

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

BULLETIN 1204

JANUARY 22, 1958.

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

BULLETIN 1204

JANUARY 22, 1958.

1. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF
STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED
FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

BERGER COMPANY, INC.)
T/a 418 CLUB)
418 Jackson Avenue)
Jersey City, N. J.,)

Holder of Plenary Retail Consump-)
tion License C-261, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Jersey City, and transferred during)
the pendency of these proceedings to)

CONCLUSIONS
AND ORDER

VIKE-INN, INC.,)

for the same premises.)

Saul C. Schutzman, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging
that on Sunday, July 7, 1957, it sold an alcoholic beverage
in its original container for off-premises consumption, in
violation of Rule 1 of State Regulation No. 38.

The file herein discloses that an ABC agent entered
defendant's licensed premises at 1:25 p.m. Sunday, July 7,
1957, and ordered from Herbert E. Schwartz, secretary and
treasurer of defendant-corporation, a "shot" of whiskey and
a pint of the same beverage "to go." Schwartz replied "I'll
give you a 'shot' but I won't give you a pint." After con-
suming the "shot" the agent ordered a bottle of beer and was
sipping the contents when a customer entered and asked
Schwartz for a pint of whiskey. Schwartz handed a sealed
pint bottle of whiskey to the customer who put it in the
waistband of his trousers, paid Schwartz \$2.75 and departed.
The agent followed and beckoned to another agent who had
remained outside and was conversing with a local police offi-
cer. When both approached, the first agent identified himself
to the customer and requested and received the article in
question. All four returned to the licensed premises, identi-
fied themselves to Schwartz and informed him of the violation.
Schwartz refused to give a signed statement insisting that he
had not made the sale.

Defendant has a prior adjudicated record. Effective
May 16, 1955, and April 9, 1956, I suspended its license for
ten days and twenty-five days, respectively, for violations
similar to that charged herein (Re Berger Company, Inc., Bule-
tin 1065, Item 6, and Bulletin 1108, Item 9). The minimum
penalty for a first offense as charged is a fifteen-day suspen-
sion (Re Dew Drop Inn, Inc., Bulletin 1175, Item 6). However,
considering the fact that the two prior similar violations

occurred within a five-year period, I shall suspend defendant's license for a period of sixty days (Re Woodlawn Bar & Grill, Inc., Bulletin 1060, Item 2). Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 17th day of December, 1957,

ORDERED that Plenary Retail Consumption License C-261, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Berger Company, Inc., t/a 418 Club, and transferred to Vike-Inn, Inc., for premises 418 Jackson Avenue, Jersey City, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. January 2, 1958, and terminating at 2:00 a.m. February 26, 1958.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

NATHAN ROSMAN & JACK ROSMAN)
642 Communipaw Avenue)
Jersey City 4, N. J.,)

Formerly holders of Plenary Retail)
Consumption License C-262, issued by)
the Municipal Board of Alcoholic)
Beverage Control of the City of Jersey)
City, now held by Jack Rosman as sur-)
viving partner, for the same premises.)

CONCLUSIONS
AND ORDER

Defendant-licensees, by Jack Rosman, Partner.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

"1. On Friday, September 13, 1957, you allowed, permitted and suffered gambling, viz., making and accepting of bets in a lottery commonly known as the 'numbers game' in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.

"2. On Friday, September 13, 1957, you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers game', to be sold and offered for sale in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.

"3. On Sunday, September 29, 1957, at about 1:00 a.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., a pint bottle of Hunter Blended Whiskey, at retail, in its original container for consumption off your licensed premises and allowed, permitted and suffered the removal of such beverage in its original container from your licensed premises; in violation of Rule 1 of State Regulation No. 38."

The file herein discloses the following: On September 13, 1957, an ABC agent entered defendants' licensed premises. The bartender on duty was one Tommy Ford. A short time later one of the patrons (called Mule) began taking numbers bets from other patrons. Mule solicited the agent to play a number and accepted a 25¢ numbers bet from the agent. Mule also accepted a numbers bet from the bartender.

The file further discloses that on Sunday, September 29, 1957, the same agent entered defendants' licensed premises. Ford again was tending bar. The agent asked Ford for a pint of Hunter's whiskey "to go", whereupon Ford handed the agent a pint bottle of such whiskey, accepted \$3.00 in payment thereof, and the agent left the premises with the bottle of whiskey. He joined a fellow-agent and, immediately, both entered the premises and disclosed their identities to Ford, who verbally admitted the sale of the bottle of whiskey to the agent but refused to give a signed statement to that effect.

Defendants have a prior adjudicated record. Effective January 15, 1957, their license was suspended for twenty days for a similar "hours" violation and two dissimilar violations. See Bulletin 1155, Item 9. Since the instant "hours" violation is the second such violation within five years, the usual fifteen day penalty for such violation will be doubled (Re The Lope Inn, Bulletin 1191, Item 4). The minimum suspension for gambling (numbers writing) here involved is twenty-five days. Re Cicchino, Bulletin 1187, Item 7. I shall, therefore, suspend the license of defendants for a period of fifty-five days, remitting five days for the plea entered herein, leaving a net suspension of fifty days.

Accordingly, it is, on this 18th day of December, 1957,

ORDERED that Plenary Retail Consumption License C-262, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Nathan Rosman & Jack Rosman, and now held by Jack Rosman as surviving partner, for premises 642 Communipaw Avenue, Jersey City, be and the same is hereby suspended for fifty (50) days, commencing at 2:00 a.m. January 2, 1958 and terminating at 2:00 a.m. February 21, 1958.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD -
 LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

SHADY HOLLOW FARMS, INC.)

T/a CLUB FLAMINGO)

Sussex Turnpike)

Randolph Township)

PO Mt. Freedom, N. J.,)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consump-)
 tion License C-11, issued by the)
 Township Committee of Randolph)
 Township.)

Defendant-licensee, by Lawana N. Rowland, President.
 Edward F. Ambrose, Esq., appearing for the Division of
 Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold, served and delivered alcoholic beverages to three minors and permitted the consumption of such beverages by said minors in and upon its licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that on Saturday, October 26, 1957, ABC agents visited defendant's licensed premises about 9:15 p.m., and remained until 11:30 p.m. During their stay they observed Robert Rowland, the bartender, serve alcoholic beverages to four apparent minors. The agents identified themselves to the youths (one of whom fled), seized their drinks and obtained signed sworn statements from the three others who stated they were David ---, age 17, Donald ---, age 19, and John ---, age 20, and that each was served his drinks by Rowland who required no written proof of his age. The drinks seized were a whiskey and soda from David, a bottle of beer and a "shot" of whiskey from Donald and a bottle of beer from John.

Defendant has a prior adjudicated record. Effective September 6, 1949, its license was suspended for fifteen days by the local issuing authority for sales to minors. The minimum penalty for an unaggravated sale to three minors, including a minor only 17 years of age, is twenty-five days (Re Boscarell, Bulletin 1141, Item 11) to which five days will be added because of the similar violation committed more than five years ago (Re Amster, Bulletin 1142, Item 5), making a total suspension of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 18th day of December, 1957,

ORDERED that Plenary Retail Consumption License C-11, issued by the Township Committee of Randolph Township to Shady Hollow Farms, Inc., t/a Club Flamingo, for premises located on Sussex Turnpike, Randolph Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. January 6, 1958, and terminating at 2:00 a.m. January 31, 1958.

WILLIAM HOWE DAVIS
 Director.

4. DISCIPLINARY PROCEEDINGS - SOLICITOR'S PERMIT - ILLEGAL SALE TO RETAILER - POSSESSING ALCOHOLIC BEVERAGES WITH INTENT TO SELL ILLEGALLY - AIDING AND ABETTING ILLEGAL SALE - TRANSPORTATION IN UNLICENSED VEHICLE - PERMIT SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

STANLEY E. BAKUN
724 Spruce Street
Trenton, N. J.,

CONCLUSIONS
AND ORDER

Holder of Solicitor's Permit
No. 2762, issued by the Director
of the Division of Alcoholic
Beverage Control.

Stanley E. Bakun, Defendant-Permittee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) he illegally sold a quantity of alcoholic beverages to a retail licensee, contrary to R. S. 33:1-2, in violation of R. S. 33:1-50(a); (2) he, without requisite authority, possessed a quantity of alcoholic beverages with intent to sell the same, contrary to R. S. 33:1-2, in violation of R. S. 33:1-50(b); (3) he aided and abetted the illegal sale of alcoholic beverages, in violation of R. S. 33:1-52 and (4) transported alcoholic beverages in an unlicensed vehicle contrary to R. S. 33:1-2, in violation of R. S. 33:1-50(a).

The file herein discloses that on February 21, 1957, defendant (a solicitor for the holder of a plenary wholesale license) delivered eleven bottles of assorted alcoholic beverages to the licensed premises of a retail licensee in a vehicle not licensed for that purpose and that he had obtained said merchandise from his personal friends and from his own private stock at his home. The sale was made on a credit basis while the retailer was and had been for a long time prior thereto on the official default list of this Division.

On February 25, 1957, the defendant, in order to replace said alcoholic beverages, informed his employer that he had received from said retailer the sum of \$33.13 advanced payment for a quantity of alcoholic beverages similar in brand, size and quantity to aforesaid alcoholic beverages, and requested delivery (prepaid) of the same to the aforementioned retailer at his licensed premises. On February 26, 1957, the defendant arranged with a driver of said wholesale licensee to deliver aforesaid order to a place other than the licensed premises of said retailer where he later obtained the same for his own use and purpose.

In a sworn, written statement dated August 2, 1957, Bakun admits aforesaid violations and says "I did this as a favor because I felt sorry for him because he was broke. I wanted to help him so he could get back on his feet once again."

Nevertheless, defendant's action cannot be condoned. The illegal activities indulged by the defendant indicate a disregard of the conditions and restrictions of his solicitor's permit.

Defendant has no prior record. Considering all the facts and circumstances of this case, I shall suspend defendant's permit for thirty days. Cf. Re Freedman, Bulletin 889, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 18th day of December, 1957,

ORDERED that Solicitor's Permit No. 2762, issued by the Director of the Division of Alcoholic Beverage Control to Stanley E. Bakun, 724 Spruce Street, Trenton, be and the same is hereby suspended for twenty-five (25) days, commencing at 9:00 a.m. January 2, 1958, and terminating at 9:00 a.m. January 27, 1958.

WILLIAM HOWE DAVIS
Director.

5. NEW LEGISLATION - MINORS - POSSESSION OR CONSUMPTION OF ANY ALCOHOLIC BEVERAGE BY A MINOR IN A PUBLIC PLACE OR PLACE OF PUBLIC ASSEMBLY OR IN A MOTOR VEHICLE PROHIBITED - PENALTIES.

Assembly No. 166 (Second Official Copy Reprint) was approved by the Governor on December 19, 1957 and thereupon became Chapter 203 of the Laws of 1957, effective immediately. The Act, which is part of the Disorderly Persons Law (in R. S. 2A:170-54.1 and not of the Alcoholic Beverage Law, reads as follows:

"AN ACT concerning disorderly persons and prohibiting the possession or consumption of intoxicating liquor by a minor in any public place or motor vehicle.

"BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

"1. Any person under the age of 21 years who knowingly shall possess or consume any alcoholic beverage in any public place or place of public assembly or in any motor vehicle is a disorderly person and shall be punished by a fine of not more than \$50.00, or be imprisoned in the county jail for not more than 30 days, or both.

"Nothing in this act shall apply to possession of alcoholic beverage by any such person while actually engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of Alcoholic Beverage Control, or for a bona fide hotel or restaurant, in accordance with the provisions of section 33:1-26 of the Revised Statutes.

"2. This act shall take effect immediately."

WILLIAM HOWE DAVIS
Director.

Dated: January 8, 1958

6.

ACTIVITY REPORT FOR DECEMBER 1957

ARRESTS:			
Total number of persons arrested	- - - - -	11	
Licensees and employees	- - - - - 5		
Bootleggers	- - - - - 6		
SEIZURES:			
Motor vehicles - cars	- - - - -	1	
Stillis - 50 gallons or under	- - - - -	1	
Distilled alcoholic beverages - gallons	- - - - -	64.07	
Brewed malt alcoholic beverages - gallons	- - - - -	3.09	
RETAIL LICENSEES:			
Premises inspected	- - - - -	698	
Premises where alcoholic beverages were gauged	- - - - -	520	
Bottles gauged	- - - - -	8,592	
Premises where violations were found	- - - - -	96	
Violations found	- - - - -	149	
Type of violations found:			
Unqualified employees	- - - - - 65	Improper beer taps	- - - - - 6
Application copy not available	- - - - - 27	Other mercantile business	- - - - - 4
Reg. #38 sign not posted	- - - - - 18	Disposal permit necessary	- - - - - 4
Prohibited signs	- - - - - 14	Probable fronts	- - - - - 1
		Other violations	- - - - - 10
STATE LICENSEES:			
Premises inspected	- - - - -	33	
License applications investigated	- - - - -	7	
COMPLAINTS:			
Complaints assigned for investigation	- - - - -	360	
Investigations completed	- - - - -	373	
Investigations pending	- - - - -	146	
LABORATORY:			
Analyses made	- - - - -	155	
Bottles from unlicensed premises	- - - - -	23	
IDENTIFICATION BUREAU:			
Criminal fingerprint identifications made	- - - - -	6	
Persons fingerprinted for non-criminal purposes	- - - - -	142	
Identification contacts made with other enforcement agencies	- - - - -	119	
Motor vehicle identifications via N. J. State Police teletype	- - - - -	1	
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	- - - - -	5	
Violations involved	- - - - -	6	
Sale during prohibited hours	- - - - - 4		
Sale to minors	- - - - - 1		
Failure to close premises during prohibited hours	- - - - - 1		
Cases instituted at Division	- - - - -	22	
Violations involved	- - - - -	33	
Sale to minors	- - - - - 8	Permitting bookmaking on premises	- - - - - 1
Sale below minimum resale price	- - - - - 4	Possessing illicit liquor	- - - - - 1
Permitting immoral activity on premises	- - - - - 3	Permitting hostesses on premises	- - - - - 1
Conducting business as a nuisance	- - - - - 3	Failure to close premises during prohibited hours	- - - - - 1
Permitting foul language on premises	- - - - - 2	Unqualified employees	- - - - - 1
Sale during prohibited hours	- - - - - 2	Unauthorized transportation	- - - - - 1
Delivery without bona fide invoice	- - - - - 2	Hindering investigation	- - - - - 1
Sale to intoxicated person	- - - - - 1		
Sale to non-members by club	- - - - - 1		
Cases brought by municipalities on own initiative and reported to Division	- - - - -		12
Violations involved	- - - - -		16
Permitting brawls on premises	- - - - - 5	Sale to non-members by club	- - - - - 1
Sale to minors	- - - - - 3	Permitting lottery (baseball pool)	- - - - - 1
Sale during prohibited hours	- - - - - 2	Fraud in application	- - - - - 1
Permitting bookmaking on premises	- - - - - 2	Unqualified employees	- - - - - 1
HEARINGS HELD AT DIVISION:			
Total number of hearings held	- - - - -		35
Appeals	- - - - - 7	Seizures	- - - - - 5
Disciplinary proceedings	- - - - - 15	Tax revocations	- - - - - 3
Eligibility	- - - - - 5		
STATE LICENSES AND PERMITS ISSUED:			
Total number issued	- - - - -		910
Licenses	- - - - - 1	Wine permits	- - - - - 81
Employment permits	- - - - - 114	Miscellaneous permits	- - - - - 171
Solicitors	- - - - - 28	Transit insignia	- - - - - 178
Disposal	- - - - - 66	Transit certificates	- - - - - 35
Social affair	- - - - - 236		

WILLIAM HOWE DAVIS
DIRECTOR

DATED: January 6, 1958

NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1957 TO DECEMBER 31, 1957 AS REPORTED TO THE DIRECTOR
OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19.

C L A S S I F I C A T I O N O F L I C E N S E S

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surren- dered Revoked Expired	Number Licen- ses 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	487	\$ 208,100.00	72	\$ 27,383.22	25	\$ 2,350.00						584	\$ 237,833.22
Bergen	811	307,231.28	300	87,327.00	107	10,066.53	53	\$ 2,496.25	4	\$ 1,083.96	4	1271	408,205.02
Burlington	184	78,291.37	40	11,828.13	43	6,033.36	1	50.00				267	96,202.86
Camden	453	221,538.51	82	33,525.00	74	7,214.04			1	375.00	1	609	262,652.55
Cape May	135	76,800.00	11	4,000.00	16	1,950.00						162	82,750.00
Cumberland	80	40,875.00	14	3,950.00	30	4,060.00						124	48,885.00
Essex	1352	758,646.99	335	209,150.00	98	13,475.00	29	1,450.00	2	1,500.00	1	1815	984,221.99
Gloucester	93	33,585.00	14	3,600.00	18	1,750.00						125	38,935.00
Hudson	1541	699,096.33	308	125,900.00	83	9,707.86	63	2,700.00			3	1992	837,404.19
Hunterdon	79	27,400.00	9	3,300.00	9	1,000.00						97	31,700.00
Mercer	425	261,800.00	51	21,400.00	54	7,700.00			1	162.50	1	530	291,062.50
Middlesex	628	307,605.00	75	24,349.39	93	8,380.00	4	200.00				800	340,534.39
Monmouth	548	286,820.48	121	42,120.00	42	4,572.19	10	435.00	26	11,699.58	27	720	345,647.25
Morris	356	131,730.34	100	33,765.00	52	4,735.03	19	950.00	5	1,312.50	5	527	172,492.37
Ocean	196	106,326.42	47	19,680.00	26	2,800.00						269	128,806.42
Passaic	872	357,858.01	167	51,400.00	41	4,904.32	9	425.00				1089	414,587.33
Salem	51	19,300.00	8	1,550.00	17	1,500.00						76	22,350.00
Somerset	187	84,600.00	41	12,595.00	26	2,949.45						254	100,144.45
Sussex	164	45,355.00	19	3,905.00	8	457.12	1	50.00	1	225.00	1	192	49,992.12
Union	549	300,300.00	144	67,800.00	74	8,532.33	29	1,425.00				796	378,057.33
Warren	148	46,330.00	19	4,860.00	27	3,046.71			2	323.85	2	196	54,560.56
Total	9339	\$4,399,589.73	1977	\$793,387.74	963	\$107,183.94	218	\$10,181.25	42	\$16,682.39	45	12494	\$5,327,025.05

William Howe Davis
Director

January 6, 1958.

8. SEIZURE PROCEDURE - ANNOUNCEMENT OF MODIFIED POLICY OF NEW YORK STATE LIQUOR AUTHORITY CONCERNING REQUIREMENT OF IMPORTATION PERMITS COVERING ALCOHOLIC BEVERAGES TRANSPORTED THROUGH NEW JERSEY INTO NEW YORK - CIRCUMSTANCES UNDER WHICH PERMITS MAY BE ISSUED.

January 2, 1958

Hon. William Howe Davis
Director, Division of Alcoholic Beverage Control
Newark, N. J.

Re: Adoption of Policy Relative to Seizure
by New Jersey of Alcoholic Beverages
Being Transported to New York From
Outside New York and Such Beverages Are
in a Vehicle In Which Such Owner Is Not
Present.

Dear Mr. Davis:

The Members of the Authority have directed me to communicate to you the policy which was adopted by the Authority on December 30, 1957 relating to the above subject-matter:

"Where alcoholic beverages purchased outside of New York State are being transported into New York State by the owner thereof and for his personal consumption and not for resale, and where such beverages are in the owner's custody during the transportation, a plenary permit from the New York State Liquor Authority will be required, unless the amount of alcoholic beverages is one gallon or less. If the amount being transported is more than one gallon, plenary permits will be required both from the New York State Liquor Authority and the Commodities Tax Bureau of the New York State Department of Taxation and Finance.

"Plenary permits will not be issued to any one other than the owner who accompanies the transportation of the alcoholic beverages.

"Director Davis is to be notified of the above modification of policy to go into effect on February 1, 1958, and that in any similar matters arising up to February 1, 1958, interested persons should be advised to apply for a plenary permit to the New York State Liquor Authority and the Commodities Tax Bureau of the New York State Department of Taxation & Finance."

Very truly yours,
Salvatore M. Parisi
Secretary to the Authority

9. DISCIPLINARY PROCEEDINGS - SALES TO MINOR - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary
Proceedings against

MRS. LOUISE M. DANIELS
T/a "RAM'S INN"
Bridgeton-Millville State Road
Fairfield Township
PO Bridgeton, R.D. #4, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-3, issued by the Township
Committee of the Township of Fairfield.)

Samuel Adler, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to a charge alleging that on July 24, 1957, she sold and delivered and allowed, permitted and suffered the sale of alcoholic beverages, directly or indirectly, to a minor in violation of Rule 1 of State Regulation No. 20.

"At the hearing herein William ---, a minor, testified that between 7:30 p.m. and 8 p.m. on the day in question he and three other minors drove to defendant's licensed premises to purchase beer and parked in a wooded area about two hundred feet from defendant's tavern, with the back of the car towards the tavern; that Russ (age 18), now deceased, left the car and started towards the tavern and that, a few moments thereafter, the car was driven about a quarter of a mile, then turned around and parked in the same spot but now with the front of the car facing the tavern; that from that point he (William) could not see the tavern but observed Russ coming towards him either ten feet or fifteen feet up the driveway leading to the tavern or on the highway (the record is not clear as to whether he was on the driveway or the highway); that, when Russ came to the car, he was carrying twenty-four cans of Piel's beer, and that neither he nor any of his companions, to his knowledge, had ever previously been in the tavern.

"Charles --- (one of the other minors) testified that the boys met in Bridgeton, discussed the purchase of beer, and decided to attempt to purchase beer at defendant's tavern, on hearsay that it was possible; that through the back window of the car he observed Russ turn off the highway towards the tavern, and later observed him turn from the vicinity of the tavern sign about seven feet in from the highway onto the highway and come to the car with beer; that they then drove to a grocery store, purchased potato chips, drove to his home, remained there until about 8:50 p.m. until all the beer was consumed, placed the empty cans in the car, drove away and discarded the cans and then became involved in an accident. He further testified that, at some time previously, the same group of boys had obtained beer at another tavern.

"The accident occurred at about 9 p.m. about six miles from defendant's tavern. Empty beer cans and a bag of crushed potato chips were found about a half-mile from the scene of the accident. The nearest licensed premises to that of defendant is about two and one-half miles distant, with another licensed premises within about four miles.

"On July 30, when questioned by an ABC agent, licensee denied any sale of beer to Russ. At the hearing she repeated such denial and stated that she is a widow, has operated the licensed premises for about twenty-two years without any previous violation; that on the day in question she was the only person on duty from 8:00 in the morning until about 7:45 p.m. when Sherwood Gould, who helped her occasionally, came in and took over at the bar, but she remained in the barroom until about 9:00 p.m.; that there was but little business on that day and she did not sell or observe the sale of twenty-four cans of Piel's beer to anyone on that day and does not sell that quantity of beer to one person in the normal course of the business; that, shown the photograph of Russ, she recognized his face from a high school year book in possession of her niece, and that he had never been in her establishment or purchased alcoholic beverages there.

"Martha Purnell, who has a close relationship with defendant, testified that she was visiting the defendant's premises on the day of the accident from about 8:00 in the morning until 8:15 that night, spending most of the time in the barroom because the defendant was the only person tending bar until 7:45 p.m.; that very few customers came in; that, when Gould came in, she and the licensee remained in the barroom; that, while she was there, she did not see any case of beer sold to anyone, and that Russ did not come into the premises while she was there.

"Althea Frazier, defendant's fifteen-year-old niece who resides with her aunt, testified that she knew Russ by sight by reason of their attendance at the same high school; that she was at defendant's premises from about 4:00 p.m. on the day of the accident and remained there for the balance of the day; that she was in and out of the barroom during that period, was there when Martha Purnell was there, and was there after she left; that few customers came in and she did not see Russ come in although in a position to observe whoever came in.

"Sherwood Gould testified that he arrived at the tavern about 7:45 p.m. on the day of the accident, went behind the bar and, while he has no specific recollection of whom he served with alcoholic beverages, he states that he did not serve any young person without presentation of identification.

"The charge herein is serious and the evidence in support thereof must be clear and convincing. While there is a possibility under the evidence presented by the Division that Russ actually purchased the beer at defendant's licensed premises, such possibility is not a proper substitute for definitive legal proof thereof. The testimony of the two minors that they did not see Russ enter or leave defendant's tavern, the presence of two other licensed premises within the orbit of the minors' travels, the clear record for many years of defendant in the conduct of her business, and the uncontradicted testimony of defendant and her witnesses that the minor was not in her tavern and that neither he nor anyone else purchased twenty-four cans of beer at the time alleged preponderates in defendant's favor. The case is very similar to Re Pioneer Tavern, Inc., Bulletin 1137, Item 8.

"In my opinion, the Division has not sustained the burden of establishing defendant's guilt by a fair preponderance of the evidence and, hence, I recommend that the charge herein be dismissed."

Written exceptions to the Hearer's Report, pursuant to Rule 6 of State Regulation No. 16, together with written argument in substantiation thereof, were filed with me by the prosecuting attorney. Written answering argument to the argument advanced by the prosecuting attorney was filed by the attorney for the licensee. Such attorneys also presented oral argument before me at my request.

I have carefully considered the entire record in the case, including the transcript of testimony, the Hearer's Report and the exceptions and written and oral arguments of counsel.

I shall sustain the exceptions filed by the prosecuting attorney and disapprove the Hearer's Report, in that I conclude that the guilt of the licensee has been established by a preponderance of the evidence presented.

While the proof on the part of the Division is strictly circumstantial, the facts testified to are so convincing as to lead to no other conclusion than guilt. The boys discussed buying beer at Ram's Inn. They drove there, saw the sign and parked within a few hundred feet of the premises; they "chipped in" their money towards the purchase of the beer and Russ (now deceased) left the car, walked to the path or drive, and turned towards the premises. He was later observed coming back to the car (within a few minutes) from the direction of the premises with the cartons of beer, which were cold. The licensee testified that beer was kept behind the bar which dispels the possibility that the minor could have stolen it. In addition, there is no other licensed premises within approximately 2-1/2 miles of the place in question, so the beer could not have been purchased elsewhere. The beer was cold, the number of cartons represented the approximate contributions of the boys and the purchaser returned with the beer a very few minutes after leaving the car, making it physically impossible to have purchased the same from an unlicensed resident in the neighborhood.

I therefore find the defendant guilty of the charge.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days, the minimum penalty for sale to an 18-year-old minor. (Re DeClementi, Bulletin 1196, Item 7) to which five days will be added because of the quantity of beer sold (Re Causton, Bulletin 1134, Item 10), making a total suspension of twenty days.

Accordingly, it is, on this 17th day of December, 1957,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Fairfield to Mrs. Louise M. Daniels, t/a "Ram's Inn", for premises located on Bridgeton-Millville State Road, be and the same is hereby suspended for twenty (20) days, effective 2:00 a.m. January 2, 1958, and terminating at 2:00 a.m. January 22, 1958.

WILLIAM HOWE DAVIS
Director.

10. DISCIPLINARY PROCEEDINGS - SALE ON SUNDAY IN VIOLATION OF LOCAL REFERENDUM AND ORDINANCE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

MRS. LOUISE M. DANIELS

T/a "RAM'S INN"

Bridgeton-Millville State Road

Fairfield Township

PO Bridgeton, R.D. #4, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-3, issued by the
Township Committee of the Township
of Fairfield.

-----)
Louise M. Daniels, Defendant-licensee, Pro se.

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

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Sunday, September 29, 1957 you sold alco-
holic beverages, contrary to referendum held in
Fairfield Township on November 4, 1941; in violation
of R. S. 33:1-47.

"2. On Sunday, September 29, 1957 you sold, served
and delivered alcoholic beverages; in violation of Sec-
tion 7 of an ordinance adopted by the Township Committee
of the Township of Fairfield on June 4, 1940, as amended
by ordinance adopted on May 5, 1942."

The file herein discloses that on the above day and
date a New Jersey State Trooper, while on routine patrol,
observed a number of cars parked at defendant's licensed prem-
ises. The trooper entered the barroom and observed three men
at the bar drinking beer. One of these men told the trooper
that he had purchased a bottle of beer, and the other two
stated that the licensee had given them the beer. The licen-
see, who was present, admitted that she was aware that the
local ordinance prohibits the sale of alcoholic beverages on
Sunday.

Thereafter the trooper and the three men proceeded to
the State Police barracks. An ABC agent was notified, came to
the barracks, and signed sworn statements were obtained from
the three men. One of the men stated therein that he person-
ally obtained a bottle of beer from the ice box; another said
that the licensee served him with two bottles of beer for which
he had not paid but for which he intended to pay, and the third
stated that he had purchased and paid for his bottle of beer.

In addition to the local ordinance in question, Sunday
sales of alcoholic beverages in the Township are prohibited by
a referendum held on November 4, 1941, pursuant to R.S. 33:1-47.

Defendant has submitted a letter setting forth alleged
mitigating circumstances which do not present any reason for
imposing less than the minimum penalty for a violation such as
is here involved.

In a case decided herewith I suspended defendant's license for twenty days for a sale to minors violation. However, since the violation herein preceded the suspension in that case, and defendant has conducted business for twenty-two years at these premises without any other record, the other violation will not be considered in arriving at the penalty herein (cf. Re Kardasinetz, Bulletin 1141, Item 7). I shall suspend defendant's license for a period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Richman, Bulletin 1186, Item 10.

Accordingly, it is, on this 17th day of December, 1957,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Fairfield to Mrs. Louise M. Daniels, t/a "Ram's Inn", for premises located on Bridgeton-Millville State Road, Fairfield Township, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. January 22, 1958, and terminating at 2:00 a.m. February 1, 1958.

WILLIAM HOWE DAVIS
Director.

11. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE
SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against)

EDWARD F. BEDKOWSKI and)
REGINA BEDKOWSKI)
T/a EDDY'S BAR)
504 Boulevard)
Bayonne, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-73, issued by the Board of Commissioners of the City of Bayonne.)
-----)

James L. Sweeney, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendants have pleaded not guilty to the following charges:

1. On June 1, 8, 22, 29, July 2 and 6, 1957, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of horse race bets on June 22, 29 and July 6, 1957; the acting as a depository for money won on a horse race bet and the payment of such money to the bettor on July 2, 1957; the making and accepting of bets on a baseball game on June 22, 1957; and the making and accepting of bets in a lottery commonly known as the "numbers game" on June 1, 8 and July 6, 1957; in violation of Rule 7 of State Regulation No. 20.

'2. On June 1, 8 and July 6, 1957, you allowed, permitted and suffered tickets and participation rights in a lottery commonly known as the "numbers game" to be sold and offered for sale in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.'

"The evidence given herein by two ABC agents who were in defendants' licensed premises on June 1, 1957 is not sufficient to establish guilt as to either of the above charges. However, another ABC agent, hereinafter designated as M, visited the premises on June 8, June 22, June 29, July 2 and July 6. He testified that on his first visit defendant, Edward F. Bedkowski, hereinafter designated as Ed, was tending bar when John Golodek entered; that another patron handed some money to John and said, 'Give me 292 for a dollar and 509 for the rest of the change' and John thereupon wrote something on a slip of paper. M testified that on his second visit Ed was tending bar; that John was present and answered the telephone seven or eight times; that at one time, when John was near the telephone booth with three other patrons, John started to write something on a slip of paper and Ed said, 'Don't do it here. Take it to the men's room;' that, later, a number of patrons made bets between themselves on hits and runs in a baseball game then being televised. M testified that on his third visit he placed bets on two horses with John, while he and John were in the men's room and later ascertained that he had won \$10.00 on one of his bets. M testified that on his fourth visit he told Ed, who was tending bar, that he had won a bet and asked if John had left any money; that Ed asked the name of the horse, handed the agent a ten-dollar bill and said, 'So you're Stan. John and I were wondering who Stan was.' M testified that on his fifth visit he made two two-dollar bets on a horse race with John and later made two similar bets and placed one dollar on number 869 with John, while both were at the bar and Ed was in front of them; that the agent then identified himself and, when Bayonne Detectives entered, John threw the slips recording these bets to the floor where they were found by one of the detectives; that the money which the agent had bet was found in John's possession. Another ABC agent corroborated M's testimony as to his conversation with Ed on July 2 and as to the events which occurred on July 6. The agents admitted that Ed had never accepted any bets and testified that no other evidence of gambling was found on the licensed premises.

"On behalf of defendants, Edward F. Bedkowski testified that he has known John for six years and that he had no knowledge that John was accepting bets on the premises. As to the conversation with the ABC agent on July 2, he testified that he merely asked the agent if his name was 'Stan' and, when the agent answered in the affirmative, he said, 'Well, this is for you.' He admitted that the agent said, 'I won on Hub Cap' but testified he didn't know what the agent meant. I am satisfied that, while this licensee did not accept bets, he knew that bets were being placed with John on the licensed premises. As was said in Re Llewellyn Recreation Center, Bulletin 1146, Item 1:

'***it is not essential that the corporate-licensee's officers or employees should be personally implicated in the gambling activities or have knowledge thereof in order to find guilt.'

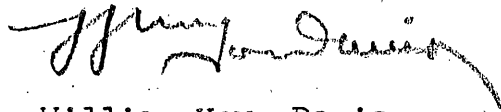
"After considering all the testimony herein, it is recommended that an order be entered finding defendants guilty of

both charges except as said charges refer to June 1, 1957. Defendants have no prior adjudicated record. Under all the circumstances, it is recommended that the order further provide that defendants' license be suspended for a period of twenty-five days. Re Llewellyn Recreation Center, supra; Re Johnson and McMahon, Bulletin 1146, Item 4; Re Cicchino, Bulletin 1187, Item 7."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16. After carefully considering the record herein, I concur in and adopt the recommended conclusions of the Hearer as my conclusions herein. Hence I find defendants guilty of both charges, except as said charges refer to June 1, 1957, and shall suspend their license for twenty-five days.

Accordingly, it is, on this 19th day of December, 1957,

ORDERED that Plenary Retail Consumption License C-73, issued by the Board of Commissioners of the City of Bayonne to Edward F. Bedkowski and Regina Bedkowski, t/a Eddy's Bar, for premises 504 Boulevard, Bayonne, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. January 6, 1958, and terminating at 2:00 a.m. January 31, 1958.



William Howe Davis
Director.