

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

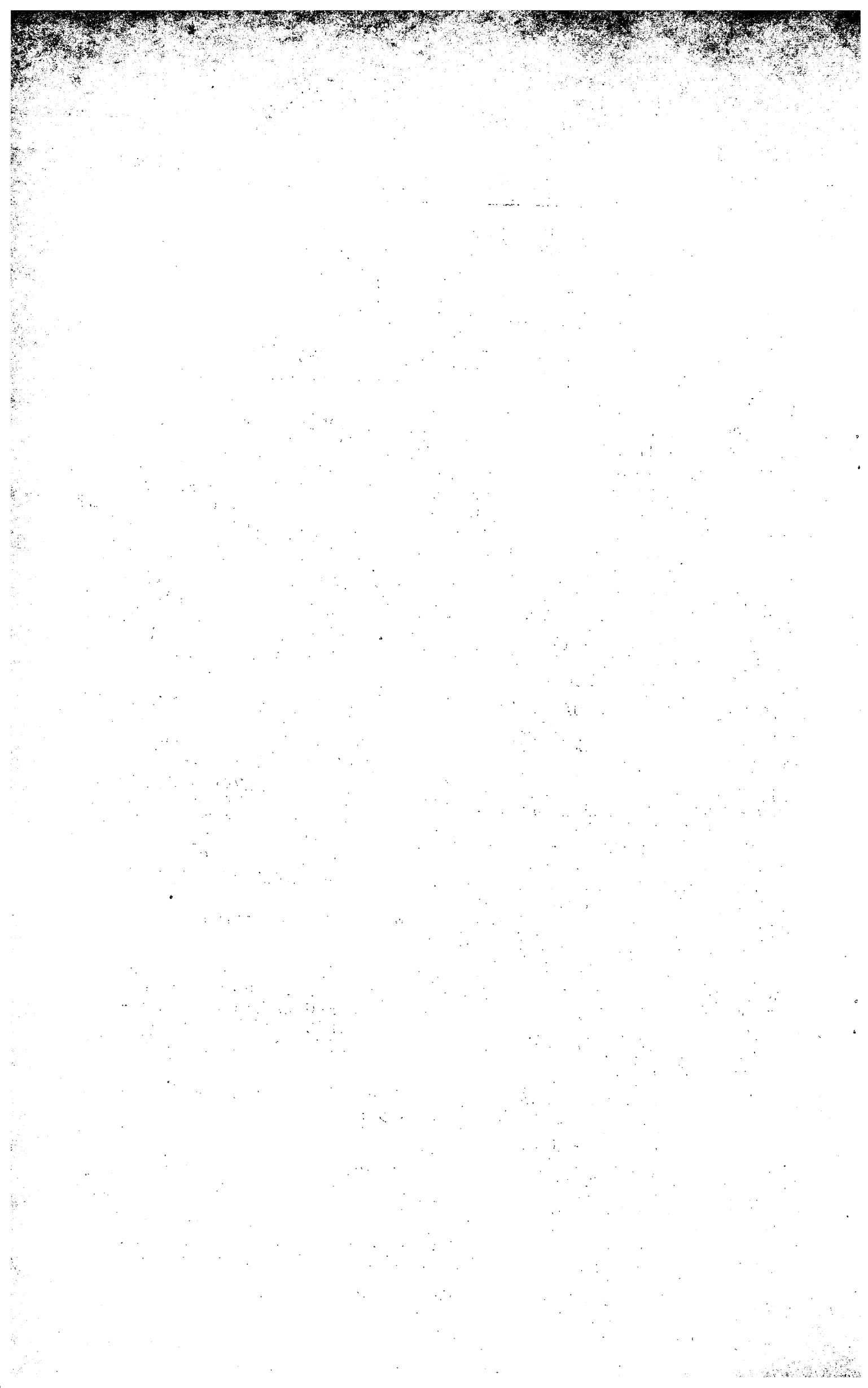
BULLETIN 848

JULY 7, 1949.

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1060 Broad Street Newark 2, N. J.

BULLETIN 848

JULY 7, 1949.

1. SEIZURE - FORFEITURE PROCEEDINGS - RECORD REMITTED BY APPELLATE
DIVISION TO DIRECTOR UPON REVERSAL OF PRIOR FORFEITURE ORDER -
PROPERTY RETURNED TO CLAIMANT UPON PROOF OF OWNERSHIP THEREOF.

In the Matter of the Seizure on) Case No. 7332
October 22, 1948, of 110 one)
hundred pound bags of sugar and)
a White truck in the vicinity of) O R D E R
the intersection of Spruce Street)
and Tonnele Avenue, in the City of)
Jersey City, County of Hudson and)
State of New Jersey.)

-----)
Meehan Brothers, Esqs., by T. F. Meehan, Esq., Attorneys for
Sam Schifano.
Harry Castelbaum, Esq., appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

By decision dated May 23, 1949, the Superior Court, Appellate
Division, reversed and set aside my Order entered on the 17th day
of December, 1948, directing the forfeiture of a White truck and
110 100-lb. bags of sugar seized in this case and, by its mandate,
remitted the record for proceedings in accordance with the practice
in such cases. Schifano v. Hock, Bulletin 845, Item 5.

The Court held that the evidence presented did not sustain for-
feiture. Hence, the truck and sugar should be returned to the owner
thereof. Since the evidence of ownership in the original record was
meager, the record was opened to permit the claimant, Sam Schifano,
to submit additional evidence on this score.

After careful consideration of all the evidence, I am satisfied
that the claimant, Sam Schifano, is the actual owner of the White
truck and the 110 100-lb. bags of sugar and, accordingly, such
truck and sugar will be returned to him.

ERWIN B. HOCK
Director.

Dated: June 22, 1949.

2. DISCIPLINARY PROCEEDINGS - PIN BALL MACHINE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

MERCHANTS RESTAURANT, INC.)
 206 Miller Street)
 Newark 5, N. J.,)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consump-)
 tion License C-780, issued by the)
 Municipal Board of Alcoholic)
 Beverage Control of the City of)
 Newark.)

-----)
 Defendant-licensee, by E. Manuel Rothman, President.
 William F. Wood, Esq., appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it allowed, permitted and suffered two bagatelle or pin ball machines on its licensed premises, in violation of Rule 7 of State Regulations No. 20.

On June 9, 1949, an ABC agent found the two machines on the second floor of the building located at 206 Miller Street, Newark. The second floor of said building was a part of defendant's licensed premises. Defendant's manager stated that the machines had been installed two or three days prior to the investigation.

Defendant has no prior adjudicated record. I shall suspend its license for the minimum period of ten days, and shall remit five days thereof because of the plea, leaving a net suspension of five days. See Bulletin 841, Item 7.

Accordingly, it is, on this 23rd day of June, 1949,

ORDERED that Plenary Retail Consumption License No. C-780, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Merchants Restaurant, Inc., for premises 206 Miller Street, Newark, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. June 27, 1949; and it is further

ORDERED that, if any license be issued to this licensee, or any other person, for the premises in question, for the 1949-50 licensing year, such license shall be under suspension until 2:00 a.m. July 2, 1949.

ERWIN B. HOCK
 Director.

3. DISCIPLINARY PROCEEDINGS - EMPLOYMENT OF FEMALE BARTENDER IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

PAUL AWRAMKO
377 Crooks Avenue
Paterson 3, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-30 issued by the
Board of Alcoholic Beverage
Control of the City of Paterson.

Vincent E. Hull, 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 a charge alleging that he had a female bartender in his employ, in violation of a local regulation.

On April 29, 1949, two ABC agents entered defendant's premises and each purchased a glass of beer which was served by defendant's daughter who was then acting as a bartender. The local regulation prohibits a female (unless a licensee or the wife of a licensee) from serving as a bartender on licensed premises.

Defendant has no prior record. The license will be suspended for a period of five days, less two days for the plea, leaving a net penalty of three days. See Bulletin 782, Item 2.

Accordingly, it is, on this 23rd day of June, 1949,

ORDERED that Plenary Retail Consumption License C-30, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Paul Awramko, for premises 377 Crooks Avenue, Paterson, be and the same is hereby suspended for three (3) days, commencing at 3:00 a.m. June 27, 1949, and terminating at 3:00 a.m. June 30, 1949.

ERWIN B. HOCK
Director.

4. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES -
INDECENT DANCE - PRIOR RECORD - LICENSE REVOKED.

In the Matter of Disciplinary)
Proceedings against)

OVERLOOK HOTEL, INC.)
T/a OVERLOOK HOTEL)
Portland Road & Highland Avenue)
Highlands, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-23, issued by the)
Borough Council of the Borough of)
Highlands.)

-----)
Leland F. Ferry, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage
Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge that on November 10, 1948 it allowed, permitted and suffered lewdness and immoral activities in and upon the licensed premises, in violation of Rule 5 of State Regulations No. 20.

The file discloses that on the evening in question three female entertainers performed in the nude, in the barroom of the licensed premises, before a large male audience. After the "regular" performance, the three nude female entertainers mingled with the men and committed and permitted acts too coarse and indecent to be recounted here.

The windows of the dining room and barroom were heavily draped so that the "show" might not be observed from without.

One Robert H...., who is not a member or stockholder of defendant corporation, was in charge of the licensed premises. The file clearly reveals that the defendant-licensee exercised no direction or supervision whatsoever with respect to the management of the licensed establishment. It is evident that the defendant-licensee, of record, has demonstrated a complete disregard of the responsibilities of a licensee with respect to operation under the license.

Defendant has a peculiarly pertinent prior record. On November 20, 1946, its license was suspended after it had pleaded non vult to a charge that it exercised the rights and privileges of a license held in the name of another person. (Re Overlook Hotel, Inc., Bulletin 739, Item 3.)

I am convinced, under the circumstances here present, that revocation of defendant's license is warranted.

Accordingly, it is, on this 23rd day of June, 1949,

ORDERED that Plenary Retail Consumption License C-23, issued by the Borough Council of the Borough of Highlands to Overlook Hotel, Inc., t/a Overlook Hotel, for premises at Portland Road & Highland Avenue, Highlands, be and the same is hereby revoked, effective immediately.

ERWIN B. HOCK
Director.

5. DISCIPLINARY PROCEEDINGS - WHOLESALE LICENSEE - FAILURE TO NOTIFY COMMISSIONER THAT RETAILER SHOULD BE REMOVED FROM DEFAULT LIST - FAILURE TO FILE COPY OF CONTRACT OF EMPLOYMENT OF SOLICITORS - FAILURE TO KEEP COPIES OF ORDERS FOR MERCHANDISE DELIVERED - DELIVERY TO RETAILER WITHOUT ACCOMPANYING INVOICE - DELIVERY TO RETAILER ON DEFAULT LIST WITHOUT REQUIRING PAYMENT IN CASH - FAILURE TO NOTIFY COMMISSIONER OF DEFAULT BY RETAILER - PERMITTING INDIVIDUAL TO SOLICIT ORDERS WITHOUT SOLICITOR'S PERMIT - SELLING ALCOHOLIC BEVERAGES TO PERSONS WHO ARE NOT RETAIL OR WHOLESALE LICENSEES - TRANSPORTATION VEHICLE NOT BEARING REQUISITE INSIGNIA - FAILURE TO FILE WHOLESALE PRICE LIST - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary
Proceedings against

JAMES J. CLARK, JOHN M. TOTARO,
ABE DONSKY, LEON J. GERNER and
EDWIN & FELIX BITTER
T/a JAMES J. CLARK & CO.
104-110 Harrison Avenue
Jersey City, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Wholesale License
W-42, issued by the State Commissioner
of Alcoholic Beverage Control.

Arthur Knaster, Esq. and Peter P. Artaserse, Esq., Attorneys for
Defendant-licensees.

Anthony Meyer, Jr., Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to fourteen charges which may
be summarized as follows:

- (1) That you failed to notify the State Commissioner until October 22, 1948, that a retail licensee had made payment to you on October 1, 1948, of an amount for which he had been theretofore reported as in default; in violation of Rule 5(c) of State Regulations No. 39.
- (2) and (3) That you failed to file with the State Commissioner a copy of the contract of employment, pursuant to which each of two solicitors were employed by you, within five days after the issuance of the respective solicitor's permit; in violation of Rule 2 of State Regulations No. 35.
- (4) That you failed to keep at your licensed premises copies of orders for merchandise delivered by you on and after February 2, 1948; in violation of Rule 4(a) of State Regulations No. 34.
- (5) Between August 25 and August 30, 1948, you delivered and caused to be delivered to divers New Jersey retailers, alcoholic beverages other than those itemized on a bona fide order first signed by the retail licensee or his agent, executed and signed in duplicate and a copy left with the retail licensee, in that you delivered various alcoholic beverages to said retailers on orders, other than telephone orders, not signed by the licensee, no copies of which were left with the licensees; in violation of Rule 4(a) of State Regulations No. 34.
- (6) On July 15, and August 13, 1948, you delivered alcoholic beverages without requiring payment in cash to a retail licensee who was then listed on the default list; in violation of Rule 4(a) of State Regulations No. 39.

- (7), (8), (9) and (10) Between July 13 and October 1, 1948, you failed to file with the State Commissioner within three days after each retail licensee became in default a notice that each of four retail licensees was in default; such failure constituting a violation of Rule 5(b) of State Regulations No. 39.
- (11) From July 1 to July 14, 1948, you permitted Vincent Zangaro, who then had no solicitor's permit, to solicit orders from various retail licensees in New Jersey; in violation of Rule 6 of State Regulations No. 14.
- (12) Between July 9, 1948 and January 31, 1949, you sold alcoholic beverages to persons who were not retail or wholesale licensees, beyond the terms of your plenary wholesale license, contrary to R. S. 33:1-11(1); in violation of R. S. 33:1-2.
- (13) Between July 9, 1948 and January 31, 1949, you transported alcoholic beverages in vehicles bearing no transportation insignia; in violation of Rule 2 of State Regulations No. 17.
- (14) Between November 1, 1948 and December 31, 1948, you sold alcoholic beverages to retail licensees without first having filed your wholesale price list therefor; in violation of Rule 1 of State Regulations No. 34.

In attempted mitigation, defendants allege that the charges resulted "from carelessness on the part of one or more of our employees". Defendants also allege that they have taken measures to prevent the recurrence of similar violations.

Defendants have no prior adjudicated record.

As I said in Re Galsworthy, Bulletin 822, Item 4:

"The various matters involved in these charges, taken together, go to the very heart of liquor control. Violations of this character may well form the foundation of far more serious infractions of the law ***

"After a full and comprehensive review of all of the facts and circumstances, I am forced to the conclusion that defendant has shown a widespread disregard for the Rules and Regulations of this Department. Whether it was purposeful or inadvertent is immaterial."

Under all the circumstances, and taking into consideration the plea entered herein, I shall suspend defendants' license for a period of twenty days.

Accordingly, it is, on this 24th day of June, 1949,

ORDERED that the license for the 1949-50 licensing year, issued in renewal of Plenary Wholesale License W-42, issued for the present licensing year by the State Director of Alcoholic Beverage Control to James J. Clark, John M. Totaro, Abe Donsky, Leon J. Gerner and Edwin & Felix Bitter, t/a James J. Clark & Co., for premises 104-110 Harrison Avenue, Jersey City, be and the same is hereby suspended for a period of twenty (20) days, commencing at 12:01 a.m. July 1, 1949, and terminating at 12:01 a.m. July 21, 1949.

ERWIN B. HOCK
Director.

6. DISCIPLINARY PROCEEDINGS - FAILURE TO NOTIFY ISSUING AUTHORITY OF CHANGE IN FACTS IN APPLICATION - AIDING AND ABETTING A NON-LICENSEE TO EXERCISE RIGHTS AND PRIVILEGES OF LICENSE - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary
Proceedings against)

CEDAR HILL COUNTRY CLUB)
100 Walnut Street)
Livingston, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-10, issued by the)
Township Committee of the Township)
of Livingston.)

-----)
Riker, Emery & Danzig, Esqs., by Clark Crane Vogel, Esq.,
Attorneys for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to charges alleging that (1) it failed to give written notice of changes in facts as set forth in its application upon which it obtained its current plenary retail consumption license, in that on or about July 26, 1948, by agreement, Tom Poulos acquired an interest in the licensed business as the real and beneficial owner thereof; and (2) since July 26, 1948, until December 15, 1948, it permitted the said individual to exercise the rights and privileges of its license.

It appears that the license for the premises in question was conducted, from July 26, 1948 until December 15, 1948, under an arrangement whereby one Tom Poulos was permitted to retain all the profits derived from the business. In effect, the transaction resulted in defendant "farming out" its license. Cf. Re Maione, Bulletin 806, Item 1.

The defendant has recently commenced business at its licensed premises for the current season; Tom Poulos is no longer employed in any capacity by defendant and the prior unlawful arrangement no longer exists. Apparently, the defendant is presently operating the licensed business for its sole use and benefit.

In the absence of a prior record, the license will be suspended for a period of twenty days. Cf. Re Maione, supra.

The suspension, which becomes effective on July 5, 1949, will operate against the renewal license issued to the defendant for the next licensing year. See State Regulations No. 16.

Accordingly, it is, on this 28th day of June, 1949,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Livingston to Cedar Hill Country Club, for premises 100 Walnut Street, Livingston, be and the same is hereby suspended for a period of twenty (20) days, commencing at 12:01 a.m. July 5, 1949, and terminating at 12:01 a.m. July 25, 1949.

ERWIN B. HOCK
Director.

7. DISCIPLINARY PROCEEDINGS - HOSTESSES - SERVING WOMEN AT BAR IN VIOLATION OF LOCAL ORDINANCE - PERMITTING EMPLOYEE ACTUALLY OR APPARENTLY INTOXICATED TO WORK ON LICENSED PREMISES - PERMITTING SERVICE TO AND CONSUMPTION OF ALCOHOLIC BEVERAGES TO PERSONS ACTUALLY OR APPARENTLY INTOXICATED - PERMITTING BRAWLS AND DISTURBANCES - PERMITTING PREMISES TO BE OPERATED AS A NUISANCE - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary
Proceedings against

ELIZABETH B. FORD
T/a CHIC CAMPBELL'S
9-11 South 3rd St. & 233 Taylor Ave.
Camden, New Jersey,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-198, issued by the Municipal
Board of Alcoholic Beverage Control of
the City of Camden.

Elizabeth B. Ford, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleads non vult to charges which may be summarized as follows:

- (1) Permitting female employees to accept drinks at the expense of patrons, in violation of Rule 22 of State Regulations No. 20.
- (2) Serving women at the bar, in violation of a local ordinance.
- (3) Permitting an employee to work on the licensed premises while actually or apparently intoxicated, in violation of Rule 24 of State Regulations No. 20.
- (4) Permitting service of alcoholic beverages to and consumption by persons actually or apparently intoxicated, in violation of Rule 1 of State Regulations No. 20.
- (5) Permitting and suffering disturbances and brawls in and upon the licensed premises, in violation of Rule 5 of State Regulations No. 20.
- (6) Permitting the licensed premises to be operated in such manner as to become a nuisance, in violation of Rule 5 of State Regulations No. 20.

The investigation in the instant case discloses that, on the night of March 11, 1949 and early morning of March 12, 1949, one "Jennie", an employee of defendant, while actually or apparently intoxicated, accepted alcoholic beverages directly over the bar at the expense of various patrons. On the night of April 8, 1949 and early morning of April 9, 1949, another female employee of defendant-licensee accepted alcoholic beverages directly over the bar as a gift from patrons. On the same occasion the ABC agents observed alcoholic beverages being served by the bartender to two patrons who were actually or apparently intoxicated at the time; and, furthermore, on the same evening they observed two patrons engaged in a brawl upon the licensed premises.

It is apparent that on two separate occasions, the defendant's licensed premises were conducted in a highly improper manner. Out-right revocation of the license might well be in order. I am mindful,

however, that the defendant has no previous adjudicated record. Under all of the circumstances and considering the plea entered herein I shall suspend defendant's license for a period of ninety days.

The suspension, which becomes effective on July 5, 1949, will operate against the renewal license if issued to defendant, or against the license if transferred to any other person for the next licensing year. See State Regulations No. 16.

Accordingly, it is, on this 29th day of June, 1949,

ORDERED that any renewal for the 1949-50 licensing period of Plenary Retail Consumption License C-198, issued to Elizabeth B. Ford, t/a Chic Campbell's, or any other person for premises 9-11 South 3rd St. & 233 Taylor Ave., Camden, be and the same is hereby suspended for a period of ninety (90) days, commencing at 12:01 a.m. July 5, 1949, and terminating at 12:01 a.m. October 3, 1949.

ERWIN B. HOCK
Director.

8. APPELLATE DECISIONS - UNION COUNTY RETAIL LIQUOR STORES ASSOCIATION
v. RAHWAY AND HIGGINS.

UNION COUNTY RETAIL LIQUOR)
STORES ASSOCIATION,)

Appellant,)

-vs-)

MUNICIPAL BOARD OF ALCOHOLIC)
BEVERAGE CONTROL OF THE CITY OF)
RAHWAY, and GREGORY J. HIGGINS)
and AGNES C. HIGGINS,)

Respondents.)

ON APPEAL
CONCLUSIONS AND ORDER

Julius R. Pollatschek, Esq., Attorney for Appellant.
James F. Patten, Esq., Attorney for Respondent Municipal Board.
Joseph A. Lettieri, Esq., Attorney for Respondents Gregory J.
BY THE DIRECTOR: Higgins and Agnes C. Higgins.

This is an appeal from the action of respondent Municipal Board in granting an application for a transfer of a plenary retail consumption license from 1590 Irving Street and the rear portion of 1592 Irving Street to 1590-1592 Irving Street, Rahway.

The evidence herein discloses that prior to March 31, 1949, respondent Gregory J. Higgins was the holder of a plenary retail consumption license with "broad package privileges" which covered the first floor of a building at 1590 Irving Street (used as his barroom) and the rear portion of the first floor of an adjoining building at 1592 Irving Street (used as his package goods department). There was and is an open archway between these two portions of the licensed premises. It is evident that his license did not then cover the front portion of the first floor of 1592 Irving Street, which at that time was being used as a barber shop. However, Gregory J. Higgins has recently obtained the right of possession of the store formerly used as a barber shop but now vacant, and plans to remove a partition between the former barber shop and his package goods department so as to include the entire first floor of 1592 Irving Street as his package goods department, to be operated as a single place of business with his existing barroom at 1590 Irving Street.

In order to obtain an enlargement of the existing licensed premises, an application was filed on March 31, 1949 with the

Municipal Board. This application was signed by Gregory J. Higgins and his wife Agnes C. Higgins. Therein the premises to which the transfer was sought were described as "ground floor and cellar of 1590-1592 Irving Street". By resolution dated May 4, 1949, a "place-to-place extension transfer" was granted by the Municipal Board. On May 19, 1949, the City Attorney addressed a letter to this Division, the pertinent part of which is as follows:

"Please be advised that the inclusion of the name Agnes C. Higgins as a licensee was in error. We have eliminated this name from the original resolution on file in the City Clerk's Office and request that you do likewise with the copy of the resolution forwarded to your office."

Pursuant thereto, the records of this Division were so noted.

The license was and is in the name of Gregory J. Higgins and, under the circumstances, the inclusion of the name Agnes C. Higgins in the application and advertisement will be considered as surplusage. The published notice of intention referred to a transfer of the "broad package privilege" instead of a transfer of the license, but it was sufficient to advise all interested persons as to the relief sought, and nothing would be accomplished by requiring a re-advertisement of the notice of intention. Certainly, appellant, the only objector, was in no way misled since its attorney appeared at a hearing scheduled upon the filing of its written objection and argued against the transfer of the license.

The only other issue in the case is whether the broad package privilege may be extended over a portion of the licensed premises which was not included in the licensed premises when the privilege was obtained. Prior to the effective date of P.L. 1948, c. 98, and the promulgation of Regulations No. 32, retail consumption licensees were permitted to arrange their licensed premises as they saw fit and to sell alcoholic beverages in original containers for off-premises consumption from any part of the licensed premises. Re Lee, Bulletin 232, Item 8, and items cited therein. P.L. 1948, c. 98, provides that where, prior to May 28, 1948, alcoholic beverages in original containers for off-premises consumption were sold and displayed for sale by the licensee upon a portion of the licensed premises other than the public barroom, such sale and display shall, subject to rules and regulations, "be permitted as heretofore". It follows from the language of the statute that, where a plenary retail consumption licensee has obtained broad package privileges, as respondent Gregory J. Higgins admittedly has, he may sell alcoholic beverages in original containers for off-premises consumption from any part of his licensed premises as he was permitted to do prior to the date upon which P.L. 1948, c. 98 became effective.

For the reasons aforesaid, the action of respondent Board in transferring the license held by Gregory J. Higgins, so as to include the ground floors and cellars of 1590-1592 Irving Street, will be affirmed.

Accordingly, it is, on this 29th day of June, 1949,

ORDERED that the action of respondent Municipal Board, as amended by elimination of the name of Agnes C. Higgins, be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed.

ERWIN B. HOCK
Director.

9. DISCIPLINARY PROCEEDINGS - COMBINATION SALE IN VIOLATION OF RULE 19 OF STATE REGULATIONS NO. 20 - REBATE OF DISCOUNTS GRANTED IN VIOLATION OF RULE 20 OF STATE REGULATIONS NO. 20 - PRICE SIGNS EXCEEDING 1½ INCHES BY 1½ INCHES IN INTERIOR OF LICENSED PREMISES VISIBLE FROM STREET - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

MAMIE LEVINE

T/a TELL'S WINE & LIQUOR STORE
798 E. State Street
Trenton, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-208, issued by the
Board of Commissioners of the
City of Trenton.

Mamie Levine, Defendant-licensee, Pro Se.

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

BY THE DIRECTOR:

Defendant pleads non vult to the following charges:

"1. On April 20, 1949, and on divers dates prior thereto, you sold and offered for sale alcoholic beverages for consumption off your licensed premises other than at a specified price per bottle or per case, in that you sold and offered for sale various combinations of two or more bottles of alcoholic beverages of different kinds and brand names, at aggregate prices for such combinations which were less than the total of the prices of the individual bottles; in violation of Rule 19 of State Regulations No. 20.

"2. On the occasions aforesaid, in connection with the aforesaid sale of alcoholic beverages for consumption off your licensed premises, you offered and furnished a discount in price; in violation of Rule 20 of State Regulations No. 20.

"3. On the occasions aforesaid, you advertised and permitted and suffered the advertising of the price of alcoholic beverages and the relative sizes of the containers thereof, on placards exceeding 1½ inches by 1½ inches in the interior of your licensed premises visible from the street; in violation of Rule 3 of State Regulations No. 21."

The file in the instant case discloses that, on April 20, 1949, there were displayed in the interior of defendant's licensed premises, and visible from the street, divers placards exceeding 1½" x 1½" in size. These placards contained writing offering for sale combinations of two or more bottles of alcoholic beverages of different brand names at aggregate prices for said combinations less than the total price of the individual bottles. The manager employed on the licensed premises admitted that combination sales of the items in question had been consummated on seven or eight occasions.

Defendant has no previous adjudicated record. I shall suspend the license for a period of ten days on charges (1) and (2) (Re Hoffenberg & Frankel, Bulletin 755, Item 1) and five days on charge (3) (Re Porcoro, Bulletin 582, Item 9). Five days will be remitted for the plea entered herein, leaving a net suspension of the license for a period of ten days.

The suspension, which becomes effective on July 5, 1949, will operate against the renewal license if issued to defendant, or against the license if transferred to any other person for the next licensing year. See State Regulations No. 16.

Accordingly, it is, on this 30th day of June, 1949,

ORDERED that any renewal for the 1949-50 licensing period of Plenary Retail Consumption License C-208, issued to Mamie Levine, t/a Tell's Wine & Liquor Store, or any other person, for premises 798 E. State Street, Trenton, be and the same is hereby suspended for a period of ten (10) days, commencing at 12:01 a.m. July 5, 1949, and terminating at 12:01 a.m. July 15, 1949.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - PIN BALL MACHINE - LICENSE SUSPENDED
FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

ANGELO JOSEPH VINCIGUERRA)
589 - 61st Street)
West New York, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Limited Retail Distri-)
bution License DL-13 for the)
1948-49 and 1949-50 fiscal years,)
issued by the Board of Commissioners)
of the Town of West New York.)

Vincent J. DiFiore, 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 a charge alleging that he allowed, permitted and suffered bagatelle or pin ball machines on his licensed premises, in violation of Rule 7 of State Regulations No. 20.

On May 27, 1949, an agent of the State Division of Alcoholic Beverage Control observed two pin ball machines on defendant's licensed premises.

Defendant has no prior adjudicated record. I shall suspend the license for the minimum period for such a charge, ten days, (Re Carteret Club of Trenton, Bulletin 672, Item 12). Remitting five days thereof for the plea will leave a net suspension of five days.

Although this proceeding was instituted during the 1948-49 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1949-50. State Regulations No. 16.

Accordingly, it is, on this 1st day of July, 1949,

ORDERED that Limited Retail Distribution License DL-13, issued for the 1949-50 licensing year by the Board of Commissioners of the Town of West New York to Angelo Joseph Vinciguerra, for premises 589 - 61st Street, West New York, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. July 11, 1949, and terminating at 9:00 a.m. July 16, 1949.

ERWIN B. HOCK
Director.

July 1, 1949

11. ACTIVITY REPORT FOR JUNE 1949

ARRESTS:

Total number of persons arrested - - - - -	20
Licensees and employees - - - - - 3	Bootleggers - - - - - 17

SEIZURES:

Motor vehicles - cars - - - - -	1
Stills - over 50 gallons - - - - -	1
- 50 gallons or under - - - - -	5
Alcohol - gallons - - - - -	665.00
Mash - gallons - - - - -	1,416.00
Distilled alcoholic beverages - gallons - - - - -	8.11
Wine - gallons - - - - -	2.55
Brewed malt alcoholic beverages - gallons - - - - -	34.62

RETAIL LICENSEES:

Premises inspected - - - - -	814
Premises where alcoholic beverages were gauged - - - - -	847
Bottles gauged - - - - -	14,757
Premises where violations were found - - - - -	20
Violations found - - - - -	113
Type of violations found:	
Reg.#38 sign not posted - - - - -	2
Unqualified employees - - - - - 101	Improper beer taps - - - - - 1
Prohibited signs - - - - - 4	Disposal permit necessary - - - - - 1
Probable front - - - - - 2	Other violations - - - - - 2

STATE LICENSEES:

Premises inspected - - - - -	1
License applications investigated - - - - -	38

COMPLAINTS:

Complaints assigned for investigation - - - - -	339
Investigations completed - - - - -	345
Investigations pending - - - - -	136

LABORATORY:

Analyses made - - - - -	119
"Shake-up" cases (alcohol, water and artificial color) - bottles - - - - -	7
Liquor found to be not genuine as labeled - bottles - - - - -	8

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made - - - - -	17
Persons fingerprinted for non-criminal purposes - - - - -	291
Identification contacts made with other enforcement agencies - - - - -	289
Motor vehicle identifications via N.J.State Police Teletype - - - - -	5

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - -	12
Violations involved:	
Sale to minors - - - - - 8	Permitting gambling (cards) - - - - - 1
Sale during prohibited hours 5	Permitting hostesses on premises 1
	Sale outside scope of license - 1
Cases instituted at Division - - - - -	12

Violations involved:	
Possessing illicit liquor - - 4	Unqualified employees - - - - - 1
Permitting immoral activity 2	Permitting hostesses on premises 1
Permitting pin ball machines 2	Failure to file notice of
Sale contrary to conditions	retailer's default - - - - - 1
of permit - - - - - 1	Sale under Fair Trade price - - 1
Sale during prohibited hours 1	Advertising below Fair Trade - 1
Cases brought by municipalities on own initiative and reported to Division - - - - -	7
Violations involved:	
Sale to minors - - - - - 4	Sale during prohibited hours - - 1
Permitting brawls on prem. - 2	Permitting immoral activity
Permitting noise on premises 1	on premises - - - - - 1

HEARINGS HELD AT DIVISION:

Total number of hearings held - - - - -	34
Appeals - - - - - 4	Seizures - - - - - 5
Disciplinary proceedings - - - 17	Tax revocation - - - - - 2
Eligibility - - - - - 5	Application for license - - - - 1

PERMITS ISSUED:

Total number of permits issued - - - - -	820
Employment - - - - - 148	Social affairs - - - - - 431
Solicitors - - - - - 55	Miscellaneous - - - - - 154
Disposal of alcoholic beverages 32	

12. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION AND RULE 1 OF STATE REGULATIONS NO. 38 - HOSTESSES - PERMITTING PERSON ACTUALLY OR APPARENTLY INTOXICATED TO WORK ON LICENSED PREMISES - SALE OF ALCOHOLIC BEVERAGES TO INTOXICATED PERSON - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary)
 Proceedings against)

PAUL BINTZ)
 T/a OLD SCHOOLHOUSE INN)
 N/S Hammonton Road)
 Buena Borough)
 P.O. Buena, New Jersey,)

CONCLUSIONS)
 AND ORDER)

Holder of Plenary Retail Consump-)
 tion License C-18 for the 1948-49)
 and 1949-50 licensing periods,)
 issued by the Township Committee)
 of the Township of Buena Vista.)

-----)
 Samuel Adler, Esq., Attorney for Defendant-licensee.)
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic)
 Beverage Control.)

BY THE DIRECTOR:

Defendant pleads non vult to charges alleging that he (1) sold, served and delivered, and permitted and suffered the sale, service and delivery of alcoholic beverages on his licensed premises on Sunday, after 3:00 a.m., in violation of a local ordinance of the Township of Buena Vista prohibiting any such activity; (2) sold alcoholic beverages in original containers on Sunday, for off-premises consumption, in violation of Rule 1 of State Regulations No. 38; (3) allowed, permitted and suffered a female employee to accept beverages at the expense of and as a gift from patrons, in violation of Rule 22 of State Regulations No. 20; (4) allowed, permitted and suffered a person to work on the licensed premises while actually or apparently intoxicated, in violation of Rule 24 of State Regulations No. 20; (5) sold, served and delivered alcoholic beverages to a person who was actually or apparently intoxicated, in violation of Rule 1 of State Regulations No. 20; and (6) while investigators were investigating the alleged violations occurring at the licensed premises, he hindered and failed to facilitate such investigation, in violation of R. S. 33:1-35.

The file in the instant case discloses that, on Sunday, May 8, 1949, at about 2:30 a.m., ABC agents visited defendant's licensed premises. A short time thereafter a woman, wearing an apron and performing certain duties on the premises, requested one of the patrons to buy her a drink. The patron, conforming with her suggestion, purchased a drink of whiskey for her. She then engaged in a conversation with one of the ABC agents and accepted a drink at his expense. At about 3:00 a.m., the licensee locked the premises but continued to serve alcoholic beverages to the customers and also to the ABC investigators. The investigators purchased a case of beer from the licensee, who carried the merchandise to the agents' automobile.

During the time the ABC agents were on the licensed premises the aforesaid woman, who subsequently claimed that she was the wife of the licensee, was very boisterous, argumentative, and apparently intoxicated. Despite the fact that she was apparently intoxicated, alcoholic drinks were being served to her by the licensee.

At about 3:40 a.m., the ABC investigators revealed their identity and requested the customers to leave. Both the woman aforementioned and the licensee then became very abusive. The licensee, after threatening the ABC agents with bodily harm, ordered that they leave the premises immediately, and he refused to give the agents any assistance whatsoever in furtherance of their investigation.

It is apparent from the violations committed and permitted by the licensee that the premises were conducted in an exceptionally improper manner. The accumulation of violations of such a serious nature might well warrant a revocation of defendant's license. However, I am mindful of the fact that defendant has no previous adjudicated record whatsoever. Under the circumstances, and considering the plea entered herein and the licensee's prior clear record, I shall suspend defendant's license for a period of ninety days.

Although this proceeding was instituted during the 1948-49 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1949-50. State Regulations No. 16.

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

ORDERED that Plenary Retail Consumption License C-18, issued for the 1949-50 licensing period by the Township Committee of the Township of Buena Vista to Paul Bintz, t/a Old Schoolhouse Inn, for premises N/S Hammonton Road, Buena Borough, be and the same is hereby suspended for a period of ninety (90) days, commencing at 3:00 a.m. July 12, 1949, and terminating at 3:00 a.m. October 10, 1949.

ERWIN B. HOCK
Director.

13. APPEAL CASES - JULY 1, 1948 THROUGH JUNE 30, 1949.

Cases undecided June 30, 1948.....15

Cases filed for period July 1, 1948
through June 30, 1949.....90

Total.....105

DISPOSITION

Affirmed.....45

Modification of Penalty..... 1

Remanded..... 5

Reversed.....21

Condition Modified..... 1

Discontinued after Hearing..... 3

Withdrawn.....19

Undecided.....10

Total.....105

Edward J. Dorton
Deputy Director.

14. STATE LICENSES - NEW APPLICATION FILED.

Krys-tal Kleer Beverage Co., Inc.

418 Fayette St.

Perth Amboy, N. J.

Application filed July 1, 1949 for transfer of State Beverage
Distributor's License SBD-173 from Stanley Knast, 540 & Rear of
532-538 Main St., South Amboy, N. J.*Erwin E. Hock*
Director.