

26 Rose Avenue,

Madison, STATE OF NEW JERSEY

~~Moreland County~~ ~~New Jersey~~ and Public Safety

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

1060 Broad Street Newark 2, N. J.

BULLETIN 1036

NOVEMBER 12, 1954.

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New Jersey State Library

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

BULLETIN 1036

NOVEMBER 12, 1954.

1. DISCIPLINARY PROCEEDINGS - FALSE ANSWERS IN APPLICATION - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF A LICENSE - ILLEGAL SITUATION CORRECTED - HINDERING INVESTIGATION - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

GREENWOOD LAKE HOTEL AND BAR, INC.  
T/a GREENWOOD LAKE HOTEL AND BAR  
Greenwood Lake Turnpike &  
Lakeside Road  
West Milford Township  
P. O. Hewitt, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of West Milford.

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Joseph A. D'Alessio, 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 the following charges:

"1. In your application dated June 4, 1954, filed with the West Milford Township Committee, wherein you listed your shareholders in answer to Question 22 as Edward Urciuoli (4 shares or 40%), Amelia Cammarata (1 share or 10%) and Thomas Trobiano (5 shares or 50%) and upon which you obtained your current plenary Retail consumption license, and in said application as amended September 7, 1954, wherein you listed your shareholders as Adele Altman (89 shares or 89%), Anna Aiello (1 share or 1%) and Amelia Cammarata (10 shares or 10%), you falsely stated 'No' in answer to Question 23, which asks: 'Has any...individual other than the stockholders hereinbefore set forth any beneficial interest, directly or indirectly, in the stock held by said stockholders?', whereas in truth and fact Anthony Aiello (not mentioned in the application as a stockholder or as beneficially interested in any of your stock) was the real and beneficial owner of a portion of the shares held by Thomas Trobiano and Adele Altman; said false statement being in violation of R. S. 33:1-25.

"2. From on or about July 2, 1954 until the present time, you knowingly aided and abetted Anthony Aiello to exercise, contrary to R. S. 33:1-26, the rights and privileges of your plenary retail consumption license; thereby yourself violating R. S. 33:1-52.

"3. During September 1954, while inspectors of the Division of Alcoholic Beverage Control were investigating the above alleged violations, you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation; in violation of R. S. 33:1-35.

"4. On Sunday, September 12, 1954, you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., a 1/2 pint bottle of Mohawk Peach Flavored Brandy, at retail in its original container for consumption off licensed premises; in violation of Rule 1 of State Regula-

As to charges 1, 2 and 3: The file herein discloses that the answers given to Question 23 in the application dated June 4, 1954 and in the amended application dated September 7, 1954, are as stated in charge 1. During the early part of September 1954 certain false information was given by some or all of the alleged stockholders to ABC agents who were investigating the true ownership of the stock. That is the basis of charge 3 which alleges a violation of R. S. 33:1-35. Finally, on September 20, 1954, in accordance with advice given to them by the present attorney for defendant, who did not previously represent these parties in this case, Anthony Aiello admitted to the agents that he is the beneficial owner of 50% of the stock of the corporation, and Adele Altman, his sister, admitted that she is the beneficial owner of 40% of the stock. It appears that Amelia Cammarata is the beneficial owner of 10% of the stock. On September 28, 1954, the illegal situation was corrected by the transfer of various shares of stock so that, at the present time, the stock is held as follows:

|                  |   |           |
|------------------|---|-----------|
| Adele Altman     | - | 40 shares |
| Amelia Cammarata | - | 10 "      |
| Anthony Aiello   | - | 50 "      |

In Case No. 654 (Bulletin 1031, Item 11) it was determined that the crime of bookmaking, of which Anthony Aiello had been convicted in June 1951, did not involve moral turpitude under the facts of the case. While it does not appear that said conviction disqualified Anthony Aiello from holding 50% of the stock, I believe that the stock was not placed in his name originally because of said conviction. Moreover, the attempts to mislead the ABC agents constitute a serious violation.

As to charge 4: The file herein further discloses that at 1:12 p.m. Sunday, September 12, 1954, ABC agents, while seated at the bar in defendant's licensed premises, observed a patron therein purchase a pint bottle of brandy which he put in his pocket and departed. The agents followed, identified themselves to the patron and seized the brandy. Returning to the tavern with the patron, the agents made known their identity to the bartender, who in a signed sworn statement admitted the sale.

Since the defendant has no prior adjudicated record, I shall suspend its license for twenty days on charges 1 and 2, Re Lake Hiawatha Inn, Inc., Bulletin 1008, Item 4; twenty days on charge 3, Re A. & J. Cocktail Lounge, Bulletin 1014, Item 8; and fifteen days on charge 4, Re Cappadona, Bulletin 1032, Item 10, thus making a total suspension of fifty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty days.

Accordingly, it is, on this 14th day of October, 1954,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of West Milford to Greenwood Lake Hotel and Bar, Inc., t/a Greenwood Lake Hotel and Bar, for premises at Greenwood Lake Turnpike & Lakeside Road, West Milford Township, be and the same is hereby suspended for fifty (50) days, commencing at 2:00 a.m. October 25, 1954 and terminating at 2:00 a.m. December 14, 1954.

WILLIAM HOWE DAVIS  
Director.

2. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS 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 )

HERMAN HASSELL )  
T/a ARMSTRONG CAFE )  
401 Ocean Avenue )  
Jersey City 5, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-15, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )  
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Herman Hassell, Pro Se.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On Sunday, September 12, 1954, you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, viz., six cans of Piel's beer, at retail in their original containers for consumption off your licensed premises; in violation of Rule 1 of State Regulations No. 38."

The file herein discloses that at about 1:10 p.m. Sunday, September 12, 1954, ABC agents visited defendant's licensed premises wherein they observed the bartender apparently make several sales of alcoholic beverages for off-premises consumption. At 1:20 p.m. one of the agents purchased from the licensee six cans of Piel's beer for which he paid \$1.05. Both agents left the premises with the merchandise and, returning shortly thereafter, identified themselves to the licensee who admitted the aforesaid violations.

Defendant has no prior adjudicated record. I shall suspend 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 Zayak, Bulletin 1031, Item 6.

Accordingly, it is, on this 4th day of October, 1954,

ORDERED that Plenary Retail Consumption License C-15, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Herman Hassell, t/a Armstrong Cafe, for premises 401 Ocean Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. October 11, 1954, and terminating at 2:00 a.m. October 21, 1954.

WILLIAM HOWE DAVIS  
Director.

DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS 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

FRED W. BOHLING  
287 Central Avenue  
Jersey City 7, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-132, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

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Fred W. Bohling, Pro Se.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant has pleaded non vult to a charge alleging that, during prohibited hours, he sold alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38.

The file herein discloses that on Friday night, September 17, 1954, ABC agents visited defendant's licensed premises and at about 11:55 p.m. purchased two quart bottles of beer from Fred W. Bohling, the licensee, and left the tavern with the merchandise. The agents returned shortly thereafter and identified themselves to the licensee.

Defendant has no prior adjudicated record. I shall suspend 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 Zayak, Bulletin 1031, Item 6.

Accordingly, it is, on this 8th day of October, 1954,

ORDERED that Plenary Retail Consumption License C-132, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Fred W. Bohling, for premises 287 Central Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. October 18, 1954, and terminating at 2:00 a.m. October 28, 1954.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

CLUB 209 BAR & GRILL, INC. )  
 209 Paterson Avenue )  
 Wallington, N. J., )

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption License C-9, issued by the Mayor and Council of the Borough of Wallington. )

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

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On Friday night, September 10, 1954, you allowed, permitted and suffered gambling, viz., the playing of a card game for stakes of money, in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20."

The file in the instant case discloses that about 10:00 p.m. on Friday, September 10, 1954, two ABC agents visited defendant's licensed premises. The agents occupied seats at the bar from where they observed several male patrons seated at a table in the rear room engaged in a card game commonly known as "rummy." While the game was in progress small sums of money passed to the winners thereof. The bartender, Joseph Morella, who is also the treasurer of defendant corporation, on three occasions served drinks and food to the card players and on one of those occasions remained in the back room for about five minutes watching the card game in question.

Defendant has no prior adjudicated record. I shall suspend its license for a period of five days. Two days will be remitted for the plea entered herein, leaving a net suspension of three days. Cf. Re Smith, Bulletin 603, Item 7.

Accordingly, it is, on this 4th day of October, 1954,

ORDERED that Plenary Retail Consumption License C-9, issued by the Mayor and Council of the Borough of Wallington to Club 209 Bar & Grill, Inc., 209 Paterson Avenue, Wallington, be and the same is hereby suspended for a period of three days, commencing at 3:00 a.m. October 11, 1954, and terminating at 3:00 a.m. October 14, 1954.

WILLIAM HOWE DAVIS  
 Director.

5. DISCIPLINARY PROCEEDINGS - MISLABELED AND UNLABELED BEER TAPS -  
PRIOR RECORD NOT CONSIDERED - LICENSE SUSPENDED FOR 3 DAYS,  
LESS 1 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

THOMAS DWYER )  
418 North 3rd Street )  
East Newark )  
P. O. Harrison, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump-) )  
tion License C-4, issued by the )  
Borough Council of the Borough )  
of East Newark. )

-----)  
Thomas Dwyer, Pro Se.

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

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he allowed, permitted and suffered a mislabeled beer tap and an unlabeled beer tap on his licensed premises, in violation of Rule 26 of State Regulations No. 20.

The file herein discloses that on September 9, 1954, during the course of a retail inspection of defendant's licensed premises, an ABC agent found a half-barrel of Krueger's beer connected to a tap which bore the brand name "Rheingold", and also found a half-barrel of Schaefer's beer connected to an unlabeled tap.

Defendant has a prior adjudicated record. Effective January 22, 1940, his license was suspended for two days by the East Newark Borough Council for sale of lottery tickets on licensed premises. However, since this dissimilar violation occurred more than five years ago, it will not be considered in fixing the penalty herein. I shall suspend defendant's license for a period of three days. One day will be remitted for the plea entered herein, leaving a net suspension of two days. Re Frassa, Bulletin 1029, Item 5.

Accordingly, it is, on this 8th day of October, 1954,

ORDERED that Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of East Newark to Thomas Dwyer, for premises 418 North 3rd Street, East Newark, be and the same is hereby suspended for two (2) days, commencing at 2:00 a.m. October 18, 1954, and terminating at 2:00 a.m. October 20, 1954.

WILLIAM HOWE DAVIS  
Director.

## RECAPITULATION OF ACTIVITY FOR QUARTERLY PERIODS FROM JULY 1, 1954 THROUGH SEPT. 30, 1954

|   | <u>JULY</u> | <u>AUG.</u> | <u>SEPT.</u> | <u>TOTAL</u> |
|---|-------------|-------------|--------------|--------------|
| <b>ARRESTS:</b>                                   |             |             |              |              |
| Total number of persons arrested                  | 22          | 38          | 19           | 79           |
| Licensees and employees                           | 4           | 9           | 6            | 19           |
| Bootleggers                                       | 18          | 29          | 13           | 60           |
| <b>SEIZURES:</b>                                  |             |             |              |              |
| Motor vehicles - cars                             | 4           | 10          | 2            | 16           |
| - trucks  | 1           | 0           | 3            | 4            |
| Stills - over 50 gallons                          | 4           | 5           | 1            | 10           |
| - 50 gallons or under                             | 0           | 2           | 5            | 7            |
| Mash - gallons                                    | 812.00      | 2,674.50    | 3,520.00     | 7,006.50     |
| Distilled alcoholic beverages - gallons           | 200.71      | 210.06      | 119.74       | 530.51       |
| Wine - Gallons                                    | 86.85       | 1.21        | 5.00         | 93.06        |
| Brewed malt alcoholic beverages - gallons         | 42.64       | 72.56       | 77.03        | 192.23       |
| <b>RETAIL LICENSEES:</b>                          |             |             |              |              |
| Premises inspected                                | 1,117       | 1,121       | 1,167        | 3,405        |
| Premises where alcoholic beverages were gauged    | 481         | 334         | 738          | 1,554        |
| Bottles gauged                                    | 9,292       | 6,022       | 13,885       | 29,199       |
| Premises where violations were found              | 67          | 102         | 78           | 247          |
| Violations found                                  | 81          | 121         | 128          | 330          |
| Type of violations found:                         |             |             |              |              |
| Unqualified employees                             | 28          | 44          | 64           | 136          |
| Disposal permit necessary                         | 12          | 15          | 8            | 35           |
| Other mercantile business                         | 10          | 14          | 9            | 33           |
| Reg. #38 sign not posted                          | 6           | 13          | 10           | 29           |
| Prohibited signs                                  | 2           | 6           | 4            | 12           |
| Probable fronts                                   | 0           | 1           | 1            | 2            |
| Improper beer taps                                | 1           | 0           | 0            | 1            |
| Gambling devices                                  | 0           | 0           | 1            | 1            |
| Other violations                                  | 22          | 28          | 31           | 81           |
| <b>STATE LICENSEES:</b>                           |             |             |              |              |
| Premises inspected                                | 4           | 25          | 14           | 43           |
| License applications investigated                 | 19          | 10          | 8            | 37           |
| <b>COMPLAINTS:</b>                                |             |             |              |              |
| Complaints assigned for investigation             | 443         | 426         | 520          | 1,389        |
| Investigations completed                          | 351         | 449         | 431          | 1,231        |
| Investigations pending                            | (198)       | (139)       | 184          | 184          |
| <b>LABORATORY:</b>                                |             |             |              |              |
| Analyses made                                     | 110         | 174         | 128          | 412          |
| Refills (from licensed premises) - bottles        | 1           | 0           | 5            | 6            |
| Bottles from unlicensed premises                  | 14          | 70          | 31           | 115          |
| <b>IDENTIFICATION BUREAU:</b>                     |             |             |              |              |
| Criminal fingerprint identifications made         | 19          | 43          | 25           | 87           |
| Persons fingerprinted for non-criminal purposes   | 311         | 205         | 178          | 694          |
| Ident. contacts made w/other enforcement agencies | 324         | 193         | 193          | 710          |
| MV identifications via N.J.State Police teletype  | 3           | 4           | 2            | 9            |
| <b>DISCIPLINARY PROCEEDINGS:</b>                  |             |             |              |              |
| Cases transmitted to municipalities               | 11          | 15          | 14           | 40           |
| Violations involved:                              |             |             |              |              |
| Sale during prohibited hours                      | 7           | 10          | 7            | 24           |
| Sale to minors                                    | 4           | 3           | 5            | 12           |
| Permitting brawl on premises                      | 1           | 0           | 1            | 2            |
| Possessing chilled beer (DL licensee)             | 1           | 0           | 1            | 2            |
| Possessing contraceptives on premises             | 1           | 0           | 0            | 1            |
| Permitting females at bar (local reg.)            | 0           | 1           | 0            | 1            |
| Permitting bookmaking on premises                 | 0           | 1           | 0            | 1            |
| Sale to intoxicated persons                       | 0           | 0           | 1            | 1            |

|  | <u>JULY</u> | <u>AUG.</u> | <u>SEPT.</u> | <u>TOTAL</u> |
|--|-------------|-------------|--------------|--------------|
| <b>DISCIPLINARY PROCEEDINGS (Cont'd)</b>                                   |             |             |              |              |
| Cases instituted at Division   | 19          | 13          | 14           | 46           |
| Violations involved:   |             |             |              |              |
| Sale to minors   | 7           | 4           | 3            | 14           |
| Sale during prohibited hours   | 5           | 3           | 5            | 13           |
| Permitting immoral activity on premises                                    | 2           | 2           | 2            | 6            |
| Mislabeling beer taps  | 2           | 0           | 1            | 3            |
| Unqualified employee   | 2           | 2           | 0            | 4            |
| Possessing illicit liquor  | 1           | 1           | 1            | 3            |
| Permitting hostesses on premises   | 2           | 0           | 0            | 2            |
| Permitting gambling (cards) on premises                                    | 1           | 0           | 1            | 2            |
| Hindering investigation  | 1           | 0           | 1            | 2            |
| Unauthorized transportation  | 1           | 1           | 0            | 2            |
| Permitting females at bar (local reg.)                                     | 1           | 0           | 1            | 2            |
| Sale outside scope of license  | 0           | 0           | 2            | 2            |
| Permitting lottery (raffle) on premises                                    | 0           | 1           | 0            | 1            |
| Sale to non-members by club  | 0           | 1           | 0            | 1            |
| Wholesaler accepting unauth. returns from retailer                         | 0           | 1           | 0            | 1            |
| Solicitor selling to consumers   | 0           | 1           | 0            | 1            |
| Sale during license suspension   | 0           | 0           | 1            | 1            |
| Conducting business as a nuisance  | 0           | 0           | 1            | 1            |
| Permitting female impersonators on premises                                | 0           | 0           | 1            | 1            |
| Cases brought by municipalities on own initiative and reported to Division | 2           | 5           | 20           | 27           |
| Violations involved:   |             |             |              |              |
| Sale to minors   | 2           | 4           | 15           | 21           |
| Sale during prohibited hours   | 1           | 1           | 1            | 3            |
| Permitting brawl on premises   | 0           | 0           | 2            | 2            |
| Permitting bookmaking on premises  | 0           | 0           | 1            | 1            |
| Permitting gambling (wagering) on premises                                 | 0           | 0           | 1            | 1            |
| Service in private room (local reg.)                                       | 0           | 0           | 1            | 1            |
| Conducting business as a nuisance  | 0           | 0           | 1            | 1            |
| <b>HEARINGS HELD AT DIVISION</b>   |             |             |              |              |
| Total number of hearings held  | 30          | 34          | 49           | 113          |
| Appeals  | 5           | 7           | 10           | 22           |
| Disciplinary proceedings   | 12          | 12          | 16           | 40           |
| Eligibility  | 8           | 7           | 5            | 20           |
| Seizures   | 4           | 4           | 12           | 20           |
| Tax revocations  | 0           | 0           | 5            | 5            |
| Applications for license   | 1           | 4           | 1            | 6            |
| <b>STATE LICENSES AND PERMITS ISSUED:</b>                                  |             |             |              |              |
| Total number issued  | 16,830      | 1,292       | 1,291        | 19,413       |
| Licenses   | 913         | 15          | 5            | 933          |
| Employment permits   | 298         | 195         | 169          | 662          |
| Solicitors <sup>a</sup> "  | 2,812       | 60          | 66           | 2,938        |
| Disposal "   | 68          | 33          | 111          | 212          |
| Social affair "  | 413         | 330         | 343          | 1,086        |
| Special wine "   | 0           | 1           | 0            | 1            |
| Miscellaneous "  | 112         | 222         | 306          | 640          |
| Transportation insignia  | 12,152      | 406         | 270          | 12,828       |
| Transportation certificates  | 62          | 30          | 21           | 113          |

WILLIAM HOWE DAVIS  
Director.

Dated: October 13, 1954.

7.

ACTIVITY REPORT FOR OCTOBER 1954

|   |          |
|---|----------|
| <b>ARRESTS:</b>   |          |
| Total number of persons arrested - - - - -                              | 33       |
| Licensees and employees - - - - -                                       | 14       |
| Bootleggers - - - - -   | 19       |
| <b>SEIZURES:</b>  |          |
| Motor vehicles - cars - - - - -   | 3        |
| Stills - over 50 gallons - - - - -                                      | 2        |
| - 50 gallons or under - - - - -   | 4        |
| Mash - gallons - - - - -  | 2,100.00 |
| Distilled alcoholic beverages - gallons - - - - -                       | 58.30    |
| Wine - gallons - - - - -  | 65.30    |
| Brewed malt alcoholic beverages - gallons - - - - -                     | 21.38    |
| <b>RETAIL LICENSEES:</b>  |          |
| Premises inspected - - - - -  | 1,106    |
| Premises where alcoholic beverages were gauged - - - - -                | 817      |
| Bottles gauged - - - - -  | 14,891   |
| Premises where violations were found - - - - -                          | 86       |
| Violations found - - - - -  | 123      |
| Type of violations found:   |          |
| Unqualified employees - - - - -   | 60       |
| Other mercantile business - - - - -                                     | 8        |
| Reg. #38 sign not posted - - - - -                                      | 5        |
| Disposal permit necessary - - - - -                                     | 5        |
| Prohibited signs - - - - -  | 1        |
| Other violations - - - - -  | 44       |
| <b>STATE LICENSEES:</b>   |          |
| Premises inspected - - - - -  | 6        |
| License applications investigated - - - - -                             | 12       |
| <b>COMPLAINTS:</b>  |          |
| Complaints assigned for investigation - - - - -                         | 393      |
| Investigations completed - - - - -                                      | 422      |
| Investigations pending - - - - -  | 129      |
| <b>LABORATORY:</b>  |          |
| Analyses made - - - - -   | 124      |
| Refills from licensed premises - bottles - - - - -                      | 1        |
| Bottles from unlicensed premises - - - - -                              | 45       |
| <b>IDENTIFICATION BUREAU:</b>   |          |
| Criminal fingerprint identifications made - - - - -                     | 21       |
| Persons fingerprinted for non-criminal purposes - - - - -               | 196      |
| Identification contacts made with other enforcement agencies - - - - -  | 170      |
| Motor vehicle identifications via N. J. State Police teletype - - - - - | 3        |
| <b>DISCIPLINARY PROCEEDINGS:</b>  |          |
| Cases transmitted to municipalities - - - - -                           | 9        |
| Violations involved:  |          |
| Sale to minors - - - - -  | 4        |
| Sale during prohibited hours - - - - -                                  | 2        |
| Permitting females at bar (local reg.) - - - - -                        | 2        |
| Permitting brawls on premises - - - - -                                 | 1        |
| Cases instituted at Division - - - - -                                  | 17       |
| Violations involved:  |          |
| Permitting immoral activity on premises - - - - -                       | 7        |
| Sale during prohibited hours - - - - -                                  | 3        |
| Permitting hostesses on premises - - - - -                              | 3        |
| Sale to minors - - - - -  | 2        |
| Conducting business as a nuisance - - - - -                             | 2        |
| Fraud and front - - - - -   | 2        |
| Mislabeling beer taps - - - - -   | 1        |
| Hindering investigation - - - - -                                       | 1        |

DISCIPLINARY PROCEEDINGS (Continued)

Cases instituted at Division (Continued)

Violations involved:

- Sale to non-members by club - - - - - 1
- Permitting foul language on premises - - 1
- Possessing illicit liquor - - - - - 1
- Sale below minimum resale price - - - - 1
- Unauthorized transportation - - - - - 1
- Violation of special ruling - - - - - 1

Cases brought by municipalities on own initiative and reported to Division - - - 9

Violations involved:

- Sale to minors - - - - - 5
- Sale during prohibited hours - - - - - 2
- Permitting brawl on premises - - - - - 1
- Permitting bookmaking on premises - - - 1

HEARINGS HELD AT DIVISION:

|   |    |
|---|----|
| Total number of hearings held - - - - - | 41 |
| Appeals - - - - -                       | 3  |
| Disciplinary proceedings - - - - -      | 19 |
| Eligibility - - - - -                   | 11 |
| Seizures - - - - -                      | 8  |

STATE LICENSES AND PERMITS ISSUED:

|                                       |       |
|---------------------------------------|-------|
| Total number issued - - - - -         | 1,928 |
| Licenses - - - - -                    | 4     |
| Employment permits - - - - -          | 155   |
| Solicitors' " - - - - -               | 83    |
| Disposal " - - - - -                  | 115   |
| Social affair " - - - - -             | 445   |
| Wine " - - - - -                      | 836   |
| Miscellaneous " - - - - -             | 120   |
| Transportation insignia - - - - -     | 166   |
| Transportation certificates - - - - - | 4     |

WILLIAM HOWE DAVIS  
DIRECTOR

Dated: November 3, 1954

RETAIL LICENSEE - ADVERTISING OR PROMOTIONAL SCHEME - GIFT OF RECORDS TO FIRST 50 PATRONS AT TAVERN DISAPPROVED AS PRACTICE UNDULY DESIGNED TO INCREASE CONSUMPTION, AND AS UNDULY APPEALING TO YOUNGSTERS.

October 4, 1954

Dear Sir:

We have your letter of September 29th concerning one of your clients, a New Jersey tavernkeeper, who has engaged a "popular trio" to perform for a week at his tavern.

You ask whether he may advertise that the first 50 patrons who arrive nightly at the tavern during this engagement will receive, free, one of the many recordings made by the trio.

This is not permissible. Such a plan of free records for the first "fortunate 50" would tomorrow lead to albums for the "thirsty 30" who open the tavern, or perhaps a record player for the first "frenzied five". Tavern patronage is not to be stimulated or induced under lure of gifts. Your client's plan constitutes what the Alcoholic Beverage Law (R. S. 33:1-39) describes as a scheme "unduly designed to increase consumption of alcoholic beverages". Moreover, the free platters would be unduly appealing to youngsters, and the scheme would be undesirable on that score as well.

Hence, your client's giveaway plan is disapproved and must be abandoned.

Anyway, why bargain for a "broken record" or perhaps even a "flying disk" theme at the tavern?

Very truly yours,  
WILLIAM HOWE DAVIS  
Director.

9. RETAIL LICENSEES - SALE OF ALCOHOLIC BEVERAGES ON THE "DOWN-DEPOSIT AND LAY-AWAY" PLAN NOT PERMISSIBLE.

October 20, 1954

Gentlemen:

You hold a plenary retail distribution license for your liquor store at the above address.

In your letter of October 18th, you ask whether you may sell alcoholic beverages on a lay-away plan during the Christmas holidays. Under this plan, the purchaser would put a deposit down to hold the liquor and would pay out the rest when obtaining the liquor.

This plan is not permissible. In Bulletin 781, Item 3, one of my predecessors in office, State ABC Commissioner Hock, disapproved of and ruled against such a plan. He wisely stated:

"Liquor is not the type of commodity for which the public should be encouraged to lay down advance deposits and to bind itself to future purchase. On the basis of sound public policy, I am opposed to any dedication of funds to a retail liquor dealer for future purchase of alcoholic beverages. The pursestrings of the family or of the individual should be kept open for the day-to-day purchase of more needful items."

I agree with this view, and I reaffirm the ruling against the "down-deposit and lay-away" plan. Hence, you must abandon this proposed plan.

Very truly yours,  
WILLIAM HOWE DAVIS  
Director.

10. RETAIL LICENSED PREMISES - CIVIC-INSPIRED HALLOWE'EN CONTEST FOR STUDENTS TO PAINT OUTSIDE WINDOWS PERMITTED SUBJECT TO LOCAL REGULATIONS.

October 18, 1954

Dear Sir:

In your letter of October 14th, you ask whether the street windows of liquor stores and taverns may be included in a contest being sponsored this Hallowe'en by the Harrison Lions Club in cooperation with the local Board of Education.

In this contest, Harrison school students, using water-color show-card paint, are to decorate the outside surface of windows of various mercantile establishments in the town, and you plan to award prizes to the students painting the best pictures. We take it that these paintings will follow the traditional Hallowe'en theme, and that the purpose of the contest is to provide a constructive form of release for the excitement and energy of youngsters at Hallowe'en time.

In previous years we have allowed the exterior surface of liquor store and tavern windows to be included in these civic-inspired Hallowe'en contests involving school students. Since no problem has arisen therefrom, I have no objection to their being included again this year.

Of course, in municipalities where there is a local regulation prescribing the view which must be available into the licensed premises from the exterior, the liquor licensee must see to it that the

painting put on his windows does not preclude the required type of view into the interior. From our records, it does not appear that Harrison has any local regulation of this type.

So, on with the show! May the hobgoblins, ghosts and witches bring good luck and good painting to the contestants! Spirits of this kind cannot do harm to the youngsters.

Very truly yours,  
WILLIAM HOWE DAVIS  
Director.

1036

SOLICITATION - "MISSIONARY MEN" MAY NOT PERSONALLY CONTACT MEMBER OF PUBLIC SOLICITING HIM TO ORDER THEIR BRANDS WHEN BUYING - SAME IS LEGALLY TANTAMOUNT TO PROHIBITED SALE TO CONSUMER - RULE 3 OF STATE REGULATIONS NO. 20 ALSO PROHIBITS SUCH SOLICITING - "HOUSE TO HOUSE" AS USED THEREIN DEFINED.

October 27, 1954

Dear Sir:

Your company, which is affiliated with an out-of-state distiller, holds a plenary wholesale liquor license in New Jersey.

When you were at the offices of this Division last week, you discussed your plan of having your "missionary men" visit commercial houses in New Jersey that might be buying liquor for Christmas gifts, the purpose being for such "missionary men" to exhibit samples of your products and to try to induce these commercial houses to buy your brands when making their purchases. You say that under no circumstances are these "missionary men" to give away sample drinks or bottles, or to take any actual orders from these commercial houses, or to refer them to any specific retail licensees where they may make their purchase.

I must advise that your plan is not permissible. It would involve direct and personal solicitation of consumers for the purpose of inducing them to ask for or order your brands when buying. Any such direct and personal solicitation falls within the technical category of a "sale" as broadly defined by the Alcoholic Beverage Law, R. S. 33:1-1(w). Such solicitation of consumers thus being tantamount to "sale", it follows that you may not engage therein since your wholesale license does not authorize or permit you to "sell" to consumers. See R. S. 33:1-11.

Moreover, the solicitation in question would contravene Rule 3 of State Regulations No. 20, which specifies that no licensee "shall directly or indirectly solicit from house to house, personally or by telephone, the purchase of any alcoholic beverage..." The activity in question would constitute soliciting within the meaning of this regulation, and the term "from house to house", being used in its generic sense, includes unlicensed business establishments as well as homes.

Of course, the foregoing does not prohibit you from merely mailing or similarly sending out to the commercial houses, without any personal solicitation or contact, appropriate circulars or advertising brochures concerning your products.

Very truly yours,  
WILLIAM HOWE DAVIS  
Director.

12. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOLIC BEVERAGES - POSSESSION OF MOTOR VEHICLE BILL OF SALE FOR MOTOR VEHICLE BY TAVERN OWNER AS "PURPORTED" SECURITY FOR LOAN TO PATRON - SUCH PRACTICE OF LICENSEE DISAPPROVED - RECOGNITION OF ALLEGED LIEN DENIED - MOTOR VEHICLE AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure on )  
May 14, 1954 of a 5-gallon carboy )  
of alcohol and a Kaiser sedan at or )  
near the intersection of New Jersey )  
and Lexington Avenues, in the City )  
of Atlantic City, County of Atlantic )  
and State of New Jersey. )

Case No. 8610

ON HEARING  
CONCLUSIONS AND ORDER

Albert Thomas Carr, Pro Se.

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 five-gallon carboy of alcohol, and a Kaiser sedan, described in a schedule attached hereto, seized on May 14, 1954 on or near the intersection of New Jersey and Lexington Avenues, Atlantic City, New Jersey constitute unlawful property and should be forfeited.

ABC agents had the above location under surveillance on the aforementioned date on information that Robert Nesbit intended to deliver to the vicinity bootleg alcoholic beverages from his Kaiser sedan. When Nesbit arrived there, the agents searched his car and discovered the five-gallon carboy of alcohol therein. Thereupon the agents seized the alcohol and motor vehicle. Nesbit signed a written statement that he was transporting the alcohol for sale to some person who had contacted him over the telephone.

The carboy did not have affixed thereto any label, or stamp indicating the payment of tax on alcoholic beverages. The contents of such carboy were analyzed by the Division chemist, who reports that it is alcohol and water, fit for beverage purposes, with an alcoholic content by volume of 45.8 per cent.

The alcohol is illicit because of the absence of any label or tax stamp on the carboy in which it was contained. R. S. 33:1-1(i), R. S. 33:1-88. Such illicit alcohol, and the motor vehicle in which it was transported and found, constitute unlawful property and are subject to forfeiture. R. S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

When the matter came on for hearing pursuant to R.S. 33:1-66, Albert Thomas Carr appeared and sought recognition of an alleged lien claim on the motor vehicle. Forfeiture of the alcohol was not opposed by any person.

In addition to other requirements, Carr must primarily establish that he has a bona fide and valid lien on the motor vehicle. R. S. 33:1-66(f).

Carr testified that he is part owner of a tavern, acts as bartender there, and has made a practice of loaning small sums of money to his customers, one of whom is Nesbit. On March 2, 1954, Carr loaned Nesbit \$150.00, and Nesbit brought in his certificate of title for the motor vehicle and left it with Carr. The certificate bore no assignment to Carr signed by Nesbit nor was any lien in favor of Carr noted thereon. Carr explains that he regards the certificate as some security; that perhaps Nesbit could not sell the motor vehicle if he did not have such document.

The practice of loaning money upon security or pledge by a tavern owner to his customers at his licensed premises is of doubtful propriety and the Division has consistently disapproved thereof since such loans inevitably tend unduly to increase the consumption of alcoholic beverages by those without funds to pay for them. See R. S. 33:1-39. (I hold to a like view even where there is no security for the loan.) It is extremely doubtful whether mere possession of a certificate of ownership issued by the Division of Motor Vehicles constitutes a bona fide and valid lien thereon. Cf. Sayre & Fisher Brick Co. v. Dearden, 23 N. J. Super. 453. In any event, under the circumstances presented, and in the exercise of my discretionary authority, I will not recognize any lien on the motor vehicle in favor of Carr.

Accordingly, it is DETERMINED and ORDERED that the seized property, more fully described in 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 that it be 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: September 16, 1954.

SCHEDULE "A"

- 1 - 5-gallon carboy of alcohol
- 1 - Kaiser sedan, Serial No. K481042702,  
Engine No. F8226-4-357571, 1954 N. J.  
Registration ADC 93.

13. LICENSEES - TAX, PENALTY AND REPORT DELINQUENCIES - COSTS TO COVER THE SERVICE INCREASED.

NOTICE TO ALL LICENSEES:

Since June 1936, service fees in the amount of \$5.00 and \$10.00, respectively, have been charged for entry of an order dismissing charges in proceedings based upon licensees' delinquency in complying with the requirements of the Alcoholic Beverage Tax Law, the fee depending upon whether the dismissal order is entered before or after the entry of an order of suspension. See Bulletin 125, Item 2.

As heretofore indicated, the conduct of these proceedings, designed to effect collection of monies due to the State, takes time and expense. And as should be obvious to all concerned, the expense in these matters over this long period of years since 1936 has increased substantially over what it was originally.

Accordingly, effective immediately, the service fees in these matters will be \$10.00 in cases wherein a dismissal order is entered before the entry of an order of suspension and \$20.00 in cases where such order is entered after the entry of an order of suspension.

Licensees are reminded, as stated in the cited bulletin, that:

"All this -- both penalties and costs -- can be avoided by your punctual payment of the liquor taxes you owe to the State of New Jersey and prompt filing of the necessary reports."

WILLIAM HOWE DAVIS  
Director.

Dated: October 26, 1954.

14. STATE BEVERAGE DISTRIBUTOR'S LICENSE - OBJECTION TO ISSUANCE HELD TO BE MERITORIOUS - APPLICATION FOR ISSUANCE DENIED.

In the Matter of Objections to )  
the Issuance of a State Beverage )  
Distributor's License to )

CONCLUSIONS

JOHN NOVAK, JR. & JOSEPH NOVAK )  
T/a NOVAK BEVERAGE DISTRIBUTING CO., )

For Premises located at 54 Ray Street, )  
New Brunswick, N. J. )

- 
- Henry Busch, Esq., Attorney for Applicants.
  - Leo Berg, Esq., Attorney for State Beverage Distributors Association, an Objector.
  - Samuel Moskowitz, Esq., Attorney for New Jersey Retail Liquor Stores Association, an Objector.
  - Ray Boardman, Secretary, North Central Counties Retail Liquor Stores Association, an Objector.
  - Edward Boetticher, Representative, Neighborhood Beverage Service.

BY THE DIRECTOR:

A written objection to the issuance of the license having been filed with me, a hearing was duly scheduled to be held. Rule 11 of State Regulations No. 1.

Several objectors appeared and testified that the area in which the applicants intended to distribute unchilled malt beverages is already well supplied with liquor outlets. Under the circumstances it was their contention that there is no need or necessity for the issuance of a State Beverage Distributor's License for the premises in question.

The applicants, John Novak, Jr. and Joseph Novak, testified that they presently deliver soft drinks to their customers who live in various municipalities. They further testified that the said customers have from time to time inquired about obtaining beer from them. The applicants admitted that there are, in addition to plenary retail consumption licensees and plenary retail distribution licensees, at least three State Beverage Distributor licensees who operate in the municipalities where the applicants have their particular route.

The evidence presented herein fails to convince me that a new State Beverage Distributor's License should be issued to the applicants herein. I am satisfied that there are enough alcoholic beverage outlets of all types to adequately supply the needs and serve the convenience of those who wish to purchase malt beverages in the area mentioned. Hence, the application presented herein for a State Beverage Distributor's License will be denied.

WILLIAM HOWE DAVIS  
Director.

Dated: October 18, 1954.

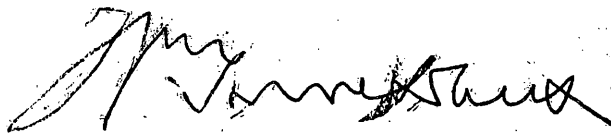
## 15. STATE LICENSES - NEW APPLICATIONS FILED.

Eastern Air Lines, Inc.  
10 Rockefeller Plaza  
New York 20, N. Y.

Application filed October 26, 1954 for Plenary Retail Transit License.

Rogers, Allen & Company, Ltd.  
Loyola Federal Building  
2 W. Preston St.  
Baltimore 1, Md.

Application filed November 1, 1954 for Warehouse Receipts License.



William Howe Davis  
Director.