

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
1060 Broad Street Newark, 2, N. J.

BULLETIN 673

JULY 12, 1945.

1. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR
A PERIOD OF 10 DAYS.

In the Matter of Disciplinary Proceedings against

HENRY J. SARNOSKI and
THEODORE J. BERGLUND
T/a HOLLYWOOD TAVERN
256 Hollywood Avenue
Hillside, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-5 for the fiscal years 1944-45 and 1945-46, both issued by the Municipal Board of Alcoholic Beverage Control of the Township of Hillside.

Henry J. Sarnoski and Theodore J. Berglund, Defendant-licensees,
Pro se.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendants plead non vult to a charge alleging that they possessed two 4/5 quart bottles labeled "Canadian Club Blended Canadian Whiskey", which bottles contained alcoholic beverages not genuine as labeled, in violation of R. S. 33:1-50.

On May 3, 1945 an agent of the Federal Alcohol Tax Unit, upon testing the contents of defendants' open stock of liquor consisting of thirty-six bottles, seized the two bottles in question. Chemical analysis by the Federal chemist disclosed substantial variations in solids, acids and color between the contents of the two bottles and that of a genuine sample of "Canadian Club Blended Canadian Whiskey."

The licensees disclaimed any knowledge regarding the violation. Henry J. Sarnoski, one of the licensees, stated that an employee suspected of refilling the two bottles has been discharged. Regardless of personal innocence, a licensee is held strictly accountable for any "refills" found in his stock of liquor. Cf. Re Kurian, Bulletin 517, Item 2.

Defendants have no previous adjudicated record. I shall, therefore, suspend the license for a period of ten days. Re Klimovich, Bulletin 667, Item 1.

Although this proceeding was instituted during the fiscal year 1944-45, it does not abate but remains fully effective against the renewal license for the 1945-46 fiscal year. State Regulations No. 16.

Accordingly, it is, on this 29th day of June, 1945,

ORDERED, that Plenary Retail Consumption License C-5 for the 1945-46 fiscal year, issued by the Municipal Board of Alcoholic

Beverage Control of the Township of Hillside to Henry J. Sarnoski and Theodore J. Berglund, t/a Hollywood Tavern, for premises 256 Hollywood Avenue, Hillside, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. July 9, 1945, and terminating at 2:00 a.m. July 19, 1945.

ALFRED E. DRISCOLL
Commissioner.

2. APPELLATE DECISIONS - TUSAY v. TRENTON - AMENDED ORDER.

JOHN TUSAY, Administrator of the)
Estate of Stephen Tusay, deceased,)
Appellant,)
-vs-)
BOARD OF COMMISSIONERS OF THE CITY)
OF TRENTON,)
Respondent)

ON APPEAL
AMENDED ORDER

William A. Moore, Esq., Attorney for Appellant.
Louis Josephson, Esq., Attorney for Respondent.

BY THE COMMISSIONER:

It appearing that the approval of the building authorities cannot be obtained prior to midnight June 30, 1945, and

It further appearing that the transfer of License C-272 must be made before midnight June 30, 1945, to permit respondent to consider an application for renewal of the license at 1122 Anderson Street, Trenton, and

It further appearing that the conditions heretofore imposed in my previous order herein may be properly considered by the respondent on the application for renewal,

It is, on this 29th day of June, 1945,

ORDERED, that the Order entered herein on the 26th day of June, 1945, be and the same is hereby amended to read as follows:

"ORDERED, that the action of the respondent in denying the transfer be and the same is hereby reversed, and respondent is directed to issue the transfer as applied for subject to the approval of the premises at 1122 Anderson Street by the local Health and Safety authorities."

ALFRED E. DRISCOLL
Commissioner.

3. ACTIVITY REPORT FOR JUNE, 1945

To: Alfred E. Driscoll, Commissioner

<u>ARRESTS:</u>	Licensees and employees - - - - -	6	Bootleggers - - - - -	8
	Total number of persons arrested- - - - -			14
<u>SEIZURES:</u>	Still - 1 to 50 gallons daily capacity - - - - -	0		
	50 gallons and more daily capacity- - - - -	0		
	Total number of stills seized - - - - -			0
	Mash - gallons- - - - -			0
	Motor vehicles - Trucks - - - - -	0		
	Passenger cars - - - - -	0		
	Total number of motor vehicles seized - - - - -			0
	Beverage alcohol - gallons- - - - -			0
	Brewed malt alcoholic beverages (beer, ale, etc.) - gallons - - - - -			12
	Wine - gallons- - - - -			2
	Distilled alcoholic beverages (whiskey, brandy, etc.)- gallons - - - - -			0

<u>RETAIL LICENSEES:</u>		
	Total number of premises inspected - - - - -	1,247
	Total number of bottles gauged - - - - -	9,806
	Total number of premises where violations were found - - - - -	69
	Total number of violations found - - - - -	80
	Type of violations found:	
	Illicit (bootleg) liquor - - - - -	7
	Improper beer tap markers- - - - -	3
	Gambling devices - - - - -	1
	Stock disposal permits necessary - - - - -	9
	Prohibited signs - - - - -	0
	No sign denoting legal sale hours - - - - -	
	Unqualified employees- - - - -	35
	off-premises consumption - - - - -	19
	"Fronts" (concealed ownership) - - - - -	4
	Other types of violations- - - - -	2

CURFEW VIOLATIONS (REGULATIONS NO. 40): (Violations occurred prior to May 9, 1945)-3

MILITARY AREA PATROL INSPECTIONS:- - - - - 589

<u>STATE LICENSEES:</u>	
	Premises inspected - - - - - 9
	License applications investigated- - - - - 636

<u>COMPLAINTS:</u>	
	Investigated, reviewed and closed- - - - - 272
	Investigation assigned, not yet completed- - - - - 244

<u>LABORATORY:</u>	
	Analyses made- - - - - 131
	"Shake-up" cases (alcohol, water and artificial coloring)- - - - - 6
	Liquor found to be not genuine as labeled- - - - - 11

<u>IDENTIFICATION BUREAU:</u>	
	Criminal fingerprint identifications made- - - - - 16
	Persons fingerprinted for non-criminal purposes- - - - - 235
	Identification contacts with other enforcement agencies- - - - - 305
	Motor vehicle identifications via N. J. State Police Teletype- - - - - 7

<u>DISCIPLINARY PROCEEDINGS:</u>	
	Cases transmitted to municipalities- - - - - 23
	Cases instituted at Department - - - - - 24

<u>HEARINGS HELD AT DEPARTMENT:</u>	
	Total number of hearings held- - - - - 53
	Appeals- - - - - 12
	Eligibility - - - - - 12
	Disciplinary proceedings - - - - - 20
	Seizures- - - - - 9

<u>PERMITS ISSUED:</u>	
	Total number of permits issued - - - - - 714
	Unqualified employees- - - - - 129
	Solicitors - - - - - 27
	Social affairs - - - - - 231
	Home manufacture of wine - - - - - 0
	Disposal of alcoholic beverages- - - - - 192
	Miscellaneous permits- - - - - 135

Respectfully submitted,
Erwin B. Hock
Deputy Commissioner.

4. RECAPITULATION OF ACTIVITY FOR PERIOD FROM JANUARY 1, 1945 THROUGH JUNE 30, 1945

To: Alfred E. Driscoll, Commissioner

<u>ARRESTS:</u>	<u>JAN.</u>	<u>FEB.</u>	<u>MAR.</u>	<u>APR.</u>	<u>MAY</u>	<u>JUNE</u>	<u>TOTAL</u>
Licensees and employees	2	8	3	2	1	6	22
Bootleggers	22	11	13	18	16	8	88
Total number of persons arrested	24	19	16	20	17	14	110
<u>SEIZURES:</u>							
<u>Stills</u>							
1 to 50 gallons daily capacity	3	1	0	4	1	0	9
50 gallons and more daily capacity	3	0	0	0	4	0	7
Total number of stills seized	6	1	0	4	5	0	16
<u>Mash - gallons</u>	990	1,050	0	50	37,815	0	39,905
<u>Motor vehicles - Trucks</u>	1	0	0	0	1	0	2
Passenger cars	2	3	0	0	1	0	6
Total number of motor vehicles seized	3	3	0	0	2	0	8
<u>Beverage alcohol - gallons</u>	0	0	15	0	294	0	309
<u>Brewed malt alcoholic beverages</u> (beer, ale, etc.) - gallons	51	40	4.75	51	167	12	325.75
<u>Wine - gallons</u>	62.50	1,264	103	235	5133 1/3	2	1,717.83 1/3
<u>Distilled alcoholic beverages</u> (whiskey, brandy, etc.) - gallons	7.50	32	66.75	24.50	0.662 2/3	0	131.41 2/3
<u>RETAIL LICENSEES:</u>							
Total number of premises inspected	1,163	848	1,127	1,147	1,193	1,247	6,725
Total number of bottles gauged	10,179	6,995	8,293	9,160	9,762	9,806	54,195
Total number of premises where violations were found	78	56	74	71	62	69	410
Total number of violations found	116	78	111	91	84	80	560
<u>Type of violations found:</u>							
Illicit (bootleg) liquor	18	8	27	11	14	7	85
Gambling devices	7	10	1	6	2	1	27
Prohibited signs	0	3	0	2	1	0	6
Unqualified employees	47	29	46	40	26	35	223
"Fronts" (concealed ownership)	3	3	1	2	10	4	23
Improper beer tap markers	1	3	0	0	1	3	8
Stock disposal permits necessary	10	7	10	15	14	9	65
No sign denoting legal sale hours - off-premises consumption (Reg. 38)	24	7	14	8	9	19	81
Other types of violations	6	8	12	7	7	2	42
<u>CURFEW (REGULATIONS 40):</u>	---	---	18	7	15	---	40
<u>MILITARY AREA PATROL INSPECTIONS:</u>	376	423	520	505	566	589	2,979
<u>STATE LICENSEES:</u>							
Premises inspected	85	38	28	41	41	9	242
License applications investigated	11	8	15	28	76	636	774

<u>COMPLAINTS:</u>	<u>JAN.</u>	<u>FEB.</u>	<u>MAR.</u>	<u>APR.</u>	<u>MAY</u>	<u>JUNE</u>	<u>TOTAL</u>
Investigated, reviewed and closed	460	254	346	424	329	272	2,085
Investigation assigned, not yet completed	243	269	272	220	166	*244	
<u>LABORATORY:</u>							
Analyses made	148	100	184	124	185	131	872
"Shake-up" cases (alcohol, water and artificial coloring)	14	9	16	12	20	6	77
Liquor found to be not genuine as labeled	18	2	28	12	13	11	84
<u>IDENTIFICATION BUREAU:</u>							
Criminal fingerprint identifications made	30	10	18	15	16	16	105
Persons fingerprinted for non-criminal purposes	140	162	182	176	171	235	1,066
Identification contacts with other enforcement agencies	174	250	247	224	223	305	1,423
Motor vehicle identifications via N. J. State Police teletype	13	11	24	5	16	7	76
<u>DISCIPLINARY PROCEEDINGS:</u>							
Cases transmitted to municipalities	27	20	8	18	15	23	111
Cases instituted at Department	19	7	30	21	25	24	126
Cancellation proceedings at Department	1	0	0	0	0	0	1
<u>HEARINGS HELD AT DEPARTMENT:</u>							
Total number of hearings held	48	27	38	37	42	53	245
Appeals	6	3	3	2	6	12	32
Disciplinary proceedings	25	8	26	23	20	20	122
Eligibility	10	6	7	8	8	12	51
Seizures	4	6	1	1	3	9	24
Tax revocations	3	2	0	0	0	0	5
Order to show cause	0	1	0	0	0	0	1
Application for license	0	1	1	2	5	0	9
Stay pending appeal	0	0	0	1	0	0	1
<u>PERMITS ISSUED:</u>							
Total number of permits issued	661	619	628	647	736	714	4,005
Unqualified employees	133	156	133	154	124	129	829
Solicitors	56	41	65	53	72	27	314
Social affairs	122	115	109	137	203	231	917
Home manufacture of wine	63	9	1	5	0	0	78
Disposal of alcoholic beverages	126	108	153	112	146	192	837
Miscellaneous permits	161	190	167	186	191	135	1,030

*pending at end of fiscal year.

Respectfully submitted,
Erwin B. Hock
Deputy Commissioner

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark, 2, N. J.

BULLETIN 673

5. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1944 TO JUNE 30, 1945
AS REPORTED TO THE COMMISSIONER 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 No. Issued	Fees Paid	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			
Atlantic	445	\$ 164,970.90	59	\$ 20,225.34	11	\$ 899.32					1	514	\$ 186,095.56
Bergen	789	260,471.92	249	58,790.59	43	4,056.50	25	\$1,084.72	10	\$ 1,919.22	6	1,110	326,322.95
Burlington	176	57,559.45	17	3,990.54	30	3,675.00	1	25.00				224	65,249.99
Camden	446	187,256.05	62	20,720.52	56	5,048.33	1	40.00	4	632.28	7	562	213,697.18
Cape May	124	55,336.06	11	2,986.99	12	1,142.86					3	144	59,465.91
Cumberland	80	25,899.21	8	1,937.74	26	2,908.36					1	113	30,745.31
Essex	1,367	686,571.28	342	160,131.51	77	10,043.29	18	850.95			5	1,799	857,597.03
Gloucester	107	30,250.00	10	1,600.00	5	300.00						122	32,150.00
Hudson	1,527	661,721.31	272	107,196.46	48	5,993.72	43	1,626.57			1	1,889	776,538.06
Hunterdon	74	18,364.57	1	300.00	1	150.00					1	75	18,814.57
Mercer	423	176,948.97	44	11,174.25	38	4,638.51			1	92.91	1	505	192,854.64
Middlesex	603	231,791.79	48	12,685.61	34	2,934.59	1	10.42			3	683	247,472.21
Monmouth	497	195,307.53	82	21,613.69	22	2,775.00	5	175.00	39	13,463.29	30	615	233,334.51
Morris	322	94,021.69	73	16,869.54	28	2,255.38			14	2,275.75	8	429	115,422.36
Ocean	171	76,815.39	28	9,823.10	7	699.45						206	87,337.94
Passaic	869	332,493.44	121	33,694.88	26	3,220.00	9	400.00			1	1,024	369,808.32
Salem	50	15,693.84	4	550.00	8	725.00						62	16,968.84
Somerset	182	60,080.55	25	5,800.82	9	856.98						216	66,738.35
Sussex	142	29,157.35	11	1,550.00	3	160.00			6	769.46	3	159	31,636.81
Union	537	285,233.45	130	43,204.37	55	6,341.11	13	566.58			1	734	315,345.49
Warren	132	35,338.34	12	2,207.50	20	2,065.82			3	375.48	3	164	39,987.14
TOTALS	9,063	\$3,661,283.07	1,609	\$537,053.45	559	\$60,939.02	116	\$4,779.24	77	\$19,528.39	75	11,349	\$4,283,583.17

ALFRED E. DRISCOLL
Commissioner.

Respectfully submitted,
Erwin B. Hock
Deputy Commissioner.

6. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS (PRIMARY ELECTION DAY), IN VIOLATION OF RULE 2 OF STATE REGULATIONS NO. 20 - PREVIOUS RECORD - LICENSE SUSPENDED FOR A PERIOD OF 20 DAYS.

In the Matter of Disciplinary Proceedings against)

ANDREW JANSEN)
464 Market Street)
Saddle River Township)
P. O. Rochelle Park, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-8 for the fiscal years 1944-45 and 1945-46, issued by the Township Committee of the Township of Saddle River.)

Andrew Jansen, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded non vult to a charge alleging that, on June 12, 1945, Primary Election Day, he delivered alcoholic beverages to a consumer and permitted the consumption of alcoholic beverages on his licensed premises while the polls were open for voting, in violation of Rule 2 of State Regulations No. 20.

The defendant's plea was not entered prior to the date and hour scheduled for hearing. In accordance with Departmental policy, no remission of the penalty to be here imposed may be granted to the defendant. Cf. Free Bridge Tavern, Inc., Bulletin 591, Item 12, decided October 22, 1943, wherein I said: "In future cases I will deny any remission of the penalty when the entry of the guilty plea is unduly delayed." See also Re Jagielski, Bulletin 593, Item 6; Re Goodall & Murphy, Bulletin 595, Item 10; Re Klein, Bulletin 610, Item 7; Re First Ward Republican Club of Camden, Bulletin 648, Item 11. Although the defendant, who drew a glass of beer for himself on the day in question, may have been confused as to whether he thereby "delivered alcoholic beverages to a consumer", there can be no question that he "permitted the consumption of alcoholic beverages on his licensed premises while the polls were open for voting." Cf. Re Millo, Bulletin 554, Item 8.

The defendant suffered a previous suspension of his license during June, 1942, for selling alcoholic beverages during prohibited hours. Since the instant violation constitutes a second curfew offense, I shall suspend the license for a period of twenty days. Because of the peculiar circumstances in this case, defendant's suspension has not been doubled for the second offense. He is on notice, however, that if he violates the law in the future he may not expect any leniency on my part.

Although this proceeding was instituted during the fiscal year 1944-45, it does not abate but remains fully effective against the renewal license for the 1945-46 fiscal year. State Regulations No. 16.

Accordingly, it is, on this 5th day of July, 1945,

ORDERED, that Plenary Retail Consumption License C-8, issued for the fiscal year 1945-46 by the Township Committee of the Township of Saddle River to Andrew Jansen, for premises 464 Market Street, Saddle River Township, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 a.m. July 12, 1945, and terminating at 3:00 a.m. August 1, 1945.

ALFRED E. DRISCOLL
Commissioner.

7. APPEAL CASES -- JULY 1, 1943 TO JUNE 30, 1945.

Cases undecided June 30, 1943.....	15
Cases filed for period July 1, 1943	
to June 30, 1944.....	<u>63</u>
Total.....	78

DISPOSITION

Affirmed.....	39
Modification of Penalty.....	7
Remanded.....	5
Reversed.....	11
Dismissed - Review of Ordinance.....	1
Withdrawn.....	6
Not decided.....	<u>9</u>
Total.....	78

Cases undecided June 30, 1944.....	9
Cases filed for period July 1, 1944	
to June 30, 1945.....	<u>79</u>
Total.....	88

DISPOSITION

Affirmed.....	41
Modification of Penalty.....	2
Remanded.....	3
Reversed.....	14
Withdrawn.....	15
Not decided.....	<u>13</u>
Total.....	88

Edward J. Dorton
Deputy Commissioner.

8. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS (SUNDAY), IN VIOLATION OF MUNICIPAL REGULATION - FAILURE TO KEEP INTERIOR OF LICENSED PREMISES OPEN TO PUBLIC VIEW, IN VIOLATION OF MUNICIPAL REGULATION - LICENSE SUSPENDED FOR A PERIOD OF 25 DAYS, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary)
 Proceedings against)

JOSEPH MILES)
 614 River Street)
 Paterson 4, N. J.,)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consump-)
 tion License C-125 for the fiscal)
 years 1944-45 and 1945-46, issued)
 by the Board of Alcoholic Beverage)
 Control of the City of Paterson.)
 -----)

Joseph Miles, Defendant-licensee, Pro se.
 Anthony Meyer, Jr., Esq., appearing for Department of Alcoholic
 Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded guilty to charges alleging (1) on Sunday, June 10, 1945, between the hours of 3:00 a.m. and 1:00 p.m., he sold and served alcoholic beverages upon his licensed premises during prohibited hours, in violation of a local ordinance, and (2) on that day between said hours he failed to keep his entire premises open to the public view, in violation of said ordinance.

On Sunday, June 10, 1945, at about 10:15 a.m., two agents of the State Department of Alcoholic Beverage Control observed activities in and about defendant's tavern. When the defendant arrived he entered and then arranged the blinds so that no clear view of the interior of his premises could be had. Several men entered a shop next door to the licensed premises and then went through the shop to a rear door of the licensed premises. When the investigators tried the same route they soon found themselves in the barroom with several other patrons, all of whom were drinking what appeared to be alcoholic beverages. The investigators ordered beer, were served, paid for their drinks and then revealed their identity to the defendant.

I regard this type of violation as particularly aggravating. There is no excuse for a licensee engaging in speakeasy activities. It should not be necessary for the local police (although they did not appear in this case) to maintain constant vigilance to insure the observance of the law by one to whom a very special privilege has been granted. I question whether persons who engage in sales during prohibited hours are fit persons to hold liquor licenses. In future cases of violations similar to that portrayed in Charge (1) the suspension will be thirty days. Cf. Re Ward, Bulletin 659, Item 1.

I shall suspend the license for a period of twenty days because of the violation set forth in Charge (1), Re Ward, supra, and an additional five days because of the violation set forth in Charge (2). Re Rip, Bulletin 551, Item 10. Five days will be remitted for the guilty plea, making a net suspension of twenty days.

Although this proceeding was instituted during the fiscal year 1944-45, it does not abate but remains fully effective against the renewal license for the 1945-46 fiscal year. State Regulations No. 16.

Accordingly, it is, on this 5th day of July, 1945,

ORDERED, that Plenary Retail Consumption License C-125, issued for the 1945-46 fiscal year by the Board of Alcoholic Beverage Control of the City of Paterson to Joseph Miles, 614 River Street, Paterson, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 a.m. July 11, 1945, and terminating at 3:00 a.m. July 31, 1945.

ALFRED E. DRISCOLL
Commissioner.

9. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - UNUSUAL CIRCUMSTANCES - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against

LEONTYNA JANOWSKI
145 Whitehead Avenue
South River, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-4 for the fiscal year 1944-45, issued by the Mayor and Council of the Borough of South River.

Leontyna Janowski, Pro se.
Harry Castelbaum, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded guilty to a charge alleging that, on May 7, 1945, she possessed on her licensed premises seven bottles containing illicit alcoholic beverages, in violation of R. S. 33:1-50.

On May 7, 1945 a Junior Inspector of the Alcohol Tax Unit of the United States Internal Revenue Service seized on defendant's premises the following bottles, when the contents thereof appeared to be not genuine as labeled:

- 1 - 4/5 quart bottle labeled "Canadian Club Blended Canadian Whisky"
- 2 - 4/5 quart bottles labeled "Carstairs White Seal Blended Whiskey"
- 2 - 4/5 quart bottles labeled "Wilson 'That's All' Blended Whiskey"
- 2 - 4/5 quart bottles labeled "Calvert Reserve Blended Whiskey."

Subsequent analysis by a Federal chemist disclosed that the contents of each of the seized bottles varied substantially from the contents of genuine samples of the same products. No explanation has been offered by defendant.

On June 4, 1945, prior to the institution of the proceedings herein, defendant surrendered her license to the Borough Clerk of the Borough of South River. She is not the holder of a liquor license at the present time. Her husband is the holder of a liquor license

for other premises at South River but apparently he is not involved in any way in the violation committed upon his wife's licensed premises.

After the institution of these proceedings, Mary Solinski, the owner of the premises at 145 Whitehead Avenue, South River, requested an opportunity to be heard on the question as to whether or not any penalty imposed herein should affect a license which she has obtained for the fiscal year beginning July 1, 1945 for the premises mentioned in these proceedings. See Rule 4 of State Regulations No. 16. Her request was granted.

At the hearing held at the request of Mary Solinski, it appeared from her testimony that she has owned the premises for thirty-two years; that, for a period of approximately ten years subsequent to Repeal, either she or her son held a liquor license for the premises in question; that on August 12, 1943 she entered into a written lease with Leontyna Janowski whereby she rented her premises to Mrs. Janowski for a period of ten months commencing September 1, 1943 and ending June 30, 1944, with the privilege granted to the lessee to renew the lease for a further period of one year. Mrs. Solinski testified that on May 18, 1945 she applied to the Mayor and Council of the Borough of South River for a plenary retail consumption license covering the premises in question for the fiscal year beginning July 1, 1945. She further testified that, at the time she filed her application, she had no knowledge that any violation had been committed by her lessee and that no other person was in any way interested in her application for a license. The Mayor and Council of the Borough of South River has granted the license for the present fiscal year to Mary Solinski in accordance with her application. Both Mary Solinski and her son have clear records as licensees. Under the circumstances, the penalty to be imposed herein should not, in fairness, affect the license presently held by Mary Solinski.

These proceedings are not barred or abated by the surrender of the license by defendant herein. The license held by defendant for the fiscal year 1944-45 will be revoked in this proceeding.

Re Roninger, Bulletin-421, Item 10. This will disqualify Leontyna Janowski from holding or receiving any liquor license or from being employed on licensed premises by her husband or any other licensee for a period of two years from the date hereof. R. S. 33:1-31.

Accordingly, it is, on this 5th day of July, 1945,

ORDERED, that Plenary Retail Consumption License C-4 for the fiscal year 1944-45, issued by the Mayor and Council of the Borough of South River to Leontyna Janowski, be and the same is hereby revoked.

ALFRED E. DRISCOLL
Commissioner.

10. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS (SUNDAY), IN VIOLATION OF MUNICIPAL REGULATION - LICENSE SUSPENDED FOR A PERIOD OF 15 DAYS, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against)

EDWARD G. MATTSON)
T/a BRIDGE TAVERN)
White Horse Pike)
Waterford Township)
P. O. Atco, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-11 for the fiscal years 1944-45 and 1945-46, issued by the Township Committee of the Township of Waterford.)
-----)

Edward G. Mattson, Defendant-licensee, Pro se.
Harry Castelbaum, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded guilty to a charge alleging that he operated his licensed business and was open for business at his licensed premises during prohibited hours, in violation of a local ordinance.

On Sunday, May 11, 1945, between the hours of 2:00 a.m. and 3:00 a.m., defendant admits that he sold and served to and permitted the consumption of alcoholic beverages by at least three customers, thereby operating his licensed premises between 2:00 a.m. and 7:00 a.m. on Sunday in violation of Section 5 of an ordinance of the Township Committee of the Township of Waterford adopted June 23, 1938.

Since the defendant has no other adjudicated record, I shall suspend his license for the minimum fifteen days for the violation herein. Re Meizinger, Bulletin 666, Item 8. I shall remit five days thereof because of the plea, leaving a net suspension of ten days.

Although this proceeding was instituted during the fiscal year 1944-45, it does not abate but remains fully effective against the renewal license for the 1945-46 fiscal year. State Regulations No. 16.

Accordingly, it is, on this 6th day of July, 1945,

ORDERED, that Plenary Retail Consumption License C-11 for the fiscal year 1945-46, issued by the Township Committee of the Township of Waterford to Edward G. Mattson, t/a Bridge Tavern, for premises on White Horse Pike, Waterford Township, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. July 16, 1945, and terminating at 2:00 a.m. July 26, 1945.

ALFRED E. DRISCOLL
Commissioner.

11. APPELLATE DECISIONS - REIFF v. NEWARK.

FANNY REIFF,)
)
 Appellant,)
)
 -vs-)
)
 MUNICIPAL BOARD OF ALCOHOLIC)
 BEVERAGE CONTROL OF THE CITY)
 OF NEWARK,)
)
 Respondent)
)
 -----)

ON APPEAL
CONCLUSIONS AND ORDER

Ferdinand D. Masucci, Esq., Attorney for Appellant.
Thomas L. Parsonnet, Esq., Attorney for Respondent.

BY THE COMMISSIONER:

This is an appeal from a fifteen-day suspension of plenary retail consumption license C-782 held by appellant for the fiscal year 1944-45 for premises 94 South Orange Avenue, Newark. Upon the filing of the appeal, an order was entered on June 18, 1945 staying the suspension in accordance with the provisions of R. S. 33:1-31.

The fifteen-day suspension was imposed by respondent after it had found appellant guilty, in disciplinary proceedings, on a charge of selling alcoholic beverages to a minor.

At the hearing duly scheduled to be held on July 9, 1945 at the offices of the Department of Alcoholic Beverage Control, appellant failed to appear. In accordance with the provisions of Rule 10 of State Regulations No. 15, the appeal filed herein will be dismissed.

Since the filing of this appeal, the license held by appellant for the fiscal year 1944-45 has expired, and appellant is now the holder of License C-782 issued for the current fiscal year for the same premises.

Accordingly, it is, on this 10th day of July, 1945,

ORDERED, that the action of respondent be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED, that the stay heretofore granted on June 18, 1945 be and the same is hereby vacated at 2:00 a.m. July 16, 1945, and that Plenary Retail Consumption License C-782 for the current fiscal year, issued by respondent to appellant, Fanny Reiff, for premises 94 South Orange Avenue, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. July 16, 1945, and terminating at 2:00 a.m. July 31, 1945.

ALFRED E. DRISCOLL
Commissioner.

12. DISCIPLINARY PROCEEDINGS - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT, IN VIOLATION OF R. S. 33:1-25 - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - LICENSE SUSPENDED FOR THE BALANCE OF ITS TERM.

In the Matter of Disciplinary Proceedings against)

EMMA J. HABER)
224-226 Broad Avenue)
Palisades Park, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consump-)
tion License C-18 for the fiscal)
year 1944-45, and now holder of)
License C-19 for the current fiscal)
year; both issued by the Mayor and)
Council of the Borough of Palisades)
Park.)

Joseph F. Kearney, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded non vult to charges alleging (1) that, in violation of R. S. 33:1-25, she falsely stated in her application for a license for the 1944-45 period that no other individual was interested in the license whereas in fact her brother, Robert M. Burns, was actually her partner; and (2) that, in violation of R. S. 33:1-52, she knowingly aided and abetted her brother to exercise the rights and privileges of her successive licenses from July 14, 1942 to the date upon which the charges were filed.

The file in this case discloses that when defendant first obtained her license on July 14, 1942, her brother was disqualified from holding a license because he was a non-resident of the State of New Jersey. Shortly after the license was obtained, however, he established a residence in New Jersey and apparently at this time is qualified to hold a retail license so far as the residential requirement is concerned.

It may be, as defendant contends, that her brother's interest was not disclosed at the time her first application was filed solely because of his lack of residential qualifications. However, it appears from our investigation that in 1925 Robert M. Burns had received a suspended sentence after being convicted of assault and battery and that, prior to 1933, he had been convicted on two or more occasions of uttering worthless checks. While none of these convictions apparently involves moral turpitude, they may well have constituted an additional reason for the failure to disclose the brother's interest in the business.

Since the unlawful situation has not been corrected up to the present time, I have no alternative except to suspend the license now held by defendant for the balance of the present fiscal year.

It has been represented to me that defendant is negotiating for the sale of the business to a qualified third party. If the sale is consummated and the license is duly transferred by the local issuing authority to a fully qualified person subject to the suspension

herein imposed, I shall entertain a petition from the transferee of the license to reduce the suspension. However, if such petition is filed, no order lifting the suspension will become effective until at least thirty days of the suspension herein imposed shall have been served.

Although this proceeding was instituted during the 1944-45 licensing period, it does not abate but remains fully effective against the renewal license for the present fiscal year 1945-46. State Regulations No. 16.

Accordingly, it is, on this 11th day of July, 1945,

ORDERED, that Plenary Retail Consumption License C-19, issued by the Mayor and Council of the Borough of Palisades Park to Emma J. Haber, for premises 224-226 Broad Avenue, Palisades Park, be and the same is hereby suspended for the balance of its term, effective at 3:00 a.m. July 17, 1945; and it is further

ORDERED, that in the event a correction of the "front" is effected, leave be given as aforesaid to make application to the Commissioner of Alcoholic Beverage Control to lift the suspension herein imposed.

ALFRED E. DRISCOLL
Commissioner.

13. APPELLATE DECISIONS - SINHAPOULOS, DARDANIS AND MALLYS v. ASBURY PARK - DISCONTINUED.

GEORGE SINHAPOULOS, EFSEKATIOS)
DARDANIS and CHARLES MALLYS,)
t/a TURNER HOTEL,)

Appellants,)

-vs-

CITY COUNCIL OF THE CITY OF)
ASBURY PARK,)

Respondent)

ON APPEAL
ORDER OF DISCONTINUANCE

Vincent P. Kueper, Esq., Attorney for Appellants.
Charles Frankel, Esq., Attorney for Respondent.

BY THE COMMISSIONER:

This appeal is from respondent's denial of appellant's application for a plenary retail consumption license for the last fiscal year for premises 209 Lake Avenue, Asbury Park.

The appellants now desire to withdraw the appeal. Since the respondent has no objection thereto and no reason appears to the contrary,

It is, on this 10th day of July, 1945,

ORDERED, that the within appeal be and the same is hereby discontinued.

ALFRED E. DRISCOLL
Commissioner.

14. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR A PERIOD OF 10 DAYS.

In the Matter of Disciplinary Proceedings against)

MATTHEW JAMES FEE)
T/a JIM FEE'S)
32 Main Street)
South River, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-9 for the fiscal years 1944-45 and 1945-46, issued by the Borough Council of the Borough of South River.)
-----)

Haydn Proctor, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded non vult to a charge alleging that he possessed two 4/5 quart bottles of "Canadian Club Blended Canadian Whiskey" and two 4/5 quart bottles of "Calvert Special Blended Whiskey", all of which contained alcoholic beverages not genuine as labeled.

Since the defendant has no previous record, and no aggravating circumstances appear to have attended the instant violation, I shall suspend the license for a period of ten days. Re Klinovich, Bulletin 667, Item 1.

Accordingly, it is, on this 10th day of July, 1945,

ORDERED, that Plenary Retail Consumption License C-9, issued for the 1945-46 fiscal year by the Borough Council of the Borough of South River to Matthew James Fee, t/a Jim Fee's, for premises 32 Main Street, South River, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. July 16, 1945 and terminating at 2:00 a.m. July 26, 1945.

Alfred E. Griswold
Commissioner.