

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
744 Broad Street, Newark, N. J.

BULLETIN 439

JANUARY 15, 1941.

1. REPORT OF DISCIPLINARY PROCEEDINGS AGAINST MUNICIPAL LICENSEES
CONDUCTED DIRECTLY BY THE DEPARTMENT.

January 9, 1941

To: E. W. Garrett, Acting Commissioner
From: Emerson A. Tschupp, Attorney

Period Covered
July 1, 1940 through December 31, 1940

SUMMARY

Cases Instituted 102

Disposition:

| | |
|--|-----------|
| License revoked | 2 |
| License suspended | 66 |
| Charges dismissed | 2 |
| Pending | 32 |
| Awaiting entry of order of sus- pension after guilty plea entered before hearing | 2 |
| Heard, decision reserved | 15 |
| Awaiting hearing | <u>15</u> |
| | 32 |

102

The foregoing 102 cases involved 121 separate violations, as set forth below, comparing with a total of 89 cases involving 117 separate violations for the first half of the fiscal year 1939-40. Of the total number, 39 were Fair Trade cases in municipalities scattered throughout the State; 21 involved other charges against Newark licensees; and the balance involved licensees of various other municipalities throughout the State, the proceedings being conducted at the Department because the complaint had been made by a coordinate law enforcement agency (e.g., the Federal Alcohol Tax Unit), or the license had been issued directly by the Commissioner because a member of the municipal issuing authority was interested therein, or because of departmental policy to conduct all cases of a particular class, e.g., fraud and front cases, at the Department. Penalties preceded by an asterisk were imposed in cases where one or more additional charges were involved, and no separate penalty was imposed on the separate charges.

1. Sale of Alcoholic Beverages at Cut Rates in Violation of Fair Trade Regulations.

Total number of charges brought 39

Disposition:

| | |
|-------------------|----|
| License revoked | 1 |
| License suspended | 27 |

Disposition (Cont'd):

| | | |
|----------------------------|--|-----------|
| License suspended (cont'd) | | |
| Periods covered: | | |
| 316 days | | 1 |
| *15 " | | 3 |
| *13 " | | 1 |
| *10 " | | 2 |
| 8 " | | 1 |
| 5 " | | <u>19</u> |
| | | 27 |

| | | |
|---|----------|----|
| Pending | | 11 |
| Awaiting entry of order of suspension after guilty plea | 1 | |
| Heard, decision reserved | 5 | |
| Awaiting hearing | <u>5</u> | |
| | | 11 |

39

2. Gambling, Slot Machines and Lotteries on the Licensed Premises.

Total number of charges brought 20

Disposition:

| | | |
|-------------------|--|-----------|
| License suspended | | 15 |
| Periods covered: | | |
| *25 days | | 1 |
| 15 " | | 1 |
| 10 " | | 1 |
| 5 " | | <u>12</u> |
| | | 15 |

| | | |
|--------------------------|----------|---|
| Pending | | 5 |
| Heard, decision reserved | 1 | |
| Awaiting hearing | <u>4</u> | |
| | | 5 |

20

3. Sale of Alcoholic Beverages During Hours Prohibited by Municipal Ordinance, Resolution, Regulation or Referendum, Including Obstruction of Public View.

Total number of charges brought 17

Disposition:

| | | |
|-------------------|--|----------|
| License suspended | | 16 |
| Periods covered: | | |
| 20 days | | 1 |
| *15 " | | 3 |
| 15 " | | 1 |
| *13 " | | 1 |
| *10 " | | 3 |
| 10 " | | 1 |
| 5 " | | 3 |
| 3 " | | <u>3</u> |
| | | 16 |

| | | |
|---------------------------|--|----------|
| Pending, awaiting hearing | | <u>1</u> |
| | | 17 |

4. Fraud, Misrepresentation, False Statement, etc. in Application for License, Including Operation as a Front for Another.

Total number of charges brought 14

Disposition:

| | | |
|--------------------------|---------------|---|
| License revoked | | 1 |
| License suspended | | 7 |
| Periods covered: | | |
| 280 days | 1 | |
| 37 " | 1 | |
| 30 " | 1 | |
| 28 " | 1 | |
| 13 " | 1 | |
| 10 " | 1 | |
| 5 " | $\frac{1}{7}$ | |
| Pending | | 6 |
| Heard, decision reserved | 5 | |
| Awaiting hearing | $\frac{1}{6}$ | |

14

5. Permitting Known Criminals or Persons of Ill Repute Upon Licensed Premises.

Total number of charges brought 5

Disposition:

| | | |
|----------------------------|---|---------------|
| License suspended | | 1 |
| Period covered: | | |
| *15 days | 1 | |
| Pending, decision reserved | | $\frac{4}{5}$ |

6. Sale or Service of Alcoholic Beverages to Minors.

Total number of charges brought 5

Disposition:

| | | |
|---------------------------|---------------|---------------|
| License suspended | | 1 |
| Period covered: | | |
| 5 days | 1 | |
| Charges dismissed | $\frac{1}{2}$ | 1 |
| Pending, awaiting hearing | 3 | $\frac{3}{5}$ |

7. Permitting Brawls on Licensed Premises.

Total number of charges brought 4

Disposition:

| | | |
|----------------------------|---|---------------|
| License suspended | | 1 |
| Period covered: | | |
| *15 days | 1 | |
| Pending, decision reserved | | $\frac{3}{4}$ |

8. Employment of Persons Ineligible to Hold a License by Reason of Age, Residence, Citizenship or Prior Conviction of Crime Involving Moral Turpitude.

Total number of charges brought 4

Disposition:

| | | | |
|----------------------------|---|---------------|--|
| License suspended | | 2 | |
| Periods covered: | | | |
| *13 days | 1 | | |
| 3 " | 1 | | |
| Pending, decision reserved | | $\frac{2}{4}$ | |

9. Possession of Illicit Alcoholic Beverages

Total number of charges brought 3

Disposition:

| | | | |
|---|---|---------------|--|
| Pending | | 3 | |
| Awaiting entry of order of suspension after guilty plea | 1 | | |
| Awaiting hearing | 2 | | |
| | | $\frac{3}{3}$ | |

10. Permitting Unnecessary Noise on Licensed Premises.

Total number of charges brought 2

Disposition:

| | | | |
|-------------------|---|---------------|--|
| License suspended | | 1 | |
| Period covered: | | | |
| 3 days | 1 | | |
| Charges dismissed | 1 | $\frac{1}{2}$ | |

11. Sale of Alcoholic Beverages Beyond Scope of License.

Total number of charges brought 2

Disposition:

| | | | |
|-------------------|---|---------------|--|
| License suspended | | 2 | |
| Periods covered: | | | |
| *15 days | 1 | | |
| 5 " | 1 | | |
| | | $\frac{2}{2}$ | |

12. Sign Violations

Total number of charges brought 2

Disposition:

| | | | |
|----------------------------|---|---------------|--|
| License suspended | | 1 | |
| Period covered: | | | |
| 3 days | 1 | | |
| Pending, decision reserved | 1 | $\frac{1}{2}$ | |

13. Offering a Discount with the Sale of Alcoholic Beverages for Off-Premises Consumption.

Total number of charges brought 1

Disposition:

License suspended 1

Period covered:

3 days 1

14. Sale of Alcoholic Beverages on Election Day, including Licensed Premises Open in Violation of Local Regulation.

Total number of charges brought 1

Disposition:

License suspended 1

Period covered:

*25 days 1

15. Employment of Female Bartenders and Waitresses.

Total number of charges brought 1

Disposition:

License suspended 1

Period covered:

*10 days 1

16. Permitting Prostitutes, Lewdness and Immoral Activities Upon the Licensed Premises.

Total number of charges brought 1

Disposition:

License suspended 1

Period covered:

*15 days 1

Respectfully submitted,
Emerson A. Tschupp,
Attorney.

2. REPORT OF DISCIPLINARY PROCEEDINGS AGAINST LICENSEES TRANSMITTED BY THE DEPARTMENT TO MUNICIPAL ISSUING AUTHORITIES.

January 9, 1941.

To: E. W. Garrett, Acting Commissioner
From: Emerson A. Tschupp, Attorney

Period Covered
July 1, 1940 through December 31, 1940

SUMMARY

Cases Transmitted 78

Disposition:

| | | |
|--------------------------|-----------|----|
| License suspended | | 47 |
| Sentence suspended | | 3 |
| Charges dismissed | | 2 |
| Pending | | 26 |
| Heard, decision reserved | 13 | |
| Awaiting hearing | <u>13</u> | |
| | 26 | |

78

The foregoing 78 cases involved 89 separate violations as set forth below, comparing with a total of 146 cases involving 167 violations for the first half of the fiscal year 1939-40. Penalties preceded by an asterisk were imposed in cases where one or more additional charges were involved, and no separate penalty was imposed on the separate charges.

1. Sale of Alcoholic Beverages During Hours Prohibited by Municipal Ordinance, Resolution, Regulation or Referendum, Including Obstruction of Public View.

Cases Transmitted 46

Disposition:

| | | |
|--------------------------|----------|----|
| License suspended | | 23 |
| Periods covered: | | |
| 60 days | 1 | |
| 40 " | 1 | |
| *10 " | 1 | |
| *7 " | 1 | |
| *5 " | 1 | |
| 5 " | 6 | |
| *4 " | 1 | |
| 3 " | 4 | |
| 2 " | 6 | |
| 1½ " | <u>1</u> | |
| | 23 | |
| Sentence suspended | | 3 |
| Dismissed | | 1 |
| Pending | | 19 |
| Heard, decision reserved | 12 | |
| Awaiting hearing | <u>7</u> | |
| | 19 | |

46

2. Gambling, Slot Machines and Lotteries on Licensed Premises.

Cases Transmitted 9

Disposition:

License suspended 8

Periods covered:

| | |
|----------|---------------|
| *23 days | 1 |
| 10 " | 1 |
| *5 " | 2 |
| 5 " | 1 |
| 3 " | 2 |
| 2 " | $\frac{1}{8}$ |

Pending, awaiting hearing $\frac{1}{9}$

3. Sale or Service of Alcoholic Beverages to Minors.

Cases Transmitted 9

Disposition:

License suspended 8

Periods covered:

| | |
|----------|---------------|
| *45 days | 1 |
| *30 " | 1 |
| 15 " | 1 |
| 10 " | 1 |
| 4 " | 2 |
| 3 " | 1 |
| 2 " | $\frac{1}{8}$ |

Pending, decision reserved $\frac{1}{9}$

4. Employment of Hostesses in Violation of Municipal Regulation.

Cases Transmitted 5

Disposition:

License suspended 5

Periods covered:

| | |
|---------|---------------|
| 45 days | 1 |
| *10 " | 1 |
| *7 " | 1 |
| *5 " | 1 |
| *4 " | $\frac{1}{5}$ |

5. Sale of Alcoholic Beverages on Election Day.

Cases Transmitted 4

Disposition:

License suspended 4

Periods covered:

| | |
|--------|---------------|
| 7 days | 1 |
| 5 " | 1 |
| 3 " | 1 |
| 2 " | $\frac{1}{4}$ |

6. Permitting Lewdness, Immoral Activities and Female Impersonators Upon the Licensed Premises.

Cases Transmitted 3

Disposition:

License suspended 2

Periods covered:

*10 days 1

*5 " 1/2

Pending, awaiting hearing 1/3

7. Employment of Persons Ineligible to Hold a License by Reason of Age, Residence, Citizenship, or Prior Conviction of a Crime Involving Moral Turpitude.

Cases Transmitted 3

Disposition:

License suspended 3

Periods covered:

*23 days 1

*7 " 1

*5 " 1/3

8. Hindering an Investigation or Inspection.

Cases Transmitted 2

Disposition:

License suspended 1

Period covered:

*30 days 1

Pending, awaiting hearing 1/2

9. Possession of Illicit Alcoholic Beverages.

Cases Transmitted 2

Disposition:

License suspended 1

Period covered:

30 days 1

Dismissed 1/2

10. Sale of Alcoholic Beverages to Non-Members by Club Licensees.

Cases Transmitted 2

Disposition:

License suspended 1

Period covered:

*45 days 1

Pending, awaiting hearing 1/2

11. Possession of Chilled Beer by Limited Retail Distribution Licensee.

Cases transmitted 1

Disposition:

Pending, awaiting hearing 1

12. Discount or Similar Inducement Offered with Sale of Alcoholic Beverage for Off-Premises Consumption.

Cases Transmitted 1

Disposition:

Pending, awaiting hearing 1

13. Mislabeled Beer Taps.

Cases Transmitted 1

Disposition:

License suspended 1

Period covered:

*7 days 1

14. Sale of Alcoholic Beverages Beyond Scope of License (Excluding Sale to Non-Members by Club Licensees - See No.10)

Cases Transmitted 1

Disposition:

Pending, awaiting hearing 1

Respectfully submitted,

Emerson A. Tschupp,
Attorney.

3. REPORT OF DISCIPLINARY PROCEEDINGS AGAINST LICENSEES INSTITUTED BY MUNICIPALITIES ON THEIR OWN INITIATIVE SO FAR AS PRESENTLY REPORTED.

January 9, 1941.

To: E. W. Garrett, Acting Commissioner
 From: Emerson A. Tschupp, Attorney

Period Covered
July 1, 1940 through December 31, 1940

SUMMARY

Cases Instituted 18

Disposition:

| | |
|-------------------|-----------|
| License revoked | 3 |
| License suspended | 12 |
| Charges dismissed | 2 |
| Licensee warned | 1 |
| | <u>18</u> |

The foregoing 18 cases involved 29 violations as set forth below:

| <u>Municipality</u> | <u>No. of Cases</u> | <u>Charge</u> | <u>Disposition</u> |
|---------------------|---------------------|--|----------------------------|
| Bellmawr | 1 | Licensed premises open during prohibited hours | License suspended 5 days |
| Egg Harbor City | 1 | Permitting the conduct of licensed business in such manner as to constitute a nuisance. | License suspended 1 day |
| | 1 | Permitting unnecessary noise on licensed premises. | License suspended 7 days |
| Jackson | 1 | Sale of alcoholic beverages to minors and sale in open containers for off-premises consumption | License suspended 5 days |
| Morristown | 1 | Sale of alcoholic beverages to minors; sale of alcoholic beverages in open containers for off-premises consumption; sale of alcoholic beverages to intoxicated persons; permitting female employees to serve alcoholic beverages; permitting disturbances and unnecessary noise on the licensed premises; permitting minors in a barroom; permitting noisy operation of music machine and permitting licensed premises to be open during prohibited hours. | License suspended 182 days |

| <u>Municipality</u> | <u>No. of Cases</u> | <u>Charge</u> | <u>Disposition</u> |
|---------------------|---------------------|--|---------------------------|
| Mountain View | 1 | False statement in application for license and aiding and abetting non-licensee to exercise privileges of license. | Charge dismissed |
| Passaic | 1 | Sale of alcoholic beverages during prohibited hours | Charges dismissed |
| | 1 | Permitting a known prostitute on licensed premises | License revoked |
| Penns Grove | 2 | Having music on licensed premises contrary to local ordinance | License suspended 3 days |
| | 1 | Sale of alcoholic beverages during prohibited hours | License suspended 3 days |
| Rahway | 1 | Permitting brawl and disturbance and permitting gambling on licensed premises | License suspended 10 days |
| South Belmar | 1 | Permitting music on licensed premises | License suspended 2 days |
| Springfield | 1 | Permitting unnecessary noise on licensed premises | License suspended 6 days |
| Trenton | 1 | Misstatement of facts in application for license | License revoked |
| Union City | 1 | Sale of alcoholic beverages beyond terms of license and during prohibited hours | License suspended 5 days |
| | 1 | Sale of alcoholic beverages beyond terms of license and during prohibited hours | Licensee warned |
| Waterford | 1 | Permitting presence of opened containers of alcoholic beverages on distribution licensed premises. | License revoked |

Respectfully submitted,
Emerson A. Tschupp,
Attorney.

4. REPORT OF CASES INVOLVING NON-PAYMENT OF TAXES OR PENALTIES OR OTHER FAILURE TO COMPLY WITH THE TAX LAW, CONDUCTED DIRECTLY BY THE DEPARTMENT.

January 9, 1941.

To: E. W. Garrett, Acting Commissioner
From: Emerson A. Tschupp, Attorney

Period Covered
July 1, 1940 through December 31, 1940

SUMMARY

Cases Instituted 15

Disposition:

| | |
|--|----|
| License or Permit suspended for balance of term | 2 |
| Dismissed after charges were served, but before entry of order of suspension, after payment of penalty and service charge | 12 |
| License suspended for balance of term but reinstated upon compliance with Alcoholic Beverage Tax Law and payment of service charge | 1 |
| | 15 |

The foregoing 15 cases involved licensees and permittees as set forth below:

State Licensees

Cases Instituted 2

Disposition:

| | |
|--|---|
| Dismissed after charges were served, but before entry of order of suspension, after payment of penalty and service charge | 1 |
| License suspended for balance of term but reinstated upon compliance with Alcoholic Beverage Tax Law and payment of service charge | 1 |
| | 2 |

Permittees

Cases Instituted 1

Disposition:

| | |
|---|---|
| Dismissed after charges were served, but before entry of order of suspension, after payment of penalty and service charge | 1 |
|---|---|

Municipal Licensees

Cases Instituted 12

Disposition:

| | |
|---|----|
| License suspended for balance of term | 2 |
| Dismissed after charges were served, but before entry of order of suspension, after payment of penalty and service charge | 10 |
| | 12 |

Respectfully submitted,
Emerson A. Tschupp,
Attorney.

5. REPORT OF DISCIPLINARY PROCEEDINGS AGAINST STATE LICENSEES
AND PERMITTEES INSTITUTED BY THE DEPARTMENT.

January 9, 1941

To: E. W. Garrett, Acting Commissioner
From: Emerson A. Tschupp, Attorney

Period Covered
July 1, 1940 through December 31, 1940

SUMMARY

Cases Instituted 2

Disposition:

| | |
|--------------------------|---------------|
| Pending | |
| Heard, decision reserved | 1 |
| Awaiting hearing | $\frac{1}{2}$ |

The foregoing 2 proceedings involved 2 violations as set forth below:

| <u>Kind of License</u> | <u>Charge</u> | <u>Disposition</u> |
|------------------------|---|--------------------|
| Solicitor's Permit | False statement in application for permit | Decision reserved |
| Solicitor's Permit | False statement in application for permit | Awaiting hearing |

Respectfully submitted,
Emerson A. Tschupp,
Attorney.

E. W. Garrett
Acting Commissioner.