

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1335

April 25, 1960

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STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 2, N. J.

April 25, 1960.

BULLETIN 1335

1. APPELLATE DECISIONS - DEW DROP INN v. HOPEWELL TOWNSHIP,

DEW DROP INN, A NEW JERSEY	)	
CORPORATION,	)	
	)	ON APPEAL
Appellant,	)	CONCLUSIONS
	)	AND ORDER
v.	)	
	)	
TOWNSHIP COMMITTEE OF HOPEWELL	)	
TOWNSHIP (Mercer County),	)	
	)	
Respondent.	)	

-----  
Thompson and Convery, Esqs., by Vincent J. Convery, Esq., Attorneys  
for Appellant.

Roy R. Rigby, Esq., Attorney for Respondent.

Frank I. Casey, Esq., Attorney for objecting Neighboring Property  
Owners.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the respondent Township Committee's action on September 22, 1959 whereby it unanimously denied an application for the place-to-place transfer of 1959-60 plenary retail consumption license C-4 from Brookside Inn, Route 69, to other premises on Route 69, the distance between the two locations being about two and a half miles. It is a rural community.

"The resolution adopted by the Committee when denying the application reads:

'The following pertain to the application of Dew Drop Inn, for a transfer of license from place to place and was taken from the minutes of the Hopewell Township Committee, meeting of Sept. 22, 1959

'The application of Charles De Filippis for transfer of his liquor license from place to place has been duly considered.

'It seems to me, that the question of whether a license to sell alcoholic liquor is demanded by public necessity or convenience is not to be determined by the number of persons who may have signed petitions, nor who may have been called for an expression for or against the application.

'If such were the case, it would be an easy task for this committee, for all it would have to do is to determine whether the greater number of persons were in favor of or against the application.

'This would prohibit and bar the committee from exercising its discretion, for it would be bound by the expression of opinion as shown by the greater number of witnesses.

'I have also duly considered the testimony of the expert realtors called, the remarks and arguments of counsel for the applicant as well as those for the objectors, and I conclude that the evidence as to any depreciating effect upon real estate values in the community if granted, or the enhancement of such values, if denied, is in equipoise.

'I have concluded from all the evidence that the premises sought to be licensed and to be hereafter used by the applicant as a saloon are too near a heavily travelled State Highway; that there are wholly inadequate provisions for off-street parking of automobiles; that the nearby overhead railroad pass, its abutment and embankment and the proximity of the Little League baseball field are factors greatly contributing to the unsuitability of the premises for such purposes.

'It is further my considered opinion that the building in which the business would be conducted is completely and absolutely unfit for the contemplated use.

'I feel that the granting of this application would not be in the furtherance of the general welfare of the inhabitants of the Township, but on the other hand would operate to the detriment of both the inhabitants and the general public.

'I therefore vote to deny the application of transfer from place to place. It was moved by Mr. Veefkind and seconded by Mr. Savidge and carried.

'The Clerk was instructed by the Mayor to take a vote, as follows, the following registered as voting, Committeemen Oldis "No", Committeemen Savidge "No", Committeemen Huff "No", Committeemen Williamson "No", Committeemen Veefkind "No".

'The five Committeemen all voted "No", for the denial of transfer.

'I do hereby certify that the attached Resolution to be a true copy adopted by the Township of Hopewell, County of Mercer, on the 22nd day of September 1959, at a regular meeting.

E. Earl Burroughs  
Township Clerk'

"The background of the license is that it was held by Charles A. DeFilippis at its original location when the structure in which the licensed business was conducted was destroyed in 1955 by a fire. Thereafter such business was conducted in another building on the premises, pending adjustment of the fire loss, which was delayed for a considerable period of time. Ultimately, after renewal of the license for the 1959-60 licensing period, DeFilippis lost possession of the premises in July 1959, and in August 1959 filed the application in question to transfer such license to appellant corporation, in which he was a stockholder, and for the place-to-place transfer. Counsel for appellant and the respondent Committee represent that the person-to-person transfer was granted. The place-to-place transfer was denied.

"The transcript of the two-day appeal hearing is voluminous, with many exhibits, but the vital issue developed is the attitude of the Committee and objectors that the transfer of the license may perhaps rightly be permitted to some location in the community, but not to the specific location here involved, mainly because such transfer would present a grave traffic hazard, and the building in which it is proposed to locate the tavern is not adaptable for such use. It is not necessary to discuss the other reasons advanced for denial, since those above outlined are dispositive of the appeal.

"The proposed premises are immediately adjacent to a road or driveway leading from Route 69 to a quarry in the rear of the premises. This driveway is used daily, at all hours, by many tractor-trailer trucks in the operation of the quarry. On the side of the driveway opposite the proposed premises there is a high railroad embankment, with a trestle or bridge over Route 69, a main heavily travelled highway, which at that point has a motor vehicle speed limit of fifty miles an hour. The highway has a curve to the right at such trestle. The premises in question were formerly used as a small gasoline service station and thereafter as a barracks by a local unit of New Jersey State Troopers.

"Grace B. DeFilippis, President of the appellant, testified on its behalf that from the location in question she could observe the highway four-tenths of a mile in the northerly direction and one-half a mile in a southerly direction. Another witness on its behalf testified that he was employed as a truck driver hauling material from the quarry; that he would characterize the condition on the highway as ordinary country driving and that the location of the tavern at the premises would not establish a hazardous traffic condition; that he could observe the highway for 900 feet in a northerly direction along the curve of the road and 3/4 of a mile in the other direction; that he did not consider it a traffic hazard when the gasoline station and the state troopers quarters were located at the premises and does not think there would be any additional hazard if persons left the tavern there late at night in their automobiles. It was admitted by Mrs. DeFilippis that the building in its present condition is not suitable for occupancy as a tavern; but that renovation or rehabilitation of the building was intended if the transfer was granted.

"Counsel for respondent moved for dismissal of the appeal prior to presentation of any witnesses on its behalf. Decision of such motion was reserved for the Director's consideration. I recommend that such motion be dismissed for the reason that the appeal should be decided on the full merits as established by all of the evidence.

"The conviction of the members of the Committee that transfer of the license would create or heighten a traffic hazard is expressed by Mayor Huff in his testimony wherein it appears that on April 18, 1959 after the fire at Brookside, Charles DeFilippis asked him, 'What do you think about the old state police property as a place for a license?', to which the Mayor replied: 'It is no good, Charlie' -- those were my words -- 'find yourself a good place to come to and come before the committee.'; that at the Committee meeting the members discussed the condition of the building, location of the building and the hazardous entrance and exit to and from the property; that the railroad abutment interfered with traffic emerging from the driveway, creating an existing traffic hazard which would be increased by the location there of a tavern; that the motor vehicle traffic when the premises were occupied by the small gasoline station and state troopers was relatively minor compared to the motor vehicle traffic which could be anticipated at a tavern; and that the lower floor of

the building was formerly a gasoline station with two double doors on the ground level and living quarters on the second floor. The Mayor repeated his original views that he did not consider the location applied for a proper place and hoped that the licensee could find a place.

"Committeeman Veefkind, who composed the aforesaid resolution adopted by the Committee, testified that he and all of his fellow committeemen visited the premises previous to their action on the application and observed that the building had a concrete floor, garage doors, beams such as you would find in a barn or garage and an unfinished ceiling; that it looked like any empty garage not fit for a tavern; that they watched cars speeding along the highway and that, in his opinion, public need and convenience would not be served by granting such transfer; that there was a traffic hazard when the gasoline station and state troopers were located there and persons leaving the tavern by automobile would increase that hazard; that he would look with favor upon an application for transfer or salvage the license at some other location which would meet with approval of the Committee.

"The opinion of objectors residing in the area as to traffic conditions at the premises was expressed by one witness who testified that the movement of cars at the premises when occupied as a gas station or state troopers' headquarters was slight without substantial increase in traffic and while he considered the location a traffic hazard to some degree, it would be a greatly increased traffic hazard if the premises were used by patrons in automobiles frequenting the tavern, especially at night. Four other objecting neighbors hold similar views as to the traffic hazards that would be created by the transfer, voicing other objections as well. One of these witnesses describes the building as a do-it-yourself structure, poorly constructed, and terms it a shack.

"It is clearly evident that the members of respondent Committee have a sympathetic attitude concerning the difficulty in preserving the license. There is a difference of opinion between the appellant and the Committee as to whether the particular location is suitable for the transfer of such license. In such a posture of affairs, the judgment of the Committee must prevail. Its members are properly the persons to speak for the community. The Committee cannot be compelled to transfer the license to the location in question against its wishes where it has acted in good faith from pure motives. (Fanwood v. Rocco and ABC -- N. J. Super. -- (App. Div. 1960).) Moreover the decision of the Committee to deny the transfer in question is supported by and based upon evidence which appears to establish reasonable cause for their action. Hence, in my judgment the appellant has failed to sustain the burden of establishing that respondent Committee's action was erroneous and, I recommend affirmance of its action and dismissal of the appeal. Hudson-Bergen County Retail Liquor Stores Association et als. v. Hoboken and Terminello, Bulletin 1242, Item 1. Rule 6 of State Regulation No. 15.

"Although not an issue in the appeal, the record discloses confused and erroneous procedure by the respondent Committee with respect to such license which compels clarification as to the legal status of the license. There is in evidence a Notice of Application for transfer of the license from Charles A. DeFilippis to Appellant Corporation at Brookside premises, published in a newspaper on August 13th and 20th, 1959. No evidence has been presented that any such application was filed with the Committee. There is also in evidence a Notice of Application by Charles A. DeFilippis for transfer of the license from Brookside to the new premises, published in a newspaper on August 13th and 20th, 1959. No evidence has been presented that any such application was filed with the Committee.

"The only application presented in evidence was filed August 11, 1959 by appellant Corporation, signed by Grace B. DeFilippis as president and Charles A. DeFilippis as Secretary. There is no evidence that Notice of such application was published in a newspaper, as provided for by law. It is a single application for simultaneous transfer of person to person and place to place. The Committee evidently treated it as an individual application of Charles A. DeFilippis and referred to as such in its resolution denying the place to place transfer. However, the corporation is the appellant herein and despite the formidable lack of legal procedure, the matter will be treated as a denial of the corporate application. Such denial necessarily renders ineffective and invalid in law any purported person to person transfer. Rule 14 of State Regulation No. 6 provides that under the circumstances here presented a license shall not be transferred to the applicant unless the place to place transfer is also effected. Hence, the license continues to be presently held by Charles A. DeFilippis."

No exceptions to the Hearer's Report were filed within the time limited by Rule 14 of State Regulation No. 15. Having carefully considered all the facts and circumstances herein, I concur in the Hearer's findings and conclusions and adopt his recommendation.

Accordingly, it is, on this 16th day of March 1960,

ORDERED that the action of respondent be and the same is hereby affirmed, and that the appeal be and the same is here dismissed.

WILLIAM HOWE DAVIS  
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - SALE IN VIOLATION OF STATE REGULATION NO. 38 - HINDERING INVESTIGATION - FALSE ANSWERS IN APPLICATION - UNQUALIFIED EMPLOYEE - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD - LICENSE REVOKED.

In the Matter of Disciplinary )  
Proceedings against )

COUNTRYSIDE TAVERN, INC. )  
w/s State Highway #79, south of )  
Herbert's Corner, Bradevelt Rd. )  
Marlboro Township )  
P. O. Marlboro, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-9, issued by the Township )  
Committee of Marlboro Township. )

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James E. Abrams, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., and William F. Wood, Esq., Appearing for  
Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following three charges, dated November 2, 1959:

"1. On Saturday, October 3, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Sanda Sabin, age 19, and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.

"2. On Saturday, October 3, 1959, at about 11:40 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, viz., twenty-four twelve ounce cans of Schaefer beer, at retail, in their original containers for consumption off your licensed premises, and allowed, permitted and suffered the removal of said alcoholic beverages in their original containers from your licensed premises; in violation of Rule 1 of State Regulation No. 38.

"3. On Saturday night, October 3, 1959 from about 11:45 P.M. to about 12:30 A.M. Sunday, October 4, 1959, you, through agents, servants and persons employed on your licensed premises and in your behalf, failed to facilitate and hindered and delayed and caused the hindrance and delay of an investigation, inspection and examination at your licensed premises then and there being conducted by Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey; in violation of R.S. 33:1-35."

Defendant also pleaded non vult to the following six charges, dated December 30, 1959:

"1. In your application dated June 1, 1959, filed with the Marlboro Township Committee, upon which you obtained your current plenary retail consumption license and wherein you listed your stockholders as Angelo Romano (33 shares or 33/99ths of total), Elmira Romano (33 shares or 33/99ths of total), Gerald Sabin (11 shares or 11/99ths of total), Ann Sabin (11 shares or 11/99ths of total) and Albert (Alexander) Sabin (11 shares or 11/99ths of total), you falsely stated 'No' in answer to Question 24, which asks: 'Has any stockholder of the applicant corporation any beneficial interest, directly or indirectly, in the stock of any other stockholder of the applicant corporation?', whereas in truth and fact the aforesaid Gerald Sabin, Ann Sabin and Albert or Alexander Sabin had such an interest in that they were the real and beneficial owners of all of your outstanding stock; 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 33, which asks: 'Have you or has any person mentioned in this application, ever been convicted of any crime?', whereas in truth and fact the aforesaid Albert or Alexander Sabin (also known as Marco, Manny or Abraham Sabin or as 'Murphy') had been convicted (a) on or about April 8, 1946, in the United States District Court in the City of New York of the crime of concealing assets in bankruptcy, (b) on or about August 5, 1952 in the Union County Court of the crime of maintaining a disorderly house and (c) on or about December 9, 1954 in the United States District Court in the City of New York of the crime of conspiracy and forgery; said false statement being in violation of R. S. 33:1-25.

"3. In your aforesaid application (in answer to Question 38, which asks: 'Have you or has any person mentioned in this application ever had any interest, in the past, directly or indirectly, in any other alcoholic beverage license or application therefor in New Jersey') you stated only 'Yes - - - 1953-1957, Rosewood Inn,

Borough of Sayreville, N. J.', thereby wholly evading and suppressing the additional material fact that during 1957 the aforesaid Albert or Alexander Sabin had held indirectly (i.e., through another as nominal shareholder) a 98% interest in a retail consumption license issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to 399 Plane Street, Inc., for the 1957-58 period; such evasion and suppression being in violation of R.S. 33:1-25.

"4. In your aforesaid application you falsely stated 'No' in answer to Question 41, which asks: 'Have you or has any person mentioned in this application ever had any interest, directly or indirectly, in any alcoholic beverage license or permit in New Jersey or any other state which was - - - suspended - - - ?', whereas in truth and fact the aforesaid Gerald Sabin and Ann Sabin were each a 50% shareholder in Rosewood, Inc. when that corporation's plenary retail consumption license for premises on Highway 4 & 9, Sayreville, N. J. was suspended by the State Director of Alcoholic Beverage Control for 25 days, effective October 1, 1956, for (a) sale of alcoholic beverages to minors and (b) allowing, permitting and suffering an act of violence and a disturbance in and upon the licensed premises; said false statement being in violation of R.S. 33:1-25.

"5. During 1958 and 1959 you employed and had connected with you in a business capacity the aforesaid Albert or Alexander Sabin, a person who had been convicted on or about December 9, 1954 in the United States District Court in the City of New York of crimes involving moral turpitude, viz., the crimes of conspiracy and forgery; in violation of Rule 1 of State Regulation No. 13.

"6. On November 24, 1959, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, an alcoholic beverage in a bottle which bore a label which did not truly describe its contents, viz.,

One quart bottle labeled 'Imported Seagram's  
V. O. Canadian Whisky A Blend';

in violation of Rule 27 of State Regulation No. 20."

It appears that on October 3, 1959 at about 10:20 p.m. ABC agents were at the premises, at which time Gerald Sabin, listed as the treasurer of the corporate-licensee, and his father, Albert Sabin (also known as Alexander or Abraham Sabin), were tending bar. At about 10:45 p.m. the agents observed Albert Sabin sell alcoholic beverages for what appeared to be off-premises consumption. The agents also observed two girls enter the licensed premises, one of whom it was later ascertained was Sanda Sabin, 19 years of age, sister of Gerald Sabin. Gerald served his sister drinks of alcoholic beverages. At about 11:35 p.m. the agents observed Gerald deliver 24 cans of beer to a patron who left the premises with the beer. One of the agents followed this person, took possession of the beer, joined two fellow agents who had remained outside, and the group entered the premises. The agents confronted Albert Sabin and Gerald Sabin and informed them of the violation. Thereupon, Albert Sabin claimed that the beer had been sold at 3:30 p.m. and not at 11:35 p.m. The purchaser denied that such was the fact and stated that when leaving the premises he paid for the beer to a woman employed in the kitchen. The agents then asked the woman for her name but she refused and would not answer any other questions. Albert Sabin likewise refused to furnish

the agents with her name when so requested by them stating that she had the kitchen concession and was not his employee. He also interfered with the agents when they took possession of a drink of rum and ginger ale from Sanda, shouting that it was his son-in-law's drink, told Sanda not to answer any of the agents' questions and verbally abused the agents. Such is the basis for the three charges first above set forth.

It further appears that the application for the license filed by the corporate-licensee on June 16, 1959 sets forth that Albert Alexander Sabin is the holder of eleven of the 99 shares of stock issued. In disciplinary proceedings hereinafter set forth he was adjudged disqualified from holding any interest in a liquor license because of his conviction of a crime involving moral turpitude. Re 339 Plane Street, Inc., Bulletin 1220, Item 3. The matter is further aggravated by the fact that such conviction was not disclosed in answer to a question in the application. The application also sets forth that Angelo Romano and Elmira Romano each hold 33 shares of the corporate stock. Angelo Romano died on October 18, 1959 and his widow, Elmira Romano, in a sworn statement says that neither her husband nor herself were actually the owners of such stock but held the same for Albert Alexander Sabin, as a favor to him; that she had nothing to do with the management, operation or finances of the licensed business, had no interest in such business or in the profits thereof, but that Albert Alexander Sabin operates such business. Ann, wife of Albert Sabin, and Gerald Sabin, his son, listed as holders of eleven shares each of the corporate stock, admit knowledge of Albert's criminal record.

Ann and Gerald Sabin were officers, directors and stockholders of Rosewood Inn, Inc. when its license was suspended for various violations hereinafter set forth. Re Rosewood Inn, Inc., Bulletin 1138, Item 4.

Neither of the two suspensions hereinabove referred to were disclosed in answer to questions on that score set forth in the June 16th application.

On November 24, 1959 an ABC agent tested defendant's open stock of liquor and took possession of a number of bottles for further analysis by the Division chemist. The latter's analysis discloses that the contents of a bottle labeled "Imported Seagram's V. O. Canadian Whisky A Blend" varied substantially in acids and solids from the contents of a genuine bottle of the labeled brand. Such is the basis for the other six charges hereinabove set forth.

The nine violations, even absent any previous record, would merit suspension of the license for a substantial period of time. These violations, considered in conjunction with the prior adjudicated record of Albert, Ann and Gerald Sabin, hereinabove referred to, demonstrate that the Sabins have repeatedly resorted to devious designs to circumvent Albert Sabin's disqualification from engaging in the liquor business. Moreover, during the past three or four years, numerous violations have been committed on various licensed premises operated by the Sabin family.

A short summary of the details of this past record will furnish a perspective of the situation. In the Rosewood case, *supra*, where Ann and Gerald Sabin were stockholders, the violations were sale to minors and permitting a brawl. The decision recites that Albert Abraham Sabin was employed there on the date of the violations. He fired a revolver shot which was the basis of the charge of permitting a brawl. The license was suspended for twenty-five days effective October 1, 1956.

In the 339 Plane Street case, supra, 98% of the stock of the corporate license was listed in the name of Fred Palm, but was actually owned by Albert Abraham Sabin, who participated actively in the conduct of the business. He had been convicted in 1954 of a crime involving moral turpitude and was declared ineligible thereby to be associated in any capacity with the alcoholic beverage industry in this state. The charges were permitting solicitation for prostitution on the premises, permitting unescorted females to solicit drinks from patrons and otherwise conducting the licensed business as a nuisance; fraud in concealing the true ownership of the business by false answers in the application; aiding and abetting others to exercise the privileges of the license; failure to file notice of a chattel mortgage on the premises and employing a person disqualified by reason of a criminal conviction involving moral turpitude. Pending outcome of the proceedings the capital stock of the corporation was purchased by new stockholders and, shortly thereafter, the license was extended to a receiver in bankruptcy. Nevertheless, the license was suspended for a period of two hundred and seventy days, effective March 24, 1958.

Under all of the circumstances, despite the offer of the Sabins ostensibly to again sell all of their interest in the present licensed premises, the case clearly calls for revocation of the license.

Accordingly, it is, on this 14th day of March 1960,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Committee of Marlboro Township to Countryside Tavern, Inc., for premises W/s State Highway #79, south of Herbert's Corner, Bradevelt Rd., Marlboro Township, be and the same is hereby revoked, effective immediately.

WILLIAM HOWE DAVIS  
DIRECTOR

3. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOL - ILLICIT ALCOHOL AND MOTOR VEHICLE ORDERED FORFEITED - TRAILER RETURNED TO INNOCENT OWNER.

In the Matter of the Seizure	)	Case No. 10,102
on September 29, 1959 of a	)	
quantity of alcohol, a Ford	)	ON HEARING
sedan, and a Nationwide trailer	)	CONCLUSIONS
on the New Jersey Turnpike at	)	AND ORDER
the 38 Mile Post in the Township	)	
of Mount Laurel, County of Burlington	)	
and State of New Jersey.	)	

Herrigel, Bolan & Vieser, Esqs., by Fred Herrigel, 3rd, Esq.,  
Attorneys for G. L. Gray.  
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 396 two-quart "Mason" jars of alcohol, a Ford sedan, and a "Nationwide" trailer, described in a schedule attached hereto, seized on September 29, 1959 on the New Jersey Turnpike, at the 38 Mile Post, Mount Laurel, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R.S. 33:1-66, an appearance was entered on behalf of G. L. Gray, who sought return of the trailer. No one opposed the forfeiture of the alcoholic

beverages or Ford sedan.

Reports of ABC agents and other documents in the file, presented in evidence with consent of counsel for Gray, disclose the following facts:

A New Jersey State Trooper halted the motor vehicle and trailer on the above date and location during his routine patrol of traffic on the highway. The trooper ascertained that the registered owner of the Ford sedan is Eleanor Gray Gardner of Fayetteville, North Carolina and the trailer had attached thereto license plates issued by the State of Washington, to Gray's Richfield Service of Walla Walla, and that the driver of the car was Beary W. Allen.

When the trooper discovered 396 two-quart "Mason" jars of alcohol in the trailer without a tax stamp on any of the jars indicating the payment of tax on alcoholic beverages, he arrested Allen and took possession of the motor vehicle, trailer and alcohol. Later such property was turned over to ABC agents.

A sample of the contents of one of the jars was analyzed by the Division chemist who reports that it is alcohol and water fit for beverage purposes, with an alcoholic content of 48.2 percent by volume.

The seized alcohol is illicit because of the absence of a tax stamp on any of the jars. R.S. 33:1-1(i), R.S. 33:1-88. Such illicit alcohol and the motor vehicle and trailer 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.

G. L. Gray has presented a motor vehicle certificate of ownership issued to him by the State of Washington covering a trailer therein described and dated September 28, 1955, and a license registration certificate issued to him covering the same vehicle, which licensed number registration is the one affixed to such trailer. He has also presented a rental agreement which evidences the rental of said trailer on September 29, 1959 to Beary W. Allen (who represented that he was employed as a taxi driver,) by the J. B. Trailer Rental of a Fayetteville address, which trailer Allen agreed to deliver to a rental agency located in Brooklyn, New York. The manager of the Fayetteville trailer agency, in his affidavit, states that he received the trailer on July 13, 1959 and rented it to Allen without any knowledge that it was to be used for an illegal purpose.

I shall return the trailer in question to G. L. Gray upon payment of the costs of its seizure and storage. Seizure Case No. 9978, Bulletin 1300, Item 7.

Accordingly, it is DETERMINED and ORDERED that if on or before the 21st day of March, 1960 G. L. Gray pays the costs of the seizure and storage of the trailer listed in Schedule "A", attached hereto, it will be returned to him; and it is further

DETERMINED and ORDERED that the Ford sedan, and alcoholic beverages, listed in the aforesaid Schedule "A", constitute unlawful property and the same be and hereby are forfeited in accordance with the provisions of R.S. 33:1-66 and shall be sold at public sale for the use of the State in accordance with State Regulation No. 29 or 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.

Dated: March 11, 1960

WILLIAM HOWE DAVIS  
DIRECTOR

SCHEDULE "A"

- 396 - two-quart "Mason" jars of alcohol
- 1 - Ford sedan, Serial No. B3NG128469, North Carolina Registration KE-54
- 1 - Nationwide Trailer, State of Washington Registration F76805.

4. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

WILLIAM MOSCATO & MARIETTA DI VIZIO  
t/a BILL'S BLUE POINT TAVERN  
216 So. 4th Street  
Harrison, N. J.

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consumption License C-7, issued by the Town Council of the Town of Harrison.

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Defendant-licensees, Pro se.

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

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

- "1. On January 19, 20 and 21, 1960, you allowed, permitted and suffered gambling, viz., the making and accepting of bets in a lottery commonly known as the 'numbers game', in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.
- "2. On January 19, 20 and 21, 1960, you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers game' to be sold and offered for sale, in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

ABC agents visited defendants' licensed premises on the afternoons of the dates mentioned in the charges and each time one or more of the agents placed "numbers" bets with Frank Treanor (employed by defendants as a night bartender). On each occasion Frank would record the agents' bets on a slip of paper and put it in a brown paper bag kept near the telephone booth. A man, subsequently identified as James Quigley, called at the premises and, when leaving, would take the paper bag containing the numbers slips with him.

On January 21, 1960, by prearrangement, several ABC agents entered the premises and, after identifying themselves to Treanor and Quigley, requested that they empty their pockets. Among other articles on Treanor's person were two one-dollar bills (the numbers of which had been previously recorded by the agents) which had been given in payment for "numbers" bets. Quigley removed from his jacket pocket a brown paper bag containing thirty slips on which 323 "numbers" bets were written.

The police were contacted and two officers came to defendants' premises, examined the betting paraphernalia and took Treanor and Quigley into custody.

Defendants have no prior adjudicated record. The minimum suspension for the violation herein is twenty-five days. Re Holian, Bulletin 1298, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 16th day of March 1960,

ORDERED that Plenary Retail Consumption License C-7, issued by the Town Council of the Town of Harrison to William Moscato & Marietta Di Vizio, t/a Bill's Blue Point Tavern, for premises 216 So. 4th Street, Harrison, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Tuesday, March 22, 1960, and terminating at 2:00 a.m., Monday, April 11, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SOLICITOR'S PERMIT - ENGAGING IN CONDUCT PROHIBITED TO EMPLOYER - AIDING AND ABETTING UNLAWFUL SALE - PERMIT SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

ROBERT H. BOSSETT  
106 Lake Avenue  
Brielle, N. J.

CONCLUSIONS  
AND ORDER

Holder of Solicitor's Permit No.  
3111, issued by the Director of  
the Division of Alcoholic Beverage  
Control.

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Defendant-permittee, Pro se.

David S. Piltzer, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On or about January 8, 1959 and on divers occasions prior thereto extending to on or about August 5, 1958, you, the holder of a solicitor's permit, engaged in conduct prohibited to your employer, F. & A. Distributing Company, by Rule 4(a) of State Regulation No. 39, in that you sold alcoholic beverages except for payment in cash on delivery to retail licensees Sea Bay Inn, Inc., t/a Murphy's Sea Bay Inn, Highway #35 & Deauville Dr., Deauville Beach, Brick Township, New Jersey and Di Wilbow, Inc., t/a Sea Girt Bottle Shop, 555 Washington Blvd., Sea Girt, New Jersey, each of which, on the dates of sale and delivery, was listed on the Default List published by the Division of Alcoholic Beverage Control; in violation of Rule 12 of State Regulation No. 14.
- "2. On or about January 22, 1959 and on divers occasions prior thereto extending to on or about October 24, 1958, you knowingly aided and abetted the unwitting sale of alcoholic beverages by F. & A. Distributing Company, holder of a plenary wholesale license, to yourself, a person not a licensed retailer or wholesaler, contrary to the terms of its license, as

defined by R.S. 33:1-11(1), in that you purchased alcoholic beverages for yourself from said wholesaler by representing that the alcoholic beverages had been ordered by the above mentioned retail licensee, Di Wilbow, Inc., when in fact the alcoholic beverages had not been so ordered; in violation of R.S. 33:1-52."

It appears from an examination of the data obtained by ABC agents as a result of an extensive investigation that during the time mentioned in the charges preferred herein, defendant (a holder of a solicitor's permit) resorted to various unlawful methods of operation. On numerous occasions between August 5, 1958 and January 8, 1959, defendant received orders for quantities of assorted brands of alcoholic beverages from two retail licensees then on the Default List published by the Division of Alcoholic Beverage Control and made deliveries thereof without obtaining immediate payment therefor, in violation of Rule 12 of State Regulation No. 14.

Again from October 24, 1958 to January 22, 1959, defendant purchased for himself various quantities of alcoholic beverages from his employer (a wholesale licensee), by falsely representing to said employer that the said alcoholic beverages had been ordered by a retail liquor licensee, in violation of R.S. 33:1-52.

In attempted mitigation of penalty defendant described his unlawful activities as "a stupid error in judgment". This surely was not a question of judgment but rather a deliberate intent on the part of the defendant to circumvent the provisions of the Alcoholic Beverage Law applicable thereto. Considering the extent of defendant's unlawful activities, and the serious nature thereof, I shall suspend his permit for sixty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 17th day of March, 1960,

ORDERED that Solicitor's Permit No. 3111, issued by the Director of the Division of Alcoholic Beverage Control to Robert H. Bossett, 106 Lake Avenue, Brielle, be and the same is hereby suspended for fifty-five (55) days, commencing at 9:00 a.m., Thursday, March 24, 1960, and terminating at 9:00 a.m., Wednesday, May 18, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

6.

ACTIVITY REPORT FOR MARCH 1960**ARRESTS:**

Total number of persons arrested - - - - -	41
Licenses and employees - - - - -	17
Bootleggers - - - - -	24

**SEIZURES:**

Motor vehicles - cars - - - - -	3
Stillis - over 50 gallons - - - - -	1
- 50 gallons or under - - - - -	2
Alcohol - gallons - - - - -	4.50
Mash- gallons - - - - -	1,562.00
Distilled alcoholic beverages - gallons - - - - -	38.63
Wine - gallons - - - - -	60.41
Brewed malt alcoholic beverages - gallons - - - - -	33.65

**RETAIL LICENSEES:**

Premises inspected - - - - -	670
Premises where alcoholic beverages were gauged - - - - -	579
Bottles gauged - - - - -	9,954
Premises where violations were found - - - - -	42
Violations found - - - - -	61
Unqualified employees - - - - -	29
Application copy not available - - - - -	10
Disposal permit necessary - - - - -	7
Prohibited signs - - - - -	3
Reg.#38 sign not posted - - - - -	3
Other violations - - - - -	9

**STATE LICENSEES:**

Premises inspected - - - - -	4
License applications investigated - - - - -	4

**COMPLAINTS:**

Complaints assigned for investigation - - - - -	417
Investigations completed - - - - -	393
Investigations pending - - - - -	177

**LABORATORY:**

Analyses made - - - - -	295
Refills from licensed premises - bottles - - - - -	23
Bottles from unlicensed premises - - - - -	70

**IDENTIFICATION:**

Criminal fingerprint identifications made - - - - -	20
Persons fingerprinted for non-criminal purposes - - - - -	227
Identification contacts made with other enforcement agencies - - - - -	164
Motor vehicle identifications via N. J. State Police teletype - - - - -	2

**DISCIPLINARY PROCEEDINGS:**

Cases transmitted to municipalities - - - - -	12
Violations involved - - - - -	13
Sale during prohibited hours - - - - -	9
Sale to minors - - - - -	2
Sale to non-members by club - - - - -	1
Failure to close premises during prohibited hours - - - - -	1
Cases instituted at Division - - - - -	28*
Violations involved - - - - -	42
Sale to minors - - - - -	7
Sale during prohibited hours - - - - -	6
Sale below minimum resale price - - - - -	4
Possessing liquor not truly labeled - - - - -	4
Permitting lottery activity (numbers) on premises - - - - -	3
Hindering investigation - - - - -	3
Delivery without bona fide invoice - - - - -	2
Failure to close premises during prohibited hours - - - - -	2
Aiding and abetting unauthorized transportation - - - - -	2
Possessing contraceptives on premises - - - - -	1
Unauthorized transportation - - - - -	1
Receiving delivery during license suspension - - - - -	1
Permitting gambling (pool game) on premises - - - - -	1
Permitting bookmaking on premises - - - - -	1
Possessing indecent matter - - - - -	1
Fraud in application - - - - -	1
Sale to non-members by club - - - - -	1
Employing female bartender - - - - -	1

\*Includes one cancellation proceeding - license improvidently issued since licensee has ceased to be a bona fide club

Cases brought by municipalities on own initiative and reported to Division - - - - -	31
Violations involved - - - - -	37

Sale to minors - - - - -	12	Permitting brawl on premises - - - - -	1
Sale during prohibited hours - - - - -	12	Purchase from improper source - - - - -	1
Failure to close premises during prohibited hours - - - - -	3	Permitting prostitutes on premises - - - - -	1
Permitting lottery activity (numbers, football lottery) on premises - - - - -	2	Act of violence on premises - - - - -	1
Permitting gambling (cards) on premises - - - - -	1	Conducting business as a nuisance - - - - -	1
		Employee working while intoxicated - - - - -	1
		Hindering investigation - - - - -	1

**HEARINGS HELD AT DIVISION:**

Total number of hearings held - - - - -	45
Appeals - - - - -	7
Disciplinary proceedings - - - - -	22
Eligibility - - - - -	6
Seizures - - - - -	8
Tax revocations - - - - -	2

**STATE LICENSES AND PERMITS ISSUED:**

Total number issued - - - - -	856
Licenses - - - - -	2
Solicitors' permits - - - - -	127
Employment permits - - - - -	77
Disposal - - - - -	72
Social affair permits - - - - -	237
Miscellaneous - - - - -	111
Transit insignia - - - - -	153
Transit certificates - - - - -	27

Dated: April 5, 1960

WILLIAM HOWE DAVIS, DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - PRIOR RECORD - LICENSE  
SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA,

In the Matter of Disciplinary )  
Proceedings against )

HENRIETTA DRAYER, FRED A EPPLEY,  
JOSEPH R. WHITE )  
t/a NORMANDY CAFE )  
Wilson Drive, Lower Township )  
PO Cape May RD, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-16, issued by the Township )  
Committee of Lower Township. )

-----  
Stephen S. Rubins, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they sold,  
served and delivered and allowed, permitted and suffered the sale, service  
and delivery of alcoholic beverages to a minor, in violation of Rule 1  
of State Regulation No. 20.

Pursuant to information received from the North Wildwood Police  
Department, an ABC agent obtained sworn, written statements from Robert  
--- (age 18) and two other minors. Robert stated that at 9:30 p.m. on  
Friday, January 29, 1960, he entered defendants' premises alone and  
purchased four six-packs of beer in cans, all of which beer (with the  
exception of one can) was consumed by him and his companions. Robert  
further stated that at the time in question, the bartender did not  
question him regarding his age.

I have considered the letter submitted by defendants' attorney  
and do not find mitigating circumstances of sufficient weight to warrant  
imposition of a penalty less than the minimum imposed in cases of this  
character.

Defendants have a prior adjudicated record. Effective February  
17, 1958 their license was suspended for ten days for sale of alcoholic  
beverages to a minor. Re Drayer, Eppley and White, Bulletin 1214, Item  
7. The minimum penalty for a sale to an 18-year-old minor where no  
aggravating circumstances appear is fifteen days. Re Skrobiszski,  
Bulletin 1300, Item 5. In view of the similar violation occurring  
within the past five years, I shall suspend defendants' license for  
twenty-five days. Re Gellner, Bulletin 1291, Item 4. Five days will  
be remitted for the plea entered herein, leaving a net suspension of  
twenty days.

Accordingly, it is, on this 17th day of March 1960,

ORDERED that Plenary Retail Consumption License C-16, issued  
by the Township Committee of Lower Township to Henrietta Drayer,  
Freda Eppley, Joseph R. White, t/a Normandy Cafe, for premises on  
Wilson Drive, Lower Township, be and the same is hereby suspended for  
twenty (20) days, commencing at 2:00 a.m., Tuesday, March 22, 1960  
and terminating at 2:00 a.m., Monday, April 11, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

8. AUTOMATIC SUSPENSION - LICENSE SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

Auto. Susp. #176 )  
 In the Matter of a Petition to Lift )  
 the Automatic Suspension of License )  
 C-82, issued by the Board of Com- )  
 missioners of the City of Passaic to )

ORDER

JOSEPH LONISIN )  
 t/a LONISIN'S TAVERN )  
 125 Third Street )  
 Passaic, New Jersey )

-----  
 Joseph M. Harrison, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

On November 24, 1959, I entered an order temporarily staying the automatic suspension of petitioner's license until the entry of a further order herein. At that time no disciplinary proceedings had been instituted because of the sale of alcoholic beverages to the minor. Bulletin 1318, Item 7.

The Board of Commissioners of the City of Passaic has forwarded to me a copy of a resolution and order in disciplinary proceedings subsequently instituted against Joseph Lonisin, from which it appears that the Board suspended his license for ten days, less five for the plea, after he pleaded non vult to a charge of selling to the minor. The suspension was effective from 3 a.m. February 1, 1960, to 6 a.m. February 6, 1960. Under the circumstances, I shall, upon my own motion, enter an order lifting the automatic suspension of the license.

Accordingly, it is, on this 21st day of March 1960,

ORDERED that the automatic suspension of said license C-82 be and the same is hereby lifted, effective immediately.

WILLIAM HOWE DAVIS  
 DIRECTOR

9. STATE LICENSES - NEW APPLICATIONS FILED.

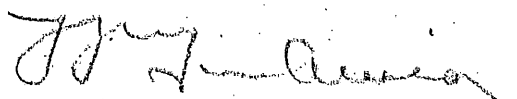
American Bottling Company, A Corporation  
 rear 241 E. Blackwell Street  
 Dover, New Jersey

Application filed April 14, 1960 for person-to-person transfer of State Beverage Distributor's License SBD-141 from Frank Chernatsky and Morris Levy, American Bottling Co.

F & W Beverage Service  
 24 Port Monmouth Road  
 Keansburg, New Jersey

Application filed April 20, 1960 for person-to-person, place-to-place transfer of State Beverage Distributor's License SBD-47 from Seacoast Liquor Distributors Inc., East Side Route 35, approximately 1500 feet South of Wall Street, Eatontown, New Jersey.

New Jersey State Library

  
 William Howe Davis  
 Director