

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

BULLETIN 1511

MAY 14, 1963

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1. DISCIPLINARY PROCEEDINGS - PROCUREMENT FOR PROSTITUTION -
SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE TO
INTOXICATED PERSON - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against

MONKEY CLUB, INC.
t/a MONKEY CLUB, INC.
53 William Street
Newark, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-864, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

No appearance on behalf of Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"The licensee pleaded not guilty to the following charges:

- '1. On Saturday, October 20, 1962, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you, through Richard Piwoski, your president and holder of thirty-three and one-third per cent (33 1/3%) of your corporate stock, made offers to male patrons and customers on your licensed premises to procure and did procure a female to engage in acts of illicit sexual intercourse with said male patrons and customers, and participated in and allowed, permitted and suffered the making of overtures and arrangements in and upon your licensed premises, by said female with male patrons and customers for acts of illicit sexual intercourse as aforesaid; in violation of Rule 5 of State Regulation No. 20.
- '2. On Saturday, October 20, 1962, at about 2:00 a.m., you allowed, permitted and suffered the removal of alcoholic beverages, viz., two one-quart bottles of J & B (Justerini & Brooks) Rare Old Scotch Whisky in their original containers from your licensed premises in violation of Rule 1 of State Regulation No. 38.
- '3. On Saturday, October 20, 1962, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages,

directly or indirectly, to a person actually or apparently intoxicated 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.'

"This matter was originally set down for a hearing before this Division on December 7, 1962. By letter dated November 20, 1962, an attorney entered his appearance on behalf of the licensee and requested that a plea of 'not guilty' be entered. He also requested an adjournment of the hearing date, and the same was adjourned to January 2, 1963.

"The matter was thereafter adjourned to January 31, 1963, upon application of the attorney for the licensee. On January 31, 1963, the attorney did not appear but the president of the corporate licensee did appear and informed the Hearer that he did not know why the attorney was not present at the hearing at that time. The matter was once again adjourned to March 7, 1963. Prior to March 7, 1963, the attorney informed this Division that he no longer represented the licensee.

"When this matter came on for hearing on March 7, 1963, no one representing the corporate licensee appeared. Up to the date of the preparation of this Report, this Division has not been contacted by either a representative of the corporate licensee nor has any substituted attorney entered an appearance.

"At the March 7, 1963, hearing the Division presented testimony through the ABC agents which reflected the following picture: Two visits were made by ABC agents upon specific assignments to investigate complaints of solicitation for prostitution, service to intoxicated persons and general misconduct. At the second visit, on October 20, 1962, Agents S, C, R, Sc and T entered the said premises and seated themselves at the bar. Agent S testified that Richard Piwoski, also known as Dick (later identified as the president of the corporate licensee), engaged him in conversation concerning Dick's proneness to 'steer us to some broads.' During this conversation this agent noted that a female known as Barbara was seated at the bar and appeared to be on the verge of intoxication. She was loud in conversation, her dress was up above her knees revealing a good portion of her legs, and 'two males standing in back of her were rubbing their hands up and down her legs, her eyes were glassy, she was leaning on the bar with her eyes closed, and upon being served she mumbled incoherently.' The bartender served her four scotch-and-sodas in the presence of this agent.

"Agent S further testified that, as a result of his further conversation, he was introduced to a woman (later identified as Edith Gallagher). Arrangements were made by Dick for agents to have sexual relations with her at a price of \$30. The agent told Dick that he had a conversation with this woman and 'She is going to take me to her apartment in Elizabeth.' The agent further testified that, as a result of this transaction, he drove her in his car to her apartment; enroute she accepted \$20 from the agent as payment for the proposed act of intercourse. While in the apartment the other agents, in the company of the Elizabeth police, entered the same, found her completely naked and placed her under arrest. The marked bills given to her by Agent S were retrieved from her purse by Elizabeth police.

"This agent further testified that, before leaving for her apartment on Saturday, October 20, shortly after 2 a.m., an employee of the corporate licensee permitted the removal of two one-quart bottles of J & B Rare Old Scotch whisky in their original containers by the Agent S, who purchased same at the request of the said Edith Gallagher, immediately prior to her entering the agent's car for the purpose of driving to her apartment.

"On the evening of October 20, 1962, Piwoski was summoned to police headquarters and verbally admitted giving the agent two bottles of J & B Scotch for delivery to Edith Gallagher after two o'clock in the morning of that day. He further admitted the conversation relating to his offers to procure and his actually procuring the above named female to engage in illicit sexual intercourse with the said agents, and also admitted that he participated in and permitted the making of such overtures on his licensed premises.

"The testimony of Agent S was corroborated by Agents C and R.

"It has long been established that solicitation for immoral purposes and the making of arrangements for illicit sexual intercourse cannot and will not be tolerated on licensed premises. The public is entitled to protection from these sordid and dangerous practices. Re Club 49, a New Jersey corp., Bulletin 1385, Item 5. Considering the facts and circumstances in this case, including the licensee's failure to appear at the hearing and the fact that the Division has adequately proved the charges herein, I recommend that the corporate licensee be found guilty on all charges.

"I further recommend the only proper and justifiable penalty in these circumstances, namely, revocation of the license. Re Club Hi Li, Inc., Bulletin 1198, Item 3."

No written exceptions to the Hearer's Report were filed within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the record herein, including the transcript of the proceedings and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations. Hence, I find the licensee guilty as charged.

Accordingly, it is, on this 27th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-864, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Monkey Club, Inc., t/a Monkey Club, Inc., for premises 53 William Street, Newark, be and the same is hereby revoked, effective immediately.

EMERSON A. TSCHUPP
ACTING DIRECTOR

Robert A. Spatola, president of the applicant corporation, testified that the applicant intends to have a sales force of "one, two or three persons" to initiate its sales program in New Jersey, and will increase its force as sales increase. He further stated that the present intention is to distribute and sell only Spatola brand wines in this State. The witness further stated that the applicant made a survey of about twenty stores in the Camden area and that the results indicated that there is a market for its products.

This witness further stated that he spoke to about eleven owners of the twenty stores and their reactions make this applicant feel reasonably confident of its success in New Jersey. This is additionally fortified because (1) the area which it intends to service is adjacent to Pennsylvania so that delivery will be facilitated; (2) the applicant was reasonably successful during the years 1954 to 1956, and (3) New Jersey is the fourth highest in the country in gallonage of sales, according to his examination of statistics released by the federal government and in wine magazines. He insisted that his company will not jeopardize the present wine market in this State by engaging in any price-cutting or other harmful practices.

On behalf of the objectors, William J. Ghiglione, president of the New Jersey Vintners Corporation, testified that there has been a steady decrease in the consumption of domestic still wines, although there has been an increase in the consumption of imported still wines in New Jersey. He also asserted that the package as presented in the Elegante brand is similar to others in the general category so that there is nothing new or distinctive in the brand contemplated by the applicant.

With respect to the sales of New Jersey wines in Pennsylvania, this witness testified that there are no listings of New Jersey wines in Pennsylvania although many applications have been made for same. In 1950, he continued, there were fifty wine wholesalers or plenary wineries in New Jersey. Today there are ten to fourteen, some of which exist in name only. Therefore, there is no need for a new license; if the applicant desires to market its goods in New Jersey, it should use existing distributors.

Vincent F. Coviello, president of Vincove Winery, testified that there has been a general decrease in sales of domestic wines although there was an increase in the consumption of imported wines. He stated that he had made efforts to have his wine sold in Pennsylvania; in fact, on September 1, 1956, he made application to the Pennsylvania Liquor Authority to have his brands listed and was unsuccessful.

Norman Feldman, an experienced operator of a winery and companies in the alcoholic beverage field in New Jersey, supported the testimony of the prior witnesses for the objectors. He insisted that every type of wine produced in California is available in New Jersey, and that the wines produced and intended to be sold by applicant are already being sold in the same general categories in this State. He stated that there are no essential differences in wine tastes, and that all wines fall in the same categories. He gave a skilled analysis of the wine sales industry, and concluded that there is no need for additional wine licenses in New Jersey.

On cross-examination he admitted, however, that, although since 1952 wine sales in New Jersey have increased, the

number of licenses for wine distributors have decreased. The following question and answer form part of the cross examination:

"Q Then based on your former answer as to the total number of sales of wine from *** 1952 to 1962, isn't it true, then, there are less licensees selling more wine in New Jersey today than there were in 1952?"

"A I would say basically that's correct. There's more wine sold and there are fewer licensees."

And on re-examination the following questions:

"Q Mr. Feldman, if you know, answer this question: Have you any idea of the population increase in the State of New Jersey between the years '51 and '62?"

"A Well, there has been a marked increase in the population of those of drinking age, talking about 21 and over.

"Q So in 1962 you'd have a much larger potential for consumption of wine?"

"A Very much so. The population explosion for the alcoholic beverage industry is first taking place at the present time because of the tremendous birth rate we had during the early 40's and that is now giving us people of the age of 21 who are eligible to drink."

Frank Reitman, chairman of the board of Galsworthy, Inc., a leading distributor of alcoholic beverages (including a number of nationally advertised brands of wine), supported Feldman's testimony. He reiterated that the granting of the application would be detrimental to the wine industry. It was his opinion that the only way a new license can exist in New Jersey is by engaging in price-cutting.

Thomas M. Egan, recalled by the applicant, sought to show that there has been a national increase over the past ten years in the consumption of wine, and this would reflect itself in the increase in the consumption of wines in the State of New Jersey.

Before considering the merits of this application I should like to dispose of the legal question raised by the objectors with respect to R.S. 33:1-11.3, the so-called reciprocity statute. Both attorneys for the objectors and for the applicant submitted well-reasoned and considered memoranda in support of their respective positions.

The contention of the objectors is that the issuance of a Class B wine wholesale license to applicant is barred by the above cited statute which provides in full as follows:

"No foreign person holding a Class B license in this State shall sell or distribute alcoholic beverages directly to any retail licensee within this State unless a resident person is permitted to sell and distribute alcoholic beverages directly to all persons licensed to sell the same at retail in the State or nation in which such

foreign person is resident or incorporated on the same terms and conditions as such foreign person enjoys such privilege in such State or nation."

In order to determine whether or not the State of Pennsylvania affords reciprocal privileges of direct sales and distribution to retail licensees of the foreign State by New Jersey wholesalers, it is necessary to examine the relevant statute of Pennsylvania. Under Pennsylvania statutes a distinction appears to be made between the sale and distribution of malt and brewed alcoholic beverages and the sale and distribution of all other alcoholic beverages. Section 4-431(c) of Title 47 of the Pennsylvania statutes (the Pennsylvania Liquor Code) provides the following with respect to malt and brewed beverages manufacturers', distributors', and importing distributors' licenses:

"The aforesaid licenses shall be issued only to reputable individuals, partnerships and associations who are, or whose members are, citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania, or to reputable corporations duly organized or duly registered under the laws of the Commonwealth of Pennsylvania. Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application, and that at least fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application***."

It is further noted that under the Pennsylvania Liquor Code all alcoholic beverages other than malt and brewed beverages can be sold at wholesale to retail licenses only by state-owned liquor stores established by § 3-305 of the Liquor Code. § 3-305(b) provides in pertinent part as follows:

"Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels, restaurants, clubs, and railroad, pullman and steamship companies, licensed under this act, and, under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth of Pennsylvania, and to manufacturing pharmacists, and to reputable hospitals approved by the board, or chemists *** all other sales by such stores shall be at retail ***."

Thus the objectors contend that, since a New Jersey resident is barred by force of the Pennsylvania liquor laws from making direct sales of all alcoholic beverages to Pennsylvania retail licensees, this applicant should be barred from making direct sales of any alcoholic beverages at wholesale to New Jersey retail licensees. The attorney for the applicant, however, quite properly points out the crucial distinction. He advocates that the legislative intent

was not that foreign wholesalers should be treated in New Jersey the same as New Jersey wholesalers are treated in a foreign state but, rather, that New Jersey wholesalers should be treated the same in the foreign state as licensees of that state are treated; that, in that event, the foreign licensees should be treated the same in New Jersey as New Jersey licensees.

It should be observed that Pennsylvania treats the sale and distribution of malt beverages differently than the sale and distribution of all other alcoholic beverages. As to the former, an applicant for a license to sell or distribute malt alcoholic beverages directly to persons licensed to sell the same at retail in Pennsylvania must, among other things, be a Pennsylvania resident or, in the case of a corporation, at least 51% of its capital stock must be owned by Pennsylvania residents. However, with respect to all other alcoholic beverages, neither a "foreign person" nor a "resident person", as defined by the New Jersey Statute in question, may sell or distribute such alcoholic beverages directly to persons licensed to sell the same at retail in Pennsylvania since only the State of Pennsylvania itself (through its Liquor Control Board) may sell the same to retail licensees, and said State may not be deemed "a person resident in or incorporated under the laws of any state other than the State of New Jersey", the applicable statutory definition of "foreign person."

Thus the lack of reciprocity in Pennsylvania, under the criterion of the New Jersey statute in question, is confined to the sale and distribution of malt beverages only.

The applicant seeks to sell and distribute wine products to retail licensees. To thus prohibit it from so doing by virtue of the statute in question would require that the statute be construed to be broader in its exclusionary provisions than the actual exclusion practiced by the "home" State of the New Jersey wholesale licensees.

It is my view that this was not the intent of the Legislature; the legislation was intended to restrict such scope co-extensive with the exclusion practiced by the foreign state involved. Applying this interpretation, counsel for applicant asserts in his memorandum (although this is not actually supported by proof in evidence) that "A search of the Pennsylvania records will note that no new listings have been granted during that period, even to Pennsylvania licensees. Spatola Wine Company, an associated company of the applicant, is a Pennsylvania licensee and no new listings have been granted to it within the period testified to."

I am persuaded that New Jersey residents are no more discriminated in the State of Pennsylvania than are Pennsylvania residents; that in fact they are both treated equally though apparently very circumspetly. Thus I find no merit in objector's contentions on this point, and shall deny objector's motion.

The principal substance of objection to the issuance of this license is that there is no public need or necessity to be served by the issuance of such license. Such public need or necessity must be considered within the general context of whether there is ever a need for the grant of a license for the sale or distribution of alcoholic beverages. As Judge Clapp said in connection with the issuance of a tavern license in Township Committee of the Township of Lakewood v. Brandt, 38 N.J. Super. 462:

"An even more obvious question arises as to the significance of the term in connection with intoxicating liquors. Is there any public necessity for a tavern? To be sure, the authority issuing a liquor license must take into consideration more than the matter of public convenience. *** For one thing -- as may be said to be suggested by the concept of public necessity -- consideration should be given to the question whether there is any deficiency or lack in present facilities. Cf. In re Washington Ave. in Borough of Chatham, 5 N.J. Misc. 858, 860 (Cir.Ct. 1927). And of course the paramount consideration is the public interest. Cf. In re Greenville Bus Co., 17 N.J. 131, 143 (1954)."

Judge Clapp identifies this term as a matter of public interest and poses the question whether the public is served by the denial of this application or by its grant.

Objectors assert that present facilities are adequate because there has been a decline in the consumption of wines in this State during the past few years and that issuance of another license would constitute an unwarranted burden upon the existing distributors. In this connection, an examination of the figures released by the Beverage Tax Bureau of the State of New Jersey seems to indicate that there has been a decrease in the sale of domestic still wines although there was a corresponding increase in the sale of imported still wines during the past year. It is interesting to note that, even in domestic still wines, there was a substantial increase in sales during the summer months of 1962 as compared with the same period in 1961.

The records of this Division indicate that, during the past five years, a total of six wine wholesale licenses were issued by this Division. It is also significant to observe that there has been a steady decrease in the total number of wine wholesale licenses issued. As of November 30, 1962, this Division issued a total number of twenty-one such licenses for the current licensing year. This compares with twenty-eight licenses issued for the licensing year 1957-58 and thirty-six licenses issued for the period 1960-61. Taking into consideration the normal increase in population, general economic growth and other relevant factors, it does not appear to reflect an insensitivity to the economic health of the wine industry or to the argument that the market is already over-abundantly supplied. The primary consideration is always the public interest.

Feldman, for the objectors, used the term "population explosion" to express the situation in New Jersey today. This is undoubtedly characteristic of the situation throughout the country. If that truly reflects the condition, namely, a "population explosion" and a present decrease in wine wholesale licenses, the argument for granting this application is self-evident.

As the Director stated in Re Admiral Wine Co., Inc., Bulletin 1460, Item 7:

"*** I do not believe that this Division is prepared to state that there is no public need or necessity, based on the present market, for the issuance of any such license. ***"

This application can be distinguished from that in Re Vincent Buonocore & Sons, Inc., Bulletin 1492, Item 2, because in that case there was a serious question as to the proper conduct of the applicant in its New York operations, as detailed in those Conclusions. The records apparently indicate that this applicant has conducted himself in a law-abiding and highly respectable manner both in Pennsylvania and in New Jersey during the period of its operation here.

Under the facts and circumstances in this case, it is my opinion that the issuance of this license to permit applicant to operate competitively with products geared to a receptive market would be in the public interest. Cf. Mauriello v. Driscoll, 135 N.J.L. 220 (Sup.Ct. 1947).

The preponderant evidence herein is sufficient to justify applicant's premise that there is a public need within the context of that term for the license applied for. Re Joeli Wine Distributors, Inc., Bulletin 1390, Item 10; Re Duggan's Distillers Products Corp., Bulletin 1244, Item 9; Re Admiral Wine Co., Inc., *supra*.

I shall grant the application.

EMERSON A. TSCHUPP
ACTING DIRECTOR

Dated: April 5, 1963

- 3. DISCIPLINARY PROCEEDINGS - PURCHASE FROM ANOTHER RETAILER - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
BLUE RIBBON BAR, INC.
1814 Bergenline Ave.
Union City, N. J.
Holder of Plenary Retail Consumption License C-207, issued by the Board of Commissioners of the City of Union City.

CONCLUSIONS
AND ORDER

Harry Irwin, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 15, 1962, it purchased three bottles of wine from another retail licensee, in violation of Rule 15 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days, effective February 29, 1960, for local hours violation and employee without identification card required by local ordinance.

The prior record considered, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty-days. Cf.

Re Hibbits, Bulletin 1477, Item 4.

Accordingly, it is, on this 4th day of April, 1963,

ORDERED that Plenary Retail Consumption License C-207, issued by the Board of Commissioners of the City of Union City to Blue Ribbon Bar, Inc. for premises 1814 Bergenline Avenue, Union City, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. Thursday, April 11, 1963, and terminating at 3:00 a.m. Wednesday, May 1, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ANNA PALOTI)
t/a RIVERSIDE BAR AND RESTAURANT)
16 Emerson Street)
East Brunswick Township)
PO Old Bridge, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of East Brunswick.)

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

BY THE ACTING DIRECTOR:

Licensee pleads guilty to a charge alleging that on March 14, 1963, she sold drinks of alcoholic beverages to two minors, one age 18 and one age 19, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for twenty days effective June 7, 1960, for possessing liquor not truly labeled and sale in violation of State Regulation No. 38. Re Paloti, Bulletin 1346, Item 5.

The prior record considered, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Cf. Re Colonel Cooper, Inc., Bulletin 1491, Item 8; Re Paulin, Bulletin 1459, Item 5.

Accordingly, it is, on this 1st day of April, 1963,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of East Brunswick to Anna Paloti, t/a Riverside Bar and Restaurant, for premises 16 Emerson Street, East Brunswick, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, April 8, 1963, and terminating at 2:00 a.m. Tuesday, April 23, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

5 NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1962 TO MARCH 31, 1963 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Revoked Surrender	Expired	Number Licenses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid				
Atlantic	485	\$ 207,593.26	73	\$ 27,525.00	28	\$ 2,845.00							586	\$ 237,963.
Bergen	812	318,485.26	301	90,013.80	138	12,673.67	49	\$ 2,309.50	5	\$ 1,398.75		5	1300	424,880.
Burlington	194	87,055.48	41	13,150.00	48	6,900.00	1	50.00					284	107,155.
Camden	453	223,243.29	84	35,886.75	80	7,705.47			1	450.00		1	617	267,285.
Cape May	139	78,800.00	12	4,500.00	18	2,200.00							169	85,500.
Cumberland	79	40,217.12	15	4,200.00	32	4,250.00							126	48,667.
Essex	1334	758,305.34	350	211,100.00	104	14,525.00	27	1,350.00	2	1,500.00	3*	1	1813	986,780.
Gloucester	108	38,710.00	15	3,820.00	23	2,050.00							146	44,580.
Hudson	1498	679,038.93	298	122,400.00	82	9,272.89	63	2,700.00			1*		1940	813,411.
Hunterdon	79	28,240.00	12	5,810.00	10	1,100.00							101	35,150.
Mercer	421	261,772.44	51	22,510.00	57	8,276.99			1	116.64		1	529	292,676.
Middlesex	632	316,004.67	85	28,225.43	112	9,724.79	4	200.00					833	354,154.
Monmouth	553	291,622.76	125	44,560.00	58	6,331.25	8	385.00	23	11,207.91		23	744	354,106.
Morris	356	139,228.60	104	38,441.10	65	6,077.23	15	750.00	5	1,425.00		5	540	185,921.
Ocean	196	108,267.68	50	21,566.00	36	4,079.07							282	133,912.
Passaic	854	354,751.00	170	52,700.00	43	5,174.59	7	350.00					1074	412,975.
Salem	50	19,542.46	8	1,600.00	19	1,600.00							77	22,742.
Somerset	188	87,915.00	41	12,925.00	33	3,830.41							262	104,670.
Sussex	165	46,563.18	21	4,235.00	11	645.00	1	50.00	1	225.00		1	198	51,718.
Union	547	312,846.00	145	71,692.76	82	8,975.00	29	1,425.00					803	394,938.
Warren	147	44,260.00	21	5,270.00	30	3,212.20						2	198	53,117.
Total	9290	\$4,442,462.47	2022	\$822,130.84	1109	\$121,448.56	204	\$9,569.50	40	\$16,698.30	4	39	12622	\$5,412,309.

*1 DL surrendered
 *1 CB surrendered
 *1 C surrendered
 *1 C revoked

Emerson A. Tschupp
 Acting Director

April 22, 1963

6. DISQUALIFICATION REMOVAL PROCEEDINGS - ATTEMPTED LARCENY -
ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application to)
Remove Disqualification because of) CONCLUSIONS
a Conviction, Pursuant to R.S. 33:1-31.2.) AND ORDER

Case No. 1743)

Louis Weiss, Esq., Attorney for Petitioner.

BY THE ACTING DIRECTOR:

In 1930 petitioner was convicted of attempted larceny and as a result was given a suspended sentence. In 1943 he was convicted of assault and battery and placed on two years probation; and in 1948 he was again convicted of assault and battery and given a suspended sentence. In 1942 and 1944 he was convicted of disorderly conduct and fined \$10 in each case.

The crime of attempted larceny ordinarily involves the element of moral turpitude. Re Case No. 180, Bulletin 504, Item 5. No circumstances are shown to rebut the presence of that element; hence, petitioner was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this state. R.S. 33:1-25, 26. In view of this fact, a determination as to whether petitioner's other convictions involved the element of moral turpitude need not be made.

At the hearing herein, petitioner testified that he is presently employed as a metal sorter. He further testified that he is married and has one child and that he seeks relief in these proceedings so that he might be eligible to hold a liquor license.

Three witnesses (two housewives and an unemployed plumber) testified that they have known petitioner for over five years last past and he now bears a reputation for being a law-abiding person.

The police department of the municipality wherein petitioner resides has advised that no complaint or investigation involving the petitioner is pending.

I am satisfied that petitioner had conducted himself in a law-abiding manner for over five years last past and conclude that his association with the alcoholic beverage industry in this state will not be contrary to the public interest.

Accordingly, it is, on this 4th day of April, 1963,

ORDERED that petitioner's statutory disqualification because of the conviction described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

EMERSON A. TSCHUPP
ACTING DIRECTOR

7. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto.Susp. #225)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Consumption License C-57,)
 issued by the Municipal Board of) ON PETITION
 Alcoholic Beverage Control of the) ORDER
 City of Hoboken to)

Martin A. Rust)
 61 Sixth Street)
 Hoboken, N. J.)

 Howard B. Cubberly, Esq., Attorney for Petitioner.

BY THE ACTING DIRECTOR:

It appears from the petition filed herein and the records of this Division that on March 5, 1963, the licensee-petitioner was fined \$50 in the Hoboken Municipal Court after pleading guilty to a charge of sale of alcoholic beverages to a minor on February 20, 1963, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioner's license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that disciplinary proceedings are in contemplation but have not yet been instituted by the municipal issuing authority against the licensee because of said sale of alcoholic beverages to the minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioner after such disciplinary proceedings have been concluded. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed.
Re Sansone, Bulletin 1447, Item 10.

Accordingly, it is, on this 5th day of April, 1963,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

EMERSON A. TSCHUPP
 ACTING DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CLUB BAR (A CORP.))
1120-1122 So. Orange Avenue)
Newark 6, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-800, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Licensee, by William J. Furfey, President, Pro se.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 1, 1963, it sold drinks of beer to two minors, both age 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Cf. Re Eagle Package Liquor Co., Inc., Bulletin 1496, Item 7; Re Lagomarsino, Bulletin 1495, Item 1; Re Dontal, Inc., Bulletin 1491, Item 4.

Accordingly, it is, on this 1st day of April, 1963,

ORDERED that Plenary Retail Consumption License C-800, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Club Bar (A Corp.) for premises 1120-1122 So. Orange Avenue, Newark, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, April 8, 1963, and terminating at 2:00 a.m. Saturday, April 13, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ROBERT P. ROMANO
t/a THREE STAR BAR & GRILL
317 So. 6th Street
Newark 3, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-371, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

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

BY THE ACTING DIRECTOR:

Licensee pleads guilty to a charge alleging that on February 26, 1963, he possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Guadagno, Bulletin 1501, Item 9.

Accordingly, it is, on this 8th day of April, 1963,

ORDERED that Plenary Retail Consumption License C-371, issued by the Municipal Board of Alcoholic Beverage Control to Robert P. Romano, t/a Three Star Bar & Grill, for premises 317 So. 6th Street, Newark, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, April 15, 1963, and terminating at 2:00 a.m. Saturday, April 20, 1963.


Emerson A. Tschupp
Acting Director