

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

BULLETIN 1602

February 18, 1965

TABLE OF CONTENTSITEM

1. SPECIAL PERMITS - ANNOUNCEMENT OF INCREASE OF FEES.
2. APPELLATE DECISIONS - JAY & JAY REALTY CORP. v. LONG BRANCH.
3. DISCIPLINARY PROCEEDINGS (Belleville) - GAMBLING (NUMBERS BETS) - PRIOR RECORD OF OFFICER AND STOCKHOLDER - LICENSE SUSPENDED FOR 70 DAYS - DEFERRED EFFECTIVE DATE OF SUSPENSION.
4. DISCIPLINARY PROCEEDINGS (Princeton) - SALE DURING PROHIBITED HOURS - POSSESSION OF LOTTERY TICKETS - POSSESSION OF INDECENT MATTER - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Paterson) - SALE DURING PROHIBITED HOURS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.
6. DISQUALIFICATION REMOVAL PROCEEDINGS - CARRYING CONCEALED WEAPON - ORDER REMOVING DISQUALIFICATION.
7. STATUTORY AUTOMATIC SUSPENSION (New Brunswick) - ORDER LIFTING SUSPENSION.
8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA. (Jersey City)
9. DISCIPLINARY PROCEEDINGS (Paterson) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR DISSIMILAR RECORD OF PRINCIPAL STOCKHOLDER AS STOCKHOLDER OF ANOTHER CORPORATION - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Passaic) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD DISREGARDED BECAUSE OF CHANGE OF STOCKHOLDERS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. STATE LICENSES - NEW APPLICATIONS FILED.

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

BULLETIN 1602

February 18, 1965

1. SPECIAL PERMITS - ANNOUNCEMENT OF INCREASE OF FEES.

TO ALL LICENSEES:

Under the New Jersey Alcoholic Beverage Law (R.S. 33:1-74), the Director is given the broad power to issue special permits where it would be appropriate and consonant with the spirit of the law to issue licenses but where the particular contingency has not been expressly provided for in the law.

By virtue of the foregoing statutory authority this Division has issued and still issues special permits authorizing diversified privileges to licensees and non-licensees at specified permit fees for the various types of permits issued.

With the exception of a few fee increases, made more than ten years ago, fees established during an economic era vastly different from the present one, are still in effect.

A careful study of the matter has led me to the conclusion that this Division cannot continue to process these permit applications; to answer the voluminous correspondence in connection therewith; to conduct investigations when required and continue to charge the same fees established so many years ago without incurring a substantial loss to the State and without sacrificing the quality of service traditionally rendered by this Division.

Accordingly, I have determined that fees for special permits designated herein shall be increased and applications therefor shall be accompanied by the increased fees on and after the effective date of the increase.

<u>SYMBOL</u>	<u>TYPE</u>	<u>EFFECTIVE DATE</u>	<u>NEW FEE</u>
AE	Administrator or Executor	4/1/65	\$20.00
AI	Ad Interim	4/1/65	\$20.00 plus 2 1/2 times prorated license fee for period permit is issued
C	Caddy	4/1/65	\$20.00
D	Transfer Title Stocks of Alcoholic Beverages (sale of business)	4/1/65	\$30.00
E	Temporary Employment	4/1/65	\$100.00 to cover unlimited number 7-day employments (permits covering limited number of temporary employments are eliminated)
EMP	Employment	4/1/65	\$3.00 minors \$10.00 Adults, non-resident, non-citizen
P	Pinboys	9/1/65	\$20.00

<u>SYMBOL</u>	<u>TYPE</u>	<u>EFFECTIVE DATE</u>	<u>NEW FEE</u>
VE	Validating Employment	4/1/65	\$10.00 first violation, plus \$2.00 for each additional employee \$20.00 for second violation, plus \$2.00 for each additional employee \$30.00 for third violation, plus \$2.00 for each additional employee
SM	SPECIAL-MISCELLANEOUS		
	Carloading & Distributing	7/1/65	\$40.00
	Food Products	7/1/65	\$15.00 minimum to 1000 gallons \$20.00 for 1001 to 2500 gallons \$25.00 for 2501 to 5,000 gallons \$30.00 for 5001 to 10,000 gallons \$35.00 for 10,001 to 20,000 gallons
	Gratuitous service by licensees	4/1/65	\$25.00 per day
	Illegal transportation	4/1/65	\$15.00 if insignia has been issued and not affixed to vehicle \$30.00 for transportation without an insignia having been issued
	Medicinal Products	7/1/65	\$15.00 minimum (fee graduated as to quantity same as for food products)
	Sacramental Wines (sale by wholesalers)	7/1/65	\$25.00
	Sale (Retailer to or from retailer)	4/1/65	\$30.00
	State Park	7/1/65	\$300.00 (prorated)
	Station to Station & Door to Door Delivery	7/1/65	\$4.00 for each vehicle used with minimum fee of \$20.00, plus \$2.00 for each additional copy of permit
	Temporary Storage	4/1/65	\$20.00
	Temporary Warehouse (Steamship lines only)	7/1/65	\$100.00

FEEES FOR PERMITS NOT LISTED ABOVE WILL REMAIN THE SAME.

JOSEPH P. LORDI
DIRECTOR

Dated: February 5, 1965

2. APPELLATE DECISIONS - JAY & JAY REALTY CORP v. LONG BRANCH.

JAY & JAY REALTY CORP.,)	
Appellant,)	
v.)	ON APPEAL
CITY COUNCIL OF THE CITY OF)	CONCLUSIONS
LONG BRANCH,)	AND ORDER
Respondent.)	

 Henry K. Golenbock, Esq., Attorney for Appellant.
 Louis R. Aikins, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Appellant appeals from the action of respondent in denying a person-to-person transfer of a seasonal retail consumption license for the summer season May 1-November 1, 1964, from Maco Operating Co. to appellant for premises Boardwalk and Melrose Terrace, Long Branch.

Appellant alleges, in its petition of appeal, that respondent failed to state the reasons for its action and, moreover, the action was arbitrary, contrary to law and invalid and should be reversed.

Respondent, in its answer, denies appellant's allegations and, by way of defense, says:

"Respondent, City of Long Branch, upon the denial of the application at the Council meeting of May 28, 1964, was not legally obligated to furnish appellant with a statement of its reasons for the denial of the application, but notwithstanding, did in fact orally advise appellant through one of its officers of the reasons for the denial.

"The granting of the application for transfer of the license in question was not and is not in the general public interest of the citizens and residents of the City of Long Branch."

Although no witnesses were called by the parties hereto, it appears from the summation of the attorneys for the respective parties and from the exhibits in evidence that John Ciasulli, president and majority stockholder of appellant corporation, had run afoul of the law on divers occasions, the most serious offense being on April 24, 1945 when he pleaded guilty in a county court to a charge of robbery. As a result thereof, he was sentenced to prison for a term of six and one-half to fifteen years, being released therefrom on parole on July 21, 1949. After a hearing, the Director, by order dated May 1, 1964, removed his statutory disqualification to be associated with the alcoholic beverage industry in this State, in accordance with the provisions of R.S. 33:1-31.2 (Case No. 1818).

Thereafter, on May 4, 1964, appellant filed an application for person-to-person transfer of the license in question. On May 28, 1964, by unanimous vote of respondent Council, the application was denied.

The facts herein are in substantial agreement with one exception wherein appellant's attorney contends that Mr. Ciasulli was not told the reasons why the transfer of the license was denied. Respondent, in its answer, alleges that Mr. Ciasulli was advised by one of the councilmen as to the reasons for denial and at the hearing herein the attorney representing respondent stated, "And in this case I should merely like to say the action of the Council certainly in not wanting to make its reasons public was to save any possible embarrassment to Mr. Ciasulli."

The statute does not require respondent to give a formal statement of the reasons for its action in denying appellant's application. Fanwood v. Rocco and Div. of Alcoholic Beverage Control, 33 N.J. 404. I am satisfied, however, that Mr. Ciasulli was advised informally by a member of respondent Council of the reasons for the denial of the transfer and that appellant suffered no prejudice thereby.

I shall now discuss the contention advanced by appellant that since the State Director had removed the statutory disqualification of John Ciasulli aforementioned, because of his conviction of a crime involving moral turpitude, and that all other requirements had been met by appellant, respondent erred in not transferring the license in accordance with the application.

In Festa et al. v. Haledon, Bulletin 997, Item 3, former Director Cavicchia stated:

"Under the provisions of the Alcoholic Beverage Law it is primarily the duty of the governing board or body or other issuing authority of each municipality to administer the issuance of retail licenses locally (R.S. 33:1-19), and to investigate applicants and to do, perform, take and adopt all other acts, procedures and methods designed to insure the fair, impartial, stringent and comprehensive administration of the law (R.S. 33:1-24). The duty thus imposed upon the local issuing authority to pass upon the fitness of an applicant for a retail license continues in effect despite the entry of an order removing statutory disqualification pursuant to the provisions of R.S. 33:1-31.2. This is abundantly clear from the opinion of Commissioner Burnett in Re Chiaravalli, Bulletin 300, Item 15, wherein he says:

"An order entered pursuant to this statute (R.S. 33:1-31.2) does not qualify the person therein named to hold a license. Rather it removes the disqualification which otherwise would exist. It means that instead of being mandatorily disqualified, the application of such person may be considered on its merits. The order does not have the effect of a pardon. It does not wipe out the crime. Rather, it merely extinguishes the statutory effect which a crime involving moral turpitude would normally have. It, therefore, is still necessary that the issuing authority pass on the question as to whether or not under all the facts the applicant should be given a license."

"It has been held that a local issuing authority may deny an application for a license where it reasonably determines that the applicant is not a fit person to hold a license and even in cases where the applicant has never been convicted of a crime. *Hodanish v. Trenton*, Bulletin 121, Item 6; *Jackie Clark v. West Orange*, Bulletin 631, Item 7 and Bulletin 635, Item 2."

Also see *Caggy's Tavern, Inc. v. Montclair*, Bulletin 1053, Item 1.

It is apparent that appellant, because of the circumstances appearing herein, failed to satisfy respondent issuing authority that the public interest would best be served in granting the transfer of the license. There is no evidence whatsoever that any of the members of respondent Council was improperly motivated or abused the discretion vested in them in denying the application for transfer.

After careful review of the record herein, it is recommended that an order be entered affirming the action of respondent and dismissing the appeal.

Conclusions and Order

Pursuant to Rule 14 of State Regulation No. 15, written exceptions to the Hearer's Report and written argument thereon were filed with me by the appellant and written answering argument thereto was filed with me by the respondent.

Appellant argues that the respondent's action was unreasonable since it was based solely on the criminal record of its president and principal (80%) stockholder. Implicit in this argument is the contention that such record may not be considered in any way by the respondent where, as here, the mandatory statutory disqualification imposed by R.S. 33:1-25 and 26, resulting from such record, has been removed by an order entered pursuant to R.S. 33:1-31.2.

This point has been raised previously and decided adversely to appellant's contentions, as may be seen from the precedents cited in the Hearer's Report. It has been held that the removal of the criminal disqualification does not remove from the issuing authority's consideration the criminal record in question. The disqualification removal order lifts an absolute bar but does not create any affirmative right to the issuance of a license. It is still within the discretion of the issuing authority to deny the issuance or transfer of a license upon the basis of said criminal record, and such denial will not be reversed "so long as its exercise of judgment and discretion was reasonable." *Fanwood v. Rocco*, 33 N.J. 404, 414 (1960).

Here, the criminal record of Ciasulli was set forth in appellant's license application and the copy of the Conclusions and Order in Case No. 1818 attached to the application. While it is true that the respondent did not afford appellant an opportunity to present evidence of Ciasulli's rehabilitation before it came to its decision, the law does not impose on the Council this obligation. *Downie v. Somerdale*, 44 N.J. Super. 84 (App. Div. 1957). Moreover, the copy of the Conclusions and Order in Case No. 1818 included matter concerning such rehabilitation, and appellant could have introduced further supplementary evidence

that Agent M entered the licensed premises at about 11:35 a.m.; he entered the premises about 12 noon; sat at the bar three stools to the right of Agent M; that three stools to Agent M's right sat a Mrs. Vashti Williams; he observed about ten different males and females enter the premises, have conversations with Mrs. Williams, give her money and she would then write something on a piece of paper which she had taken from her bosom and return the paper to her bosom; that at the time of some of these occurrences, the bartender was in front of Mrs. Williams.

As to the events of August 27, 1964, Agent J testified that he entered the licensed premises at about 11:55 a.m. and proceeded to the bar; that he observed a female enter the premises and say something to the same Mrs. Williams; that Mrs. Williams then took a piece of paper from her bosom, wrote on it and received money from the female who thereupon departed without buying anything; that all this took place in front of the bartender. Agent J thereupon spoke to Mrs. Williams in the presence of the bartender (who was behind the bar at that location), made certain number plays and departed shortly thereafter.

As to the occurrence of September 3, 1964, Agent J testified that he entered the licensed premises at 11:30 a.m., proceeded to the bar, saw the same bartender and asked him as to Mrs. Williams' whereabouts because he had a couple of numbers to play; that he replied that he hadn't seen her that day; that at about 11:50 a.m. Mrs. Williams entered the barroom, went up to him and talked to him about one of the numbers he had played the other day; that he then played another number and departed; that the bartender was standing in front of them when all this occurred.

Agent J next related that on September 9, 1964, he arrived at the vicinity of the licensed premises at about 12:05 p.m. with Agent G and three detectives of the Belleville Police Department; that he entered therein and went to the bar; tending bar was Mr. Federici (the "owner" of the licensee corporation); Mrs. Williams was in the premises seated near the agent; while Federici was standing in front of Mrs. Williams, a female came up to her and placed a numbers bet; he then placed several numbers bets with Mrs. Williams and paid her with two one-dollar bills while Federici was standing in front of him and looking directly toward them; the numbers bets were written on top of the bar.

Agent J's recital of the testimony did not vary on cross examination.

Agent M testified that he entered the licensed premises on August 20, 1964, at approximately 11:35 a.m. and he overheard patrons mention certain sequences of numbers to Mrs. Williams; that she wrote numbers on a piece of paper on the bar that she removed from her bosom.

Agent G testified that on September 9, 1964, he entered the licensed premises after receiving a signal from Agent J; that Mrs. Williams' purse was emptied and disclosed the presence of the two one-dollar bills given to her by Agent J (the serial numbers on the one-dollar bills had been previously recorded); that Mrs. Williams relinquished a slip of paper containing the number bets that Agent J had made.

The licensee produced no witnesses in rebuttal.

Disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Hornauer v. Division of Alcoholic Beverage Control, 40 N.J. Super. 501 (1956).

I had ample opportunity to judge the credibility of the witnesses and I am compelled to conclude that the agents' version of the material facts with reference to the occurrences at the licensee's place of business was credible and convincing.

After carefully reviewing the evidence, I conclude that the Division has established the truth of the charges herein by a fair preponderance of the evidence. I recommend that the licensee be found guilty of said charges.

Although licensee has no previous record of suspension of license, the license then held by Philip Federici, president and 50% stockholder of the licensee corporation, was suspended by the municipal issuing authority (1) for twenty-five days effective September 23, 1963 for permitting a dice game on the licensed premises and (2) for ten days effective October 18, 1963 for local "hours" violation.

The prior record of suspension of license of Philip Federici considered (Re Maple Hotel, Inc., Bulletin 1583, Item 8), it is recommended that the license be suspended for seventy days. Re Broadway Tavern, Inc., Bulletin 1587, Item 2.

Since renewal of the 1963-64 license was denied by the municipal issuing authority and denial of renewal was affirmed on appeal effective November 16, 1964 (Federici's Hideaway, Inc. v. Belleville, Bulletin 1595, Item 2), there is presently in effect no license as to which any order of suspension may be made applicable, although such order may be entered, notwithstanding the expiration and non-renewal of the license, pursuant to Rule 1 of State Regulation No. 16. It is further recommended that the effective date of the order of suspension be deferred until such time as the licensee may again hold a license, pursuant to Rule 2 of State Regulation No. 16.

Conclusions and Order

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the record herein, including the transcript of the testimony, the exhibits and the Hearer's Report, I concur in the findings of the Hearer and adopt his recommendations.

Accordingly, it is, on this 8th day of January 1965,

ORDERED that Plenary Retail Consumption License C-24, issued by the Municipal Board of Alcoholic Beverage Control of the Town of Belleville to Federici's Hideaway, Inc., for premises 146 Heckel Street, Belleville, be and the same is hereby suspended for seventy (70) days, the effective dates thereof to be fixed by subsequent order if and when the licensee may again hold a license.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - POSSESSION OF LOTTERY TICKETS - POSSESSION OF INDECENT MATTER - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against PETER P. SANNINO t/a IVY INN 254 Nassau Street Princeton, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Mayor and Council of the Borough of Princeton.

Sido L. Ridolfi, Esq., Attorney for Licensee. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on Sunday, December 6, 1964, he (1) sold alcoholic beverages in violation of local hours regulation, (2) possessed lottery tickets (football and baseball pools, 50-50 clubs, sweepstakes and numbers) on the licensed premises, in violation of Rule 6 of State Regulation No. 20, and (3) possessed indecent matter (photographs of semi-nude females in indecent poses), in violation of Rule 17 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Municipal issuing authority for five days effective May 9, 1960, for sale to a minor, and for sixty days effective April 24, 1961, for sale during prohibited hours and permitting a brawl on the licensed premises.

The prior record of suspension for previous similar hours violation in 1961 considered, the license will be suspended on the first charge for thirty days (Re Sal-Ruby Corporation, Bulletin 1522, Item 7), on the second charge for ten days (Re Asselta, Bulletin 1527, Item 4; cf. Re Mickey's Tavern, Inc., Bulletin 1535, Item 10; Re Stepko, Inc., Bulletin 1550, Item 14; Re Carteret Smelter & Refinery Workers Union, Local No. 837, Bulletin 1582, Item 7), and on the third charge for ten days (Re Bobowsky, Bulletin 1169, Item 8), to which will be added five days by reason of the prior record of suspension of license for dissimilar violation occurring in 1960 (Re Club Rio, Bulletin 1594, Item 3), or a total of fifty-five days, with remission of five days for the plea entered, leaving a net suspension of fifty days.

Accordingly, it is, on this 7th day of January, 1965,

ORDERED that Plenary Retail Consumption License C-8, issued by the Mayor and Council of the Borough of Princeton to Peter P. Sannino, t/a Ivy Inn, for premises 254 Nassau Street, Princeton, be and the same is hereby suspended for fifty (50) days, commencing at 12:01 a.m. Thursday, January 14, 1965, and terminating at 12:01 a.m. Friday, March 5, 1965.

JOSEPH P. LORDI DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against JOSEPH DE PAOLA t/a D & D TAVERN 635 Main Street Paterson, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-179, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

Festa and Marino, Esqs., by Vincent N. Marino, Esq., Attorneys for Licensee. Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on Sunday, November 15, 1964, he (1) and (2) sold drinks of alcoholic beverages before 1 p.m., in violation of local hours regulation, and (3) sold a half-pint bottle of liqueur for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director for ten days effective October 28, 1957, for sale in violation of State Regulation No. 38 (Re DePaola, Bulletin 1199, Item 6), and by the municipal issuing authority for ten days effective November 5, 1962, for permitting a brawl on the licensed premises and hindering investigation.

The license will be suspended for thirty days (Re Capelli, Bulletin 1510, Item 3), to which will be added five days for the record of suspension of license for previous similar violation occurring more than five but less than ten years ago (Re Sports Bar & Grill, Inc., Bulletin 1540, Item 4), and five days for the record of suspension of license for dissimilar violation occurring within the past five years (Re Club Rio, Bulletin 1594, Item 3), or a total of forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 6th day of January 1965,

ORDERED that Plenary Retail Consumption License C-179, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Joseph DePaola, t/a D & D Tavern, for premises 635 Main Street, Paterson, be and the same is hereby suspended for thirty-five (35) days, commencing at 3 a.m. Wednesday, January 13, 1965, and terminating at 3 a.m. Wednesday, February 17, 1965.

JOSEPH P. LORDI DIRECTOR

6. DISQUALIFICATION REMOVAL PROCEEDINGS - CARRYING CONCEALED WEAPON - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application to)
 Remove Disqualification because of) CONCLUSIONS
 a Conviction, pursuant to R.S. 33:1-31.2.) AND ORDER

Case No. 1875)

BY THE DIRECTOR:

Petitioner's criminal record discloses that he was convicted in the Monmouth County Court on January 17, 1924, for unlawfully carrying a concealed weapon (revolver) and on October 5, 1931 for assault and battery; that on his first conviction he was fined \$100 and placed on probation for three years and on his second conviction he was given a similar penalty. It further appears that petitioner was convicted in a magistrate's court in 1924 for fighting, in 1926 as a disorderly person (family squabble), in 1930 for being drunk and disorderly, in 1938 for loud and abusive language and being drunk and in 1945 for gambling (dice); that on his first, second, third and fifth convictions, he was fined \$10, \$1, \$10 and \$10, respectively, and on his fourth conviction he was sentenced to serve six months in jail. It also appears that on September 8, 1962, petitioner was arrested for possession of numbers slips in a licensed premises where he was employed as a part time bartender and porter and, as a result thereof, on October 23, 1962, was convicted in a local magistrate's court under the Disorderly Persons Act (possession of numbers slips) and was fined \$300.

The crime of carrying a concealed weapon may or may not involve moral turpitude. When the crime stands alone, unattended by other crimes, or intent to commit other crimes, it does not ordinarily involve moral turpitude. Re Case No. 1698, Bulletin 1474, Item 4.

With respect to this conviction, the State Police report that at about 2:00 a.m. on November 14, 1923, a county detective and a state trooper "came upon two cars parked off the main road without lights. In them were six men five of whom had guns." Petitioner testified that at the time of his arrest resulting in said conviction, he had been hired to unlawfully transport whiskey from one truck to another and that he had no intention of using the revolver.

Based on the report of the State Police and petitioner's aforesaid testimony, it is my opinion that petitioner's conviction on January 17, 1924 involves the element of moral turpitude and he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26. In view of this, it is unnecessary to determine whether or not petitioner's other conviction on October 5, 1931, outlined above, involves that element. Petitioner's convictions in the magistrate's courts are not convictions of crime.

At the hearing held herein, petitioner (59 years old) further testified that for the past seventeen years, he has lived in the same municipality where he presently resides; that since September 8 aforesaid, he had been doing odd jobs and had been employed in a factory; that for fifteen years prior to September 1962, he was employed as a part time bartender and porter by a licensee and that, until recently, he had no knowledge that he

was ineligible for such employment.

Petitioner further testified that he is asking for the removal of his disqualification to be free to work in licensed premises in this State and that, ever since his conviction on October 5, 1931, he has not been convicted of any crime or arrested, except as aforesaid.

Petitioner produced three character witnesses (a construction worker, a service station attendant and a former barber) who testified that they have known petitioner for more than five years last past and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

The police department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against petitioners.

I hesitate to grant the relief sought for two reasons -- (1) petitioner's conviction in 1962 (Disorderly Persons Act) and (2) although disqualified, he worked for a licensee in this State. To afford petitioner the relief requested, it is necessary that I find that he has been conducting himself in a law-abiding manner for five years following the date of conviction and that his association with the alcoholic beverage industry will not be contrary to the public interest. See R.S. 33:1-31.2. Although his above conviction in 1962 under the Disorderly Persons Act is not a violation of the criminal statutes, it is nevertheless a pertinent circumstance to consider on the question whether he has successfully rehabilitated himself and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

I do not believe that petitioner's conviction in 1962 is sufficient to overcome the favorable testimony of his character witnesses, his present attitude, his record of employment for the past seventeen years and the fact that his criminal record shows that he was last convicted of a crime about thirty-three years ago. Re Case No. 1716, Bulletin 1481, Item 7. With reference to petitioner's employment by a licensee before obtaining a removal of his disqualification, I am likewise favorably influenced for the reasons hereinabove set forth and his sworn testimony that he was unaware, until recently, of the statutory requirement he had to meet before accepting employment by a licensee in this State. Knowledge of the law, moreover, is not an essential prerequisite to removal of disqualification in these proceedings. Re Case No. 1738, Bulletin 1510, Item 7.

Considering all of the aforesaid facts and circumstances, I am satisfied that petitioner has conducted himself in a law-abiding manner for five years following the date of his last conviction of crime involving moral turpitude, and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 5th day of January, 1965,

ORDERED that petitioner's statutory disqualification because of the convictions described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

JOSEPH P. LORDI
DIRECTOR

7. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp. #255)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-6,)
 issued by the Board of Commissioners)
 of the City of New Brunswick to)

ON PETITION
ORDER

DORAN LIQUORS (A CORP. of N.J.)
 102 French Street
 New Brunswick, N.J.

 Alex Eber, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on October 16, 1964, William G. Doran, president of the licensee-petitioner, was fined \$100 plus \$10 costs in the Middlesex County Court after being found guilty of a charge of sale of alcoholic beverages to a minor in February and March 1964, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for five days effective August 24, 1964, after the licensee's confessional plea to a charge in disciplinary proceedings alleging the same sale to the minor. It appearing that the suspension has been served, I shall lift the automatic suspension. Re Monahan, Bulletin 1561, Item 6.

Accordingly, it is, on this 6th day of January, 1965,

ORDERED that the statutory automatic suspension of said license D-6 be and the same is hereby lifted, effective immediately.

JOSEPH P. LORDI
 DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GEORGE STRENGER & JACOB ENDLICH)
397 Henderson Street)
Jersey City, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-198, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licensees, Pro se.
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on November 4, 1964 they possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the Director for ten days effective July 24, 1951 (Re Strenger & Endlich, Bulletin 914, Item 5) and again for ten days effective June 4, 1962 (Re Strenger & Endlich, Bulletin 1460, Item 11), both for similar violation.

The prior record of suspension for similar violation occurring more than ten years ago disregarded but the prior record of suspension for similar violation occurring within the past five years considered, the license will be suspended for twenty days (Re Bozzone, Bulletin 1541, Item 8), with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 11th day of January 1965,

ORDERED that Plenary Retail Consumption License C-198, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to George Strenger & Jacob Endlich, for premises 397 Henderson Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, January 18, 1965, and terminating at 2 a.m. Tuesday, February 2, 1965.

JOSEPH P. LORDI
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR DISSIMILAR RECORD OF PRINCIPAL STOCKHOLDER AS STOCKHOLDER OF ANOTHER CORPORATION - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against CLUB ALI-BABA, INC. t/a CLUB ALI-BABA 98 Straight Street Paterson, New Jersey

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-123, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

Nussman & Kaplan, Esqs., by Louis Nussman, Esq., Attorneys for Licensee. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 9, 1964, it sold a pint bottle of whiskey for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Although the licensee corporation has no previous record, the license of Per-Mac Corp., t/a All Fair Tavern, 13 Fair Street, Paterson (in which Peter Tabatneck, a 97% stockholder of the licensee corporation was a 50% stockholder) was suspended by the Director for one hundred fifteen days effective December 2, 1963, for permitting homosexuals on the licensed premises and sale to minors. Re Per-Mac Corp., Bulletin 1546, Item 2.

The prior record of suspension of license of Per-Mac Corp. considered (Re Sol's Tavern, Inc., Bulletin 1587, Item 1), the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re E.A.V. Liquors & Bar, Inc., Bulletin 1528, Item 8.

Accordingly, it is, on this 21st day of January, 1965,

ORDERED that Plenary Retail Consumption License C-123, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Club Ali-Baba, Inc., t/a Club Ali-Baba, for premises 98 Straight Street, Paterson, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. Thursday, January 28, 1965, and terminating at 3:00 a.m. Friday, February 12, 1965.

JOSEPH P. LORDI DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD DISREGARDED BECAUSE OF CHANGE OF STOCKHOLDERS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LOUNGE 68 (A Corporation))
t/a Lounge 68)
68 Myrtle Avenue)
Passaic, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-80, issued by the Board of Commissioners of the City of Passaic.)

Richard E. Gruen, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, November 8, 1964, it sold a pint bottle of whiskey for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director for ten days effective June 15, 1964, for similar violation. Re Lounge 68, Bulletin 1571, Item 5.

The prior record disregarded by reason of the fact that the present stockholders of the licensee corporation were not then stockholders (Re Rick's Circle Inn, Inc., Bulletin 1576, Item 5), the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Rosenbauer, Bulletin 1590, Item 10.

Accordingly, it is, on this 25th day of January 1965,

ORDERED that Plenary Retail Consumption License C-80, issued by the Board of Commissioners of the City of Passaic to Lounge 68 (A Corporation), t/a Lounge 68, for premises 68 Myrtle Avenue, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Monday, February 1, 1965, and terminating at 3 a.m. Thursday, February 11, 1965.

JOSEPH P. LORDI
DIRECTOR

11. STATE LICENSES - NEW APPLICATIONS FILED.

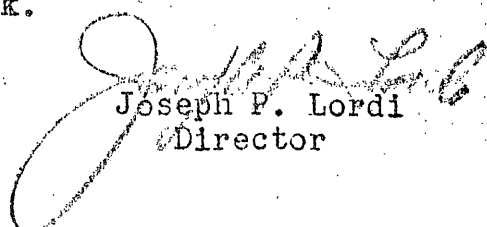
Federal Wine & Liquor Company,
315 Clendenny Avenue
Jersey City, N. J.

Application filed February 15, 1965 for Plenary Wholesale License.

Vintage Wines, Inc.
625 West 54th Street
New York, New York

Application filed February 16, 1965 for person-to-person transfer of Plenary Wholesale License W-104 from R. U. Delapenha & Co., Inc., 777 Thurd Avenue, New York, New York.

New Jersey State Library


Joseph P. Lordi
Director