

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N. J. 07102

BULLETIN 1647

DECEMBER 7, 1965

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1. STATE REGULATIONS - REGULATION NO. 39, RULES 3, 4 and 5(f)
AMENDED - "NON-DELIVERY" LIST CREATED - TRANSFEREE OF LICENSE
SUBJECT TO DEFAULT AND NON-DELIVERY STATUS OF TRANSFEROR.

TO ALL MANUFACTURERS, WHOLESALERS AND RETAILERS:

Pursuant to Notice of January 20, 1965 (reprinted in Bulletin 1598, Item 2), a public hearing was held on February 24, 1965 to afford opportunity to interested persons to express their views with respect to amendments to State Regulation No. 39 suggested by the New Jersey Wine and Spirit Wholesalers Association. I have reviewed the record compiled at the public hearing and find therein evidence of a trend during the past few years of an increasing number of retail licensees becoming in default to manufacturers and wholesalers by reason of non-payment for alcoholic beverages purchased within the period (approximately one month after delivery) presently prescribed by State Regulation No. 39. The record reflects an increase of the number of retailers on the Default List from 810 on June 30, 1952 to 1,741 on June 30, 1964 and 1,842 on February 22, 1965. Apparently, the present prohibition against retailers on default purchasing alcoholic beverages on credit has not proved to be a sufficient deterrent to undue retail indebtedness.

This numerical expansion of the Default List indicates the potential emergence of a widespread "tied house" situation, contrary to R.S. 33:1-43 of the State Alcoholic Beverage Law and in avoidance of the credit control design of State Regulation No. 39. Indirect control of retail licensees by manufacturers and wholesalers resulting from the prolonged extension of excessive credit to retailers is in direct conflict with one of the basic philosophies of the New Jersey control system.

Retail licensees participating at the public hearing individually and through their representative associations generally opposed the adoption of the suggested amendments. However, the alternative courses which they have recommended would not, in my opinion, prove both feasible and effective as remedial action.

To correct the situation, I have amended Rules 3, 4 and 5 of State Regulation No. 39, pursuant to power conferred by R.S. 33:1-39, to provide for a "Non-Delivery List" which will contain the names and addresses of retail licensees who shall have appeared on 39 or more consecutive weekly Default Lists. Licensees whose names appear on the Non-Delivery List will not be permitted to purchase or accept delivery of, and manufacturers and wholesalers shall not be permitted to sell or deliver to such retailers, any alcoholic beverages unless prior written authorization is received from this Division. The amendments also provide that the transferee of any retail license shall no longer receive his license free and clear of the default status of his transferor, but, instead, shall be subject to both the default and non-delivery status of the transferor as of the date of transfer of the license. This is intended to prevent evasion of the applicable Rules by sham license transfers.

The new provision concerning license transfers is effective immediately. The new provisions concerning non-delivery of alcoholic beverages will affect retail licensees whose names, subsequent to December 6, 1965, appear on 39 or more consecutive weekly Default Lists. The earliest date that any retailer may be prohibited from purchasing or receiving delivery of alcoholic beverages under the amended Rules will be September 5, 1966.

Violation of any Division Rule is cause for suspension or revocation of license. However, I trust that the entire industry will recognize that the salutary purpose of the amendments is to strengthen the industry at large, and that all licensees will cooperate in effectuating acceptance of and compliance with the new provisions.

Rules 3, 4 and 5 of State Regulation No. 39 are hereby amended to read as follows:

Rule 3. On Wednesday of each week (or on the next business day thereafter in the event that Monday, Tuesday or Wednesday is a legal holiday) the Director of the Division of Alcoholic Beverage Control shall cause to be published and mailed to each manufacturer and wholesaler two lists, one known as a "Default List" setting forth the names and addresses of the retail licensees reported in default in accordance with Rule 2(a) hereof as of the preceding Monday at 5:00 p.m., and the other known as a "Non-Delivery List", setting forth the names and addresses of any retail licensees who, after December 6, 1965, shall have appeared on thirty-nine or more consecutive weekly Default Lists. Such weekly lists shall become effective on the Monday following their publication.

Rule 4(a). No manufacturer or wholesaler shall sell or deliver any alcoholic beverages except for payment in cash on delivery to any retail licensee who is at the time of delivery listed on the Default List, and no retail licensee who is at the time listed on the Default List shall purchase or accept delivery of any alcoholic beverages except for payment in cash on delivery.

(b) No manufacturer or wholesaler shall sell or deliver any alcoholic beverages to any retail licensee whose name appears on the Non-Delivery List at the time of such sale or delivery, and no retail licensee shall purchase or accept delivery of any alcoholic beverages when his name appears on the Non-Delivery List at the time of such purchase or delivery, unless the Director has issued written authorization for such sale and delivery by reason of (1) special cause shown, provided, however, that any such written authorization by the Director shall not extend beyond a period of periods in excess of twenty-six (26) weeks in aggregate, or (2) the Director having received notice, as provided by Rule 5(d) hereof, that such retail licensee ceases to be in default to any manufacturer or wholesaler.

(c) Whenever the license of any retail licensee whose name appears on the Default List or the Non-Delivery List shall be transferred to another person, the name and address of the transferee shall be placed upon the Default List or the Non-Delivery List, as the case may be, in the place and stead of the transferor, as of the date of license transfer.

Rule 5(f). Manufacturers or wholesalers who are hereinabove required to file notices of default and notices of payment shall be chargeable with a proportionate cost of publishing and mailing the weekly Default List and Non-Delivery List pursuant to Rule 3 hereof.

JOSEPH P. LORDI
DIRECTOR

Promulgated Tuesday, November 23, 1965.

Effective Tuesday, November 23, 1965.

Filed with the Secretary of State (N.J.) Tuesday, November 23, 1965.

2. APPELLATE DECISIONS - CRISCUOLO v. EDGEWATER.

JOSEPH CRISCUOLO,)

Appellant,)

v.)

MAYOR AND COUNCIL OF THE)
BOROUGH OF EDGEWATER,)

Respondent.)

ON APPEAL
CONCLUSIONS
AND ORDER-----
Milton T. Lasher, Esq., by William A. Fasolo, Esq., Attorney
for Appellant.

William J. Scanlon, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This appeal is from the action of respondent which, on March 9, 1965, by a vote of five to one, denied appellant's application for person-to-person and place-to-place transfer of a plenary retail consumption license from Charles A. Knudsen, Jr. to appellant and from premises formerly at 888 River Road to premises 16 Hilliard Avenue, Edgewater.

Respondent's resolution denying the transfer reads as follows:

"WHEREAS the Mayor and Council of the Borough of Edgewater has had submitted to it an application for the transfer of Plenary Retail Consumption License C-6 from Charles Knudsen, Jr. to Joseph Criscuolo for premises known as 16 Hilliard Avenue, Edgewater, N.J., and

"WHEREAS objections have been filed to said transfer and

"WHEREAS the Mayor and Council of the Borough of Edgewater have conducted a hearing on said objections and listened to the objectors and the applicant on March 8, 1965 and

"WHEREAS after having heard all the testimony given at said hearing and examined the plan for the premises and have come to the conclusion that

"1-The premises will house, in addition to a bar-room, a catering business where the preparation and handling of food will be carried on

"2- Said premises are located within 150 feet of a municipal Park and playground

"3- Said premises are located within 600 feet of a Church and schoolyard.

"4- The restrooms provided in the premises cannot be reached without going through an areaway separated from the kitchen area where the food preparations are carried on only by a stainless steel table

"NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Edgewater does hereby deny said application as not being in the best interests of the health and welfare of said Borough."

Appellant's petition of appeal alleges that the action of respondent in denying the transfer was erroneous and should be reversed on the following grounds:

"The reasons are insufficient.

"The reasons are discriminatory.

"The reasons are contrary to the facts.

"The reasons are unreasonable, capricious and arbitrary."

Respondent's answer denies the aforesaid allegations and contends that "the area in which the appellant seeks to locate this license has a heavy number of liquor selling establishments in it already, and the location of any additional licenses in this area would not be in the best interest of the health and welfare of the community or the people residing therein. The Mayor and Council also feel that there will be conducted the primary business of catering on the premises, which would be in violation of the statutes in such cases made and provided."

The physical facts presented at the hearing herein by witnesses of the respective parties are in substantial agreement. The record discloses that the premises at 888 River Road was destroyed by fire on February 29, 1964, and thereafter the transferor and the owner of said premises could not reach an agreement for the renewal of the lease; that the said site on River Road is approximately 300 feet from the proposed premises; that premises on the corner of Hilliard Avenue and River Road for which a plenary retail consumption license is issued is approximately equi-distant from the proposed premises and the site of the former licensed premises; that 175 feet from the entrance of the proposed premises is a playground which can be reached by proceeding diagonally across Hilliard Avenue, down a flight of stairs to a municipal parking area and continuing in a general northerly direction through the parking area to a stairs which, when ascended, leads to the playground with its entrance on River Road; that contiguous to the said playground is a tavern having its main entrance on River Road and a side door on the south side of the building which can be used to enter the licensed premises from the playground; that according to Walter E. Geiger, borough engineer, the entrance to the auditorium of the nearest church is approximately 665 feet distant from the entrance to the proposed premises, whereas the main entrance of the church is 885 feet distant therefrom; that immediately south of the church

aforementioned is a parochial school approximately 770 feet from the location sought by appellant; that the area of appellant's premises is zoned for business; that a confectionery store having a soda fountain, which closes at 8:00 p.m., located on the corner of Hilliard Avenue and Edgewater Place, is patronized by teenagers.

Lawrence J. Bannon, a councilman, testified that he voted to deny the transfer because children congregate at the soda fountain in a candy store located in an apartment house on the corner of Hilliard Avenue and Edgewater Place; that the proposed premises is in the main business area of the municipality; that of fifteen licenses issued by Edgewater, five are in this area; that the majority of the apartment houses in the Borough are also located there. He further testified that in the immediate vicinity of the proposed premises is a parking problem and he was concerned about the playground adjacent to the municipal parking area. He also took into consideration the location of a firehouse nearby. He described the area where the proposed premises is located as being the main shopping center where there is a supermarket, appellant's store, a shoemaker shop, a meat market and a beauty parlor. He stated that it was his opinion that the license should remain at its present location.

No objectors to the transfer in question appeared at the hearing herein. Neither was there any objection expressed as to the qualifications of appellant.

A plan for the proposed layout of the interior of the premises sought to be licensed had been submitted to this Division, which plan had been examined and duly approved. Respondent objected that in order to reach the toilets, persons must walk through the kitchen where food is prepared. Of course, it is necessary that all requirements of the health code be met before issuance of a liquor license. In so far as the operation of a catering business is concerned, there is nothing in the Alcoholic Beverage Law to prohibit a licensee from conducting such business.

In appeals of this nature, the burden is on the appellant to establish that the action of the issuing authority was erroneous and should be reversed. Rule 6 of State Regulation No. 15.

No one is entitled to a license to sell alcoholic beverages as a matter of right. Zicherman v. Driscoll, 133 N.J.L. 586 (Sup. Ct. 1946). Nor is there any inherent right to transfer such a license to other persons or other premises. The issuing authority, in the exercise of its discretion, may grant or deny a transfer. If denied on reasonable grounds, such action will be affirmed. On the other hand, where it appears that refusal of a transfer is arbitrary and unreasonable, the action of respondent in refusing the transfer will be reversed. James Volpone & Sons, Inc. v. Newark, Bulletin 1525, Item 2, and cases cited therein.

It has been established that the nearest church and school are considerable distances from the proposed premises and that there is a licensed premises immediately adjacent to the playground mentioned. The site of the proposed premises is 175 feet distant from the playground by use of the parking area. If, however, the playground entrance on River Road were used, it would be a greater distance away. Furthermore, the location desired for the transfer of the license is in a business zone and it appears from the evidence herein immaterial whether the licensed premises is located at the present site or at the proposed site.

The situation in this respect is closely comparable to that in Conn v. Kearny, Bulletin 173, Item 1; Leonia Liquors, Inc. v. Leonia, Bulletin 766, Item 1; Grower v. Hackensack, Bulletin 789, Item 1; Lucian's Depot Bar v. Red Bank, Bulletin 1445, Item 2; Abramson v. Lakewood, Bulletin 1516, Item 1; and Piccirillo v. Lyndhurst, Bulletin 1578, Item 3. See also Bivona v. Hock, 5 N.J. Super. 118.

In Costa v. Verona, Bulletin 501, Item 2, the then Commissioner Driscoll said:

"Thus, were appellant located in a different section of the municipality and seeking to transfer into the vicinity in question, or if, being within the area (as is the case), he were seeking to transfer to a site that would aggravate to any appreciable degree the existing concentration of licenses in that area, respondent would be justified in denying the transfer and, on appeal, I would sustain such denial. Neither of such situations, however, is present in this case. On the contrary, the facts herein indicate that the applicable ruling is that where no attack is made on the personal fitness of the applicant or the suitability of the premises, a refusal to transfer, whether from person to person or from place to place, cannot, in the absence of good independent cause, be sustained."

In view of the fact that the present location of the license and the proposed location may be considered in the same general area, the transfer thereof would not increase the number of outlets for the sale of liquor to the public in that area. Therefore, a denial of the transfer appears to be unreasonable.

Under the circumstances, it is recommended that the action of respondent be reversed and the transfer of license applied for by appellant be granted, provided there is compliance with the health ordinance and the alterations to the proposed building meet the requirements of the proper authorities.

Conclusions and Order

No exceptions to the Hearer's Report were filed within the time limited by Rule 14 of State Regulation No. 15.

With respect to the fourth ground in the resolution of denial, appellant testified at the hearing:

"I called the board of health inspector in, Mr. McCloskey, and he approved the bathrooms; he notified the plumbing inspector and he approved the plumbing."

When asked whether he had done anything as far as the building inspector was concerned, appellant answered: "I had no partitions or anything to rip down" and, thus, that it was not necessary to contact the building inspector.

In further reference to the fourth ground of denial, appellant was asked: "If necessary, is it possible to put up a partition there [separating the areaway to the restrooms from the kitchen]?" He answered: "Yes."

Having carefully considered the entire record on this

appeal, I agree with the Hearer's recommendation that the denial of the application be set aside. I find that appellant has sustained the burden (Rule 6, State Regulation No. 15) of establishing that respondent's action was erroneous and should be reversed.

The hearing was held on April 14, 1965. On June 30, 1965, respondent granted an application for transfer of the 1964-65 license from 888 River Road to premises at 33 State Highway No. 5, effective as of midnight, June 30, 1965. Thereafter, at the same meeting, respondent granted application for 1965-66 renewal of the license for the indicated new premises, effective July 1, 1965.

The 1964-65 license year having lapsed and the 1964-65 license having been transferred from place to place and renewed to Charles A. Knudsen, Jr. for 1965-66, appellant may make application for transfer of the 1965-66 license from Charles A. Knudsen, Jr. to himself, and from the premises at 33 State Highway No. 5 to the premises at 16 Hilliard Avenue, and upon compliance with all the statutory requirements, the transfer shall be granted unless valid objections different in kind from those heretofore raised shall be presented, but the grant of the transfer application shall be conditional upon the partitioning off from the kitchen the areaway leading to the restrooms.

Accordingly, it is, on this 7th day of October, 1965,

ORDERED that the action of respondent be and the same is hereby reversed; and it is further

ORDERED that in the absence of valid, substantive objections different in kind from those raised on this appeal, an application by appellant for transfer of 1965-66 license C-6 from Charles A. Knudsen, Jr. to himself and from premises at 33 State Highway No. 5 to premises at 16 Hilliard Avenue shall be granted by respondent subject to the hereinabove-indicated partitioning.

JOSEPH P. LORDI
DIRECTOR

3. APPELLATE DECISIONS - SCHULMAN v. NEWARK.

HYMAN SCHULMAN
t/a HY'S TAVERN,

Appellant

v.

MUNICIPAL BOARD OF ALCOHOLIC
BEVERAGE CONTROL OF THE CITY
OF NEWARK,

Respondent.

)
)
) ON APPEAL
) SUPPLEMENTAL
) ORDER
)
)
)

Abe W. Wasserman, Esq., Attorney for Appellant.
Norman N. Schiff, Esq., by Paul E. Parker, Esq., Attorney for
Respondent.

BY THE DIRECTOR:

On April 28, 1965 I entered Conclusions and Order herein affirming suspension by respondent of appellant's license for fifteen days for sale of alcoholic beverages to a minor but deferring the effective dates of suspension because the licensed business was not then being conducted by reason of fire damage to the licensed premises. Schulman v. Newark, Bulletin 1620, Item 1.

Report of recent inspection discloses that the licensed business is now being conducted. Consequently I am satisfied that the deferred suspension may now be imposed.

Accordingly, it is, on this 4th day of October 1965,

ORDERED that Plenary Retail Consumption License C-515, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Hyman Schulman, t/a Hy's Tavern, for premises 488 Avon Avenue, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, October 11, 1965, and terminating at 2 a.m. Tuesday, October 26, 1965.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE
SUSPENDED FOR 60 DAYS - NO REMISSION FOR PLEA ENTERED AFTER
PARTIAL HEARING.

In the Matter of Disciplinary
Proceedings against

BLUE FOUNTAIN, INC.
413 Monroe Street
Passaic, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-58, issued by the Board
of Commissioners of the City of
Passaic.

Joseph M. Keegan, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

After partial hearing herein, licensee pleaded non vult
to charges (1) and (2) alleging that on March 23, April 14 and 20,
1965, it permitted acceptance of numbers bets on the licensed
premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for
sixty days (Re Rubino, Bulletin 1631, Item 2) without remission
for the plea entered after partial hearing (Re Subar, Inc.,
Bulletin 1586, Item 2).

Accordingly, it is, on this 11th day of October, 1965,

ORDERED that Plenary Retail Consumption License C-58,
issued by the Board of Commissioners of the City of Passaic to
Blue Fountain, Inc. for premises 413 Monroe Street, Passaic, be
and the same is hereby suspended for sixty (60) days, commencing
at 3:00 a.m. Monday, October 18, 1965, and terminating at 3:00
a.m. Friday, December 17, 1965.

JOSEPH P. LORDI
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - HOSTESS ACTIVITY -
EMPLOYEE WORKING WHILE INTOXICATED - LICENSE SUSPENDED FOR
65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

VERONICA URBANOWSKI)
t/a Willow Grove)
81 Lester Street)
Wallington, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-25, issued by the Mayor and)
Council of the Borough of Wallington.)

Carmen M. Belli, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on August 28, 1965, she (1) sold mixed drinks of alcoholic beverages to two minors, ages 16 and 19, in violation of Rule 1 of State Regulation No. 20, (2) permitted hostess activity (barmaid drinking at the expense of male patrons), in violation of Rule 22 of State Regulation No. 20, and (3) permitted an intoxicated person (barmaid) to work on the licensed premises, in violation of Rule 24 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for twenty-five days (Re Alex L. Saldarini Post, etc., Bulletin 1403, Item 9), on the second charge for twenty days (Re J. H. DePalma, Inc., Bulletin 1636, Item 2) and on the third charge for twenty days (cf. Re B. & N. Tavern, Inc., Bulletin 1498, Item 3), or a total of sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days.

Accordingly, it is, on this 18th day of October, 1965,

ORDERED that Plenary Retail Consumption License C-25, issued by the Mayor and Council of the Borough of Wallington to Veronica Urbanowski, t/a Willow Grove, for premises 81 Lester Street, Wallington, be and the same is hereby suspended for sixty (60) days, commencing at 3:00 a.m. Monday, October 25, 1965, and terminating at 3:00 a.m. Friday, December 24, 1965.

JOSEPH P. LORDI
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN LICENSE APPLICATION -
LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

RIDDLE BAR, INC.

410 Route 46

South Hackensack, N.J.

P.O. Hackensack,

Holder of Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of South Hackensack.

CONCLUSIONS AND ORDER

Chandless, Weller & Kramer, Esqs., by Ralph W. Chandless, Esq.,
Attorneys for Licensee.
David S. Piltzer, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that in its current application for license it falsely stated that George Turano, its president and 74% stockholder, was a resident of New Jersey whereas in fact he was a resident of New York, in violation of R.S. 33:1-25.

It appears that the unlawful situation has been corrected by sale of all of the corporate stock to a fully qualified purchaser, with resulting divestiture of any interest of George Turano in the licensee corporation.

Absent prior record, the license will be suspended for ten days (Re Golia, Inc., Bulletin 1556, Item 6), with remission of five days for the plea entered, leaving a net suspension of five days.

Accordingly, it is, on this 11th day of October, 1965,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of South Hackensack to Riddle Bar, Inc., for premises 410 Route 46, South Hackensack, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Monday, October 18, 1965, and terminating at 3 a.m. Saturday, October 23, 1965.

JOSEPH P. LORDI
DIRECTOR

7. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1964 to JUNE 30, 1965 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19 (INCLUDING 57 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-19)

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption No. Issued	Fees Paid	Plenary Retail Distribution No. Issued	Fees Paid	Club No. Issued	Fees Paid	Limited Retail Distribution No. Issued	Fees Paid	Seasonal Retail Consumption No. Issued	Fees Paid	Licen- ses Expired	Licen- ses Surren- dered Revoked	Number Licenses in Effect	Total Fees Paid
Atlantic	486	\$ 297,414.99	73	\$ 27,525.00	29	\$ 2,570.00							588	\$ 237,509
Bergen	814	323,994.05	301	90,906.00	147	13,436.42	50	\$ 2,361.50	10	\$ 2,797.50	5	1	1316	433,495
Burlington	198	91,101.88	41	14,360.00	49	6,669.04	1	50.00					289	112,180
Camden	456	225,066.20	84	36,220.61	80	7,859.45			2	900.00	1	2	619	270,046
Cape May	139	78,200.00	13	4,700.00	18	2,200.00							170	85,100
Cumberland	80	34,500.00	15	4,200.00	32	4,250.00							127	42,950
Essex	1302	741,680.00	349	210,650.00	96	13,325.00	26	1,300.00	3	2,250.00	1	1	1774	969,205
Houcester	109	39,540.00	15	3,845.00	22	2,020.00							146	45,405
Hudson	1480	673,514.05	298	122,400.00	81	9,570.97	60	2,550.00					1919	808,035
Hunterdon	79	28,620.00	13	6,210.00	14	1,381.37							106	36,211
Mercer	421	261,461.37	61	25,110.00	58	8,511.49			1	114.21	1	1	539	295,197
Middlesex	633	322,833.63	88	30,370.62	119	10,109.81	4	200.00				1	843	363,514
Monmouth	555	295,046.89	126	45,095.00	63	6,861.06	10	485.00	47	23,550.51	24		777	371,038
Morris	358	145,297.70	106	43,394.00	67	6,372.50	15	750.00	9	2,730.78	5		550	198,544
Ocean	195	108,875.29	49	21,452.00	38	4,500.00							282	134,827
Passaic	851	353,409.00	170	52,700.00	48	5,506.00	7	350.00					1076	411,965
Salem	51	19,892.50	8	1,590.00	19	1,625.00							78	23,107
Somerset	189	89,055.00	45	13,325.00	31	3,550.00							265	105,930
Sussex	163	45,805.00	21	4,260.00	12	655.00	1	50.00	2	450.00		1	198	51,220
Union	550	316,533.00	144	72,076.00	77	9,241.64	29	1,425.00			2		798	399,275
Warren	148	44,560.00	21	5,270.00	30	3,250.00			4	713.40	2		201	53,793
TOTALS	9257	4,446,400.55	2041	835,659.23	1130	123,464.75	203	9,521.50	78	33,506.40	41	7	12661	5,448,552

Bergen 5 CS Exp. 1 CB surr.
Camden 1 CB Can. 1 D Can. 1 CS Exp.
Essex 1 CS Exp. 1 CB Surr

Mercer 1 CS Exp. 1 CB Sur.
Middlesex 1 CB Surr
Monmouth 24 CS Exp.

Morris 5 CS Exp.
Sussex 1 CS Exp.
Union 2 DL Surr.
Warren 2 CS Exp.

Joseph P. Lordi
Director

October 18, 1965

8. RECAPITULATION OF ACTIVITY FOR QUARTERLY PERIOD FROM JULY 1, 1965 THROUGH SEPTEMBER 30, 1965

	<u>JULY</u>	<u>AUGUST</u>	<u>SEPTEMBER</u>	<u>TOTAL</u>
ARRESTS:				
Total number of persons arrested	12	21	18	51
Licenses and employees	5	10	17	32
Bootleggers	7	11	1	19
SEIZURES:				
Motor vehicles - cars	-	-	1	1
- trucks	1	1	-	2
Still - over 50 gallons	1	-	-	1
- 50 gallons or under	-	1	-	1
Alcohol - gallons	6	16	-	22
Mash - gallons	-	125	-	125
Distilled alcoholic beverages - gallons	10.09	5	.58	15.67
Wine - gallons	62	1	4.43	67.43
Brewed malt alcoholic beverages - gallons	10.10	106.82	2.15	119.07
RETAIL LICENSEES:				
Premises inspected	533	629	769	1,931
Premises where alcoholic beverages were gauged	462	525	592	1,579
Bottles gauged	7,034	8,622	9,756	25,412
Premises where violations were found	50	79	82	211
Violations found	57	122	138	317
Unqualified employees	20	68	70	158
Application copy not available	12	12	13	37
Reg. #38 sign not posted	4	13	6	23
Disposal permit necessary	3	9	7	19
Other mercantile business	-	6	10	16
Prohibited signs	1	-	3	4
Improper beer taps	1	-	1	2
Other violations	16	14	28	58
STATE LICENSEES:				
Premises inspected	21	44	16	81
License applications investigated	14	7	7	28
COMPLAINTS:				
Complaints assigned for investigation	393	356	397	1,146
Investigations completed	338	377	377	1,092
Investigations pending	(267)	(216)	204	204
LABORATORY:				
Analyses made	86	135	122	343
Refills from licensed premises - bottles	35	20	63	118
Bottles from unlicensed premises	12	35	4	51
IDENTIFICATION:				
Criminal fingerprint identifications made	5	9	6	20
Persons fingerprinted for non-criminal purposes	516	396	369	1,281
Ident. contacts made with other enforcement agencies	329	239	257	825
Motor vehicle identifications made via N.J. State Police teletype	-	1	-	1
DISCIPLINARY PROCEEDINGS:				
Cases transmitted to municipalities	8	9	11	28
Violations involved	8	11	13	32
Sale during prohibited hours	6	7	6	19
Sales to minors	2	1	5	8
Failure to close prem. during prohibited hours	-	2	2	4
Sale to non-members by club	-	1	-	1
Cases instituted at Division	22*	18*	16	56*
Violations involved	29	22	22	73
Sale during prohibited hours	10	6	4	20
Sales to minors	5	5	5	15
Possessing liquor not truly labeled	4	3	3	10
Fraud in application	1	2	2	5
Sale to intoxicated persons	1	1	1	3
Failure to close premises during prohibited hours	1	1	1	3
Sale below filed price	1	-	1	2
Hindering investigation	1	1	-	2
Permitting gambling on premises	1	-	1	2
Failure to file notice of change in application	1	1	-	2
Beverage Tax Law non-compliance	-	-	2	2
Permitting foul language on premises	1	-	1	2
Fraud and front	-	1	-	1
Permitting hostesses on premises	1	-	-	1
Conducting business as a nuisance	-	-	1	1
Permitting lottery activity on premises	1	-	-	1
Sale to non-members by club	-	1	-	1
Cases brought by municipalities on own initiative and reported to Division	23	14	17	54
Violations involved	29	22	19	70
Sale to minors	12	8	15	35
Sale during prohibited hours	3	4	1	8
Permitting brawl on premises	4	3	-	7
Failure to close premises during prohibited hours	2	1	1	4

*Includes two cancellation proceedings - license improvidently issued to licensee convicted of crime involving moral turpitude and to licensee not U. S. citizen.

	<u>JULY</u>	<u>AUGUST</u>	<u>SEPTEMBER</u>	<u>TOTAL</u>
DISCIPLINARY PROCEEDINGS (Continued)				
Cases brought by municipalities on own initiative and reported to Division (Continued)				
Hindering investigation	1	2	1	4
Failure to afford view into prem. dur. prohibited hours	-	1	1	2
Permitting gambling on premises	2	-	-	2
Permitting minors to congregate on prem. (local reg.)	-	1	-	1
Permitting lottery on premises	1	-	-	1
Licensee working while intoxicated	1	-	-	1
Permitting unlawful activity on premises	1	-	-	1
Fraud in application	1	-	-	1
Unqualified employee	1	1	-	2
Employment w/o ident. card (local reg)	-	1	-	1
HEARINGS HELD AT DIVISION:				
Total number of hearings held	37	37	48	122
Appeals	9	1	3	13
Disciplinary proceedings	15	29	29	73
Eligibility	7	4	11	22
Seizures	5	2	3	10
Tax revocations	-	-	2	2
On petition	1	1	-	2
STATE LICENSES AND PERMITS ISSUED:				
Total number issued	2,395	1,483	1,453	5,531
Licenses	685	5	2	692
Solicitors' permits	44	65	39	148
Employment permits	559	365	396	1,320
Disposal permits	93	136	81	310
Social affair permits	427	428	522	1,377
Miscellaneous permits	297	131	216	644
Transit insignia	247	332	178	757
Transit certificates	43	21	19	83
OFFICE OF AMUSEMENT GAMES CONTROL:				
Licenses issued	19	1	-	20
State Fair licenses	28	136	165	329
Premises inspected	437	386	373	1,196
Premises where violations were found	110	43	68	221
Number of violations found	125	46	51	222
Enforcement files established	126	47	55	228
Disciplinary proceedings instituted at Division	8	8	-	16
Violations involved	12	11	-	23
Operating controlled game	8	6	-	14
Non-registered employees	3	-	-	3
Deceptive practices	1	2	-	3
Fraud and front	-	1	-	1
Redemption of prize for money	-	1	-	1
Redemption for prize other than merchandise	-	1	-	1

JOSEPH P. LORDI
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: October 20, 1965

9. DISQUALIFICATION REMOVAL PROCEEDINGS - UNLAWFULLY TRANSFERRING REVOLVER - CONVICTION HELD NOT TO INVOLVE MORAL TURPITUDE UNDER FACTS AND CIRCUMSTANCES.

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

Case No. 1952)

BY THE DIRECTOR:

Petitioner's criminal record discloses that on June 13, 1947, he was convicted in the Cumberland County Court for unlawfully transferring a revolver to one A. H. without first notifying the police authorities, in violation of R.S. 2:176-4 (now N.J.S. 2A:151-4), as a result thereof was fined \$50.00.

On August 22, 1952, petitioner was convicted in a local magistrate's court for disorderly conduct and was fined \$25.00.

The crime of selling, giving or transferring to another a pistol, revolver or other firearm of a size capable of being concealed upon the person by the lawful possessor thereof, without first notifying police authorities, may or may not involve moral turpitude. When the crime stands alone, unattended by other crimes, and the owner of the weapon had no reason to believe that the recipient intended to use the same to commit a crime, it does not, in the opinion of the Director, ordinarily involve moral turpitude.

A conviction for disorderly conduct is not a conviction of a crime.

A report received by this Division discloses that A. H. (transferee named in indictment) and another person were arrested by local police for possession of a revolver (unloaded); that A. H. had obtained the revolver in an exchange of pistols with petitioner. Petitioner, upon being questioned by the local police, stated that he had received the revolver, used in the aforesaid trade from L. H., a friend. L. H. denied this. A fourth individual stated that petitioner inquired of him where he could obtain a gun and that he recommended L. H. as such individual, and that no mention was made of a revolver.

In a statement given to the police on March 22, 1947, petitioner stated that L. H. gave him the revolver in question to purchase some cartridges for it; that he brought the pistol to his home; that he then made a temporary exchange of revolvers with A. H. and put the one he received in trade in the home of H. E. where it was recovered by the police.

At the hearing held herein, petitioner (39 years old) substantially verified his aforesaid statement and the aforesaid report, and further testified that none of the revolvers were loaded; that he did not obtain any cartridges for the pistols; that he had no intention of committing any crime with the revolver; that he had no reason to believe that A. H. had intended to use the revolver to commit a crime and that A. H., if he were so inclined, could have used his own weapon for such use.

Having considered petitioner's record, I am satisfied that he has never been convicted of a crime involving moral

turpitude. Under the circumstances, petitioner, if otherwise fully qualified, is not ineligible to be associated with the alcoholic beverage industry in this State because of his aforesaid record.

Dated: October 15, 1965

JOSEPH P. LORDI
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAPS - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

G & E ENTERPRISES, INC.
t/a GALLAGHER'S BAR)
332 S. White Horse Pike)
Magnolia, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenar Retail Consumption)
License C-2, issued by the Mayor)
and Borough Council of the Borough)
of Magnolia.)

Licensee, by James J. Gallagher, President, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:


Licensee pleads non vult to a charge alleging that on September 14, 1965, it permitted mislabeled beer taps on the licensed premises, in violation of Rule 26 of State Regulation No. 20.

Report of inspection discloses that two beer taps marked "Schmidt's" were connected to a barrel of Piel's beer, apparently deliberately.

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 Beun, Bulletin 1565, Item 8.

Accordingly, it is, on this 18th day of October, 1965,

ORDERED that Plenary Retail Consumption License C-2, issued by the Mayor and Borough Council of the Borough of Magnolia to G & E Enterprises, Inc., t/a Gallagher's Bar, for premises 332 S. White Horse Pike, Magnolia, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, October 25, 1965, and terminating at 2:00 a.m. Saturday, October 30, 1965.


Joseph P. Lordi
Director

New Jersey State Library