

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

BULLETIN 1593

December 21, 1964

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

BULLETIN 1593

December 21, 1964

1. SALE TO INTOXICATED PERSONS - SALE TO MINORS - WARNING NOTICE TO LICENSEES.

NOTICE TO ALL RETAIL LICENSEES:

RE: SALE TO MINORS AND INTOXICATED PERSONS AND ACCIDENTS CAUSED BY DRUNKEN DRIVERS.

During the past year there has been a shocking increase in traffic accidents on our highways, resulting in serious injuries and tragic death to innocent victims. Drunken drivers have in many instances been the offenders. Particularly disturbing to me in these cases has been a large incidence of minors under the influence of liquor involved therein.

Past experience makes us apprehensive that the tragic toll during the approaching Christmas and New Year's holidays will be even more staggering, since the highways will be more congested, with thousands of vacation-bound autoists as well as college and university students who will be returning home during this festive season.

I have noted with concern the ever-growing number of complaints in this Division of sales and service of alcoholic beverages to intoxicated persons and to persons under the age of 21. This is not to say that in every instance involving an accident the alcoholic beverages were served on licensed premises. Reports of investigation, however, in many of these cases show that the said intoxicated persons and minors who have been involved in these accidents have been sold and served alcoholic beverages in licensed premises.

Where a licensee sells to a person who is visibly intoxicated, or to a person he knows, or should know from the circumstances, to be a minor, he ought to recognize the unreasonable risk of harm to others through action of the intoxicated person or the minor.

Liquor licensees who operate their businesses by way of privilege rather than as a right, have long been under strict obligation not to serve minors and intoxicated persons. This burden is intended not only to the benefit of the minors and intoxicated person, but for the protection, as well, of the general public.

In furtherance of our Legislative policy, this Division has, by its Regulation 20, Rule 1 provided that no licensee shall permit any minor to be served or consume any alcoholic beverages; and the same regulation contains a provision against service to or consumption by any person "actually or apparently intoxicated". As to the minors, I am aware of the fact the minors frequently present spurious and forged documents in order to misrepresent their ages, and to induce licensees to sell or serve liquor. The New Jersey Legislature has recently recognized the seriousness of this problem, and has authorized increased penalties which may be imposed on minors in these cases.

However, licensees are warned that they have a primary responsibility to guard against such offenders. This can be done by scrupulously observing the statutory imperatives. Compliance with Rule 1 of State Regulation 20 requires that licensees must insist, in questionable cases, upon a representation in writing, in the presence of the seller, that the person is 21 years of age; that the person who so represents himself to be of statutory maturity must actually appear to be of age; and that the sale or service to the minor was made in good faith upon the aforesaid representation and appearance. Nothing short of all of these steps will constitute a complete defense to such charge.

Experience in these cases indicates that, for some reasons, licensees or their agents are reluctant to "embarrass" a minor by requiring him to reduce to writing his name, age and address. He frequently resolves his doubts as to minors or intoxicated persons in favor of the cash register. If licensees are willing to use their own methods of determining the age of a minor, or whether a person is apparently intoxicated when served, rather than follow the statute and our regulation, they do so at their peril, and must accept the consequences of their own neglect.

Licensees have the opportunity to help eliminate this alarming condition by the exercise of greater vigilance and alertness in future sales. This holiday season is a good time to resolve to comply fully with the provisions and spirit of the Alcoholic Beverage Law.

Let us all join together to insure that this will be both a safe and joyous holiday season.

Dated: December 17, 1964

JOSEPH P. LORDI  
DIRECTOR

2. APPELLATE DECISIONS - SNYDER v. NEWARK.

HAROLD SNYDER,	)	
Appellant,	)	
v.	)	ON APPEAL
MUNICIPAL BOARD OF ALCOHOLIC	)	CONCLUSIONS
BEVERAGE CONTROL OF THE CITY	)	AND ORDER
OF NEWARK,	)	
Respondent.	)	

-----  
Leon Sachs, Esq., Attorney for Appellant.  
Norman N. Schiff, Esq., by Paul E. Parker, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This is an appeal from the action of respondent Board whereby on June 3, 1964, it denied the application for place-to-place transfer of appellant's plenary retail consumption license from premises 191 Plane Street to premises 290 South 19th Street, Newark. The proposed new premises are located in another part of the city.

The petition of appeal alleges that the denial was erroneous for reasons which may be summarized as follows:

1. Appellant is the victim of a hardship situation in that his premises were acquired by the Housing Authority of the City of Newark, under its right of eminent domain, as part of an urban renewal project.

2. Appellant has complied with all legal requirements.

3. There was insufficient evidence to warrant such refusal and such action "amounted to abuse of discretion and was arbitrary and discriminatory and was contrary to the laws, rules and regulations governing the sale of alcoholic beverages."

Respondent in its answer denies the substantive facts of the petition and states that its decision was based upon factual testimony before it, from which it, in its sound discretion, concluded that the transfer should be denied.

The transcript of the hearing below was submitted into evidence by respondent, in accordance with Rule 8 of State Regulation No. 15. Testimony was also taken before me on the appeal de novo which afforded counsel full opportunity to present additional testimony and cross examine witnesses. Rule 6 of State Regulation No. 15.

My examination of the transcript of the hearing before respondent together with the testimony produced at this hearing reflects the following: This is a hardship case. The Newark Housing Authority has acquired the premises in which appellant was located at 191 Plane Street for urban renewal purposes. Consequently, appellant was required to relocate to other premises. In his testimony before respondent, which he reiterated before me, appellant stated that he has been engaged in the alcoholic beverage industry for the past eighteen years, three of them at his present location; that, after he was dispossessed from his premises, he made an extensive search for a new location; that the proposed premises are the only premises he could obtain; that he would have no other place to operate if this place-to-place transfer were denied. He further stated that he intends to operate primarily a package goods business although he will comply with the license requirements by having a service bar. He has made a personal survey of the area surrounding the proposed premises, and feels that there is a need for this business thereat. He admitted, however, that his survey did not include any inquiry to the residents of the neighborhood. While he did not make an actual measurement of the distance between the proposed premises and the nearest licensed premises, it is his opinion that the distance is about one thousand feet from the nearest similar operation.

Respondent produced no witnesses at the appeal hearing. However, at the hearing below it appears that a large number of residents appeared prepared to testify. The Board also had before it approximately two hundred eighty names on a petition objecting to the said application. In accordance with its established procedure, respondent's chairman called upon five representative objectors to express their specific objections.

Mrs. Alfreda Milligan, residing in the immediate area, testified that the neighborhood is primarily residential and should be kept that way. She also noted that there was a similar facility located within six hundred feet of the proposed premises. She stated other general objections, such as: a large number of children pass the area in going to and from school; the introduction of such licensed business would decrease property values; it will create noise, particularly at night; there is a parking problem at the present time, and the proposed transfer would compound that problem; that it would be desirable to reduce the number of liquor licenses in the city.

Frank Addonizio, a City Council member who is the representative from the West Ward wherein the proposed premises is located, felt that the transfer would substantially change the complexion of the residential area and reduce property values therein. He also voiced some of the arguments advanced by the previous witness. On cross examination he assured respondent that he had no objection to appellant personally but limited his objection solely to the introduction of this business into the particular area.

Mrs. Iran Patterson, a resident of the neighborhood, stated that she is in the catering business; that there are nine taverns and package stores located in this general area which satisfy the needs of the residents. Her principal objection was that the proposed transfer would result in attracting undesirable elements of the community to the neighborhood.

Charles Bray, a Newark resident, who does not live in the neighborhood, stated that his daughter and son-in-law have just purchased property near the proposed premises and that that transfer would affect its value. He also voiced some of the other objections heretofore noted.

His point of view was also affirmed by Herbert Benson, a neighborhood resident.

At the conclusion of the hearing before respondent the Board voted unanimously to deny the application for the reason expressed by its chairman that "I feel also that there are enough liquor outlets in the neighborhood to handle the business in that particular section." He also was advised by the police captain of that area that the proposed site would be about six hundred feet from the nearest similar facility.

The principal and perhaps most compelling contention of appellant is that he was dispossessed from his premises through no fault of his own, that this constitutes clearly a hardship case, and that his application was entitled to sympathetic consideration by respondent.

While considerate treatment should be accorded applications in hardship cases, each case must be decided on its own merits. It could never be convincingly argued that, merely because a hardship exists, the local issuing authority is prevented from using its reasonable discretion to decide whether or not a particular area would be deleteriously affected by the introduction of another liquor outlet. Anything short of that would be inimical to the public interest, which is always paramount to that of the individual.

This has been an underlying philosophy in our jurisprudence and has been applied in the control of liquor traffic and enforcement of the liquor laws.

A transfer of a liquor license to other premises is not an inherent or automatic right. The issuing authority may grant or deny a transfer in the exercise of reasonable discretion. If denied on reasonable grounds, such action will be affirmed. Richmon, Inc. v. Trenton, Bulletin 1560, Item 4; Zicherman v. Driscoll, 133 N.J.L. 586. As the court said in Fanwood v. Rocco, 59 N.J. Super. 306 (App. Div. 1960), affd. 33 N.J. 404 (Sup. Ct. 1960): "No person is entitled to [the transfer of a license] as a matter of law" and "If the motive of the governing body is pure, its reasons, whether

based on morals, economics or aesthetics, are immaterial." Cf. Bivona v. Hock, 5 N.J. Super. 118; Belmar v. Div. of Alcoholic Beverage Control, 50 N.J. Super. 423. To hold otherwise would mean that in all hardship cases the local issuing authority would be deprived of its discretion and judgment and would be required to approve all transfers regardless of the number of liquor licenses extant in any particular neighborhood.

In this connection it may be well to quote further from Fanwood v. Rocco, 59 N.J. Super. 306, 320:

"The primary purpose of the act is to promote temperance (R.S. 33:1-3) and 'to be remedial of abuses inherent in liquor traffic and shall be liberally construed' to effect those purposes. R.S. 33:1-73; Hudson Bergen County Retail Liquor Stores Ass'n, Inc. v. Board of Com'rs of City of Hoboken, supra. Because these are the purposes there is a sharp and fundamental distinction between the power of the Director when a license is denied by the municipality and when one is granted, because refusing a license cannot lead to intemperance or to any of the other evils the act is intended to prevent."

Advancing this reasoning, as the Fanwood case points out, where the municipality decides in good faith that a license should not be transferred to a particular area the Director may not interfere. Cf. Bumball v. Burnett, 115 N.J.L. 254.

The Legislature has entrusted to municipal issuing authorities the initial authority and charged them with the duty to approve or disapprove place-to-place transfers. The action of the Board in either approving or denying an application for such transfer may not be reversed by the Director unless he finds "the act of the board was clearly against the logic and effect of the presented facts." Hudson Bergen County Retail Liquor Stores Ass'n, Inc. v. Hoboken, 135 N.J.L. 502.

As was stated in Ward v. Scott, 16 N.J. 16, 23:

"Local officials who are thoroughly familiar with their community's characteristics and interests and are the proper representatives of its people, are undoubtedly the best equipped to pass initially on such applications \* \* \* \* . And their determinations should not be approached with a general feeling of suspicion, for as Justice Holmes has properly admonished: 'Universal distrust creates universal incompetence.' Graham v. United States, 231 U.S. 474, 480, 34 S. Ct. 148, 151, 58 L. Ed. 319, 324 (1913)."

The testimony in support of appellant's petition was quite meager. No resident of the area was produced, nor was any supportive evidence presented other than that of appellant. Nor has he produced any definitive measurements or made any convincing surveys of the area. Indeed, he has not satisfactorily shown that there is any public need or necessity for such facility. That burden was his and his alone in these proceedings.

On the other hand, the objections of the substantial number of residents must be seriously weighed and considered.

Evidently, these factors were conscientiously evaluated by respondent in reaching its ultimate determination. Absent improper motivation, the action of local boards, based upon proper and bona fide use of their discretion, must be supported. Hudson-Bergen Retail Liquor Stores Ass'n, Inc. v. Hoboken, supra.

It is regrettable that appellant, who has conducted his business in a law-abiding and respectable manner, must be the victim of community progress without any immediate prospect of recouping possible financial loss. In consideration of the greater good, it must also follow that not every hardship has a remedy. It may well be, however, that a more extensive search in another area might be more salutary and socially desirable. Nevertheless, the licensee's own financial misfortune will not be elevated above the public interest.

At the hearing before me counsel for appellant requested that, in the event the action of respondent is affirmed, this Division entertain an application for transfer of the license to the proposed premises upon the express condition that appellant shall not operate thereat until other suitable premises in the municipality are found. This request was made because appellant fears that his license, having terminated, will be totally lost if this application is denied.

My search of precedents for such action does not disclose any precedent. Accordingly, I am constrained to recommend that such request, inconsonant with sound liquor control, should be denied.

After considering all the evidence herein and the oral argument of counsel, I conclude that appellant has failed to sustain the burden of establishing that the action of respondent was arbitrary, unreasonable, or constituted an abuse of its discretionary power. Rule 6 of State Regulation No. 15. Richmon, Inc. v. Trenton, supra; Shiloh Baptist Church v. Atlantic City, Bulletin 1387, Item 2.

It is recommended, therefore, that an order be entered affirming respondent's action and dismissing the appeal.

#### Conclusions and Order

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

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 22nd day of October, 1964,

ORDERED that the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Newark be and the same is hereby affirmed and that the appeal herein be and the same is hereby dismissed.

JOSEPH P. LORDI  
DIRECTOR

3. APPELLATE DECISIONS - DeBLASIO v. CLIFTON.

FRANK DeBLASIO, t/a TRIANGLE TAVERN, )

Appellant, )

v. )

ON APPEAL

MUNICIPAL BOARD OF ALCOHOLIC BEVERAGE CONTROL OF THE CITY OF CLIFTON, )

CONCLUSIONS AND ORDER

Respondent. )

----- )  
DeRose and Serratelli, Esqs., by Ralph C. DeRose, Esq., Attorneys for Appellant.

Nicholas G. Mandak, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report.

This appeal is from a thirty-five-day suspension imposed by respondent on appellant's plenary retail consumption license for premises 18 River Road, Clifton, effective March 30, 1964, as a result of its finding appellant guilty of a charge alleging that:

"On October 18, 1963 you allowed, permitted or suffered gambling, viz., the making and accepting of football pool bets in and upon the licensed premises in violation of Rule 7, of State Regulation No. 20."

Upon the filing of the appeal an order dated April 2, 1964, was entered by the Director staying respondent's order of suspension until further order herein. R.S. 33:1-31.

Appellant in his petition of appeal contends that the action of respondent was erroneous and should be reversed because respondent by the evidence presented failed to establish that appellant was guilty of making and accepting football pool bets in and upon the licensed premises on the date alleged in the charge preferred herein.

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity to the attorneys to present testimony and examine witnesses.

Rule 7 of State Regulation No. 20 provides as follows:

"No licensee shall engage in or allow, permit or suffer any pool-selling, book-making or any playing for money at faro, roulette, rouge et noir or any unlawful game or gambling of any kind, or any device or apparatus designed for any such purpose, or any machine or device commonly known as a bagatelle or pin ball machine, in or upon the licensed premises; provided, however, that bingo and raffles may be permitted in or upon the licensed premises to the same extent as is set forth in Rule 6 hereof."

Respondent produced as witnesses the two municipal police officers involved in the investigation as a result of which the charge in question was preferred.

It appears, by stipulation of the parties hereto, that there is no dispute that on October 18, 1963, Officers Calderaro and Peluso found football pool tickets in an automobile owned by Ralph DeBlasio (son of and bartender employed by appellant) parked outside of the licensed building, which parking lot constituted a part of the licensed premises; moreover, that there were similar tickets found on the person of said Ralph DeBlasio. Both officers testified at the hearing herein that they could not see any actual gambling activities or transactions on the part of anyone at any time during the investigation of appellant's premises on the day in question.

In a statement given to police by Ralph DeBlasio (marked Exhibit R-8) he admitted sale of football pool tickets but denied that any such sale was conducted on appellant's licensed premises. Appellant testified that he had no knowledge that his son was engaged in gambling activities.

There is no evidence in the record to indicate that any gambling, viz., the making and accepting of football pool bets, occurred on appellant's licensed premises on October 18, 1963, as charged. The testimony of the police officers only discloses possession by Ralph DeBlasio of a large number of football pool tickets.

In order to find the licensee guilty of the charge of violation of Rule 7 of State Regulation No. 20 there must be proof that pool selling was actually going on or being done on licensed premises. No conviction therefor may be broader than the charge with which a defendant is confronted. Jandoli v. Orange, Bulletin 233, Item 7. Also see Grouchy Oscar, Inc. v. Lodi, Bulletin 861, Item 10.

It is apparent from the evidence presented herein that the action of the respondent cannot be sustained because the appellant herein could not be adjudged guilty of the charge as preferred. Hence it is recommended that the action of the respondent be reversed.

It is further recommended that the order entered in this matter be without prejudice to the right of respondent to institute additional disciplinary proceedings (cf. Re Grouchy Oscar, Inc. v. Lodi, supra) possibly for alleged violation of Rule 6 of State Regulation No. 20 which provides:

"No licensee shall allow, permit or suffer in or upon the licensed premises any lottery to be conducted, or any ticket or participation right in any lottery to be sold or offered for sale; nor shall any licensee possess, have custody of, or allow, permit or suffer any such ticket or participation right, in or upon the licensed premises...."

#### Conclusions and Order

Written exceptions to the Hearer's Report were filed with me by the attorney for respondent. Pursuant to Rule 14 of State

Regulation No. 15, at my request the attorneys for the respective parties presented oral argument before me. At the conclusion thereof each attorney was permitted to file a memorandum to substantiate his cause which was done in due course.

At the oral argument question was raised whether the tickets involved might properly be deemed to be lottery tickets or participation rights in a lottery proscribed on licensed premises by Rule 6 of State Regulation No. 20. As to this, indicating that in contemplation of law a football pool is a lottery, see State v. Shorts et al., 32 N.J.L. 398; State v. Lovell, 39 N.J.L. 458.

I have carefully considered the entire record herein, including the testimony taken, the exhibits introduced in evidence at the hearing of the appeal, the memoranda filed by the attorneys for the respective parties, the oral argument of the attorneys and the recommendation in the Hearer's Report. I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein. Hence I shall enter an order of reversal as recommended.

Accordingly, it is, on this 15th day of October 1964,

ORDERED that the action of respondent be and the same is hereby reversed, without prejudice to the right of respondent to institute additional disciplinary proceedings as hereinabove indicated.

JOSEPH P. LORDI  
DIRECTOR

4. APPELLATE DECISIONS - GOLDBERG v. GARFIELD

#3014	)	
JEANNETTE GOLDBERG, t/a JEWELL	)	
BAR & GRILL,	)	
Appellant,	)	ON APPEAL
v.	)	
MAYOR AND COUNCIL OF THE CITY	)	ORDER
OF GARFIELD,	)	
Respondent.	)	

-----  
Edward Piechota, Esq., Attorney for Appellant.  
William Boyle, Esq., Attorney for Respondent.

BY THE DIRECTOR:

Appellant appeals from denial by respondent of her application for plenary retail consumption license for premises 773 Midland Avenue, Garfield, for the 1963-64 license year.

After partial hearing of the appeal, by letter of October 23, 1964 appellant advised that the appeal was withdrawn. No reason appearing to the contrary,

It is, on this 26th day of October 1964,

ORDERED that the appeal herein be and the same is hereby dismissed.

JOSEPH P. LORDI  
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

BRUNO and MARY A. NICOLAI  
1297 Paterson Plank Road  
Secaucus, New Jersey,

)  
)  
) CONCLUSIONS  
) AND ORDER  
)

-----  
Holders of Plenary Retail Consumption License C-30, issued by the Town Council of the Town of Secaucus.

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Nathan J. Littauer, Esq., Attorney for Licensees.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on June 19, 1964, they 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, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re My Place, Inc., Bulletin 1577, Item 3.

Accordingly, it is, on this 28th day of October 1964,

ORDERED that Plenary Retail Consumption License C-30, issued by the Town Council of the Town of Secaucus to Bruno and Mary A. Nicolai for premises 1297 Paterson Plank Road, Secaucus, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Wednesday, November 4, 1964, and terminating at 2 a.m. Tuesday, December 29, 1964.

JOSEPH P. LORDI  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )  
 )  
 WILLIAM HARRIS, MARY O'NION )  
 and MARYAN MACK )  
 t/a CLUB 49 )  
 49 Jones Street )  
 Newark, New Jersey )  
 )  
 Holders of Plenary Retail Consumption License C-538, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )  
 )

CONCLUSIONS AND ORDER

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 Sarcone and Mascia, Esqs. by Peter A. Benz, Esq., Attorneys for Licensee.  
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on July 13 and 15, 1964, they 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, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re My Place, Inc., Bulletin 1577, Item 3.

Accordingly, it is, on this 21st day of October, 1964,

ORDERED that Plenary Retail Consumption License C-538, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to William Harris, Mary O'Nion and Maryan Mack, t/a Club 49, for premises 49 Jones Street, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Wednesday, October 28, 1964, and terminating at 2:00 a.m. Tuesday, December 22, 1964.

JOSEPH P. LORDI  
DIRECTOR

7. MORAL TURPITUDE - CONVICTION FOR UNLAWFUL POSSESSION OF NARCOTIC DRUG AND DESERTION OF A CHILD HELD TO INVOLVE MORAL TURPITUDE UNDER FACTS OF CASE.

Re: Eligibility No. 736

Applicant's criminal record discloses that on October 4, 1955, he was convicted in a local magistrate's court on a charge of desertion of a child (3½ years old), in violation of R.S. 2A:100-1, and was placed on probation for one year. It further appears that on November 2, 1960, applicant was convicted in the Essex County Court for unlawful possession of a narcotic drug (heroin) and, as a result thereof, was sentenced to serve a term of three to five years in New Jersey State Prison, from which institution he was paroled on September 27, 1962.

At the hearing held herein, applicant testified that his conviction on November 2, 1960 resulted from his arrest for possessing ten small glassine packs of heroin; that he had received the drugs from a male for the purpose of selling them for \$50; that he was to receive \$25 for his services; that at the time of his arrest he was arranging with a known addict to introduce him to another addict to whom he could sell the heroin; that he was neither an addict nor a "user" and that, previous to his aforesaid arrest, he had never attempted to sell any narcotics.

The crime of unlawful possession of narcotics may or may not involve moral turpitude. Where aggravating circumstances appear it has been held that such crime involves moral turpitude. Re Elig. No. 695, Bulletin 1391, Item 3.

Considering the quantity of narcotics found in applicant's possession and his intent to peddle the same, it is my opinion that applicant's conviction on November 2, 1960 involves the element of moral turpitude.

It is also my opinion that applicant's conviction on November 4, 1955 (desertion of a child, in violation of R.S. 2A: 100-1) involves that element. See Re Elig. No. 3, Bulletin 92, Item 6.

Under the circumstances I recommend that applicant be advised that (1) in the opinion of the Director he has been convicted of crimes involving moral turpitude; (2) the alcoholic beverage law of this State (R.S. 33:1-25) provides that no license of any class shall be issued to a person convicted of a crime involving moral turpitude, and (3) R.S. 33:1-26 and Rule 1 of State Regulation No. 13 provide that no licensee shall employ or have connected with him in any business capacity whatsoever a person so disqualified.

Dated: October 27, 1964

I. Edward Amada,  
Attorney

Approved:

Joseph P. Lordi  
Director

8

ACTIVITY REPORT FOR OCTOBER 1964

<b>ARRESTS:</b>			
Total number of persons arrested	-----		14
Licensees and employees	10		
Bootleggers	4		
<b>SEIZURES:</b>			
Wine - gallons	-----		.5159
Brewed malt alcoholic beverages - gallons	-----		.3752
<b>RETAIL LICENSEES:</b>			
Premises inspected	-----		714
Premises where alcoholic beverages were gauged	-----		610
Bottles gauged	-----		9,270
Premises where violations were found	-----		56
Violations found	-----		85
Unqualified employees	40	Prohibited signs	3
Reg. #38 sign not posted	14	Disposal permit necessary	2
Application copy not available	8	Other violations	13
Other mercantile business	5		
<b>STATE LICENSEES:</b>			
Premises inspected	-----		16
License applications investigated	-----		2
<b>COMPLAINTS:</b>			
Complaints assigned for investigation	-----		355
Investigations completed	-----		340
Investigations pending	-----		196
<b>LABORATORY:</b>			
Analyses made	-----		83
Refills from licensed premises - bottles	-----		52
Bottles from unlicensed premises	-----		8
<b>IDENTIFICATION:</b>			
Criminal fingerprint identifications made	-----		3
Persons fingerprinted for non-criminal purposes	-----		306
Identification contacts made with other enforcement agencies	-----		191
<b>DISCIPLINARY PROCEEDINGS:</b>			
Cases transmitted to municipalities	-----		11
Violations involved	-----		11
Sale during prohibited hours	6		
Sale to minors	8		
Permitting hostesses on premises	1		
Cases instituted at Division	-----		16
Violations involved	-----		19
Sale to minors	5	Fraud in application	1
Sale during prohibited hours	4	Permitting foul language on prem.	1
Possessing liquor not truly labeled	4	Permitting bookmaking on premises	1
Failure to close premises during prohibited hours	1	Permitting lottery activity on prem.	1
		Possessing pinball mach. on prem.	1
Cases brought by municipalities on own initiative and reported to Division	-----		30
Violations involved	-----		35
Sale to minors	18	Permitting immoral activity on prem.	1
Permitting brawl on premises	7	Conducting business as a nuisance	1
Hindering investigation	2	Permitting minors unaccomp. by parent or guardian on premises (local reg.)	1
Failure to close prem. during prohibited hours	2	Sale to intoxicated persons	1
Failure to have Ident. Card (local reg.)	1	Act of violence	1
<b>HEARINGS HELD AT DIVISION:</b>			
Total number of hearings held	-----		41
Appeals	3	Seizures	1
Disciplinary proceedings	27	Applications for license	2
Eligibility	8		
<b>STATE LICENSES AND PERMITS ISSUED:</b>			
Total number issued	-----		2,055
Licensees	1	Wine permits	669
Solicitors' permits	51	Miscellaneous permits	184
Employment permits	279	Transit insignia	259
Disposal permits	53	Transit certificates	15
Social affair permits	544		
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>			
Enforcement files established	51		
Disciplinary proceedings instituted	1		
Violation involved:			
Redemption of prize for money	1		

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



10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Karl V. Kristensen, Executor )  
Estate of Herbert Wilson )  
t/a Johnsonburg Inn )  
Main Street )  
Frelinghuysen Township )  
PO Johnsonburg, New Jersey )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Frelinghuysen. )  
-----)

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 25, 1964, he sold twelve cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Dude's Bar, Inc., Bulletin 1577, Item 1.

Accordingly, it is, on this 20th day of October, 1964,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Frelinghuysen to Karl V. Kristensen, Executor, Estate of Herbert Wilson, t/a Johnsonburg Inn, for premises on Main Street, Frelinghuysen Township, be and the same is hereby suspended for ten (10) days commencing at 7:00 a.m. Tuesday, October 27, 1964, and terminating at 7:00 a.m. Friday, November 6, 1964.

JOSEPH P. LORDI  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against James A. Maley t/a Duquesne Grille 22-24-26 S. Tennessee Avenue Atlantic City, New Jersey

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-182, issued by the Board of Commissioners of the City of Atlantic City.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 2, 1964, he sold a glass of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Brunswick Grove, Inc., Bulletin 1561, Item 7.

Accordingly, it is, on this 20th day of October, 1964,

ORDERED that Plenary Retail Consumption License C-182, issued by the Board of Commissioners of the City of Atlantic City to James A. Maley, t/a Duquesne Grille, for premises 22-24-26 S. Tennessee Avenue, Atlantic City, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m. Tuesday, October 27, 1964, and terminating at 7:00 a.m. Friday, November 6, 1964.

Handwritten signature of Joseph P. Lordi and typed name: Joseph P. Lordi Director