting premises to be used in connection with illegal activity	-	-	1	1
Employee w/o requisite identification card (local reg.)	-	-	1	1
Failure to file notice of change in license application	-	-	1	1
HEARINGS HELD AT DIVISION:				
Total number of hearings held	171	134	136	441
Appeals	24	15	18	57
Disciplinary proceedings	107	90	75	272
Eligibility	17	12	21	50
Seizures	14	11	14	39
Tax revocations	5	6	7	18
Applications for license	4	-	1	5
STATE LICENSES AND PERMITS ISSUED:				
Total number issued	4,851	4,472	2,823	12,146
Licenses	609	12	4	625
Solicitors' permits	186	156	241	583
Employment "	894	583	422	1,899
Disposal "	260	255	228	743
Social affair "	1,247	1,157	1,044	3,448
Wine permits	-	936	4	940
Miscellaneous "	605	538	291	1,434
Transit insignia	971	776	517	2,264
Transit certificates	79	59	72	210

Dated: April 20, 1960

WILLIAM HOWE DAVIS  
DIRECTOR

5 NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1959 TO MARCH 31, 1960 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

County	CLASSIFICATION OF LICENSES												Total Fees Paid
	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surrendered	Number Licenses in Effect	
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Expired		
Atlantic	487	\$ 208,460.00	72	\$ 27,625.00	27	\$ 2,503.77					1	585	\$ 238,588.77
Bergen	811	308,385.38	301	88,167.00	121	11,082.76	52	\$ 2,446.50	5	\$ 1,361.66	7	1283	411,443.30
Burlington	186	81,980.14	41	12,885.00	48	6,672.33	1	50.00				276	101,587.47
Camden	453	221,970.00	82	35,165.00	75	7,363.48			1	375.00	1	610	264,873.48
Cape May	138	78,400.00	12	4,500.00	16	1,950.00						166	84,850.00
Cumberland	80	40,836.64	14	3,950.00	30	4,060.00						124	48,846.64
Essex	1346	759,912.74	350	209,892.00	107	14,665.01	28	1,400.00	2	1,500.00	1	1832	987,369.75
Gloucester	108	38,610.00	15	3,820.00	22	1,950.00						145	44,380.00
Hudson	1529	693,963.32	298	122,400.00	84	9,847.16	63	2,700.00			1	1973	828,910.48
Hunterdon	79	28,000.00	11	3,810.00	10	1,100.00						100	32,910.00
Mercer	421	259,491.25	51	21,500.00	57	8,150.00			1	106.92	1	529	289,248.17
Middlesex	631	311,620.89	80	25,721.58	102	8,921.00	4	200.00				817	346,463.47
Monmouth	553	289,623.75	122	43,070.00	48	5,398.32	10	435.00	27	12,489.96	29	731	351,017.03
Morris	357	134,165.58	100	33,850.00	57	5,159.76	18	895.96	4	1,087.50	5	531	175,158.80
Ocean	194	106,501.26	47	19,680.00	29	3,400.00						270	129,581.26
Passaic	867	356,355.00	167	51,430.00	43	5,225.00	8	375.00				1085	413,385.00
Salem	51	19,300.00	8	1,550.00	20	1,675.00						79	22,525.00
Somerset	188	85,200.00	41	12,595.00	28	3,250.00						257	101,045.00
Sussex	166	46,155.00	22	4,185.00	11	643.36	1	50.00	1	225.00	1	200	51,258.36
Union	549	306,325.07	144	66,940.00	75	8,625.00	29	1,425.00			1	796	383,315.07
Warren	148	44,277.12	21	5,320.00	28	3,100.00			2	337.74	2	197	53,034.86
Totals	9342	\$4,419,533.14	1999	\$ 798,055.58	1038	\$114,741.95	214	\$9,977.46	43	17,483.78	50	12586	\$5,359,791.91

William Howe Davis  
Director

April 7, 1960

6. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF STOLEN TAXPAID ALCOHOLIC BEVERAGES - OWNER OF MOTOR VEHICLE (MOTHER OF JUVENILE OFFENDER) RELIEVED OF FORFEITURE UPON ESTABLISHING ABSENCE OF NEGLIGENCE ON HER PART - ALCOHOLIC BEVERAGES RETURNED TO FATHER WHO PAID RETAILER THEREFOR.

In the Matter of the Seizure	)	Case No. 10,157
on November 24, 1959 of 24-4/5	)	
quart bottles of whiskey and a	)	ON HEARING
Mercury sedan at the intersection	)	CONCLUSIONS
of South Orange Avenue and	)	AND ORDER
Columbia Avenue, in the City of Newark,	)	
County of Essex and State of New	)	
Jersey.	)	

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 Michael Salandra, Esq., Attorney for Betty and Angelo Chieppa.  
 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 24 four-fifth quarts of whiskey and a Mercury sedan, described in a schedule attached hereto, seized on November 24, 1959 at the intersection of South Orange Avenue and Columbia Avenue, Newark, 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 on behalf of Betty Chieppa, the registered owner of the motor vehicle, who sought its return, and on behalf of Angelo Chieppa, who sought return of the whiskey.

The facts, briefly stated, are that Anthony Chieppa, the 18 year old son of Angelo and Betty Chieppa, participated in the theft of the whiskey from a licensed retailer, placed the whiskey in his mother's car, which was not licensed to transport alcoholic beverages, and was transporting the whiskey for intended sale to fellow students.

The quantity of alcoholic beverages being transported exceeds the permissible amount which may be transported for any purpose in an unlicensed vehicle, and in any event the alcoholic beverages were intended for unlawful sale and were therefore illegally transported in a vehicle not licensed to transport alcoholic beverages. Hence the alcoholic beverages constitute illicit alcoholic beverages, and together with the motor vehicle in which such alcoholic beverages were being transported and found constitute unlawful property and are subject to forfeiture. Seizure Case No. 8609, Bulletin 1029, Item 9.

Betty Chieppa seeks return of the Mercury sedan on claim that she did not know or suspect that her son would get involved in the theft of alcoholic beverages or use the motor vehicle to transport such alcoholic beverages, and Angelo Chieppa seeks return of the alcoholic beverages on like claim of absence of knowledge of his son's unlawful activities, and that he has paid the retailer for such beverages. The retailer has not presented any claim to the alcoholic beverages.

I am authorized to return the motor vehicle and alcoholic beverages to the claimants if they establish to my satisfaction that such are the facts. R.S. 33:1-66(f). On the possibility that the

motor vehicle in question may actually be the property of Anthony Chieppa, with title in the name of his mother as a convenience, the claimants were required to develop the facts in considerable detail.

The gist of the testimony of Angelo Chieppa and Betty Chieppa is that Angelo has been employed for 33 years as a core maker by an industrial concern, and that Betty has been employed from about the time her son entered college in September 1959, and the purpose of her employment was to help pay for his education; that Anthony had been employed part time for a period of two years or more and had turned over his earnings to his mother; that neither parent had any reason to anticipate that their son would get involved in the theft of liquor; and that Angelo paid for the two cases of whiskey at the suggestion of the Judge before whom Anthony was arraigned on criminal charges in the case.

The parents further testified that they have a family car purchased in 1954, and additionally Betty Chieppa purchased the motor vehicle here involved, with her funds, and obtained a bill of sale therefor dated March 17, 1959; that she purchased the car for her convenience in travelling to her contemplated employment; that the motor vehicle was in poor mechanical condition necessitating many repairs, and was not available for use for six or seven months, and then was used on occasion by her son for transportation to his college.

The evidence presented tends to indicate that the parents' conduct was what was normal under the circumstances, and does not denote a careless indifference to the son's use of the car. I am satisfied that the parents acted in good faith and did not know, or have any reason to suspect that their son would use the car to transport alcoholic beverages in violation of the law. I shall therefore grant their request for the return to them of the motor vehicle and 24 bottles of whiskey. Seizure Case No. 8638, Bulletin 1038, Item 3, Seizure Case No. 7211, Bulletin 798, Item 3.

Accordingly, it is DETERMINED AND ORDERED that if on or before the 4th day of April, 1960, Anthony Chieppa and Betty Chieppa pay the costs of the seizure and storage of the Mercury sedan and 24 bottles of whiskey, the said motor vehicle and alcoholic beverages will be returned to them.

Dated: March 22, 1960

WILLIAM HOWE DAVIS  
DIRECTOR

SCHEDULE "A"

- 12 - 4/5 quart bottles of Schenley Whiskey
- 12 - 4/5 quart bottles of Seagram's Whiskey
- 1 - Mercury sedan, Serial No. 0178M, New Jersey Registration BFZ798

7. SEIZURE - FORFEITURE PROCEEDINGS - STOCK OF TAXPAID ALCOHOLIC BEVERAGES INTENDED FOR UNLAWFUL SALE BY LICENSED SOLICITOR \* ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure	)	Case No. 9933
on March 24, 1959 of 1,312		
bottles of whiskey at a garage	)	ON HEARING
and dwelling occupied by		CONCLUSIONS
Samuel Linky located at 1503-	)	AND ORDER
4th Avenue, in the City of Asbury		
Park, County of Monmouth and State	)	
of New Jersey.		

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 Green and Yanoff, Esqs., by H. Kermit Green, Esq., Attorney for Samuel Linky.

I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Contro.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This matter came on for hearing pursuant to R.S. 33:1-66 to determine whether a large stock of over 1300 bottles of alcoholic beverages, listed in a schedule attached hereto, stored in a garage and dwelling occupied by Samuel Linky located at 1503 - 4th Avenue, Asbury Park, New Jersey, and seized on March 24, 1959, constitute unlawful property and should be forfeited.

"Samuel Linky appeared at the hearing and sought return of a specific part of the seized alcoholic beverages, and did not oppose forfeiture of the balance thereof.

"Briefly stated, Samuel Linky was a licensed solicitor who acquired most of the alcoholic beverages from persons other than his employer, stocked them in what might be termed a warehouse, from which stock he sold and delivered alcoholic beverages to various retail licensees. The full details are recited in the Order suspending his solicitor's permit for the period of 180 days effective October 26, 1959 for those and other related unlawful activities. Re Linky, Bulletin 1310, Item 2.

"The bulk of the seized alcoholic beverages was obtained by Samuel Linky for purpose of unlawful resale on his own behalf, and not as a solicitor for or on behalf of the licensed wholesaler who employed him.

"Alcoholic beverages intended for unlawful sale constitute illicit alcoholic beverages and all alcoholic beverages located in a building in which an illicit beverage is found constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(i) and (y), R.S. 33:1-2, R.S. 33:1-66.

"However, Samuel Linky claims that the limited quantity set forth in a list presented in evidence by him are alcoholic beverages possessed for his personal use. Such a claim comes with ill grace from a person who unlawfully maintained such a large stock of alcoholic beverages for unlicensed commercial sale.

"The Director is authorized to return property subject to forfeiture to the owner thereof if such person establishes to his satisfaction that he acted in good faith and has unknowingly violated the law R.S. 33:1-66(e).

"The list submitted by Linky in the aggregate totals about 20 cases of various brands of whiskey, stored, for the most part, in the garage which served as a warehouse for the alcoholic beverages.

"All of the alcoholic beverages were commingled and it is a difficult and well-nigh impossible task for Linky or anyone else to recognize any portion thereof as genuinely possessed for Linky's personal consumption especially 20 cases when the entire stock of alcoholic beverages was obviously available to him for his personal use. Moreover, if any of the alcoholic beverages were clearly segregated for personal use, Linky, a person engaged in the liquor industry for many years, cannot be considered to be an innocent owner who has acted in good faith and in ignorance of the law.

"I recommend that none of the alcoholic beverages be returned to Samuel Linky and instead, that all of the seized alcoholic beverages be forfeited."

No exceptions were taken to the Hearer's Report within the time limited by Rule 4 of State Regulation No. 28.

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

Accordingly, it is, on this 22d day of March, 1960,

DETERMINED and ORDERED that the seized alcoholic beverages described in Schedule "A" attached hereto, constitute unlawful property and the same be and hereby are forfeited in accordance with the provisions of R.S. 33:1-66, and shall be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS  
DIRECTOR

SCHEDULE "A"

1312 - bottles of assorted sizes of various brands of alcoholic beverages.

8. DISCIPLINARY PROCEEDINGS - LOTTERY - PERMITTING MINORS TO FREQUENT PREMISES IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against JAMES J. BRENNAN t/a GARDEN STATE CAFE 803 E. State Street Trenton 9, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-174, issued by the Board of Commissioners of the City of Trenton.

Coleman T. Brennan, Esq., Attorney for Defendant-licensee. Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On January 15, 1960, you allowed, permitted and suffered a lottery, commonly known and referred to as a '50-50 club', to be conducted and tickets and participation rights therein to be sold and offered for sale in and upon your licensed premises and you possessed, had custody of and allowed, permitted and suffered such tickets and participation rights, in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.
"2. On January 15, 1960 and prior thereto you allowed persons under the age of twenty-one (21) years, viz., Alice ---, age 19 and Helen ---, age 20, to frequent, loiter and remain in a room upon your licensed premises used and devoted to the sale, service and consumption of alcoholic beverages; in violation of Section 23 of an Ordinance adopted by the City Council of the City of Trenton on June 23, 1936, as amended November 28, 1940."

Two ABC agents were in defendant's licensed premises on the evening of January 15, 1960. They observed Alice --- (who, later, was learned to be 19 years of age) and Helen --- (who, later, was learned to be 20 years of age) on the premises drinking coca-cola. They had observed the same minors on the premises when they had previously visited the premises on January 13, 1960. They also heard a patron ask William S. Scheaffer (who was tending bar) for a "ticket" and heard the bartender reply that he didn't have any. One of the agents then left the premises to report to the Trenton Police Department that minors were present in violation of the local ordinance.

The agent who had remained on the premises reports that, while the other agent was absent, the bartender sold to the same patron, for fifty cents, a 50-50 lottery ticket bearing the name "Chambers A.C." Later the bartender sold a similar ticket to the agent for fifty cents. When the other agent returned with member of the Trenton Police Department, a search of the premises was made and a cigar-box containing \$64 and 128 stubs was found beneath the bar. The bartender was arrested.

Defendant has been a licensee for more than fifteen years and has no prior record. In attempted mitigation his attorney alleges that defendant had no knowledge that the tickets were being sold by his bartender, although he does not dispute the liability of client for the violation committed by his agent. He alleges, also, that the "Chambers A.C." used the proceeds of the raffle to finance neighborhood athletic teams. This case differs in its facts from Re Henderson, Bulletin 1141, Item 4, which the attorney cites, and in which a five-day-suspension was imposed for a raffle involving a "sick friend." I believe that defendant received no gain or profit from the raffle but, under all the circumstances, I shall suspend defendant's license for ten days on Charge 1. See Re Marx, Bulletin 1273, Item 10, wherein the facts were very similar. This appears to be a case of first impression so far as Charge 2 is concerned. The local ordinance provides that persons between 16 and 21 shall not be allowed to frequent, loiter or remain in any room used for the sale of alcoholic beverages, unless accompanied by a parent, guardian or adult husband or wife. The ordinance does not apply to restaurants or dining-rooms in hotels. While it is true that there is no evidence in this case that the minors consumed alcoholic beverages, the purpose of the ordinance is laudable and the ordinance must be obeyed. I shall suspend defendant's license for an additional period of five days on Charge 2, making a total suspension of fifteen days. Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 23rd day of March 1960,

ORDERED that plenary retail consumption license C-174, issued by the Board of Commissioners of the City of Trenton to James J. Brennan, t/a Garden State Cafe, for premises 803 E. State Street, Trenton, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, April 4, 1960, and terminating at 2 a.m. Thursday, April 14, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

PETER CIOBAN )  
t/a PETE'S TAVERN )  
117 Bayway )  
Elizabeth, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-21, issued by the City Council of the City of Elizabeth. )

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Weiner, Weiner & Glennon, Esqs., by John T. Glennon, Esq., 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 Friday night December 4 and early Saturday morning December 5, 1959, you allowed, permitted and suffered gambling, viz., the playing of a card game for stakes of money, in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20."

Two ABC agents entered defendant's premises at about 12:05 a.m. December 5, 1959. Anna Bielski (daughter of defendant) was tending bar and was shuffling a deck of cards as the agents entered. While they were seated at the bar the agents observed the bartender playing a game of cards (afterwards identified as banker-broker) with two other patrons at the bar for stakes of fifty cents and twenty-five cents. One of the agents asked the bartender if he might participate in the game and she consented. Both agents played the game for similar stakes and then identified themselves. One of the agents telephoned to the Elizabeth Police Department and, when two police officers arrived, the bartender and the two patrons were arrested and the sum of \$10.95 was seized as evidence.

Defendant has held a license since Repeal and has no prior record. The minimum suspension for permitting card games for substantial sums is ten days. Re Woodlawn Bar & Grill, Inc., Bulletin 990, Item 4. However, this case is aggravated by the fact that an employee of defendant participated in the game. Under the circumstances, I shall suspend defendant's license for fifteen days. Re Ceasar's Restaurant, Inc., Bulletin 1115, Item 8; Re Constantino & Lynch, Bulletin 1285, Item 2. Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 21st day of March 1960,

ORDERED that Plenary Retail Consumption License C-21, issued by the City Council of the City of Elizabeth to Peter Cioban, t/a Pete's Tavern, for premises 117 Bayway, Elizabeth, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, March 28, 1960, and terminating at 2 a.m. Thursday, April 7, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

ROSE CALI )  
t/a MAC ROSE TAVERN )  
331 Grand Street )  
Paterson 1, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-177, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

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Harry L. Schneider, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Sunday, February 7, 1960 between 2:45 and 3:15 p.m., an ABC agent while in defendant's licensed premises, observed the licensee and the bartender each make several sales of alcoholic beverages for off-premises consumption. At about 3:45 p.m. the bartender made a similar sale of a pint bottle of whiskey to the agent. The agent left the premises with the alcoholic beverage and immediately reentered the same with another agent. The two agents identified themselves to the licensee and the bartender who verbally admitted aforesaid unlawful sales.

Defendant has a prior adjudicated record. Effective December 2, 1957 defendant's license was suspended by this Division for ten days for an "hours" violation. Bulletin 1202, Item 9. The minimum penalty for an "hours" violation is fifteen days. Re Misiuk & Petkos, Bulletin 1323, Item 3. Since the defendant committed a similar violation within five years, I shall suspend her license for thirty days. Re Misiuk & Petkos, supra. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 24th day of March 1960,

ORDERED that Plenary Retail Consumption License C-177, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Rose Cali, t/a Mac Rose Tavern, for premises 331 Grand Street, Paterson, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m., Monday, April 4, 1960 and terminating at 3:00 a.m., Friday, April 29, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Jaroslaw Sypko & Barbara Sypko t/a "The 98 Bar" 98 Mallory Ave., Jersey City, New Jersey )

CONCLUSIONS

-----) Holders of Plenary Retail Consumption License C-209, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

and

ORDER

Defendant-licensees, by Jaroslaw Sypko, Partner Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that on Sunday, February 7, 1960, they sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

At about 12:10 a.m. on the above mentioned date three ABC agents at the defendants' licensed premises observed Richard Robinson (the bartender) sell six bottles of beer to a patron for off-premises consumption. At about 12:30 a.m. one of the agents made a similar purchase of six cans of beer from Robinson and, accompanied by the other agents, left the premises with the alcoholic beverages. The agents immediately returned to the premises and identified themselves to the bartender who verbally admitted the violation.

Defendants have no prior adjudicated record. I shall suspend defendants' license for the minimum period of fifteen days. Re Niekrasz, Bulletin 1326, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 28th day of March 1960,

ORDERED that plenary retail consumption license C-209, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Jaroslaw Sypko & Barbara Sypko, t/a "The 98 Bar", for premises 98 Mallory Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, April 4, 1960, and terminating at 2 a.m. Thursday, April 14, 1960.

WILLIAM HOWE DAVIS, DIRECTOR.

12. STATE LICENSES - NEW APPLICATIONS FILED

Fitzgerald Bros. Brewing Co. 498 River Street Troy, New York Application filed April 27, 1960 for Limited Wholesale License.

Jacob Ruppert 1639 Third Avenue New York, New York Application filed April 27, 1960 for place-to-place transfer of salesroom on Limited Wholesale License WL-28 to 14 Roff Avenue, Palisades Park, New Jersey.

New Jersey State Library

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William Howe Davis Director