

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

BULLETIN 894

JANUARY 22, 1951.

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

BULLETIN 894

JANUARY 22, 1951.

1. RECAPITULATION OF ACTIVITY FOR PERIOD FROM JULY 1, 1950 THROUGH DECEMBER 31, 1950

	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL
ARRESTS:							
Total number of persons arrested:	31	31	17	26	15	9	129
Licensees and employees	7	11	3	8	4	2	35
Bootleggers	24	19	14	18	11	7	93
ABC agent impersonator	0	1	0	0	0	0	1
SEIZURES:							
Motor vehicles - cars	2	2	5	3	4	3	19
- trucks	0	0	0	0	0	1	1
Stills - over 50 gallons	0	1	1	2	0	1	5
- 50 gallons or under	4	2	0	3	0	3	12
Alcohol - gallons	0	0	0	31.60	3.41	.50	35.51
Mash - gallons	310.00	2,020.00	1,250.00	2,090.00	0	550.00	6,220.00
Distilled alcoholic beverages - gals.	33.35	18.48	111.82	14.57	7.79	14.61	200.62
Wine - gallons	18.24	30.34	25.76	0	1.66	15.85	91.85
Brewed malt alcoholic beverages - galls.	29.53	75.64	41.61	30.46	1.31	5.71	184.26
RETAIL LICENSEES:							
Premises inspected	576	783	728	863	868	907	4,725
Premises where al. bevs. were gauged	573	579	704	909	849	912	4,526
Bottles gauged	10,883	11,782	12,599	16,588	14,117	14,263	80,232
Premises where violations were found	15	34	23	79	70	59	280
Violations found	15	59	24	86	78	61	323
Type of violations found:							
Unqualified employees	6	31	9	13	9	3	71
Reg. #38 sign not posted	1	7	1	9	8	6	32
Prohibited signs	0	0	1	4	16	5	26
Other mercantile business	4	4	1	1	1	2	13
Probable fronts	0	2	1	3	1	2	9
Improper beer taps	0	2	1	1	3	2	9
Gambling devices	0	4	1	0	0	2	7
Disposal permit necessary	1	0	1	2	1	0	5
Other violations	3	9	8	53	39	39	151
STATE LICENSEES:							
Premises inspected	4	5	10	33	16	13	81
License applications investigated	19	10	9	7	7	17	69
COMPLAINTS:							
Complaints assigned for investigation	371	396	319	445	488	416	2,435
Investigations completed	302	377	362	422	445	384	2,292
Investigations pending	(167)	(178)	(106)	(106)	(111)	123	123
LABORATORY:							
Analyses made	91	167	145	101	143	150	797
"Shake-up" cases (alcohol, water & artificial color) - bottles	9	14	9	5	18	18	73
Liquor found to be not genuine as labeled - bottles	8	6	6	4	3	5	32
IDENTIFICATION BUREAU:							
Criminal fingerprint identifications made	42	20	15	24	12	6	119
Persons fingerprinted for non-criminal purposes	302	193	176	151	165	131	1,118
Identification contacts made with other enforcement agencies	266	148	151	100	118	132	915
Motor vehicle identifications via N. J. State Police Teletype	16	8	2	4	5	7	42
DISCIPLINARY PROCEEDINGS:							
Cases transmitted to municipalities	12	15	17	16	4	4	68
Violations involved:							
Sale to minors	6	5	6	2	3	1	23
Sale during prohibited hours	0	7	3	9	0	1	20
Permitting brawls on premises	2	0	3	1	2	0	8
Permitting bookmaking on premises	1	0	1	2	0	1	5
Sale outside scope of license	2	1	0	1	0	0	4
Permitting females to tend bar	1	1	0	0	0	1	3
Sale to intoxicated persons	1	1	0	0	0	0	2
Permitting gambling on premises (coros, pool-selling, darts)	1	1	0	3	0	0	5
Sale by retailer on credit	1	0	0	0	0	0	1
Possessing chilled beer (CL licensee)	0	1	0	1	0	0	2
Sale to non-members by clubs	0	0	4	0	0	0	4
Failure to afford view into premises during prohibited hours	0	0	0	2	0	0	2
Permitting lottery activity on premises (baseball pool)	0	0	0	1	0	0	1

	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL
DISCIPLINARY PROCEEDINGS (Cont'd)							
Cases instituted at Division	8	4	15	20	16*	23**	86
Violations involved:							
Possessing illicit liquor	7	0	3	6	0	2	18
Permitting immoral activity on premises	0	1	4	2	2	3	12
Fraud and front	0	0	4	4	2	2	12
Sale during prohibited hours	0	2	1	0	3	3	9
Sale to minors	0	1	0	0	6	2	9
Mislabeling beer taps	0	0	2	1	2	3	8
Delivery without bona fide invoice	1	0	2	2	0	0	5
Possessing contraceptives on premises	0	0	2	1	1	0	4
Permitting hostesses on premises	0	0	1	1	0	2	4
Sale to non-members by clubs	0	1	0	1	0	2	4
Sale below Fair Trade price	0	0	0	0	1	2	3
Sale outside scope of license	1	0	1	0	0	0	2
Permitting bookmaking on premises	0	0	0	0	1	1	2
Employee soliciting without permit	1	0	0	0	0	0	1
Wholesaler failing to notify of change of employees	1	0	0	0	0	0	1
Permitting persons of ill repute on premises	0	1	0	0	0	0	1
Conducting business as a nuisance	0	1	0	1	0	0	2
Permitting pin ball machines on premises	0	0	1	0	0	0	1
Failure to display license certificate	0	0	1	0	0	0	1
Peddling alcoholic beverages from vehicle	0	0	1	1	0	0	2
Illegal activity connected with lic. premises	0	0	0	1	0	0	1
Retailer bottling without a license	0	0	0	1	0	0	1
Retailer soliciting from house to house	0	0	0	1	0	0	1
Permitting prostitutes on premises	0	0	0	1	1	0	2
Solicitor aiding & abetting wash sale	0	0	0	1	0	0	1
Unauthorized transportation	0	0	0	1	0	0	1
Failure to afford view into premises during prohibited hours	0	0	0	0	1	0	1
Women at bar	0	0	0	0	1	0	1
Failure to file notice of change in application	0	0	0	1	1	1	3
Aiding and abetting unlicensed transportation	0	0	0	0	0	1	1
Transporting in unlicensed vehicle	0	0	0	0	0	2	2
Transporting without invoice	0	0	0	0	0	2	2
Permittee engaging in conduct prohibited to employer	0	0	0	0	0	2	2
Wholesaler giving "free goods" to retailer	0	0	0	0	0	1	1
Storage off licensed premises	0	0	0	0	0	1	1
Conviction of crime involving moral turpitude	0	0	0	0	0	1	1

*1 includes cancellation proceedings for club's lack of continuous possession of club quarters for 3 years prior to application.

**1 includes cancellation proceedings (licensee not a bona fide club at the time license application was made)

Cases brought by municipalities on own initiative and reported to Division	3	7	7	2	11	14	44
Violations involved:							
Sale to minors	1	6	1	1	1	9	19
Permitting brawls on premise	0	0	4	0	3	3	10
Sale during prohibited hours	1	1	1	1	4	3	8
Permitting bookmaking on premises	0	0	2	0	3	0	5
Hindering investigation	0	0	2	0	0	0	2
Permitting persons of ill repute on premises	0	0	0	0	0	2	2
Sale to intoxicated persons	0	0	0	0	1	0	1
Permitting gambling on premises	1	0	0	0	0	0	1
Conducting business as a nuisance	0	0	0	0	0	1	1
Furthering illegal activity	0	0	0	0	0	1	1
Failure to make timely payment for license	0	0	0	0	0	1	1
CANCELLATION PROCEEDINGS instituted at Division							
Violation involved: Club's lack of continuous possession of club quarters for 3 years prior to application	0	0	0	1	0	0	1
HEARINGS HELD AT DIVISION:							
Total number of hearings held	34	31	27	39	33	40	204
Appeals	6	10	4	2	3	2	27
Disciplinary proceedings	13	9	7	18	19	17	83
Eligibility	7	5	5	8	5	4	34
Seizures	5	6	9	8	4	7	39
Tax revocations	0	0	1	3	1	4	9
Applications for license	1	0	1	0	1	6	9
Application for special permit	1	1	0	0	0	0	2
Order to show cause	1	0	0	0	0	0	1
PERMITS ISSUED:							
Total number of permits issued	5,769	937	961	1,399	1,245	737	11,048
Employment	1,747	204	149	120	117	90	2,427
Solicitors	2,785	98	77	71	65	33	3,129
Disposal of alcoholic beverages	104	76	156	134	38	108	616
Social affairs	339	414	372	471	365	186	2,147
Special wine	86	36	77	508	552	178	1,437
Miscellaneous	706	109	130	95	108	142	1,292

Dated: January 10, 1951.

ERWIN B. HOCK, DIRECTOR

NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1950 TO DECEMBER 31, 1950^S AS
REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

C L A S S I F I C A T I O N O F L I C E N S E S

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surren- dered Revoked Expired	Number Licen- ses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	488	\$ 204,179.18	70	\$ 25,500.00	18	\$ 1,675.00						576	\$ 231,354.18
Bergen	815	297,400.00	296	78,927.00	70	6,810.82	61	\$ 2,727.00	6	\$ 1,559.91	6	1242	387,424.73
Burlington	186	72,325.00	30	8,300.00	38	5,400.00	1	25.00				255	86,050.00
Camden	456	217,236.98	82	31,575.00	65	6,171.84			1	375.00	1	603	255,358.82
Cape May	133	65,750.00	11	3,700.00	15	1,586.03						159	71,036.03
Cumberland	81	34,800.00	14	3,650.00	29	3,910.00						124	42,360.00
Essex	1377	760,091.50	350	203,197.95	99	13,178.42	33	1,650.00			1	1858	978,117.87
Gloucester	107	34,650.00	13	2,950.00	14	1,389.32						134	38,989.32
Hudson	1559	676,032.92	298	117,810.00	78	9,395.68	72	3,075.00				2007	806,313.60
Hunterdon	79	24,350.00	6	1,850.00	6	667.00						91	26,867.00
Mercer	425	255,000.00	51	20,600.00	55	7,710.14			1	107.50	1	531	286,417.64
Middlesex	634	300,422.94	71	21,695.00	69	6,518.97	5	175.00				779	328,811.91
Monmouth	548	274,395.00	112	38,450.00	33	3,812.26	11	410.00	30	12,902.21	30	704	329,969.47
Morris	353	118,515.00	95	30,200.00	41	4,048.42	10	500.00	5	862.50	5	500	154,125.92
Ocean	192	105,084.15	45	18,958.97	16	2,176.78						253	126,219.90
Passaic	881	360,663.23	166	51,030.00	35	4,299.66	15	696.16				1097	416,689.05
Salem	50	19,000.00	7	1,300.00	11	1,100.00						68	21,400.00
Somerset	186	75,485.84	36	9,760.00	22	2,495.89						244	87,741.73
Sussex	173	45,955.00	17	3,355.00	9	534.86	1	50.00	1	225.00	1	200	50,119.86
Union	547	291,586.40	142	57,150.00	64	7,245.55	29	1,391.25				781	357,373.20
Warren	151	41,805.00	17	3,307.50	30	2,906.05			2	255.44	2	198	48,273.99
Totals	9421	\$4,274,728.14	1929	\$733,266.42	817	\$33,032.69	238	\$10,699.41	46	\$16,287.56	47	12,404	\$5,128,014.22

Respectfully submitted

John H. Michelson, Deputy Director.

ERWIN B. HOCK, Director

3. DISCIPLINARY PROCEEDINGS - CLUB LICENSE - CHARGES ALLEGING FALSE ANSWERS IN APPLICATION AND "FARMING OUT" LICENSE DISMISSED.

CANCELLATION PROCEEDINGS - HOLDER OF LICENSE CEASED TO BE A BONA FIDE CLUB - LICENSE CANCELLED.

In the Matter of Disciplinary
Proceedings against

UNITY POLITICAL AND SOCIAL LEAGUE, INC.
81 Pacific Street
Newark, N. J.,

CONCLUSIONS
AND ORDER

Holder of Club License CB-66 for the 1949-
1950 and 1950-1951 licensing years, issued)
by the Municipal Board of Alcoholic)
Beverage Control of the City of Newark.)

Yancey, McWilson & Abrams, Esqs., by Roger M. Yancey, Esq., Attorneys
for Defendant-licensee.

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

BY THE DIRECTOR:

Defendant has pleaded not guilty to charges alleging in substance that (1) it falsified its license application dated May 27, 1949, by failing to disclose the interest of one Acey Barker in the license sought by said application, in violation of R. S. 33:1-25; (2) it further falsified its said application by failing to show that it had, in effect, leased or "farmed out" its license to said Acey Barker, also in violation of R. S. 33:1-25; and (3) from September 21, 1948, until the date of said charges, it aided and abetted Acey Barker to exercise the rights and privileges of its successive club licenses, in violation of R. S. 33:1-52.

Defendant was also required to show cause why its license should not be cancelled and declared null and void for the following reason:

"Said license was improvidently issued in violation of R. S. 33:1-12(5) and Rule 2 of State Regulations No. 7 in that, at the time of issuance of such license and prior thereto, you had ceased to be a bona fide club."

The evidence herein leads me to conclude that defendant was operating as a club in the year 1934. At that time it was known as the Tenth Ward Progressive Republican Club. In May 1938 the name of the corporation was changed to Unity Political and Social League, Inc., and a certificate of incorporation under said name was filed in the office of the County Clerk of Essex County on June 10, 1938. The record does not disclose whether or not a certificate was filed in the office of the Secretary of State. In this proceeding it is immaterial whether the defendant was properly incorporated, because the question at issue is whether or not it is now in fact a bona fide club.

There is testimony that the club kept records from 1938 to 1948, but that these records have been lost. Defendant obtained a club license on September 21, 1948, and has obtained renewals thereof from year to year since that time. When the present investigation was commenced in December 1949, ABC agents conferred with Aaron Frazier, who was listed as president of the club; William Bauknight, who was listed as secretary; David Hutson, who was listed as treasurer of the club, and with David Cunningham, who was listed as recording secretary

of the club. These officers seemed to know very little about the operation of the club and, in fact, the recording secretary stated that he had not attended any meeting since September 1948, the month in which the club obtained its liquor license. It was frankly admitted that the club had not collected any dues from members since September 1948. At least since September 1948 the club had no forms of application for membership and no membership committee. A person could become a member merely by being introduced to the bartender in charge by a person who is listed as a member of the organization and signing a card obtained from the bartender. After the investigation herein was begun, entries were made in a ledger which was introduced into evidence. The entries were apparently intended to show the financial results of operations under the license from October 1948 to December 1949. Alleged minutes of meetings of the club between December 27, 1948, and August 31, 1949, consist of a few sketchy entries on loose sheets of paper.

Acey Barker purchased the building known as 81 Pacific Street, Newark, in June 1948, and defendant allegedly is now paying him a monthly rental of \$50.00. Barker testified that he loaned the club \$700.00 at the time the license was obtained, and that the loan has been repaid. There is insufficient evidence to establish the fact that Acey Barker had or has any interest in the license or that the license was leased or "farmed out" to him, or that defendant abetted Acey Barker to exercise the rights and privileges of its successive club licenses. Hence I must dismiss Charges 1, 2 and 3.

However, from the facts set forth above I am satisfied that when the license was renewed on July 1, 1949, and when it was again renewed on July 1, 1950, defendant had ceased to be a bona fide club. Hence I shall cancel the license now held by defendant.

The license which was in existence at the time these proceedings were instituted expired on June 30, 1950. However, in accordance with the provisions of State Regulations No. 16, the order to be entered herein shall affect the license which was renewed on July 1, 1950.

Accordingly, it is, on this 3rd day of January, 1951,

ORDERED that Club License CB-66 for the 1950-51 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Unity Political and Social League, Inc., for premises 81 Pacific Street, Newark, be and the same is hereby cancelled and declared null and void, effective immediately.

ERWIN B. HOCK
Director.

4. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary
Proceedings against

JULES BERNSTEIN
253 - 12th Avenue
Paterson 4, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-111, issued by the
Board of Alcoholic Beverage Control
of the City of Paterson.

Nussman & Kaplan, Esqs., Attorneys for Defendant-licensee.
Vincent T. Flanagan, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging a sale of alcoholic beverages during prohibited hours, in violation of Rule 1 of State Regulations No. 38.

On Saturday, December 2, 1950, at about 10:30 p.m., an agent of the State Division of Alcoholic Beverage Control was sold by a bartender employed by defendant-licensee on the licensed premises, a pint bottle of Schenley Reserve Blended Whiskey, at retail, in its original container, for consumption off the licensed premises.

Rule 1 of State Regulations No. 38 prohibits such sales after 10:00 p.m. on any weekday.

Defendant, admitting his responsibility for the violation, alleges that it was made without his permission or knowledge and contrary to his specific orders. Such circumstances cannot be accepted either as an excuse or in mitigation of the penalty.

Defendant has a prior record. In September 1950 his license was suspended for a net period of ten days, effective September 18, after a plea of guilty to a similar charge. Re Bernstein, Bulletin 884, Item 12. The usual fifteen-day minimum suspension for "hours" violations will be doubled, making a suspension of thirty days. Five days will be remitted because of the plea.

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

ORDERED that Plenary Retail Consumption License C-111, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Jules Bernstein, for premises 253 - 12th Avenue, Paterson, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. January 2, 1951, and terminating at 3:00 a.m. January 27, 1951.

ERWIN B. HOCK
Director.

5. DISQUALIFICATION - APPLICATION DENIED BECAUSE OF THE LENGTH AND NATURE OF PETITIONER'S CRIMINAL RECORD DESPITE FACT THAT APPLICANT HAD NOT BEEN CONVICTED OF A CRIME WITHIN THE PAST FIVE YEARS.

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

CONCLUSIONS
AND ORDER

Case No. 880.
- - - - -)

BY THE DIRECTOR:

In November 1919, when he was 18 years of age, petitioner, after a plea of non vult to charges of assault and battery and highway robbery, was sentenced to State Prison for from 2 to 15 years. The crime was committed while petitioner was just under 18 years of age. He was paroled in July 1921 after serving about 20 months of his term. In January 1924 he was sentenced to six months in a County Penitentiary and fined \$50.00 after being found guilty of fornication. In September 1924 he was fined \$10.00 on a conviction for loitering. In November 1926 sentence was suspended on a charge of violating a City Ordinance. In December 1927 he was fined \$10.00 as a disorderly person. In July 1929 sentence was suspended on a charge of gambling. In June 1935 sentence was again suspended after a charge of "Creating a Disturbance". In September 1939 sentence was suspended after conviction for violation of the Motor Vehicle Act. In September 1939 he was arrested, charged with atrocious assault and battery, later changed to murder. Upon conviction of manslaughter, he was sentenced to a County Penitentiary for 18 months to 3 years. He was released in December 1940. In 1943 a charge of fornication was subsequently dismissed. In August 1943 -- arrested, charged with atrocious assault and battery with a meat cleaver. The resulting indictment was nolle prossed in December 1945. In December 1944 he was arrested for illegal possession and sale of alcoholic beverages (apparently operating a "speakeasy") and sentenced to 3 months in a County Penitentiary. He was discharged from the penitentiary on February 13, 1945.

"Highway robbery" is a crime involving moral turpitude. Re Case No. 588, Bulletin 777, Item 3. Accordingly, petitioner is disqualified by statute from holding a liquor license, R.S. 33:1-25, or from being employed by or connected in a business capacity with the holder of such a license, R.S. 33:1-26. Manslaughter, under the circumstances, also is a crime involving moral turpitude. So finding, it is unnecessary to consider whether or not any of petitioner's other convictions involve moral turpitude.

Petitioner, who has been in the restaurant or taxi business most of his adult life, apparently is not too well suited for business requiring close contact with the public. It is further noted that his last conviction "selling alcoholic beverages without a state license" involved what would appear to be a "speakeasy" operation at his restaurant. He is now employed as a chef on unlicensed premises.

In view of the length and nature of petitioner's record, I am unable to find at this time that petitioner's "association with the alcoholic beverage industry will not be contrary to the public interest". R.S. 33:1-31.2. So finding, I cannot remove his present disqualification. The petition will be dismissed.

Accordingly, it is, on this 20th day of December, 1950,

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

ERWIN B. HOCK
Director.

6. MORAL TURPITUDE - ROBBERY.

DISQUALIFICATION - FALSE STATEMENTS IN APPLICATIONS FILED FOR RETAIL LICENSES WHEREIN CONVICTION WAS NOT DISCLOSED - ENGAGING IN ALCOHOLIC BEVERAGE ACTIVITIES ALTHOUGH DISQUALIFIED BY STATUTE FROM HOLDING A LICENSE - APPLICATION TO LIFT DISQUALIFICATION DENIED.

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

CONCLUSIONS
AND ORDER

Case No. 883.
- - - - -)

BY THE DIRECTOR:

In December 1919 petitioner pleaded guilty in a criminal court of a neighboring state to a charge of robbery. He was sentenced to a term of from 1 to 25 years, paroled in March 1922, and finally released in April 1923. The conviction of the crime of robbery is, per se, the conviction of a crime involving moral turpitude. Re Case No. 613, Bulletin 771, Item 1.

The conviction rendered petitioner ineligible to hold a liquor license in this state. R.S. 33:1-25. However, he returned to New Jersey and in 1933 secured such a license in his wife's name. In 1936, because of his wife's illness, he had the license transferred and since that time has held the license in his own name and operated the business thereunder. Apparently fearful of his disqualification, he never in any license application disclosed his conviction as aforesaid.

During all these years defendant has been engaged in the retail liquor business illegally. Cf. Re Lukaszewich, decided concurrently herewith.

Being unable to find that "applicant has conducted himself in a law-abiding manner during that period (the last 5 years)", R. S. 33:1-31.2, I must dismiss the petition. Petitioner may apply for removal of his present disqualification after five years from the date hereof.

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

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

ERWIN B. HOCK
Director.

7. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES:
(INDECENT SONGS) - SALES TO MINORS - LICENSE SUSPENDED FOR 20 DAYS,
LESS 5 FOR PLEA.

In the Matter of Disciplinary.)
Proceedings against)

ARTHUR CITARELLI)
T/a SCOOPS RUSTIC LODGE)
Route 35)
Ocean Township (Monmouth County))
RFD 1, Asbury Park, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-7, issued by the)
Township Committee of the Township)
of Ocean (Monmouth County).)

J. Stanley Herbert, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) he allowed, permitted and suffered lewdness and immoral activities in and upon his licensed premises, in that a female entertainer sang songs having lewd, indecent, disgusting and suggestive import and meaning, in violation of Rule 5 of State Regulations No. 20; and (2) he sold, served and delivered alcoholic beverages to minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that during the time ABC agents were in defendant's licensed premises on the evening of December 1, 1950 and early morning of December 2, 1950, a female entertainer played piano and sang sexually suggestive songs.

The file also discloses that two glasses of beer were seized by the ABC agents from two youths, both nineteen years of age. The youths stated that they had been served four or five glasses of beer by the bartender during the evening and early morning of the days in question. The bartender admitted to the ABC agents that he sold and served beer to the two youths.

Defendant has no previous adjudicated record. I shall, therefore, suspend defendant's license for a period of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 4th day of January, 1951,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Ocean (Monmouth County) to Arthur Citarelli, t/a Scoops Rustic Lodge, Route 35, Ocean Township (Monmouth County), be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3:00 a.m. January 15, 1951, and terminating at 3:00 a.m. January 30, 1951.

ERWIN B. HOCK
Director.

8. DISCIPLINARY PROCEEDINGS - TRANSPORTATION AND PEDDLING OF
ALCOHOLIC BEVERAGES, IN VIOLATION OF RULE 3 OF STATE REGULATIONS
NO. 17 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

RUTTER'S INC.)
2469 Second Street)
Coytesville)
Fort Lee, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Limited Retail Distri-)
bution License DL-2, issued by the)
Mayor and Council of the Borough)
of Fort Lee.)

-----)
Rutter's Inc., Defendant-licensee, by Henry Rutter.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) it sold alcoholic beverages from a vehicle, in violation of Rule 3 of State Regulations No. 17; and (2) it transported and delivered alcoholic beverages in its licensed vehicle without the driver thereof having in his possession bona fide invoices or manifests, in violation of Rule 3 of State Regulations No. 17.

The file in the instant case discloses that, on September 2, 1950, an ABC agent purchased a case of beer from the driver of defendant's truck while said truck was parked in a driveway of a gasoline station. Although the truck contained eight cases of assorted brands of beer, the driver had no invoices, manifests or similar documents setting forth the bona fide name and address of the purchaser or consignee, the brand, size of container and quantity of each item of the alcoholic beverages being delivered and transported.

Defendant has no previous adjudicated record. I shall, therefore, suspend its license on said charges for a period of fifteen days. Five days will be remitted because of the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 18th day of October, 1950,

ORDERED that Limited Retail Distribution License DL-2, issued by the Mayor and Council of the Borough of Fort Lee to Rutter's Inc., for premises 2469 Second Street, Coytesville, Fort Lee, be and the same is hereby suspended for a period of ten (10) days, commencing at 9:00 a.m. October 23, 1950, and terminating at 9:00 a.m. November 2, 1950.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

CLUB 28, INC.)
28 Second Avenue)
Paterson, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-90, issued by the Board of Alcoholic Beverage Control of the City of Paterson.)

Richard J. Baker, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it possessed on its licensed premises an alcoholic beverage in a bottle bearing a label which did not describe its contents, in violation of Rule 27 of State Regulations No. 20.

On December 1, 1950, an agent of the State Division of Alcoholic Beverage Control seized in defendant's licensed premises one 4/5 quart bottle labeled "Canadian Club Blended Canadian Whisky" when his field tests disclosed a variance between the label on the said bottle and the contents thereof. An analysis by the Division chemist clearly establishes that said bottle contained an alcoholic beverage different from that described on the label. See Rule 27, State Regulations No. 20.

Defendant has no prior adjudicated record. I shall suspend the license for fifteen days, the minimum in "illicit liquor" cases. Re Rudolph, Bulletin 680, Item 1. Remitting five days for the plea will leave a net suspension of ten days.

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

ORDERED that Plenary Retail Consumption License C-90, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Club 28, Inc., for premises 28 Second Avenue, Paterson, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. January 8, 1951, and terminating at 3:00 a.m. January 18, 1951.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary)
Proceedings against)

EDWARD F. STRUBEL
T/a ELM LIQUOR SHOP)
9-11 Elm Street)
Westfield, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-)
bution License D-6, issued by the)
Town Council of the Town of)
Westfield.)

- - - - -)
Edward F. Strubel, Defendant-licensee, Pro Se.
Vincent T. Flanagan, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he
sold alcoholic beverages below the minimum consumer price, in viola-
tion of Rule 5 of State Regulations No. 30.

On November 17, 1950, an ABC agent purchased from George
Pakenham, who was then acting as a clerk in defendant's premises,
three 4/5 quart (fifths) bottles of Hiram Walker's Imperial Blended
Whiskey for the sum of \$10.50. Since the minimum resale price of
this product, effective October 1, 1950, was \$3.63 per bottle, the
total correct price should have been \$10.89.

In alleged mitigation defendant states that George Pakenham,
who is his son-in-law and who is employed elsewhere and draws no
salary from defendant, was inexperienced in the operation of the
licensed business. Nevertheless, the licensee is responsible for the
violation committed by the person who was then acting as his servant
or agent. Essex Holding Corp. v. Hock, 136 N.J.L. 28.

In the absence, as here, of any prior record, I shall suspend
defendant's license for ten days, less five days for the plea, leaving
a net suspension of five days. See Bulletin 882, Item 10.

Accordingly, it is, on this 27th day of December, 1950,

ORDERED that Plenary Retail Distribution License D-6, issued
by the Town Council of the Town of Westfield to Edward F. Strubel,
t/a Elm Liquor Shop, for premises 9-11 Elm Street, Westfield, be and
the same is hereby suspended for five (5) days, commencing at 9:00
a.m. January 8, 1951, and terminating at 9:00 a.m. January 13, 1951.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary
Proceedings against

ALFRED A. CLARK & EUGENE L.

O'TOOLE

T/a SPORTSMAN INN

117 No. Broadway

South Amboy, N. J.,

CONCLUSIONS

AND ORDER

Holder of Plenary Retail Consump-
tion License C-4, issued by the
Common Council of the City of
South Amboy.

Alfred A. Clark and Eugene L. O'Toole, Defendant-licensees, by
Eugene L. O'Toole, Partner.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The defendants plead guilty to a charge that they allowed an unlabeled tap to be connected to a barrel of beer on their licensed premises, in violation of Rule 26 of State Regulations No. 20.

During the course of a routine inspection of defendants' licensed premises on November 17, 1950, an agent of the State Division of Alcoholic Beverage Control found a beer tap bearing no label (the name was blanked out) attached to and drawing beer from a barrel of "Trommer's" beer. Clearly, this violates the provisions of Rule 26 of State Regulations No. 20.

Defendants have no prior adjudicated record. I shall suspend the license for three days (the minimum suspension imposed for similar cases) and remit one day for the plea. This will leave a net suspension of two days. Re Fauble, Bulletin 891, Item 12.

Accordingly, it is, on this 27th day of December, 1950,

ORDERED that Plenary Retail Consumption License No. C-4, issued by the Common Council of the City of South Amboy to Alfred A. Clark & Eugene L. O'Toole, t/a Sportsman Inn, for premises 117 No. Broadway, South Amboy, be and the same is hereby suspended for two (2) days, commencing at 2:00 a.m. January 3, 1951, and terminating at 2:00 a.m. January 5, 1951.

ERWIN B. HOCK

Director.

12. DISCIPLINARY PROCEEDINGS - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF A LICENSE - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against

MICHAEL F. D'ALLESANDRO and
EMMA D'ALLESANDRO

T/a ROADSIDE INN
2901 Paterson Plank Road
North Bergen, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-76, issued by the Board of Commissioners of the Township of North Bergen, and transferred during the pendency of these proceedings to

FRED D. PAPA
T/a ROADSIDE INN,

for the same premises.

John B. Simeone, Esq., Attorney for Defendant-licensees.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to charges alleging, in substance, that:

- (1) In their application dated June 14, 1950, they falsely denied that any individual had any interest, directly or indirectly, in the license applied for or in the business to be conducted thereunder, whereas in fact Guy Bowen was the real and beneficial owner of the licensed business; said false statement being in violation of R. S. 33:1-25;
- (2) In said application they falsely denied that they had agreed to pay any employee or other person any percentage of the profits derived from the business, whereas in fact they had agreed to permit Guy Bowen to retain all the profits after payment of fixed weekly and monthly fees; said false statement being in violation of R. S. 33:1-25;
- (3) They failed to file with the North Bergen Board of Commissioners, within ten days after the occurrence thereof, written notice of changes of facts in said application; such changes being that on or about August 1, 1950, Fred D. Papa succeeded Guy Bowen as real and beneficial owner of the business and was permitted to retain all profits after payment of fixed weekly and monthly fees; failure to file such notice being in violation of R. S. 33:1-34;
- (4) From on or about July 12, 1949, until on or about July 24, 1950, they knowingly aided and abetted Guy Bowen, and from on or about August 1, 1950, to the date of the charges, they knowingly aided and abetted Fred D. Papa, to exercise, contrary to R. S. 33:1-26, the rights and privileges of their successive plenary retail consumption licenses, in violation of R. S. 33:1-52.

The file herein discloses that on July 12, 1949, defendants entered into a written agreement with Guy Bowen whereby the latter was given the right to retain all profits from their licensed business over and above certain fixed amounts to be paid weekly and monthly to

the licensees. This agreement continued in effect until August 1, 1950. On the latter date defendants entered into a similar agreement with Fred D. Papa. This latter agreement continued in effect until November 1, 1950, at which time the parties entered into a new agreement whereby Fred D. Papa was to be employed at a straight weekly salary. On December 19, 1950, pursuant to an application for transfer duly filed, the local issuing authority transferred the license in question from defendants to Fred D. Papa. I shall consider the transfer of the license as a correction of the illegal situation.

Under the circumstances, the license will be suspended for a period of twenty days. Re Russo, Bulletin 741, Item 4; Re Eno, Bulletin 815, Item 1.

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

ORDERED that Plenary Retail Consumption License C-76, issued to Michael F. D'Allesandro and Emma D'Allesandro, t/a Roadside Inn, for premises 2901 Paterson Plank Road, North Bergen, and transferred during the pendency of these proceedings to Fred D. Papa, for the same premises, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. January 9, 1951, and terminating at 3:00 a.m. January 29, 1951.

ERWIN B. HOCK
Director.

13. STATE LICENSES - NEW APPLICATIONS FILED.

Lawrence Warehouse Company
120 Sherman Avenue
Jersey City, N. J.

Application filed January 8, 1951 for Public Warehouse License.

Diamond State Brewery, Inc.
903 West Fifth St.
Wilmington, Delaware.

Application filed January 8, 1951 for Limited Wholesale License.

Leonard A. Bove, t/a Maple Shade Beer Distributor's
205 - 5th Avenue
Maple Shade, N. J.

Application filed January 9, 1951 for State Beverage Distributor's License.

Liebmann Breweries, Inc.
36 Forrest St.
Brooklyn 6, New York.

Salesroom at 127-129 Frelinghuysen Avenue, Newark, N. J.

Application filed January 10, 1951 for Additional Salesroom at 119 Hill Street, Orange, N. J.

Liebmann Breweries, Inc.
119 Hill St.
Orange, N. J.

Application filed January 10, 1951 for Plenary Brewery License.

Swift-Line Transfer Co., Inc.
330 Manhattan Ave.
Jersey City, N. J.

Application filed January 12, 1951 for Transportation License.

ERWIN B. HOCK
Director.

14. DISCIPLINARY PROCEEDINGS - PERMITTING BOOKMAKING AND GAMBLING ON LICENSED PREMISES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

JAMES MAIORISI
T/a CLUB HOOFY-DOOFY
20 Bridge Street
Hackensack, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-2, issued by the
City Council of the City of
Hackensack.

Max Mehler, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On November 6, 1950, and on divers days prior thereto, you allowed, permitted and suffered bookmaking and gambling in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20."

The file herein discloses that on November 6, 1950, a member of the New Jersey State Police and an ABC agent, acting on instructions received from a Deputy Attorney-General, entered defendant's premises for the purpose of conducting an investigation to determine if gambling activities were being conducted at said premises. During the course of the investigation, a plain white envelope containing eight slips on which bets were recorded was found on a shelf under the bar, and two blank tally pads and two pieces of paper containing racing information were found in a drawer compartment at the end of the bar. Emil Sanzari, a bartender employed on defendant's premises, was immediately questioned and admitted that the eight slips in the envelope were in his handwriting; that bets recorded thereon had been taken in the licensed premises on that date, and that he took bets on the licensed premises with the knowledge of the defendant. The evidence mentioned above, together with a radio, and the sum of \$128.00 found in the possession of the bartender, were seized by the officers making the investigation.

In a letter submitted on behalf of defendant, his attorney alleges that defendant had no personal knowledge of the illegal activities carried on by his bartender. From all the circumstances of the case I am inclined to believe that defendant did have such knowledge. In any event, he is responsible for the illegal activities carried on by his agent on the licensed premises.

Defendant has no prior record. Under all the circumstances, I shall suspend defendant's license for a period of twenty days. Remitting five days for the plea will leave a net suspension of fifteen days. Re Ferment, Bulletin 635, Item 5; Re Elis, Bulletin 801, Item 3; Re Meyer, Bulletin 812, Item 11; Re Bower, Bulletin 855, Item 1.

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

ORDERED that Plenary Retail Consumption License C-2, issued by the City Council of the City of Hackensack to James Maiorisi, t/a Club Hoofy-Doofy, for premises 20 Bridge Street, Hackensack, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. January 15, 1951, and terminating at 3:00 a.m. January 30, 1951.

E. W. B. Hoop
Director.