

STATE OF NEW JERSEY  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark, 2, N. J.

BULLETIN 721

JULY 25, 1946.

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Newark) - ILLICIT LIQUOR - PREVIOUS RECORD - LICENSE SUSPENDED FOR A PERIOD OF 40 DAYS.
2. SEIZURE - FORFEITURE PROCEEDINGS - WINE PRESS, BOOTLEG WHISKEY, WINE MANUFACTURED PURSUANT TO SPECIAL PERMIT AND OTHER ALCOHOLIC BEVERAGES LOCATED IN GROCERY STORE AND CELLAR ORDERED FORFEITED - OWNER FAILED TO ESTABLISH "GOOD FAITH" AND THAT THE VIOLATION WAS UNWITTING.
3. SEIZURE - FORFEITURE PROCEEDINGS - ALCOHOLIC BEVERAGES, JUKE BOX, FURNITURE AND FIXTURES IN SPEAKEASY LOCATED IN PRIVATE RESIDENCE ORDERED FORFEITED - APPLICANTS FOR RETURN OF JUKE BOX AND FURNITURE FAILED TO ESTABLISH "GOOD FAITH" AND THAT THE LAW WAS UNKNOWINGLY VIOLATED.
4. DISCIPLINARY PROCEEDINGS (Newark) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR A PERIOD OF 15 DAYS.
5. DISCIPLINARY PROCEEDINGS (Newark) - ILLICIT LIQUOR - PREVIOUS RECORD - LICENSE SUSPENDED FOR A PERIOD OF 20 DAYS.
6. DISCIPLINARY PROCEEDINGS (Greenwich Township) - ILLICIT LIQUOR - PREVIOUS RECORD - LICENSE SUSPENDED FOR A PERIOD OF 20 DAYS.
7. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FOR THE FISCAL YEAR 1945-46.
8. DISCIPLINARY PROCEEDINGS (Lakewood) - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR A PERIOD OF 30 DAYS.
9. DISCIPLINARY PROCEEDINGS (Newark) - ILLICIT LIQUOR - AGGRAVATING CIRCUMSTANCES - PREVIOUS RECORD - LICENSE SUSPENDED FOR A PERIOD OF 65 DAYS.
10. STATE LICENSES - NEW APPLICATIONS FILED.
11. DISCIPLINARY PROCEEDINGS (Irvington) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR A PERIOD OF 15 DAYS.

STATE OF NEW JERSEY  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark, 2, N. J.

BULLETIN 721

JULY 25, 1946.

1. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PREVIOUS RECORD -  
LICENSE SUSPENDED FOR A PERIOD OF 40 DAYS.

In the Matter of Disciplinary Proceedings against )

ELLBEE, INC. )  
459 Broad St. and 67 Orange St. )  
Newark 2, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-653 for the 1945-46 and 1946-47 fiscal years, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )  
----- )

Paul C. Gorneman, Esq., Attorney for Defendant-licensee.  
Anthony Meyer, Jr., Esq., appearing for Department of Alcoholic Beverage Control.

The defendant, through its attorney, pleaded non vult to a charge alleging that it possessed five 4/5 quart bottles labeled "Schenley Reserve Blended Whiskey", the contents of which were not genuine as labeled, in violation of R. S. 33:1-50.

On May 9, 1946, an inspector employed by the Alcohol Tax Unit Internal Revenue Service tested forty open bottles of liquor on defendant's premises and seized the bottles mentioned in the charge when preliminary tests disclosed that the contents thereof were not genuine as labeled. Subsequent analysis by a chemist employed by the Federal Department confirmed the fact that the contents of the seized bottles were not genuine as labeled.

Samuel Bergman, Vice-President of defendant corporation, denied any knowledge of the violation. Nevertheless, a licensee is strictly accountable for any refills found in its stock of liquor. Re Kurian, Bulletin 517, Item 2.

Defendant has a previous record for a similar violation. Its license was suspended for ten days, effective September 7, 1943, after pleading non vult to having in its possession five bottles of illicit whiskey. Re Ellbee, Bulletin 583, Item 6. Under the circumstances, I shall suspend defendant's license for a period of forty days. Re Vitrone, Bulletin 688, Item 7.

Although this proceeding was instituted during the 1945-46 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1946-47. State Regulations No. 16.

Accordingly, it is, on this 18th day of July, 1946,

ORDERED, that Plenary Retail Consumption License C-653, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Ellbee, Inc., for premises 459 Broad Street and 67 Orange Street, Newark, be and the same is hereby suspended for a period of forty (40) days, commencing at 2:00 a.m. July 22, 1946, and terminating at 2:00 a.m. August 31, 1946.

ERWIN B. HOCK  
Deputy Commissioner.

2. SEIZURE - FORFEITURE PROCEEDINGS - WINE PRESS, BOOTLEG WHISKEY, WINE MANUFACTURED PURSUANT TO SPECIAL PERMIT AND OTHER ALCOHOLIC BEVERAGES LOCATED IN GROCERY STORE AND CELLAR ORDERED FORFEITED - OWNER FAILED TO ESTABLISH "GOOD FAITH" AND THAT THE VIOLATION WAS UNWITTING.

In the Matter of the Seizure on	)	Case No. 6937
January 2, 1946 of a quantity of	)	
wine and other alcoholic beverages	)	
and personal property at 501 Market	)	ON HEARING
Street, in the City of Newark,	)	CONCLUSIONS AND ORDER
County of Essex and State of New	)	
Jersey.	)	

I. Arthur Levy, Esq., Attorney for Maria Jose Fonseca.  
Harry Castelbaum, Esq., appearing for the Department of Alcoholic Beverage Control.

This matter has been heard pursuant to the provisions of Title 33, Chapter 1 of the Revised Statutes, to determine whether a quantity of wine, other alcoholic beverages and personal property, described in a schedule attached hereto, seized on January 2, 1946, at 501 Market Street, Newark, N. J., constitute unlawful property and should be forfeited.

The seizure occurred in a grocery and butcher shop operated by Mrs. Maria Jose Fonseca at the above address while ABC agents were checking a specific complaint that alcoholic beverages were being sold there unlawfully.

Sixty-seven bottles of beer were on the floor near a refrigerator in the store. Eleven 1-gallon bottles of wine and one pint bottle of whiskey were behind the grocery counter. One 4/5 quart bottle of whiskey was in an office adjacent to the grocery department. One 4/5 quart bottle of whiskey was on the grocery counter. Two bottles of whiskey, one of which, labeled "Golden Wedding Whiskey", contained colored whiskey, were on the kitchen table. One gallon glass jug of colored whiskey, without a tax stamp or label, was in a kitchen closet. A half dozen or so wine and whiskey glasses were in the kitchen. Forty-seven empty beer bottles, some in bags and others loose, were in various parts of the store. Thirty-four one-gallon glass jugs of wine, thirty-four 4/5 quart bottles of wine, four fifty-gallon barrels with wine and two barrels, each with about ten gallons of wine, were in the cellar, as well as a wine press. Eighty-one empty 1-gallon glass jugs, six empty 1/2 gallon glass bottles and sixty-one empty 4/5 quart bottles were also in the cellar.

The ABC agents questioned Mrs. Fonseca concerning the contents of the gallon glass jug and the bottle labeled "Golden Wedding" because, from the odor, they suspected that it was bootleg alcohol. Mrs. Fonseca told them that it was alcohol with which she washed glasses.

In view of the complaint and the discovery of the untaxed alcohol, the agents seized all of the items hereinbefore described.

The alcohol in the two questionable containers was tested by the Department's chemist, who testified that it was alcohol, water and caramel coloring, having an alcoholic content by volume of 41.30. He identified it as home made bootleg whiskey.

Mrs. Fonseca testified that the gallon glass jug had been full when she received it some time ago from a friend, and that she had poured part of its contents into the "Golden Wedding" bottle.

The home made whiskey in these two containers is prima facie illicit because the gallon glass jug did not bear any tax stamp or

other indicia of tax payment and the "Golden Wedding" label did not truly describe the alcoholic contents of the bottle. R.S. 33:1-88.

Mrs. Fonseca's claim that she used the colored alcoholic beverages as a "disinfectant" to wash glasses and bottles is plainly absurd. It may be well to point out that Mr. and Mrs. Fonseca acknowledge that Mr. Fonseca was convicted in 1935 in a Newark police court and paid a fine of \$50.00 for possessing a jug of bootleg gin in his living quarters at the same premises. Mr. Fonseca testified that he bought this gin from some strange man. Certainly, with this experience, Mr. and Mrs. Fonseca must have known that it was unlawful to possess the untaxed home made whiskey found in the instant case, no matter for what purpose it was intended.

The home made whiskey is illicit. R. S. 33:1-1(i). Under R.S. 33:1-1(y), R. S. 33:1-66, illicit alcoholic beverages and all personal property, including any other alcoholic beverages found therewith in the building, are subject to seizure and forfeiture. This is a well-deserved penalty in the instant case because of the general atmosphere of unlawful alcoholic beverage activity in the case.

Mr. and Mrs. Fonseca held permits issued by this Department to manufacture wine for home consumption from 1941 through December 1945. Wine manufactured pursuant to these permits is strictly for personal consumption in the home and may not be sold.

The FONSECAS' living quarters, including a kitchen, are on the second floor of the premises. There is also a kitchen in the rear of the store on the first floor. The FONSECAS entertain their guests and have some meals on the second floor. Nevertheless, there was little, if any, wine or other alcoholic beverages in their living quarters. Instead, as already described, wine, whiskey and beer were in the most odd places throughout the store. Under these circumstances, the claim by the FONSECAS that all of these alcoholic beverages were there for their personal consumption is not convincing.

A most logical and fair inference from these facts and the further fact that they had such a large number of empty containers for wine, some actually used for that purpose, is that the alcoholic beverages were in the store so that they would be easily available for sale. Cf. Re Seizure Case No. 6800, Bulletin 670, Item 4.

Even if there is no better than a suspicion that the FONSECAS intended to sell the wine and other alcoholic beverages, nevertheless it is sufficient to justify my refusal to return any part of the seized property because I cannot conscientiously find that Mr. and Mrs. Fonseca acted in good faith and unknowingly violated the law. R. S. 33:1-66(e) and (f).

Accordingly, it is DETERMINED and ORDERED that the seized property, more fully described in Schedule "A" attached hereto, constitutes unlawful property, and that the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66, and that it be retained for the use of hospitals and State, county and municipal institutions, or destroyed in whole or in part at the direction of the State Commissioner of Alcoholic Beverage Control.

ERWIN B. HOCK  
Deputy Commissioner.

Dated: July 22, 1946.

SCHEDULE "A"

- 4 - 50-gallon barrels of wine
- 1 - barrel with about 10 gallons of wine
- 45 - 1-gallon jugs of wine
- 34 - 4/5 quart bottles of wine
- 1 - 10-gallon barrel of wine
- 6 - bottles of whiskey
- 67 - bottles of Ruppert Beer
- 81 - empty glass jugs
- 114 - empty bottles
- 1 - wine crusher with electric motor  
wine press parts

3. SEIZURE - FORFEITURE PROCEEDINGS - ALCOHOLIC BEVERAGES, JUKE BOX, FURNITURE AND FIXTURES IN SPEAKEASY LOCATED IN PRIVATE RESIDENCE ORDERED FORFEITED - APPLICANTS FOR RETURN OF JUKE BOX AND FURNITURE FAILED TO ESTABLISH "GOOD FAITH" AND THAT THE LAW WAS UNKNOWINGLY VIOLATED.

In the Matter of the Seizure on )	Case No. 6981
May 12, 1946 of a quantity of )	
alcoholic beverages, a music )	
machine, furniture and fixtures, at )	ON HEARING
98 William Street, in the City of )	CONCLUSIONS AND ORDER
Englewood, County of Bergen and )	
State of New Jersey. )	

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Irving Dincin, Esq., Attorney for Automatic Music Co., Inc. and Mary J. Covington.  
 Harry Castelbaum, Esq., appearing for the Department of Alcoholic Beverage Control.

This matter has been heard pursuant to the provisions of Title 33, Chapter 1 of the Revised Statutes, to determine whether a quantity of alcoholic beverages, a music machine and furniture and fixtures, described in a schedule attached hereto, seized on May 12, 1946 at 98 William Street, Englewood, N. J., constitute unlawful property and should be forfeited.

On Sunday, April 28, 1946, an ABC agent, on checking a complaint that the place was a speakeasy, purchased two glasses of whiskey and a bottle of beer from Talulah Williams at the premises. On May 5, 1946, the same agent returned and there again purchased a drink of whiskey and a bottle of beer from Talulah Williams.

On May 12, 1946, ABC agents executed a search warrant for the premises based upon the aforesaid sales of alcoholic beverages by Talulah Williams, who did not hold any license authorizing her to sell or serve alcoholic beverages.

The place was a private residence on the second floor of the building, comprising a living room, kitchen, dining room and two bedrooms. The agents found and seized a number of bottles of beer in a Coca Cola cooler in the kitchen, other bottles of beer in a pantry, two bottles of "Seagram's Whiskey" in a bedroom, three bottles of whiskey and four gallon jugs of wine in another bedroom, and thirteen cases of beer in a locked compartment in the cellar, for which they obtained a key in Mrs. Williams' kitchen. A music machine and wicker furniture and lamps in the living room, and the cooler, were also seized.

Five persons besides Mrs. Williams were in her apartment at the time, one of whom was in the living room with a bottle of beer in front of him. Mrs. Williams was arrested on charge of selling alcoholic beverages without a license and possession of alcoholic beverages with intent to sell the same unlawfully. She has since pleaded guilty to the allegation that she committed these offenses on May 5, 1946.

The evidence establishes that the seized alcoholic beverages were intended for sale and, hence, are illicit. Such illicit alcoholic beverages, together with the music machine and coins therein, and the furniture and other personal property seized therewith in Mrs. Williams' apartment, constitute unlawful property and are subject to forfeiture. R. S. 33:1-1(i) and (y), R. S. 33:1-2, R. S. 33:1-66.

When the matter came on for hearing pursuant to R.S. 33:1-66, counsel entered an appearance for Automatic Music Co., Inc., which sought return of the music machine, and for Mary J. Covington, who sought return of the wicker furniture. No one opposed forfeiture of the other seized property.

Theodore Sutter, employed as manager by the music company (which is a family corporation with his wife controlling stockholder of record), testified that some time in 1939 or 1940 someone told him that Mrs. Williams' apartment was a good location for a machine and he installed the machine in question there. He says that he was at Mrs. Williams' apartment to service the machine perhaps ten times during the six years the machine was there.

Mr. Sutter further testified that the music company has about ninety-seven machines, placed in commercial establishments such as taverns, ice cream parlors or candy stores; that the seized machine is the only one which it had in a private home.

Mr. Sutter describes the kitchen as being a little larger than eight feet by ten feet, in which was located a large Coca Cola cooler of the type usually found in confectionery stores. The living room, in which the music machine was found, was smaller than the kitchen and could accommodate less than five or six people. The machine was in the living room for two or three years, prior to which it was on a veranda or closed porch somewhat larger than the living room.

Although Mr. Sutter claims that at one time or another he was of the impression that Mrs. Williams was serving dinners at the place, he did not observe anything to indicate that it was a restaurant or that Mrs. Williams served meals there for pay.

The music company did not make any investigation whatsoever of Mrs. Williams' character or background before installing the machine, nor make any inquiry concerning her activities during the six years that the machine was there. The current collection record of the company discloses that from March 5, 1945 to May 10, 1946 periodic collections from \$16.00 to \$46.00 were taken from the machine, the gross income amounting to over \$322.00 for an approximate fourteen-month period. When asked what kind of activities he thought were being carried on at the premises to account for this income, Sutter stated that he thought Mrs. Williams was operating a restaurant, although he admitted that there was nothing to indicate that it was in fact a restaurant. On the contrary, Sutter said that it did not appear to be other than a private residence.

It is clear that the music machine company was merely interested in the profits it derived from the machine. It did not give any thought, or perhaps care, as to what activities were carried on in Mrs. Williams' apartment or make any effort to ascertain what was

going on there. I have repeatedly said that when a music machine company places a music machine in a private home for an extended period of time and exhibits such an attitude, its machine will not be returned. Re Seizure Case No. 6875, Bulletin 716, Item 3; Re Seizure Case No. 6950, Bulletin 719, Item 6. I will follow this course in the instant case, and hence deny the application of the Automatic Music Co., Inc. for return of the machine.

Mary J. Covington, who resides with her daughter Mrs. Talula Williams at the premises, seeks return of the wicker furniture and table lamps on claim that she is the owner of such furniture and forfeiture thereof will impose an undue hardship upon her.

Mrs. Covington has resided with her daughter for over five years and says that she purchased the furniture about two years ago. She has no bill for such furniture and cannot identify the place where she bought it. She did not bring any furniture to her daughter's home when she took up her residence there and claims that she bought this particular furniture to entertain fellow church members when they came to visit. Mrs. Williams testified that she supports herself and her mother. When asked why she permitted her elderly mother to buy the furniture, the only answer she gave was, "I used my money to pay the rent and insurance and stuff for myself and her. She used her money to get some furniture for the house."

It is not necessary, however, for me to determine whether the furniture was actually purchased by the daughter or the mother.

Mrs. Covington swore that during the five years that she has resided with her daughter she never observed anyone there selling alcoholic beverages, had no reason to suspect that such was the case, and did not at any time observe anyone in the apartment drinking beer or whiskey. Her attention was called to the fact that her daughter claimed that on Sunday morning, May 5th, at 10:00 a.m., the ABC agent was there with some other friends, and that a roomer in the apartment gave them some beer. Mrs. Covington disclaimed any knowledge of this incident. She at first denied but later admitted that she saw the large Coca Cola cooler in the kitchen. When pressed to tell whether she knew what was kept in this cooler, she answered, "Ask those what put it in there, don't ask me." On the other hand, Mrs. Williams testified that her mother knew she kept beer in the house and that her mother observed her serving beer to friends.

It is thus readily apparent that Mrs. Covington knew or should have known that her daughter was carrying on speakeasy activities at the premises. Her pretense that she did not even know that beer or other alcoholic beverages were in the apartment does not display the full and frank disclosure and candor which is expected of persons who seek to recover property subject to forfeiture by establishing that they acted in good faith and had no knowledge that the Alcoholic Beverage Law was being violated. R.S. 33:1-66(e) and (f). Hence, Mrs. Covington's request for the return of the furniture is denied.

Accordingly, it is DETERMINED and ORDERED that the seized property, more fully described in Schedule "A" attached hereto, including the coins in the music machine, constitutes unlawful property, and that the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and that it be retained for the use of hospitals and State, county and municipal institutions, or destroyed in whole or in part at the direction of the State Commissioner of Alcoholic Beverage Control.

ERWIN B. HOCK  
Deputy Commissioner.

Dated: July 22, 1946.

SCHEDULE "A"

- 460 - bottles of beer
- 5 - bottles of whiskey
- 5 - jugs of wine
- 1 - music machine and coins therein
- 1 - Coca Cola ice cooler
- 7 - glasses
- 3 - tables, 2 chairs and two table lamps

4. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR A PERIOD OF 15 DAYS.

In the Matter of Disciplinary Proceedings against )  
 JACOB NEWMAN )  
 171 Howard Street )  
 Newark 3, N. J., )  
 Holder of Plenary Retail Consumption License C-165, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

CONCLUSIONS AND ORDER

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 Saul C. Schutzman, Esq., Attorney for Defendant-licensee.  
 Harry Castelbaum, Esq., appearing for Department of Alcoholic Beverage Control.

The defendant pleaded guilty to a charge alleging that, on May 24, 1946, he possessed a 4/5 quart bottle of "Johnny Walker Black Label Scotch" and a 4/5 quart bottle of "Black & White Blended Scotch", both of which bottles contained alcoholic beverages not genuine as labeled, in violation of R. S. 33:1-50.

On May 24, 1946, a Federal ATU agent tested the defendant's open stock of seventeen liquor bottles and seized the two in question. Both bottles were found to have been refilled upon analysis by the Federal chemist.

The defendant's lack of personal participation in the violation constitutes no defense. Re Kurian, Bulletin 517, Item 2.

The usual fifteen-day penalty will be imposed. Re Nurse, Bulletin 680, Item 7.

Accordingly, it is, on this 23rd day of July, 1946,

ORDERED, that Plenary Retail Consumption License C-165, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Jacob Newman, for premises 171 Howard Street, Newark, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. July 29, 1946 and terminating at 2:00 a.m. August 13, 1946.

ERWIN B. HOCK  
 Deputy Commissioner.

5. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PREVIOUS RECORD - LICENSE SUSPENDED FOR A PERIOD OF 20 DAYS.

In the Matter of Disciplinary Proceedings against )

EMANUEL & PEARL FRIEDFELD )  
192 Wilson Avenue )  
Newark 5, N. J., )

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-792 for the fiscal years 1945-46 and 1946-47, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )  
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Emanuel and Pearl Friedfeld, Defendant-licensee, Pro se.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises a 4/5 quart bottle labeled "Three Feathers Blended Whiskey Reserve", which contained an alcoholic beverage not genuine as labeled in violation of R. S. 33:1-50.

On Sunday morning, May 19, 1946, two municipal police officers, while making a routine inspection of licensed premises, observed defendant, Emanuel Friedfeld, pouring whiskey from a Schenley Reserve bottle into a bottle labeled "Three Feathers Blended Whiskey Reserve". Defendant, Emanuel Friedfeld, admitted the above violation.

Records of this Department disclose that defendants, Emanuel Friedfeld and Pearl Friedfeld, were president and vice-president, respectively, of the S. & F. Tavern, Inc., whose license was transferred to the present partnership on September 9, 1945. The license of S. & F. Tavern, Inc., however, was suspended by the municipal issuing authority for three days, effective September 20, 1943, as a result of permitting a female to tend bar in violation of a local ordinance.

Under the circumstances, I shall suspend the defendants' license for a period of twenty days.

Although this proceeding was instituted during the 1945-46 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1946-47. State Regulations No. 16.

Accordingly, it is, on this 23rd day of July, 1946,

ORDERED, that Plenary Retail Consumption License C-792, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Emanuel and Pearl Friedfeld, for premises 192 Wilson Avenue, Newark, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. July 30, 1946, and terminating at 2:00 a.m. August 19, 1946.

ERWIN B. HOCK  
Deputy Commissioner.

6. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PREVIOUS RECORD - LICENSE SUSPENDED FOR A PERIOD OF 20 DAYS.

In the Matter of Disciplinary Proceedings against )  
 )  
 PIETERO PARZANESE )  
 T/a NEW PALM GARDEN )  
 Rt. 22-28 St. Highway )  
 Greenwich Township )  
 P. O. Stewartsville, R.D. 1, N.J., )  
 )  
 Holder of Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Greenwich. )  
 ----- )

CONCLUSIONS AND ORDER

Anthony Giuliano, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

The defendant pleaded non vult to a charge alleging that, on June 14, 1946, he possessed two 4/5 quart bottles of "Canadian Club Blended Canadian Whisky", both of which bottles contained alcoholic beverages not genuine as labeled, in violation of R. S. 33:1-50.

The two bottles in question were part of the defendant's open stock of thirty-nine liquor bottles tested by an ABC agent on June 14, 1946. Upon chemical analysis, it was found that both bottles contained alcoholic beverages differing substantially from a genuine sample of the same product.

The defendant's previous record includes a net forty-day suspension for sales to minors. See Bulletin 648, Item 1. The usual fifteen-day penalty for the instant violation will, therefore, be increased to twenty days.

Accordingly, it is, on this 23rd day of July, 1946,

ORDERED, that Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Greenwich to Pietero Parzanese, t/a New Palm Garden, for premises on Rt. 22-28 State Highway, Greenwich Township, be and the same is hereby suspended for a period of twenty (20) days, commencing at 12:01 a.m. July 29, 1946, and terminating at 12:01 a.m. August 18, 1946.

ERWIN B. HOCK  
Deputy Commissioner.

## 71 RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FOR THE FISCAL YEAR 1945-46

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Total
	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
<b>ARRESTS:</b>													
Licenses and employees		9		7			13			6			35
Bootleggers	51			37			21			42			151
Personating an ABC officer	0			2			0			0			2
Procuring illicit alcoholic beverages in speakeasy	0			0			8			0			8
Total number of persons arrested	60			46			42			48			196
<b>SEIZURES:</b>													
Total number of stills seized	3			7			1			7			18
Total number of motor vehicles seized	11			1			3			4			19
Alcohol - gallons	40			4.30			.25			117.22			161.77
Brewed malt alcoholic beverages (beer, ale, etc.) - gallons	586.61			1898.25			78.80			166.14			2729.80
Wine - gallons	16.60			2197.25			805.00			293.86			3312.71
Distilled alcoholic beverages (whiskey, brandy, etc.) - gallons	88.27			7			145.10			123.76			364.13
Mash - gallons	0			11975			0			461.6			12436.60
<b>RETAIL LICENSEES:</b>													
Total number of premises inspected	3068			3141			3460			2989			12658
Total number of premises where alcoholic beverages were gauged	3068			2334			2152			2282			9816
Total number of bottles gauged	31491			31784			31565			33066			127906
Total number of premises where violations were found	217			164			369			224			974
Total number of violations found	341			222			528			285			1376
<b>Type of violations found:</b>													
Illicit liquor - bottles	81			55			142			63			341
Unqualified employees	112			65			65			67			309
No sign denoting legal sale hours - off-premises consumption	36			33			66			58			193
Prohibited signs	1			3			128			18			150
Stock disposal permits necessary	29			23			24			12			88
Price pamphlet not displayed	0			0			17			44			61
Gambling devices	46			7			3			0			56
"Fronts" (concealed ownership)	9			15			12			1			37
Other mercantile business	0			0			8			10			18
Improper beer tap markers	9			1			1			1			12
Other types of violations	18			20			62			11			111
<b>STATE LICENSEES:</b>													
Premises inspected	37			43			27			14			118
License applications investigated	60			60			72			812			1004
<b>COMPLAINTS:</b>													
Investigated, reviewed and closed	804			822			1097			933			3656
Investigation assigned, not yet completed	---			---			---			---			128*
<b>LABORATORY:</b>													
Analyses made	361			400			457			443			1661
"Shake-up" cases (alcohol, water and artificial coloring)	30			29			30			34			123
Liquor found to be not genuine as labeled - bottles	78			65			110			101			354
<b>IDENTIFICATION BUREAU:</b>													
Criminal fingerprint identifications made	56			57			39			38			190
Persons fingerprinted for non-criminal purposes	786			612			587			457			2442
Identification contacts with other enforcement agencies	875			698			580			551			2704
Motor vehicle identifications via N.J.State Police Teletype	20			25			38			24			107

\*Pending at end of fiscal year

1st Quarter      2nd Quarter      3rd Quarter      4th Quarter  
Jul. Aug. Sept.    Oct. Nov. Dec.    Jan. Feb. Mar.    Apr. May June      Total

DISCIPLINARY PROCEEDINGS INSTITUTED:

Cases transmitted to municipalities	48	45	64	37	194
<u>Violations involved:</u>					
Sale to minors	15	9	28	17	69
Sale during prohibited hours	10	18	18	11	57
Bookmaking on premises	5	2	8	1	16
Sale to intoxicated persons	2	4	6	1	13
Unqualified employees	4	3	1	2	10
Mislabeled beer tap	6	3	0	1	10
Brawls	2	2	2	3	9
Sale to non-members by clubs	3	1	2	2	8
Fraud in application	3	2	1	1	7
Sale outside scope of license	2	4	0	0	6
Hostesses	1	0	2	2	5
Gambling	1	1	2	1	5
Lewdness	0	2	1	1	4
Prostitutes	0	1	1	1	3
Hindering investigation	0	0	2	0	2
Licensee working while drunk	0	1	0	1	2
Service to women at bar	2	0	0	0	2
Slot machines	1	1	0	0	2
Failure to post "hours" signs	0	0	1	0	1
Club sale for off premises consumption	0	0	1	0	1
Inadequate view into premises during closing hours	0	1	0	0	1
Noise	1	0	0	0	1
Numbers writing	0	1	0	0	1

Cases instituted by Department	62	63	74	58	
Supplemental charges	0	0	2	0	2

<u>Violations involved:</u>					
Illicit liquor	31	25	38	31	125
Fraud and front	12	8	16	12	48
Sale during prohibited hours	5	10	6	6	27
Sale to minors	6	11	5	3	25
Sale under Fair Trade price	4	6	4	0	14
Unqualified employee	3	3	2	2	10
Tie-in sales	0	0	6	0	6
Sale outside scope of license	4	2	0	0	6
Lewdness	1	2	2	0	5
Sale on Election Day	0	0	0	4	4
Purchase from improper source	2	0	0	1	3
Bookmaking	1	2	0	0	3
Business conducted as nuisance	0	3	0	0	3
Hindering investigation	1	2	0	0	3
Improper bottling by retailer	1	2	0	0	3
Slot machines	2	1	0	0	3
Act occurring after issuance of license which, if occurring before, would have prevented such issuance	0	0	2	0	2
Gambling	0	0	1	1	2
Women served at bar	0	0	0	2	2
Brawls	1	1	0	0	2
Hostesses	1	1	0	0	2
Numbers writing	1	1	0	0	2
Act or happening	0	0	0	1	1
Off-premises sale	0	0	0	1	1
Sale by minor permittee	0	0	1	0	1
Club lacking requisite quarters for three years	0	0	1	0	1
Obscene pictures	0	0	1	0	1
Contraceptives	0	1	0	0	1
Improper advertising	0	1	0	0	1
Inadequate view into premises during closing hours	0	1	0	0	1
Offering discount	0	1	0	0	1
Prostitutes	0	1	0	0	1
Sale to intoxicated persons	1	0	0	0	1
Sale to non-members by clubs	0	1	0	0	1
Unlabeled beer taps	0	1	0	0	1

Cases brought by municipalities on own initiative and reported to Department	20	23	18	12	73
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<u>Violations involved:</u>					
Sale to minors	8	10	5	7	30
Brawls	4	5	10	3	22
Sale during prohibited hours	2	4	2	1	9
Sale to intoxicated persons	0	3	3	0	6
Fraud in application	1	2	1	0	4
Gambling	2	2	0	0	4
Unqualified employee	1	2	0	0	3
Hindering investigation	0	0	0	2	2

	1st Quarter		2nd Quarter		3rd Quarter		Apr. May June	Total
	Jul. Aug. Sept.	Oct. Nov. Dec.	Jan. Feb. Mar.					
<u>DISCIPLINARY PROCEEDINGS INSTITUTED: (CONT'D)</u>								
<u>Cases brought by municipalities on own initiative and reported to Department - Cont'd</u>								
<u>Violations involved: - Cont'd</u>								
<u>Inadequate view into premises</u>								
during closing hours	0	1	0				1	2
Sale to non-members by club	0	1	0				1	2
Noise	2	0	0				0	2
Bookmaking on premises	0	0	1				0	1
Immoral activity	0	0	0				1	1
Act occurring after issuance of license which, if occurring before, would have prevented such issuance	0	1	0				0	1
Prostitutes	0	1	0				0	1
Serving women on premises	1	0	0				0	1
Known criminals on premises	0	1	0				0	1
<u>CANCELLATION PROCEEDINGS INSTITUTED</u>	1	1	7				1	10
<u>Violations involved:</u>								
Tie-in sales	0	0	6				0	6
Fraud and front	0	0	1				1	2
Issuing license to non-resident	1	0	0				0	1
Premises within 200 feet of church	0	1	0				0	1
<u>HEARINGS HELD AT DEPARTMENT</u>	112	165	151				176	604
Appeals	26	37	28				46	137
Applications for license	2	9	10				16	37
Disciplinary proceedings	46	73	79				68	266
Eligibility	30	31	24				27	112
Seizures	8	14	8				18	48
Tax revocations	0	1	2				1	4
<u>PERMITS ISSUED</u>								
Total number of permits issued	6289	3741	2456				2046	14532
Disposal of alcoholic beverages	488	438	550				553	2029
Home manufacture of wine	102	1614	120				1	1837
Social affairs	666	654	690				712	2722
Solicitors	2053	364	389				159	2965
Unqualified employees	2250	421	387				258	3316
Miscellaneous permits	730	250	320				363	1663

ERWIN B. HOCK  
Deputy Commissioner

8. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR A PERIOD OF 30 DAYS.

In the Matter of Disciplinary Proceedings against )

JACK ALTMAN )  
T/a ALTMAN'S PHARMACY )  
200 Clifton Avenue )  
Lakewood, N. J., )

Holder of Plenary Retail Distribution License D-6 for the fiscal year 1945-46, and transferred during the pendency of these proceedings in said year to )

CONCLUSIONS AND ORDER

JACK ALTMAN & MAX ALTMAN )  
T/a ALTMAN'S PHARMACY WHELAN AGENCY, )

and renewed by the said Jack Altman & Max Altman, t/a Altman's Pharmacy, now holding Plenary Retail Distribution License D-8, issued by the Township Committee of the Township of Lakewood. )

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Jack Altman, Defendant-licensee, Pro se.  
Anthony Meyer, Jr., Esq., appearing for Department of Alcoholic Beverage Control.

Defendant-licensee pleaded non vult to charges alleging that (1) he falsified his application for a plenary retail distribution license for the 1945-46 licensing period in that he denied any other person had an interest in the business conducted thereunder, whereas in fact one Max Altman had an interest in said business, such false statement being in violation of R. S. 33:1-25; and (2) from September 1938 until June 14, 1946, he knowingly aided and abetted the said Max Altman to exercise, contrary to R. S. 33:1-26, the rights and privileges of his plenary retail distribution license, thereby violating R. S. 33:1-52.

In a statement signed by both Jack and Max Altman, it was admitted that they started a combination drug and package liquor store in 1938 as a joint enterprise. The store, they stated, was operated under the name of Jack Altman because he is a registered pharmacist and they believed, at the time, that only a registered pharmacist could own and operate a drug store in New Jersey. The alcoholic beverage license was originally obtained and renewed thereafter in the name of Jack Altman to be consistent with the nominal ownership of the business. Thus, from the outset, the true situation was not disclosed.

Max Altman, the undisclosed partner, appears to be fully qualified to hold a liquor license.

After the institution of these proceedings the license was transferred to the partnership comprising Jack Altman and Max Altman, t/a Altman's Pharmacy Whelan Agency. Despite the correction of the illegal condition, a fraud was practiced upon the issuing authority by failure to disclose the true ownership of the license from 1938 to 1946, inclusive. Inasmuch as the "front" situation was continued after January, 1946, I shall suspend the license for a period of thirty days. Re Nicomini, Bulletin 686, Item 7.

Although this proceeding was instituted during the 1945-46 licensing period, it does not abate and any suspension shall apply to the license transferred, and renewed, for a subsequent licensing period.

Accordingly, it is, on this 23rd day of July, 1946,

ORDERED, that Plenary Retail Distribution License D-8, issued for the current fiscal year by the Township Committee of the Township of Lakewood to Jack Altman & Max Altman, t/a Altman's Pharmacy, for premises at 200 Clifton Avenue, Lakewood, be and the same is hereby suspended for a period of thirty (30) days, commencing at 9:00 a.m. July 29, 1946, and terminating at 9:00 a.m. August 28, 1946.

ERWIN B. HOCK  
Deputy Commissioner.

9. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - AGGRAVATING CIRCUMSTANCES - PREVIOUS RECORD - LICENSE SUSPENDED FOR A PERIOD OF 65 DAYS.

In the Matter of Disciplinary Proceedings against )

ANTHONY A. SPAGNUOLO )  
712 Broadway )  
Newark 4, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-380 for the 1945-46 and 1946-47 licensing years, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )  
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Anthony Giuliano, Esq., Attorney for Defendant-licensee.  
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

Defendant pleaded non vult to a charge alleging that he possessed fifteen bottles of assorted brands of alcoholic beverages, all of which bottles contained alcoholic beverages not genuine as labeled, in violation of R. S. 33:1-50.

The fifteen bottles in question were part of defendant's open stock of eighty-eight bottles tested by an ABC agent on March 13, 1946.

The contents of all the bottles were chemically analyzed and found to vary substantially from genuine samples of the same products.

Defendant denies that any of the above violations were due to any direct act of his own or with his knowledge. He testified in explanation and mitigation of the offense that for some time prior to the visit of the agent, he had trouble with two of his bartenders and ascribed the situation to their conduct.

A member of the Newark Excise Board testified that his Board called the defendant in and warned him with respect to the conduct of certain employees. This, it appears, took place in February, at least several weeks prior to March 13th.

Assuming that the defendant may have had difficulties with his employees, he had full knowledge thereof and should have taken immediate and vigorous action to correct the situation. Although the defendant testified that he dismissed the last of his troublesome employees shortly before the discovery of the violations by the agent, it apparently was not soon enough. It is axiomatic that a licensee must be held responsible for violations committed by his employees. Such strict construction may work a hardship on an honest licensee, but its application is necessary for proper control of the alcoholic beverage industry. It is no defense to plead lack of control over employees when violations take place. A patron is entitled to get what he orders and it is the licensee's responsibility to see that he does.

The licensee has a previous record. On February 5, 1945, his license was suspended for a period of five days for sale to minors. I shall suspend his license on the instant charge for a period of sixty-five days. Cf. Re Gavlak, Bulletin 716, Item 7.

Accordingly, it is, on this 25th day of July, 1946,

ORDERED, that Plenary Retail Consumption License C-380, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Anthony A. Spagnuolo, for premises 712 Broadway, Newark, be and the same is hereby suspended for a period of sixty-five (65) days, commencing at 2:00 a.m. July 29, 1946, and terminating at 2:00 a.m. October 2, 1946.

ERWIN B. HOCK  
Deputy Commissioner.

10. STATE LICENSES - NEW APPLICATIONS FILED.

Kasser Distillers Products Corp.  
55 North Second St.  
Philadelphia, Pa.

Application for Plenary Wholesale License  
filed July 24, 1946.

Duggan's Distillers Products Corporation  
46-54 Wheeler Point Road  
Newark, N. J.

Application for Warehouse Receipts License  
filed July 25, 1946.

ERWIN B. HOCK  
Deputy Commissioner.

11. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR A PERIOD OF 15 DAYS.

In the Matter of Disciplinary Proceedings against )

LENA PARNES )  
T/a NYE AVE. TAVERN )  
395 Nye Avenue )  
Irvington 11, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-50, issued by the Board of Commissioners of the Town of Irvington. )  
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Lena Parnes, Defendant-licensee, Pro se.  
Harry Castelbaum, Esq., appearing for Department of Alcoholic Beverage Control.

The defendant pleaded non vult to a charge alleging that, on May 22, 1946, she possessed two 4/5 quart bottles of "Canadian Club Blended Canadian Whisky", which bottles contained alcoholic beverages not genuine as labeled in violation of R. S. 33:1-50.

The defendant has never heretofore been cited in disciplinary proceedings. Her record, however, includes a warning given to her in April, 1938, after Federal agents had found one bottle of off-proof alcoholic beverages on her premises. Since more than seven years have elapsed since such warning was rendered, however, the usual penalty for the instant violation will not be increased.

The license will be suspended for fifteen days. Re Nurse, Bulletin 680, Item 7.

Accordingly, it is, on this 25th day of July, 1946,

ORDERED, that Plenary Retail Consumption License C-50, issued by the Board of Commissioners of the Town of Irvington to Lena Parnes, t/a Nye Ave. Tavern, for premises 395 Nye Avenue, Irvington, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. July 30, 1946, and terminating at 2:00 a.m. August 14, 1946.

*Erwin B. Hoch*  
Deputy Commissioner.