

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

BULLETIN 1147

JANUARY 21, 1957.

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

BULLETIN 1147

JANUARY 21, 1957.

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

In the Matter of Disciplinary)
Proceedings against)

KELLY'S HALF WAY HOUSE (A Corp.))
T/a KELLY'S HALF WAY HOUSE)
210 So. Blvd., Belcville)
Weymouth Township)
PO Mays Landing, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-2, issued by the)
Township Committee of Weymouth)
Township.)

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold alcoholic beverages to two minors and permitted the consumption of such beverages by said minors in its licensed premises, in violation of Rule 1 of State Regulations No. 20.

Acting upon information obtained from the Egg Harbor City Police, an ABC agent obtained signed sworn statements from Fred --- (age 17) and William --- (age 18). In his statement Fred --- says that he, William --- and two girls entered defendant's premises about 9:15 p.m. November 2, 1956, and left about one-half hour later; that, while he was in the premises, he had one drink of Vodka which was served by John Kelly, acting as bartender, and that he ordered from the bartender four quarts of beer to go out; that the girls drank soda and that no one questioned him as to his age. In his statement William --- corroborated the above facts. He further says that he had four beers; that he carried the four quarts of beer from the premises, and that no one questioned him as to his age.

Defendant has no prior record. The minimum suspension for sale to a seventeen-year-old minor after January 16, 1956, is twenty days. I shall suspend defendant's license for twenty days and remit five days for the plea herein, leaving a net suspension of fifteen days (Re O'Donnell, Bulletin 1131, Item 9).

Accordingly, it is, on this 20th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of Weymouth Township to Kelly's Half Way House (A Corp.), t/a Kelly's Half Way House, for premises 210 So. Blvd., Belcville, Weymouth Township, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. December 3, 1956, and terminating at 3:00 a.m. December 18, 1956.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - INDECENT PRINTED MATTER - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against JOHN J. McNICHOLAS T/a NORTH GRILL 1091 Alina Street Elizabeth 4, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-245, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth.

John J. McNicholas, Defendant-licensee, Pro se. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to charges alleging that (1) he sold alcoholic beverages in their original containers for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulations No. 38, and (2) he allowed, permitted and suffered indecent writings in and upon his licensed premises, in violation of Rule 17 of State Regulations No. 20.

The file herein discloses that on Sunday, September 16, 1956, ABC agents visited defendant's licensed premises wherein, between 8:15 p.m. and 8:45 p.m., they observed the bartender make three sales of alcoholic beverages in original containers for off-premises consumption. At about 8:45 p.m. one of the agents purchased six cans of beer to take out and the agents departed. They re-entered the licensed premises shortly thereafter, made known their identities to the bartender and seized from behind the bar wooden plaques bearing indecent printed matter.

Defendant has conducted his licensed business for the past twenty-three years and has no prior adjudicated record. Under all the circumstances, I shall suspend his license for twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 19th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-245, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to John J. McNicholas, t/a North Grill, for premises 1091 Alina Street, Elizabeth, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. November 26, 1956, and terminating at 2:00 a.m. December 11, 1956.

WILLIAM HOWE DAVIS Director.

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

In the Matter of Disciplinary Proceedings against)

FRANK J. & ANNA M. MALEK)
T/a ANN'S TAVERN)
160 E. Browning Road)
Bellmawr)
PO Mt. Ephraim, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Bellmawr.)

Frank J. & Anna M. Malek, Defendant-licensees, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that on October 26, 1956 they sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to two minors and permitted said minors to consume such beverages in and upon their licensed premises; in violation of Rule 1 of State Regulations No. 20.

On October 26, 1956, at about 10:45 p.m., two ABC agents visited defendants' licensed premises and observed two apparent minors consuming beer served to them at the bar by Donald Reed, one of two bartenders on duty. Upon interrogation by the agents, the young men identified themselves as John A. --- (age 19) and John W. --- (age 19). In sworn statements, dated October 27, 1956, both minors state that this was their first visit to the premises; that each consumed about eight glasses of beer; and that they were not questioned about their age. Reed orally admitted to the agents that he had served both minors and that he did not question either of them about their age.

Defendants have no prior adjudicated record. Subsequent to January 16, 1956, the minimum penalty for sale of alcoholic beverages to a 19-year-old minor is fifteen days. Re Pennington, Bulletin 1133, Item 9. I shall suspend defendants' license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 19th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Bellmawr to Frank J. & Anna M. Malek, t/a Ann's Tavern, 160 E. Browning Road, Bellmawr, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. November 26, 1956, and terminating at 3:00 a.m. December 6, 1956.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

SAM WELZER and MORRIS LEVINE)
t/a WELZER AND LEVINE)
94 - 12th Avenue)
Newark, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-)
tion License C-938, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Newark.)

Sam Welzer and Morris Levine, Defendant-licensees, by Sam Welzer.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they allowed, permitted and suffered two mislabeled beer taps on their licensed premises, in violation of Rule 26 of State Regulations No. 20.

The file herein discloses that on September 21, 1956, ABC agents, investigating a specific complaint on that score, found a barrel of Hensler beer and a barrel of Krueger beer connected to beer taps which bore the brand name Schaefer.

Defendants have no prior adjudicated record. I shall suspend defendants' license for a period of ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Zilberblat, Bulletin 1135, Item 4.

Accordingly, it is, on this 20th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-938, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Sam Welzer and Morris Levine, t/a Welzer and Levine, 94 - 12th Avenue, Newark, be and the same is hereby suspended for a period of five (5) days, commencing at 7:00 a.m. December 3, 1956, and terminating at 7:00 a.m. December 8, 1956.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF
STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS,
LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

WILLIAM P. MELVIN)
T/a BILL'S ELK BAR)
370 Grand Street)
Jersey City 2, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-89, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Jersey City.)

William N. Johnson, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on
Sunday, September 30, 1956 at about 1:05 p.m., he sold alcoholic
beverages in original containers for off-premises consumption,
in violation of Rule 1 of State Regulations No. 38.

On the above date and hour, an ABC agent entered the
licensed premises and noticed that it was occupied by ten patrons
and two bartenders. Shortly thereafter, the agent observed a
patron approach the bar and ask one of the bartenders for five
cans of beer. The agent then saw said bartender take five cans
of beer from a cooler, place them in a brown paper bag, give
them to the patron and accept \$1.00 in payment thereof. The
patron, followed by the agent, left the premises. When he
reached the street, he was stopped by the agent who was then
joined by another ABC agent. The three of them thereupon returned
to the premises. The agents identified themselves to the bar-
tender who was pointed out by the patron as the one who sold him
the beer; the other bartender was identified as the licensee.

In mitigation of penalty, the attorney for defendant has
submitted a statement which I have carefully read. Even if the
person who made the sale (as stated by defendant) was a "relief
bartender", I cannot overlook the fact that the illegal sale was
made in the presence of the licensee.

Defendant has no prior adjudicated record. I shall sus-
pend defendant's license for the minimum period of fifteen days.
Five days will be remitted for the plea entered herein, leaving
a net suspension of ten days. Re Ammirato, Bulletin 1134, Item 6.

Accordingly, it is, on this 21st day of November, 1956,

ORDERED that Plenary Retail Consumption License C-89,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Jersey City to William P. Melvin, t/a Bill's Elk Bar,
370 Grand Street, Jersey City, be and the same is hereby suspen-
ded for a period of ten (10) days, commencing at 2:00 a.m. December
3, 1956, and terminating at 2:00 a.m. December 13, 1956.

WILLIAM HOWE DAVIS
Director.

7. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN DANCE HALL ON PICNIC GROUNDS - STOCK OF ALCOHOLIC BEVERAGES AND FIXTURES AND FURNISHINGS ORDERED FORFEITED - VARIOUS ITEMS RETURNED TO INNOCENT OWNER.

In the Matter of the Seizure on August 11, 1956 of a quantity of alcoholic beverages, furnishings, fixtures, equipment and \$158.20 in cash, at premises located in Grenloch Park, on the Black Horse Pike, Washington Township, County of Gloucester and State of New Jersey.)	Case No. 9263
-----))	ON HEARING
George G. Tartar, Esq., Attorney for Majestic Vending Company.)	CONCLUSIONS AND ORDER
I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.)	

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether a quantity of alcoholic beverages, \$158.20 in cash, and various articles of furniture, fixtures and equipment, described in a schedule attached hereto, seized on August 11, 1956 at Grenloch Park, located on Black Horse Pike, Washington Township, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R. S. 33:1-66, an appearance was entered on behalf of Majestic Vending Company, which sought return of a cigarette vending machine and a music machine. Forfeiture of the balance of the property seized was not opposed by any person.

The substance of the testimony of an ABC agent at the hearing is that on the above date he and another agent went to Grenloch Park to investigate a complaint that alcoholic beverages were being sold there without a license. The agents proceeded to a building where there was a dance floor, and entered after paying an admission fee. They observed an orchestra on a platform, and a bar, at which the bartender was serving alcoholic beverages. There was a man seated at a nearby table who was selling tickets. The agent purchased a number of these tickets, went to the bar, and each agent ordered and was served with a drink of whiskey and a bottle of beer, for which the bartender accepted the agents' tickets to the value of \$1.70.

The agents each purchased another bottle of beer, paying therefor with tickets, then left the premises, and returned shortly thereafter after making arrangements with local police officers to raid the premises. Upon the return of the agents they ordered and were served with bottles of beer with payment therefor by tickets previously purchased, and then the agents identified themselves.

The agents were informed that Grenloch Park had been purchased by the Veselka Corporation, which held no license or permit to sell alcoholic beverages, and that the premises were not licensed for that purpose. The agents seized 1152 bottles of beer, 49 bottles of other alcoholic beverages, bottles of soda, drinking glasses, a cigarette vending machine, music machine, bar, sink and the aforesaid cash.

The alcoholic beverages were intended for unlawful sale and hence are illicit. R. S. 33:1-1(i). Such illicit alcoholic beverages, and all personal property seized therewith on the premises, including the cash, constitute unlawful property and are subject to forfeiture. R. S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

Leo Spector testified that he is one of the partners in a firm trading as Majestic Vending Company; that he arranged to place the cigarette vending machine and a music machine in Grenloch Park; that the machines were placed there on May 29, 1956; that he was told that dances would be held there with sale of sandwiches and soft drinks; that Grenloch Park operated on a seasonal summer basis; and that there were no alcoholic beverages visible on the occasions when he was there, and he did not suspect that alcoholic beverages were to be sold there. The persons who serviced such machines stated under oath that they did not have any reason to suspect that alcoholic beverages were being sold at the premises.

I am satisfied from the evidence presented that the Majestic Vending Company acted in good faith and did not know or have any reason to suspect that alcoholic beverages were being sold in the premises without a license. I shall therefore recognize its claim. R. S. 33:1-66(f).

Accordingly, it is DETERMINED and ORDERED that if on or before the 15th day of November, 1956, Majestic Vending Company pays the costs incurred in the seizure and storage of the cigarette vending machine and the music machine, such machines, as listed and more fully described in Schedule "A", attached hereto, will be returned to it; and it is further

DETERMINED and ORDERED that the balance of the seized property, including the cash, listed in the aforesaid Schedule "A" attached hereto, constitutes unlawful property, and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and shall be sold at public sale for the use of the state subject to rules and regulations to be announced at such sale or retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS
Director.

Dated: November 5, 1956.

SCHEDULE "A"

1152 - bottles of beer
49 - bottles of other alcoholic beverages
48 - bottles of soda
65 - drinking glasses
1 - cigarette vending machine
1 - music machine and currency therein
1 - steel sink
1 - bar
3 - rolls of tickets
\$158.20 in cash

8. AUTOMATIC SUSPENSION - STAYED PENDING DISCIPLINARY PROCEEDINGS BY ISSUING AUTHORITY.

Case No. 124-

In the Matter of a Petition to)
 Lift the Statutory Automatic)
 Suspension of License D-32)
 issued by the Municipal Board)
 of Alcoholic Beverage Control)
 of the City of Clifton to)
)
 SEYMOUR'S WINE & LIQUOR STORE, INC.)
 T/a SEYMOUR'S WINE & LIQUOR STORE, INC.)
 1289 Main Avenue)
 Clifton, N. J.)

ON PETITION
 O R D E R

 Frank W. Shershin, Esq., Attorney for Petitioner.

The petition herein discloses that on October 30, 1956, Herbert Gurwitt (a stockholder and vice-president of Seymour's Wine & Liquor Store, Inc.) pleaded guilty in the Municipal Court of the City of Clifton to a charge of selling alcoholic beverages to a minor and was fined \$200.00 and costs. Such conviction resulted in the automatic suspension of petitioner's license under the provisions of R. S. 33:1-31.1. Accordingly, its license was picked up by ABC agents on October 31, 1956, and turned over to the City Clerk of Clifton. The petition requests that the suspension be lifted.

The purpose of the automatic suspension is to ensure that, when a licensee is convicted in a criminal court for violating the Alcoholic Beverage Law, there is swift and sure penalty against the license. See Re Panasevitz, Bulletin 485, Item 3.

In the present case the petition sets forth that disciplinary proceedings have been instituted by the Municipal Board against petitioner for the same sale of alcoholic beverages, but that said Board will not meet until November 26, 1956. Under the circumstances, an order will be entered staying the automatic suspension of the license until Wednesday, November 28, 1956, at 11:00 a.m., so that the local issuing authority may have an opportunity to decide the pending disciplinary proceedings.

A supplementary petition to lift the automatic suspension may be filed with the Director after the local issuing authority has decided the pending disciplinary proceedings. In fairness to petitioner, however, the effect of the automatic suspension should be stayed. Re Faessler, Bulletin 920, Item 15.

Accordingly, it is, on this 8th day of November, 1956,

ORDERED that the aforesaid automatic suspension be stayed until 11:00 a.m. November 28, 1956, at which time it shall again become effective unless the Director shall otherwise order.

WILLIAM HOWE DAVIS
 Director.

By: Edward J. Dorton
 Deputy Director.

9. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

Auto. Susp. #125-)
 In the Matter of a Petition by)
)
 STANLEY PRUCHNIK)
)
 to Lift the Automatic Suspension)
 of Plenary Retail Consumption)
 License C-1, issued by the Borough)
 Council of the Borough of Union)
 Beach to)
)
 CASIMIR PRUCHNIK & STANLEY PRUCHNIK)
 t/a OLD BOATHOUSE)
 525 Front Street)
 Union Beach, N. J.)

ON PETITION
ORDER

John Pillsbury, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from a verified petition filed herein that on November 9, 1956, petitioner, Stanley Pruchnik, was convicted in the Monmouth County Court on a charge of selling alcoholic beverages to a minor, in violation of R. S. 33:1-77, as a result of which he was fined the sum of \$100.00. Said conviction resulted in the automatic suspension for the balance of its term of said License C-1. R. S. 33:1-31.1. Said license certificate was picked up by ABC agents on November 9, 1956.

It appears from the records of this Division that, in disciplinary proceedings instituted by said Borough Council, the licensees pleaded non vult to a charge of selling alcoholic beverages to a seventeen-year-old minor and that, as a result, the Council suspended their license for fifteen days, less five for the plea, effective at 2:00 a.m. April 9, 1956. The conviction in the criminal proceedings and the charge in the disciplinary proceedings were based upon the same facts. It appearing that the suspension imposed by the Borough Council was adequate, and that the suspension has been served, petitioner's request for the lifting of the automatic suspension will be granted.

Accordingly, it is, on this 13th day of November, 1956,

ORDERED that the automatic suspension of License C-1, held by Casimir Pruchnik & Stanley Pruchnik, t/a Old Boathouse, for premises 525 Front Street, Union Beach, be and the same is hereby lifted and said license is restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS
Director.

10. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY DIRECTOR - APPLICATION TO LIFT GRANTED.

Auto. Susp. #126-)
 In the Matter of Disciplinary)
 Proceedings against)

AUGUST FOGLER, SR. & AUGUST P.)
 FOGLER, JR.)
 T/a AUGUST FOGLER CAFE)
 84 Jefferson Street)
 Paterson 2, N. J.,)

ON PETITION
 O. R. D. E. R.

-----)
 Holders of Plenary Retail Consump-)
 tion License C-243, issued by the)
 Board of Alcoholic Beverage Control)
 for the City of Paterson.)

-----)
 Gelman & Gelman, Esqs., Attorneys for Petitioners.)

BY THE DIRECTOR:

It appears from a petition filed herein and from the records of this Division that on October 31, 1956, August P. Fogler, Jr. (one of the defendants herein) received a suspended sentence in a Magistrate's Court of the City of Paterson after pleading non vult to a charge of selling alcoholic beverages to minors, in violation of R. S. 33:1-77. Said conviction has resulted in the automatic suspension for the balance of its term of the license held by defendants. R. S. 33:1-31.1. The petition requests the lifting of said suspension.

By order dated October 29, 1956, I suspended defendants' license for a net period of twenty-five days after they had pleaded non vult in disciplinary proceedings to a charge alleging that they sold alcoholic beverages to minors. Said suspension is effective from 3:00 a.m. November 5, 1956 to 3:00 a.m. November 30, 1956. The conviction in the criminal proceedings and the charge in the disciplinary proceedings were based upon the same facts. Since the suspension heretofore imposed is adequate, the relief sought herein will be granted at the termination of the suspension now in effect.

Accordingly, it is, on this 15th day of November, 1956,

ORDERED that the automatic suspension of the license held by defendants be lifted, effective at 3:00 a.m. November 30, 1956. Until then the suspension remains in effect.

WILLIAM HOWE DAVIS
 Director.

11. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

Auto. Susp. #128-)
In the Matter of a Petition by)
HERMAN BOTWINIK)
2013 Bergenline Avenue)
Union City, N. J.,)

ON PETITION
O R D E R

To Lift the Automatic Suspension)
of Plenary Retail Distribution)
License D-14, issued by the Board)
of Commissioners of the City of)
Union City.)
-----)

Samuel Moskowitz, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from petition filed herein that on October 5, 1956, petitioner was sentenced to a county penitentiary for one year, placed on probation for two years and fined \$500.00 and costs by a Judge of the Hudson County Court after he had pleaded non vult to a charge of selling alcoholic beverages to a minor, in violation of R. S. 33:1-77, and that the sentence to the penitentiary was suspended. Said conviction resulted in the automatic suspension of his license for the balance of its term. R. S. 33:1-31.1. The petition requests that the automatic suspension be lifted.

It further appears from the petition and from the records of this Division that, in disciplinary proceedings instituted by the Board of Commissioners of Union City, petitioner pleaded non vult to a charge of selling alcoholic beverages to the same minor (age 14) and that, as a result, said Board suspended his license for twenty days (less five for the plea), effective from 3:00 a.m. February 27, 1956, to 3:00 a.m. March 13, 1956.

The petition herein alleges that petitioner has been in business for twenty-three years and has no prior record other than a suspension for violating Regulations No. 30 many years ago. Petition further alleges that the minor was over six feet in height and appeared to be older than his actual age. Under all the circumstances of this case, including the severe penalty imposed in the criminal proceedings, I conclude that petitioner has been sufficiently punished and shall grant the relief he requests.

Accordingly, it is, on this 16th day of November, 1956,

ORDERED that the automatic suspension of License D-14, held by Herman Botwinik, for premises 2013 Bergenline Avenue, Union City, be and the same is hereby lifted and said license is restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS
Director.

12. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY DIRECTOR - APPLICATION TO LIFT GRANTED.

Auto. Susp. #127-)
In the Matter of Disciplinary)
Proceedings against)

ROBERT BELISONZI and FRANK MAURICE)
T/a HUDSON PIZZERIA)
5101-7 Hudson Boulevard)
North Bergen, N. J.,)

ON PETITION
O R D E R

-----)
Holders of Plenary Retail Consump-)
tion License C-42, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the Township of)
North Bergen.)

Harold Capone, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

It appears from a petition filed herein that on October 5, 1956, Robert Belisonzi was fined the sum of \$250.00 and costs on each of two indictments in the Hudson County Court after he had been convicted on said indictments alleging that he sold alcoholic beverages to minors, in violation of R. S. 33:1-77. Said conviction has resulted in the automatic suspension for the balance of its term of the license held by defendants. R. S. 33:1-31.1. The petition requests the lifting of said suspension.

By Order dated February 6, 1956, I suspended defendants' license for a net period of twenty days after they had pleaded non vult in disciplinary proceedings to a charge alleging that they sold alcoholic beverages to the same minors. Said suspension was effective from 3:00 a.m. February 14, 1956, to 3:00 a.m. March 5, 1956. It appearing that the suspension heretofore imposed is adequate, the relief sought herein will be granted.

Accordingly, it is, on this 16th day of November, 1956,

ORDERED that the automatic suspension of the license held by defendants be and the same is hereby lifted, and said license is restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS
Director.

13.

ACTIVITY REPORT FOR DECEMBER 1956

ARRESTS:

Total number of persons arrested	-----	23
Licenses and employees	----- 3	
Bootleggers	----- 19	
ABC agent impersonator	----- 1	

SEIZURES:

Motor vehicles - cars	-----	2
Stills - over 50 gallons	-----	1
Mash - gallons	-----	100.00
Distilled alcoholic beverages - gallons	-----	32.87
Wine - gallons	-----	2.12
Brewed malt alcoholic beverages - gallons	-----	9.56

RETAIL LICENSEES:

Premises inspected	-----	467
Premises where alcoholic beverages were gauged	-----	506
Bottles gauged	-----	8,466
Premises where violations were found	-----	26
Violations found	-----	49
Type of violations found:		
Unqualified employees	----- 20	Disposal permit necessary
Application copy not available	----- 8	Gambling devices
Reg. #38 sign not posted	----- 8	Probable fronts
		Other violations

STATE LICENSES:

Premises inspected	-----	45
License applications investigated	-----	6

COMPLAINTS:

Complaints assigned for investigation	-----	359
Investigations completed	-----	343
Investigations pending	-----	122

LABORATORY:

Analyses made	-----	240
Refills from licensed premises	-----	15
Bottles from unlicensed premises	-----	75

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made	-----	11
Persons fingerprinted for non-criminal purposes	-----	159
Identification contacts made with other enforcement agencies	-----	116

DISCIPLINARY PROCEEDINGS:

Cases instituted at Division	-----	21*
Violations involved:		
Sale to minors	----- 5	Unqualified employee
Permitting immoral activity	----- 4	Sale outside scope of license
Sale during prohibited hours	----- 3	Possessing indecent matter
Sale below minimum resale price	----- 3	Failure to close premises during prohibited hours
Fraud and front	----- 3	Hindering investigation
Failure to afford view into premises during prohibited hours	----- 2	Unauthorized transportation
Possessing contraceptives on premises	----- 1	Delivery w/o bona fide invoice
Employing bartender w/o identification card (local reg.)	----- 1	Permitting lottery on premises
		Possessing pinball machine on premises

*Includes one cancellation proceeding - new license improvidently issued.

Cases transmitted to municipalities	-----	13
Violations involved:		
Sale during prohibited hours	----- 8	Permitting hostesses on premises
Sale to minors	----- 3	Failure to close premises during prohibited hours
Sale to intoxicated persons	----- 1	Failure to afford view into premises during prohibited hours
Permitting gambling (cards) on premises	----- 1	
Sale outside scope of license	----- 1	
Cases brought by municipalities on own initiative and reported to Division	-----	8
Violations involved:		
Sale to minors	----- 7	
Permitting brawl on premises	----- 2	
Sale to intoxicated persons	----- 1	
Permitting immoral activity on premises	----- 1	

HEARINGS HELD AT DIVISION:

Total number of hearings held	-----	24
Appeals	----- 1	Seizures
Disciplinary proceedings	----- 13	Tax revocations
Eligibility	----- 7	Applications for license

STATE LICENSES AND PERMITS ISSUED:

Total number issued	-----	970
Licenses	----- 2	Social affair permits
Employment permits	----- 142	Miscellaneous "
Solicitors'	----- 18	Transit insignia
Disposal "	----- 112	Transit certificates
Wine "	----- 50	

WILLIAM HOWE DAVIS
DIRECTOR

Dated: January 3, 1957

14. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1956 TO OCTOBER 31, 1956 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R. S. 33-1-19.

CLASSIFICATION OF LICENSES

COUNTY	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surrendered Expired	Number Licenses 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	489	\$ 208,750.00	71	\$ 25,575.00	21	\$ 1,946.59						581	\$ 236,271.59
Bergen	796	300,137.50	290	84,226.59	98	9,416.13	53	\$ 2,496.25	5	\$ 1,387.34		1242	397,663.81
Burlington	184	77,440.00	37	10,097.04	44	6,299.18	1	50.00				266	93,886.22
Camden	454	220,600.00	82	34,818.15	70	6,749.11			1	375.00		607	262,542.26
Cape May	134	73,900.00	11	4,000.00	18	2,148.90						163	80,048.90
Cumberland	80	40,875.00	15	4,100.00	29	3,910						124	48,885.00
Essex	1354	754,810.00	350	205,200.00	97	13,225.00	29	1,450.00	1	750.00		1831	975,435.00
Gloucester	108	34,400.00	14	3,000.00	22	1,922.88						144	39,322.88
Hudson	1539	698,704.36	298	122,400.00	83	9,726.70	66	2,850.00				1986	833,681.06
Hunterdon	79	27,200.00	8	3,000.00	8	948.90	1	50.00				96	31,198.90
Mercer	425	259,600.00	51	21,150.00	55	7,790.96			1	105.00		532	288,645.96
Middlesex	633	312,455.00	74	23,195.00	87	7,803.49	4	200.00				798	343,653.49
Monmouth	551	288,525.14	120	41,985.00	41	4,696.99	10	435.00	26	11,453.80		748	347,095.93
Morris	356	127,340.00	98	32,700.00	49	4,493.46	19	950.00	5	1,368.75		527	166,852.21
Ocean	192	105,234.70	47	19,680.00	25	2,650.00						264	127,564.70
Passaic	871	357,455.00	167	51,370.00	37	4,425.00	10	475.00				1085	413,725.00
Salem	51	19,300.00	8	1,550.00	18	1,725.00						77	22,575.00
Somerset	186	81,400.00	40	12,245.00	26	2,950.00						252	96,595.00
Sussex	168	45,855.00	20	3,955.00	9	535.00	1	50.00	1	182.40		199	50,577.40
Union	549	301,909.93	144	66,300.00	73	8,188.91	31	1,525.00				797	377,923.84
Warren	148	43,830.00	20	5,060.00	30	3,300.00	2	289.69				200	52,479.69
Totals	9347	\$4,379,721.63	1965	\$775,606.78	940	\$104,852.20	227	\$10,820.94	40	\$15,622.29		12519	\$5,286,662.84

William Howe Davis.
Director

December 14, 1956

15. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

Auto. Susp. #124-)
In the Matter of a Petition to Lift)
the Statutory Automatic Suspension)
of License D-32 issued by the)
Municipal Board of Alcoholic Beverage)
Control of the City of Clifton to)

O R D E R

SEYMOUR'S WINE & LIQUOR STORE, INC.)
t/a SEYMOUR'S WINE & LIQUOR STORE,)
INC.)
1289 Main Avenue)
Clifton, N.J.)

-----)
Frank W. Shershin, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

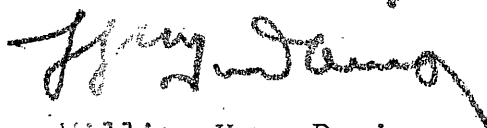
By Order dated November 8, 1956, the statutory automatic suspension of the license mentioned above was stayed until November 28, 1956, at 11:00 a.m., so that the local issuing authority might have an opportunity to hear and decide a disciplinary proceeding it intended to institute.

A certified copy of a resolution adopted by the local issuing authority on November 26, 1956 discloses that petitioner pleaded guilty in said disciplinary proceedings and that the local issuing authority suspended its license for a net period of fifteen days, less the eight days already served under the statutory automatic suspension, effective from 10:00 p.m. November 27, 1956, to 10:00 p.m. December 4, 1956.

The criminal proceedings and the charges in the disciplinary proceedings were based upon the fact that petitioner sold alcoholic beverages on five separate occasions to an eighteen-year-old minor. The suspension imposed by the local issuing authority is adequate under the circumstances of this case. Hence the statutory automatic suspension will be lifted at the expiration of the suspension imposed by the local issuing authority.

Accordingly, it is, on this 3rd day of December, 1956,

ORDERED that the statutory automatic suspension herein will be lifted, effective at 10:00 p.m. December 4, 1956, at which time the license will be restored to full force and operation.



William Howe Davis
Director.