

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

BULLETIN 828

JANUARY 11, 1949.

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

BULLETIN 828

JANUARY 11, 1949.

1. NEW LEGISLATION - REHABILITATION OF ALCOHOLICS, ETC. - PROGRAM FOR REHABILITATION OF ALCOHOLICS AND PROMOTION OF TEMPERANCE AND TEMPERANCE EDUCATION PLACED IN STATE DEPARTMENT OF HEALTH - COMMISSION ON ALCOHOLISM AND PROMOTION OF TEMPERANCE (P.L. 1945, c. 94; BULLETIN 668, ITEM 1) ABOLISHED.

Committee Substitute for Senate Bill No. 355 was approved by Governor Driscoll on October 27, 1948, and thereupon became Chapter 453 of the Laws of 1948.

It reads as follows:

"AN ACT authorizing the establishment of facilities under the Department of Health for the medical treatment of alcoholics and for the prevention of alcoholism; supplementing Title 26 of the Revised Statutes and abolishing the Commission on Alcoholism and Promotion of Temperance established by 'An Act concerning the preparation and administration of a program for the rehabilitation of alcoholics and the promotion of temperance education by the Commissioner of Alcoholic Beverage Control, the Commissioner of Institutions and Agencies, the Commissioner of Education and the Director of Health constituted the Commission on Alcoholism and Promotion of Temperance', approved April fourth, one thousand nine hundred and forty-five (P.L. 1945, c. 94).

"WHEREAS, By act of the Legislature the said commission was empowered to deal with the problem of alcoholism in both its preventive and therapeutic aspects, to wit, 'to prepare and administer a program for the rehabilitation of alcoholics and the promotion and furtherance of temperance and temperance education in this State;...'; and

"WHEREAS, Said commission has studied the methods of the prevention and treatment of alcoholism and investigated the adequacy of existing facilities in New Jersey for the rehabilitation of alcoholics, and has submitted recommendations for the consideration of the Legislature; and

"WHEREAS, Alcoholism is recognized as an important public health problem affecting also the general welfare and economy of the State, and for the control of which there are insufficient facilities and programs within the State; therefore,

"BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

"1. The State Commissioner of Health, through the State Department of Health, shall initiate, develop and administer a program for the rehabilitation of alcoholics and the promotion and furtherance of temperance and temperance education in this State.

"2. The State Commissioner of Health is hereby authorized to appoint such professional and other personnel as he may deem necessary for the efficient operation of said program.

"All persons appointed under this section shall be in the classified service of the civil service of the State,

unless otherwise provided by law. Their compensation shall be fixed by the Commissioner of Health within the limits of available appropriations.

"3. The State Commissioner of Health is hereby authorized to:

"a. Arrange for, establish, and maintain within this State, and within the limits of available appropriations, a clinic or clinics for consultation concerning, and diagnosis, guidance, and treatment of alcoholics to the end that they may be rehabilitated to become useful members of society to the benefit of themselves, their families, and society in general, the clinic or clinics so established to be located at such place or places as the State Commissioner of Health may determine to best serve the public needs;

"b. Arrange and provide for the temporary hospitalization of alcoholics who, upon the department's diagnosis, and pursuant to rules and regulations promulgated under section four, are in definite medical need of such hospitalization;

"c. Inform the general public as well as interested persons and groups concerning alcoholism, its prevention and treatment, to the ends that alcoholism be prevented and that persons suffering from alcoholism may be disposed to seek treatment;

"d. Conduct or arrange for continuous basic research, so that New Jersey contributes its share to the advance of scientific knowledge in respect to: (1) the causes, prevention, and treatment of alcoholism, and (2) the effectiveness of the department's programs.

"To carry out the provisions of this section and act the State Commissioner of Health shall have authority: to enter into lease, rental or similar agreements, in the name of the State, with respect to suitable clinic or hospital facilities, and to accept and engage for the use without cost of facilities and related facilities, to the extent that such use shall be made available for the purposes expressed herein; and to utilize for the purpose of this act, the available services and assistance of any persons, groups, organizations or institutions, professional or otherwise, with respect to the aims of the department; and to enter into contract for the research services of qualified organizations or persons.

"4. The State Commissioner of Health shall adopt and promulgate reasonable rules and regulations in connection with the program herein designated and for the carrying out of the provisions of this act.

"5. All moneys appropriated to the Commission on Alcoholism and Promotion of Temperance which are unexpended on the effective date of this act are hereby transferred to the State Department of Health for the purposes established herein.

"6. The Commission on Alcoholism and Promotion of Temperance established by 'An act concerning the preparation and administration of a program for the rehabilitation of alcoholics and the promotion of temperance education by the Commissioner of Alcoholic Beverage Control, the Commissioner of Institutions and Agencies, the Commissioner of Education and the Director of Health constituted the Commission on Alcoholism and Promotion of Temperance,' approved April fourth, one thousand nine hundred and forty-five (P.L. 1945, c. 94), is abolished.

"7. This act shall take effect immediately."

ERWIN B. HOCK

2. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - SALE TO NON-MEMBERS - PRIOR RECORD - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against)

FIRST WARD DEMOCRATIC CLUB OF)
GLOUCESTER CITY, N. J.,)
207-209-211 Hudson Street)
Gloucester City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-173,
issued by the State Commissioner)
of Alcoholic Beverage Control.)
- - - - -)

First Ward Democratic Club of Gloucester City, N. J., Defendant-
licensee, by Matthew A. Reddy, President.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

Defendant pleads non vult to charges alleging that (1) on or about September 7, 1948, between the hours of 2:00 a.m. and 7:00 a.m., it sold, served and delivered alcoholic beverages upon its licensed premises, in violation of an ordinance adopted by the Mayor and Common Council on February 3, 1938, which prohibits any such activities between 2:00 a.m. and 7:00 a.m. on any weekday; and (2) at the same time it sold alcoholic beverages to persons other than club members and their bona fide guests, in violation of Rule 8 of State Regulations No. 7.

The file in the instant case discloses that, on September 7, 1948, defendant's club premises were open during prohibited hours during which time alcoholic beverages were sold, served and delivered to persons who were neither members of defendant club nor bona fide guests of members.

Defendant has a previous adjudicated record. Effective November 29, 1946, defendant's license was suspended for thirty days, five days of which were remitted for the plea of non vult, for similar violations as those committed herein. See Bulletin 739, Item 1. Under the circumstances, I shall suspend defendant's license for a period of sixty days, less five days' remission for the plea, making a net suspension of fifty-five days.

Accordingly, it is, on this 28th day of December, 1948,

ORDERED that Club License CB-173, issued by the State Commissioner of Alcoholic Beverage Control to First Ward Democratic Club of Gloucester City, N. J., for premises 207-209-211 Hudson Street, Gloucester City, be and the same is hereby suspended for a period of fifty-five (55) days, commencing at 2:00 a.m. January 10, 1949, and terminating at 2:00 a.m. March 6, 1949.

ERWIN B. HOCK
Commissioner.

3. APPELLATE DECISIONS - ASCHER v. ASBURY PARK AND FRATERNAL ORDER OF EAGLES.

JACOB ASCHER,

Appellant,

-vs-

CITY COUNCIL OF THE CITY OF ASBURY
PARK, and FRATERNAL ORDER OF
EAGLES, Aerie #2336,

Respondents.

ON APPEAL
CONCLUSIONS AND ORDER

Irving E. Keith, Esq., Attorney for Appellant.
 Charles Frankel, Esq., Attorney for Respondent City Council.
 George S. Skokos, Esq., Attorney for Respondent Fraternal Order of
 Eagles.

BY THE COMMISSIONER:

Appellant appeals from the action of the respondent issuing authority in granting a renewal of a plenary retail consumption license to John Patrick Drennan for premises 904-6 Springwood Avenue, Asbury Park, for the 1948-49 licensing period. Appellant also appeals from the action of respondent issuing authority in approving a transfer of the said license from John Patrick Drennan to respondent Fraternal Order of Eagles, Aerie #2336, from premises 904-6 Springwood Avenue to 1411 Kingsley Street.

Appellant contends (a) that John Patrick Drennan had no right to possession of the licensed premises at the time application for renewal of the license was filed with the respondent issuing authority, and (b) that the application for renewal was made subsequent to June 30, 1948, at which date the license held by the said John Patrick Drennan had expired.

Inasmuch as the application of John Patrick Drennan for renewal of his license was filed within thirty days after the expiration of the former license on June 30, 1948, the renewal being granted on July 27, 1948, the second contention on the part of appellant lacks merit. See P. L. 1939, c. 281, as amended by P.L. 1944, c. 187 - R. S. 33:1-96.

It appears from the testimony of Jacob Ascher, appellant herein, that he is the owner of the building 904-6 Springwood Avenue where the licensed business of John Patrick Drennan was conducted. Jacob Ascher contends that John Patrick Drennan had abandoned the licensed premises in October 1947, although the "lease" made between appellant and the said John Patrick Drennan expired on April 30, 1948. Appellant further testified that he had rerented the premises in April 1948 to another person for use as a restaurant. Appellant, referring to the new tenant, testified that, "Well, I believe he worked - he started business in June." When asked whether or not he was sure of the time when the new tenant started operation of his business, appellant testified, "Well, I'm not sure. I'm not positive, so don't hold me to it." Appellant admitted that he knew the tenant only as James Brown, that the tenant moved from the premises in September 1948, and that he doesn't know where the tenant presently resides. Appellant further admitted that the bar, fixtures and tables formerly used by John Patrick Drennan remained in the premises at 904-6 Springwood Avenue at the time applications for renewal and transfer were made. Appellant, although admitting that he was present at the meeting held by the local issuing authority at the time the renewal was granted, did not advise the members of the respondent City Council that he had rerented the premises. He also testified that the basis of his objection in the matter in question was the fact that John Patrick Drennan owed money to him. The existence of debts is not ground for refusing a renewal, nor is a transferor's failure to pay debts cause for denial of a transfer. See,

respectively, Re Hommell and Hommell, Bulletin 123, Item 7; Re Rhodes, Bulletin 176, Item 5.

Appellant was uncertain, unresponsive and evasive in his testimony, especially with reference to the alleged new tenant. Although appellant operated a business at 908-10 Springwood Avenue, next door to the premises in question, he claims to have no knowledge as to when the new tenant started operation of his restaurant business. Appellant also was unsure of the alleged new tenant's Christian name and withheld mentioning the fact to the local issuing authority that the premises were actually occupied by someone other than John Patrick Drennan at the time the application for renewal was heard. Appellant admits that his sole purpose in objecting to the renewal and transfer of the license in question, both before the respondent City Council and at the instant hearing, was because John Patrick Drennan was indebted to him.

On the record presented, the appellant's contention, that John Patrick Drennan had no legal right to possession of the premises 904-6 Springwood Avenue at the time application for renewal of his license was made, has not been sustained. The burden of proof is on the appellant. He has failed to meet that burden.

The action of the respondent City Council, therefore, will be affirmed.

Accordingly, it is, on this 29th day of December, 1948,

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

ERWIN B. HOCK
Commissioner.

4. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against)

JUNE SHIMSKI BARR)
T/a SUN CAFE)
35 Pennington Avenue)
Trenton 8, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-210, issued by the)
Board of Commissioners of the)
City of Trenton.)
-----)

Howard K. Shaw, 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 that she sold, served and delivered to, and permitted the consumption of alcoholic beverages by, minors, in violation of (1) R. S. 33:1-77 and (2) Rule 1 of State Regulations No. 20.

On October 12, 1948, the defendant's bartender served beer, an alcoholic beverage, to two minors, members of the U. S. Army, each nineteen years of age, and permitted said minors to consume said beverages.

The fact that defendant was not personally present at the time offers no excuse. In view of the fact that this is defendant's first adjudicated violation, and in the absence of aggravating circumstances, I shall suspend the license for ten days. Re Wink & Leitner, Bulletin 755, Item 9. Remitting five days because of the plea will leave a net suspension of five days.

Accordingly, it is, on this 30th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-210, issued by the Board of Commissioners of the City of Trenton to June Shimski Barr, t/a Sun Cafe, 35 Pennington Avenue, Trenton, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. January 10, 1949, and terminating at 2:00 a.m. January 15, 1949.

ERWIN B. HOCK
Commissioner.

5. ACTIVITY REPORT FOR DECEMBER 1948

January 4, 1949

ARRESTS:

Total number of persons arrested - - - - - 25
 Licensees and employees - - - - - 3 Bootleggers - - - - - 22

SEIZURES:

Stillis - 50 gallons or under - - - - - 1
 Mash - gallons - - - - - 10.00
 Distilled alcoholic beverages - gallons - - - - - 16.53
 Wine - gallons - - - - - 17.80
 Brewed malt alcoholic beverages - gallons - - - - - 60.67

RETAIL LICENSEES:

Premises inspected - - - - - 952
 Premises where alcoholic beverages were seized - - - - - 872
 Bottles gauged - - - - - 14,929
 Premises where violations were found - - - - - 51
 Violations found - - - - - 55
 Type of violations found:
 Unqualified employees - - - - - 10 Probable fronts - - - - - 2
 Reg. #26 sign not posted - - - - - 7 Disposal permit necessary - - - - - 1
 Other mercantile business - - - - - 3 Other violations - - - - - 3

STATE LICENSEES:

Premises inspected - - - - - 29
 License applications investigated - - - - - 8

COMPLAINTS:

Complaints assigned for investigation - - - - - 276
 Investigations completed - - - - - 307
 Investigations pending - - - - - 99

LABORATORY:

Analyses made - - - - - 115
 "Shake-up" cases (alcohol, water and artificial color) - bottles - - - - - 10
 Liquor found to be not genuine as labeled - bottles - - - - - 7

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made - - - - - 25
 Persons fingerprinted for non-criminal purposes - - - - - 117
 Identification contacts made with other enforcement agencies - - - - - 112
 Motor vehicle identifications via N. J. State Police Teletype - - - - - 6

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - - 14
 Violations involved:
 Sale during prohibited hours - - - - - 7 Permitting bookmaking on premises - - - - - 1
 Sale to minors - - - - - 4 Permitting gambling on premises (cards) - - - - - 1
 Sale outside scope of license - - - - - 1 Permitting lottery activity on premises (numbers) - - - - - 1
 Permitting hostesses on premises - - - - - 1 Failure to afford view into premises during prohibited hours - - - - - 1
 Cases instituted at Division - - - - - 14
 Violations involved:
 Sale under Fair Trade price - - - - - 3 Sale to minors - - - - - 1
 Permitting immoral activity on premises - 2 Purchase from improper source - - - - - 1
 Possessing illicit liquor - - - - - 2 Retailer participating in wash sale - - - - - 1
 Sale outside scope of license - - - - - 2 Solicitor aiding and abetting sale by one retailer to another - - - - - 1
 Permitting hostesses on premises - - - - - 1 Solicitation beyond scope of permit - - - - - 1
 Sale to non-members by clubs - - - - - 1 Solicitor aiding and abetting wash sale - - - - - 1
 Sale to intoxicated persons - - - - - 1 Transportation in unlicensed vehicle - - - - - 1
 Licensee working while drunk - - - - - 1 Permittee convicted of crime involving moral turpitude - - - - - 1
 Conducting business as a nuisance - - - - - 1
 Cases brought by municipalities on own initiative and reported to Division - - - - - 4
 Violations involved:
 Permitting brawls on premises - - - - - 2
 Unqualified employees - - - - - 1 Permitting noise on premises - - - - - 1

HEARINGS HELD AT DIVISION:

Total number of hearings held - - - - - 37
 Appeals - - - - - 5 Tax revocation - - - - - 1
 Disciplinary proceedings - - - - - 23 Application for license - - - - - 2
 Eligibility - - - - - 6

PERMITS ISSUED:

Total number of permits issued - - - - - 791
 Employment - - - - - 90 Social affairs - - - - - 227
 Solicitors - - - - - 80 Special wine - - - - - 208
 Disposal of alcoholic beverages - - - - - 103 Miscellaneous - - - - - 83

Erwin B. Hock
 Director

6. DISCIPLINARY PROCEEDINGS - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF A LICENSE - ILLEGAL SITUATION CORRECTED - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against)

ANNA S. WARWICK)
T/a WARWICK INN)
500-504 So. Bayview Avenue)
Seaside Park, N. J.,)

Holder of Plenary Retail Consump-)
tion License C-3 for the 1948-49)
fiscal year, issued by the Borough)
Council of the Borough of Seaside)
Park; and transferred during the)
pendency of these proceedings to)

WARWICK INN, INC.)
T/a WARWICK INN,)

for the same premises.)

CONCLUSIONS
AND ORDER

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Percy Camp, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) in the application dated June 1, 1948, she falsely concealed the fact that Warwick Inn, Inc. was the real owner of the licensed premises, in violation of R. S. 33:1-25; and (2) from September 15, 1947 until the charges were served, she knowingly aided and abetted Warwick Inn, Inc. to exercise the privileges of her license, contrary to R. S. 33:1-26, thereby herself violating R. S. 33:1-52.

The file in the instant case discloses that defendant held a liquor license in her individual name for the premises in question from September 15, 1947 until October 26, 1948, when the license was transferred to Warwick Inn, Inc., a corporation. Apparently, none of the stockholders of Warwick Inn, Inc. is disqualified by statute from being associated with the alcoholic beverage industry.

The illegal situation appears to have been corrected by the transfer of the license to Warwick Inn, Inc., a corporation. Nevertheless, the nature of the violation heretofore committed warrants suspension of the license. See Re Eno, Bulletin 815, Item 1.

Anna S. Warwick, the defendant herein, who is President of Warwick Inn, Inc., and also the major stockholder in the corporation, suffered a twenty-five day suspension of her license for another licensed premises, effective April 10, 1944, as a result of sale of alcoholic beverages to a minor, employing a disqualified person, and hostess activities.

Under the circumstances, I shall suspend the license for a period of twenty-five days.

Accordingly, it is, on this 3rd day of January, 1949,

ORDERED that Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Seaside Park to Anna S. Warwick, t/a Warwick Inn, for premises 500-504 So. Bayview Avenue, Seaside Park, and transferred during the pendency of these proceedings to Warwick Inn, Inc., t/c Warwick Inn, for the same premises, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. January 10, 1949, and terminating at 2:00 a.m. February 4, 1949.

ERWIN B. HOCK

Director.

7. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - FRONT FOR INDIVIDUAL - FALSE ANSWERS IN LICENSE APPLICATION - TWO PRIOR VIOLATIONS WITHIN A YEAR - LICENSE REVOKED.

In the Matter of Disciplinary
Proceedings against

11th WARD DEMOCRAT ASSOCIATION
1014 North 27th Street
Camden, N. J.,

CONCLUSIONS
AND ORDER

Holder of Club License CB-36 issued
by the Municipal Board of Alcoholic
Beverage Control of the City of
Camden.

Defendant-licensee, by Joseph M. Whylings, Sr., President.
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 10, 1948, filed with the Municipal Board of Alcoholic Beverage Control of the City of Camden, upon which you obtained your current club license, you falsely stated 'No' in answer to Question 29, which asks: 'Has any individual -- other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?', whereas in truth and fact Abe Kennedy was so interested as the real and beneficial owner of licensed business; said false statement being in violation of R. S. 33:1-25.

"2. In your aforesaid application, you falsely stated 'No' in answer to Question 30 which asks: 'Have you agreed to pay the club steward, club manager, any employee, or other person, any percentage of the profits derived from the business to be conducted under the license applied for?', whereas in truth and fact you had agreed to permit Abe Kennedy to retain all of the profits derived from the licensed business, said false statement being in violation of R. S. 33:1-25.

"3. From April 1, 1948 until the present time, you knowingly aided and abetted Abe Kennedy to exercise, contrary to R. S. 33:1-26, the rights and privileges of your successive club licenses; in violation of R. S. 33:1-52."

The file herein discloses that on or about April 1, 1948, defendant entered into a written agreement with Abe Kennedy whereby he became "manager" for one and one-half years from April 1, 1948, and was given "full and complete charge of the bar and buildings". It appears that the agreement was entered into because the club was then in financial difficulty; that all profits were to be used to liquidate the club's debts and that, after all debts were paid, Kennedy was to obtain all profits that accrue prior to the expiration of the agreement. Despite the fact that the club was to receive a monthly statement as to the operation of the bar, this agreement constituted a "farming out" of its license and, hence, defendant is guilty as charged.

Defendant has a prior record. Effective February 9, 1948, its license was suspended for fifteen days after it had pleaded guilty to selling alcoholic beverages to non-members, and to women directly over the bar; and effective August 16, 1948, its license was suspended for twenty-five days after it had pleaded non vult to a charge of selling alcoholic beverages to non-members. See Bulletin 793, Item 1, and Bulletin 813, Item 9. Subsequent to the institution of these proceedings defendant surrendered its license to the local issuing authority. Nevertheless, because of the three violations committed during one year, I shall revoke the license and thereby render defendant ineligible to hold a license for the period of two years from the effective date hereof.

Accordingly, it is, on this 5th day of January, 1949,

ORDERED that Club License CB-35, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to 11th Ward Democrat Association, for premises 1014 North 27th Street, Camden, be and the same is hereby revoked, effective immediately.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

COUNTRY CLUB CO., INC.)
Route 6)
Teterboro, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Teterboro.)

-----)
William V. Breslin, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleads non vult to the following charges:

- "1. In your application dated June 2, 1948, filed with the Borough Council of Teterboro, upon which you obtained your current plenary retail consumption license, you, after listing your stockholders in answer to Question 23 as Harry E. Lapp (80 shares),

Charles Ficken (50 shares), Peter J. Coolick (20 shares) and Herbert J. Hickey (50 shares), falsely stated 'No' in answer to Question 28, 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 Walter E. Lapp had such interest in that he was the real and beneficial owner of the 80 shares held by Harry E. Lapp; said false statement being in violation of R. S. 33:1-25.

"2. In your aforesaid application, you falsely stated 'No' in answer to Question 28(c) which asks: 'Is any member of the License Issuing Authority of this Municipality interested, directly or indirectly, in the corporation -- which is the applicant herein?', whereas in truth and fact Walter E. Lapp, a member of the Borough Council of Teterboro, was so interested in that he was the real and beneficial owner of the 80 shares of stock held by Harry E. Lapp; said false statement being in violation of R. S. 33:1-25.

"3. From June 4, 1947 until the present time, you knowingly aided and abetted Walter E. Lapp to exercise, contrary to R. S. 33:1-28, the rights and privileges of your successive plenary retail consumption licenses; thereby yourself violating R. S. 33:1-52."

The facts constituting the basis for the charges filed herein are sufficiently set forth in the charges to obviate the necessity of further repetition.

It appears that in November 1948, after the institution of these proceedings, the 80 shares of stock held by Harry E. Lapp were transferred to Walter E. Lapp, the real and beneficial owner thereof, and that the latter resigned from his position on the Borough Council. Hence, the unlawful situation has now been corrected. Nevertheless, the nature of the violation heretofore committed warrants a suspension of the license. I shall, therefore, suspend the license for a period of twenty days. Re Russo, Bulletin 741, Item 4.

Accordingly, it is, on this 6th day of January, 1949,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Teterboro to Country Club Co., Inc. for premises on Route 6, Teterboro, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. January 12, 1949, and terminating at 2:00 a.m. February 1, 1949.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary
Proceedings against)

HENRY J. KLEE and ANDREW J. KLEE)
T/a KLEE'S BAR AND GRILL)
101-103 Boulevard)
Seaside Heights, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-
tion License C-5, issued by the)
Mayor and Council of the Borough)
of Seaside Heights.)

William T. Hering, Esq., Attorney for Defendant-licensees.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The defendants pleaded non vult to charges alleging that (1) in their license application dated May 24, 1948, they failed to reveal the interest of Daniel J. Klee in the license and business conducted thereunder, (2) in said application, they failed to reveal that they had agreed to pay Daniel J. Klee a percentage of the profits of the business, (3) between October 26, 1945 and October 27, 1947, Andrew J. Klee exercised the privileges of the successive licenses issued to Henry J. Klee, and (4) between said dates, Henry J. Klee permitted Daniel J. Klee and Andrew J. Klee, and since that time, both Henry J. Klee and Andrew J. Klee permitted Daniel J. Klee, to exercise the privileges of the successive licenses for the premises in question.

Daniel J. Klee is the father of the defendants. Until October 26, 1945 the license was in his name. On that date, the license was transferred to his son, Henry J. Klee. The name of Andrew J. Klee did not appear on the license until October 27, 1947, despite his interest therein, because he was involved in a divorce suit and was advised not to disclose any of his additional assets until the termination of that proceeding.

Throughout the entire period aforesaid, and until recently, Daniel J. Klee had a one-third interest in the license and business conducted thereunder.

By written agreement, dated October 29, 1948, the partnership of the three individuals involved herein was dissolved, with the two defendants remaining as the surviving partners in the license and business conducted thereunder.

Giving due consideration to all of the attendant circumstances, including the mitigation referred to in a memorandum submitted by the defendants' attorney, I shall impose the minimum suspension for this type of violation, to wit, a penalty of twenty days. Cf. Re Cohen et als., Bulletin 804, Item 10.

Accordingly, it is, on this 6th day of January, 1949,

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Seaside Heights to Henry J. Klee and Andrew J. Klee, t/a Klee's Bar and Grill, 101-103 Boulevard, Seaside Heights, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. January 11, 1949, and terminating at 2:00 a.m. January 31, 1949.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN APPLICATION AS TO RESIDENCE IN NEW JERSEY - AIDING AND ABETTING NON-LICENSEES TO EXERCISE THE RIGHTS AND PRIVILEGES OF A LICENSE - ILLEGAL SITUATION CORRECTED - PRIOR RECORD - LICENSE SUSPENDED FOR 40 DAYS.

In the Matter of Disciplinary
Proceedings against

JULIA WIMMER
T/a HOTEL BELVEDERE
S/W Cor. Laurel Ave. & Charles Ave.
Keansburg, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-35 for the 1948-49 licensing
year, issued by the Mayor and Municipal
Council of the Borough of Keansburg,
and transferred during the pendency of
these proceedings to

BELVEDERE BEACH HOTEL, INC.,

for the same premises.

Edward F. Juska, 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 charges alleging that she
(1) falsified her application for her present license by denying that
any person other than herself had any interest in the license,
(2) that she falsely answered "No" to Question 31 in said application,
(3) that she falsely answered Questions 3 and 27(a) in said applica-
tion by claiming a residence in New Jersey; all in violation of R.S.
33:1-25, and (4) that since 1945 she knowingly aided and abetted Rose
MacDonald and Anna Bredehorn to exercise the privileges of her suc-
cessive licenses; in violation of R. S. 33:1-52.

Apparently, all persons actively interested in the license and
the business conducted thereunder are and have been qualified, except
as to residence. The record indicates that the licensed premises are
operated as a bona fide hotel. Since these proceedings were institu-
ted the license has been transferred to a New Jersey corporation whose
total issued stock is held in equal proportions by the three persons
hereinbefore interested in the license, two of whom still reside in
New York State. The non-residence of stockholders, however, does not
disqualify the corporate operator of a bona fide hotel from holding
a license under the Statute, R. S. 33:1-25.

I shall accept the transfer by the local issuing authority as a
correction of the illegal situation. Rose MacDonald, owner of one-
third interest in the corporate license and manager of the licensee's
business, while the holder of another license in Keansburg, suffered
two suspensions of her said license, imposed by the local issuing
authority in 1944, one of five days and one of fifteen days, both as
a result of sales during "closed" hours. Under all the circumstances
and considering the plea, I shall suspend the license for forty days.

Accordingly, it is, on this 7th day of January, 1949,

ORDERED that Plenary Retail Consumption License C-35, issued for
the 1948-49 licensing period by the Mayor and Municipal Council of
the Borough of Keansburg to Julia Wimmer, t/a Hotel Belvedere, for
premises S/W Cor. Laurel Ave. & Charles Ave., Keansburg, and trans-
ferred during the pendency of these proceedings to Belvedere Beach

Hotel, Inc., for the same premises; be and the same is hereby suspended for a period of forty (40) days, commencing at 2:00 a.m. January 10, 1949, and terminating at 2:00 a.m. February 19, 1949.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary
Proceedings against

BOLESZLAW MILWID
52 East 21st Street
Bayonne, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-107, issued by the Board of Commissioners of the City of Bayonne.

Boleslaw Milwid, Defendant-licensee, Pro Se.
William F. Wood, Esc., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he possessed illicit alcoholic beverages on his licensed premises, namely, one 4/5 quart bottle labeled "Sengrow's Seven Crown Blended Whiskey" and one 4/5 quart bottle labeled "Lord Calvert Blended Whiskey", which were not genuine as labeled, in violation of R. S. 33:1-50.

Defendant's only prior record, a suspension of five days by the local issuing authority in 1941 for a dissimilar violation, will not be considered in fixing the suspension because of the lapse of time. In the absence of other aggravating circumstances, I shall suspend defendant's license for a minimum period of fifteen days. Cf. Re Wardlow, Bulletin 806, Item 8. I shall remit five days because of the plea entered herein, making a net suspension of ten days.

Accordingly, it is, on this 7th day of January, 1949,

ORDERED that Plenary Retail Consumption License C-107, issued by the Board of Commissioners of the City of Bayonne to Boleslaw Milwid for premises 52 East 21st Street, Bayonne, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. January 17, 1949, and terminating at 2:00 a.m. January 27, 1949.

ERWIN B. HOCK
Director.

12. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - SALES DURING PROHIBITED HOURS - SALES TO NON-MEMBER - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SONS OF ITALY LODGE NO. 854,)
SOCIAL CLUB)
Main Road and Victoria Avenue)
Franklin Township (Gloucester County))
P.O. Newfield, R.D. 1, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-2, issued by)
the Township Committee of the Township)
of Franklin (Gloucester County).)

Alfred L. Padula, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to charges alleging that (1) on Sunday, October 31, 1948, at about 1:00 p.m., it sold, served and delivered alcoholic beverages, in violation of an ordinance adopted by the Township Committee of the Township of Franklin (Gloucester County) which prohibits any such activity between the hours of 3:00 a.m. and 2:00 p.m. on Sundays; and (2) at the same time it sold alcoholic beverages to a person who was not a club member or a bona fide guest of a member, in violation of Rule 8 of State Regulations No. 7.

The report of the investigation herein discloses that, on Sunday, October 31, 1948, at about 1:00 p.m., an ABC agent observed three men seated at a table drinking alcoholic beverages in defendant's licensed premises. The agent ordered a bottle of beer from the man in charge. He was advised that the beer could not be sold to him directly because he was not a member of the club. The agent was told by the person in charge that the bottle of beer would be given to a member of the club who would in turn sell it to him. The bartender delivered the bottle of beer to a man seated at a table who immediately served it to the agent and received payment therefor. The ABC agent was neither a member nor a guest of a member of the defendant club.

Defendant has no prior adjudicated record. I shall, therefore, suspend the license for the usual minimum period of fifteen days for the unlawful sale on Sunday (Cf. Re Madison Lodge B.P.O.E., Bulletin 623, Item 14), and for a further period of fifteen days for the sale to a non-member (Cf. Re Penns Grove Lodge No. 820, Loyal Order of Moose, Bulletin 615, Item 2). Five days will be remitted for the plea, making a net suspension of twenty-five days.

Accordingly, it is, on this 7th day of January, 1949,

ORDERED that Club License CB-2, issued by the Township Committee of the Township of Franklin (Gloucester County) to Sons of Italy Lodge No. 854, Social Club, for premises Main Rd. & Victoria Avenue, Franklin Township (Gloucester County), be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. January 17, 1949, and terminating at 3:00 a.m. February 11, 1949.

ERWIN B. HOCK
Director.

13. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING EFFECTIVE DATE OF SUSPENSION.

In the Matter of Disciplinary Proceedings against)

COUNTRY CLUB CO., INC.)
Route 6)
Teterboro, N. J.,)

ON PETITION
O R D E R

Holder of Plenary Retail Consump-)
tion License C-1 issued by the)
Borough Council of the Borough)
of Teterboro.)

William V. Breslin, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

An order having been entered herein on the 6th day of January, 1949, suspending defendant's license for a period of twenty days, commencing at 2:00 a.m. January 12, 1949, and terminating at 2:00 a.m. February 1, 1949; and

It appearing by an affidavit of the Secretary and Treasurer of Country Club Co., Inc. that, prior to the entry of said order, defendant had completed arrangements with three associations and one individual for banquets to be held on its licensed premises on January 13, 14 and 15 (during the period originally fixed for suspension of the license), and that approximately 340 reservations have been made for said affairs; and

It thus appearing that numerous innocent persons would be inconvenienced by suspension of defendant's license for the period beginning January 12, 1949;

It is, on this 10th day of January, 1949,

ORDERED that the suspension of twenty days imposed in this proceeding, instead of commencing at 2:00 a.m. January 12, 1949, shall, in lieu thereof, commence at 2:00 a.m. January 19, 1949, and terminate at 2:00 a.m. February 8, 1949.

Samuel E. Hook

Director.