

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

BULLETIN 1207

FEBRUARY 19, 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 1207

FEBRUARY 19, 1958.

1. STATE REGULATIONS - REGULATIONS NOS. 34 AND 39 - ANNOUNCEMENT  
OF PRESENT CONTINUANCE AND POSSIBLE FUTURE ABROGATION -  
NEW POLICY IN HANDLING VIOLATIONS.

TO ALL DISTILLERS, WHOLESALERS AND SOLICITORS:

I refer you to my notice of December 31, 1957 concerning the possibility of suspension effective February 1, 1958, of State Regulations Nos. 34 and 39 and their ultimate abrogation because of widespread price-cutting, kick-backs, deals and other unlawful promotions of various brands and lines of alcoholic beverages.

In keeping with my notice of December 31st, I have conducted appropriate investigation concerning the condition of the market during the month of January (admittedly the slowest month of the year) and, while I am satisfied that there has been some improvement and that an effort (which may or may not be bona fide) is being made by a majority of the distillers, wholesalers and solicitors to restore market conditions to those prevailing during the past two and one-half years, I am nevertheless convinced that some, selfishly and shortsightedly, prefer a disorderly market to a stable one. Such persons have no place in the liquor industry and the sooner they are weeded out the better for all concerned. It may be that the day is not too far distant when this will be accomplished.

The retailers en masse have requested the continuance of Regulations Nos. 34 and 39, as have many solicitors and representatives of wholesalers and distillers with whom I have conferred. All have pledged their cooperation in maintaining an orderly and stable market. Similar assurances have been given in the past which unfortunately have not been of long duration. I shall not, therefore, rely upon them now in determining my course of action with respect to the continuance of the regulations in question. I am, however, particularly concerned with the impact on the public of the disastrous effects of a disorderly market which will necessarily result at this time from the abrogation of Regulations Nos. 34 and 39. This must be my primary concern and for this reason alone I am presently continuing Regulations Nos. 34 and 39. If I am satisfied at any time in the future that their usefulness to the public and the industry has ceased to exist, they will be abrogated without further notice. My future decision will be guided by industry performance rather than promises.

It might be timely for me to indicate a change in attitude regarding many so-called "technical" violations of Regulations Nos. 34 and 39 by the industry which in the past were the subject of warning letters or special permits in lieu of proceedings. In the future, aggravated violations of this kind, normally the subject of warning letter or permit action, will be the subject of disciplinary proceedings resulting in suspension or revocation of license or solicitor's permit where guilt is found.

WILLIAM HOWE DAVIS  
Director.

Dated: February 1, 1958.

2. LICENSEES - TAX, PENALTY AND REPORT DELINQUENCIES - COSTS TO COVER SERVICE INCREASED IN INSTANCES OF MULTIPLE PROCEEDINGS.

NOTICE TO ALL LICENSEES AND PERMITTEES:

Our present practice in proceedings preferred by this Division against licensees and permittees at the request of the Beverage Tax Bureau of the New Jersey Department of the Treasury for delinquency in complying with the requirements of the Alcoholic Beverage Tax Law is to make a service charge of \$10.00 in cases wherein a dismissal order is entered before entry of an order of suspension and \$20.00 in cases where such order is entered after the entry of an order of suspension. See Bulletin 1036, Item 13.

These nominal service charges were based on an assumption that the failure to comply with the requirements of the Alcoholic Beverage Tax Law might have been unintentional. However, a certain few licensees and permittees have recently demonstrated an apparent persistent disregard for the requirements of the Alcoholic Beverage Tax Law in their failure to make punctual payment of their liquor taxes due to the State of New Jersey and/or in their prompt filing of the necessary reports and bonds, with the resulting effect that this Division has been required to institute multiple tax revocation proceedings against the same licensee or permittee. The above stated nominal service charges were not intended to apply in those multiple cases.

Accordingly, effective immediately, in cases where, within a five-year period, a third or fourth tax revocation proceeding is instituted against the same licensee or permittee by this Division, the service charge will be \$25.00 where a dismissal order is entered before entry of an order of suspension and \$50.00 where such order is entered after entry of an order of suspension. The above stated service charges of \$10.00 and \$20.00, respectively, will continue for the present in cases of first and second tax revocation proceedings.

Any instance of a fifth tax revocation proceeding against the same licensee or permittee within a five-year period will be dealt with separately at the time.

WILLIAM HOWE DAVIS  
Director.

Dated: February 1, 1958.

3. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

HUNGARIAN ROUND TABLE CHARITABLE ASSOCIATION )  
431 Maple Avenue )  
Linden, N. J., )

CONCLUSIONS AND ORDER

Holder of Club License CB-1, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden. )

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Hungarian Round Table Charitable Association, by Coloman Dudar, President.

Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that it sold, served and delivered alcoholic beverages to four 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 at about 9:30 p.m. Saturday, October 12, 1957, three ABC agents attending an affair at defendant's licensed premises observed three apparent minors being served beer by the bartender and another minor consuming beer which was purchased for him by others. The agents identified themselves, seized the drinks in front of the young men who stated they were Louis --- (age 17), Sandor --- (age 17), Iaszlo --- (age 18) and Iaszlo Z----- (age 18), and that they were served the beers by the bartender without being required to produce written proof of their ages. The bartender admitted serving three of the minors.

Defendant has no prior adjudicated record. In view of the fact that two of the minors were only seventeen years of age and considering the number of minors involved, I shall suspend defendant's license for twenty-five days. Cf. Re Butts, Bulletin 1098, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 30th day of December, 1957,

ORDERED that Club License CB-1, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden to Hungarian Round Table Charitable Association, for premises 431 Maple Avenue, Linden, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. January 14, 1958, and terminating at 2:00 a.m. February 3, 1958.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

FELIX ORZECZOWSKI )  
T/a 64 TAVERN )  
64 Morris Street )  
Jersey City 2, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-266, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )  
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James F. McGovern, Jr., Esq., Attorney for Defendant-licensee. Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that on Sunday, October 27, 1957, he sold and permitted the sale of alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

The file herein discloses that two ABC agents were in defendant's licensed premises on the afternoon of Sunday, October 27, 1957. At about 3:10 p.m. one of the agents purchased from Michael Majeski (the bartender) six cans of Piel's beer. This agent left the premises with the six cans of beer and then reentered the premises, at which time he and the other ABC agent identified themselves to the bartender who verbally admitted the violation.

Defendant has a prior record. Effective November 10, 1947, the local issuing authority suspended his license for ten days for an "hours" violation. Effective April 19, 1948, the then Commissioner suspended his license for a period of ten days after he had pleaded non vult to a Fair Trade violation (Re Orzechowski, Bulletin 800, Item 5). The minimum penalty imposed for a violation of Rule 1 of State Regulation No. 38 is fifteen days (Re Timinski, Bulletin 1195, Item 6). Because of defendant's prior record, which includes a substantial similar violation within the past ten years, I shall suspend defendant's license in this case for twenty days (Re Gorcica, Bulletin 1189, Item 9). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 30th day of December, 1957,

ORDERED that Plenary Retail Consumption License C-266, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Felix Orzechowski, t/a 64 Tavern, for premises 64 Morris Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. January 15, 1958, and terminating at 2:00 a.m. January 30, 1958.

WILLIAM HOWE DAVIS  
Director.

5. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE  
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

OLGA BODNAR )  
T/a MERRY-GO-ROUND BAR & )  
LIQUOR STORE )  
1861 Princeton Avenue. )  
Lawrence Township )  
PO Trenton, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-10, issued by the )  
Township Committee of the Township )  
of Lawrence. )

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Felcone & Felcone, Esqs., by Joseph J. Felcone, Esq., Attorneys  
for Defendant-licensee.  
William F. Wood, Esq., appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she possessed on her licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

The file herein discloses that on October 16, 1957 an ABC agent made a preliminary test of all the open bottles of liquor in defendant's licensed premises. The agent seized a number of the bottles when the tests indicated to him that said bottles contained alcoholic beverages other than that shown on the respective labels thereof. The report of analysis of the seized bottles made by the Division chemist disclosed that two of the bottles of whiskey were too low in proof and acids and high in solids and that a third bottle was too low in solids and high in acids to meet the requirements of the genuine brands of the whiskey in question.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of twenty days (Re Pawlus, Bulletin 1104, Item 7). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 30th day of December, 1957,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Lawrence to Olga Bodnar, t/a Merry-Go-Round Bar & Liquor Store, for premises 1861 Princeton Avenue, Lawrence Township, be and the same is hereby suspended for fifteen (15) days, effective 2:00 a.m. January 6, 1958 and terminating at 2:00 a.m. January 21, 1958.

WILLIAM HOWE DAVIS.  
Director.

6. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

CHARLES SORBERA )  
T/a ROXY'S )  
366 Palisade Avenue )  
Jersey City 7, N. J., )

CONCLUSIONS  
AND  
ORDER

Holder of Plenary Retail Consump- )  
tion License C-526, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Jersey City. )

-----  
Meehan Brothers, Esqs., by John J. Meehan, Esq., Attorneys  
for Defendant-licensee.

William F. Wood, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he possessed on his licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

The file herein discloses that on October 18, 1957, an ABC agent, while testing the licensee's opened bottles of alcoholic beverages, seized one 4/5 quart bottle labeled "Imported Canadian Club Blended Canadian Whisky 90.4 Proof" when the contents of the bottle appeared to be off in proof and color. Subsequent analysis made by the Division's chemist disclosed that, when compared with the contents of genuine bottles of the item in question, the contents of the seized bottle were much too high in solids and darker in color.

Defendant has no prior adjudicated record. The minimum penalty imposed for a violation similar to that charged herein is fifteen days (Re Miller, Bulletin 1180, Item 2). I shall suspend defendant's license for fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 26th day of December, 1957,

ORDERED that Plenary Retail Consumption License C-526, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Charles Sorbera, t/a Roxy's, for premises 366 Palisade Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. January 6, 1958, and terminating at 2:00 a.m. January 16, 1958.

WILLIAM HOWE DAVIS  
Director.

7. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

LIPSHITZ, INC. )  
497 Clinton Avenue )  
Newark 8, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-171, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

-----)  
Charles Handler, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold alcoholic beverages at retail at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulation No. 30.

The file herein discloses that on October 1, 1957 an ABC agent at defendant's premises, after purchasing and consuming food and drink, purchased from Nathan Lipshitz (vice-president of the corporation) a quart bottle of Calvert Reserve, a blended whiskey, for \$5.50, the minimum consumer resale price being \$5.90. The agent left with his purchase, and re-entered immediately, accompanied by two other agents who had been stationed outside. When the agents revealed their identity, Nathan Lipshitz verbally admitted the violation, offering the excuse that he was busy at the time he made the sale.

The defendant has no prior adjudicated record. Alleged mitigating circumstances urged in defendant's behalf do not disclose any reason for the imposition of less than the minimum penalty. I shall suspend its license for the period of ten days and remit five days for the plea entered herein, leaving a net suspension of five days (Re Pat Caridi, Inc., Bulletin 1186, Item 7).

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

ORDERED that Plenary Retail Consumption License C-171, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Lipshitz, Inc., for premises 497 Clinton Avenue, Newark, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. January 6, 1958, and terminating at 2:00 a.m. January 11, 1958.

WILLIAM HOWE DAVIS  
Director.

8. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 )  
 )  
 DAVIDSON'S LIQUOR INC., A CORP.  
 269 George Street )  
 New Brunswick, N. J., )  
 )  
 Holder of Plenary Retail Distribution License D-1, issued by the Board of Commissioners of the City of New Brunswick. )

CONCLUSIONS AND ORDER

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 William K. Miller, Esq., Attorney for Defendant-licensee.  
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold an alcoholic beverage at less than the price listed in the Minimum Consumer Resale Price List, in violation of Rule 5 of State Regulation No. 30.

The file herein discloses that on the afternoon of September 24, 1957, an ABC agent purchased from a clerk in defendant's licensed premises a quart bottle of Schenley Reserve Blended Whiskey for \$5.50. This agent and another ABC agent who was also in the premises identified themselves to the clerk. The minimum resale price then in effect for the item in question was \$5.90.

Defendant has no prior adjudicated record. I shall suspend its license for the minimum period of ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Salamandra Liquor Store, Bulletin 1196, Item 8.

Accordingly, it is, on this 26th day of December, 1957,

ORDERED that Plenary Retail Distribution License D-1, issued by the Board of Commissioners of the City of New Brunswick to Davidson's Liquor Inc., A Corp., for premises 269 George Street, New Brunswick, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. January 6, 1958 and terminating at 9:00 a.m. January 11, 1958.

WILLIAM HOWE DAVIS  
Director.

9. DISCIPLINARY PROCEEDINGS - SOLICITOR'S PERMIT - EMPLOYMENT  
OF SOLICITOR BY RETAILER - PERMIT SUSPENDED FOR 5 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

CHARLES J. WASEKANES )  
3 Lincoln Court )  
Greenwood Village Apts. )  
Trenton, N. J., )

CONCLUSIONS  
AND ORDER

(now residing at 11 Valor Lane, )  
Vermilion Hill, Levittown, Pa.), )  
Holder of Unlimited Solicitor's )  
Permit No. 3542, issued by the )  
Director of the Division of )  
Alcoholic Beverage Control. )  
-----)

Charles J. Wasekanes, Defendant-permittee, Pro se.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On July 19, 20, 26, 27, August 2 and 3, 1957, you, the holder of a solicitor's permit, were interested, directly or indirectly, in a retail license and the business conducted thereunder and were employed by and connected in a business capacity with a retail licensee, in that you acted as a bartender at retail licensed premises of John Rogalski and Alexander Rogalski, N.W. Cor. Grand Avenue and 1st Ave., Ortley Beach, Dover Township, New Jersey; in violation of Rule 7 of State Regulation No. 14."

The facts underlying the alleged violation are so completely set forth in the above charge as to obviate the necessity of detailing the surrounding circumstances reported by the ABC agents who investigated the case. Defendant alleges that he received no compensation from the retail licensees for his services.

In the absence of a prior record or aggravating factors, I shall suspend defendant's permit for a period of five days (Re Cassidy, Bulletin 1087, Item 4).

Accordingly, it is, on this 26th day of December, 1957,

ORDERED that Unlimited Solicitor's Permit No. 3542, issued by the Director of the Division of Alcoholic Beverage Control to Charles J. Wasekanes, now residing at 11 Valor Lane, Vermilion Hill, Levittown, Pa., be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. January 6, 1958, and terminating at 9:00 a.m. January 11, 1958.

WILLIAM HOWE DAVIS  
Director.

## ACTIVITY REPORT FOR JANUARY 1958

<b>ARRESTS:</b>		
Total number of persons arrested	-----	16
Licensees and employees	----- 5	
Bootleggers	----- 11	
<b>SEIZURES:</b>		
Motor vehicles - cars	-----	2
Stills - over 50 gallons	-----	1
- 50 gallons or under	-----	1
Distilled alcoholic beverages - gallons	-----	82.25
Wine - gallons	-----	5.25
<b>RETAIL LICENSEES:</b>		
Premises inspected	-----	835
Premises where alcoholic beverages were gauged	-----	588
Bottles gauged	-----	9,589
Premises where violations found	-----	100
Violations found	-----	123
Type of violations found:		
Application copy not available	----- 30	Improper beer taps ----- 9
Reg. #38 sign not posted	----- 24	Disposal permit necessary ----- 8
Unqualified employees	----- 23	Other mercantile business ----- 2
Prohibited signs	----- 9	Other violations ----- 18
<b>STATE LICENSEES:</b>		
Premises inspected	-----	26
License applications investigated	-----	5
<b>COMPLAINTS:</b>		
Complaints assigned for investigation	-----	443
Investigations completed	-----	398
Investigations pending	-----	148
<b>LABORATORY:</b>		
Analyses made	-----	162
Refills from licensed premises - bottles	-----	14
Bottles from unlicensed premises	-----	32
<b>IDENTIFICATION BUREAU:</b>		
Criminal fingerprint identifications made	-----	9
Persons fingerprinted for non-criminal purposes	-----	222
Identification contacts made with other enforcement agencies	-----	175
Motor vehicle identifications via N. J. State Police teletype	-----	8
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities	-----	20
Violations involved	-----	28
Sale during prohibited hours	----- 14	Permitting brawl on premises ----- 1
Sale to minors	----- 5	Failure to afford view into premises
Failure to close premises during	-----	during prohibited hours ----- 1
prohibited hours	----- 5	Sale to intoxicated persons ----- 1
Sale to non-members by club	----- 1	
Cases instituted at Division	-----	30
Violations involved	-----	42
Sale to minors	----- 12	Failure to have copy of license
Sale during prohibited hours	----- 8	application on premises ----- 1
Sale below minimum resale price	----- 3	Conducting business as a nuisance ----- 1
Fraud and front	----- 3	Permitting immoral activity on premises ----- 1
Mislabeling beer taps	----- 2	Permitting lottery activity on premises ----- 1
Employees without requisite identification card (local reg.)	----- 2	Permitting hostesses on premises ----- 1
Failure to close premises during	-----	Sale to intoxicated persons ----- 1
prohibited hours	----- 1	Solicitor-permittee employed by retailer ----- 1
Sale to non-members by club	----- 1	Possessing indecent matter ----- 1
Hindering investigation	----- 1	Failure to file notice of change in
Cases brought by municipalities on own initiative and reported to Division	-----	application ----- 1
Violations involved	-----	13
Permitting brawl on premises	----- 6	14
Sale to minors	----- 3	Failure to close premises during
Permitting bookmaking on premises	----- 1	prohibited hours ----- 1
Permitting gambling on premises	----- 1	Failure to afford view into premises
Sale to intoxicated persons	----- 1	during prohibited hours ----- 1
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held	-----	48
Appeals	----- 4	Seizures ----- 1
Disciplinary proceedings	----- 31	Tax revocations ----- 3
Eligibility	----- 8	Applications for license ----- 1
<b>STATE LICENSES AND PERMITS ISSUED:</b>		
Total number issued	-----	1,195
Licenses	----- 3	Wine permits ----- 3
Employment permits	----- 186	Miscellaneous permits ----- 133
Solicitors "	----- 70	Transit insignia ----- 236
Disposal "	----- 93	Transit certificates ----- 95
Social affair "	----- 376	

WILLIAM HOWE DAVIS  
DIRECTOR

Dated: February 4, 1958

RECAPITULATION OF ACTIVITY FOR QUARTERLY PERIOD FROM JULY 1, 1957 THROUGH DECEMBER 31, 1957

	1st Quarter			2d Quarter			Total
	July	Aug.	Sept.	Oct.	Nov.	Dec.	
<b>ARRESTS:</b>							
Total number of persons arrested	79			62			141
Licensees and employees	28			21			49
Bootleggers	51			41			92
<b>SEIZURES:</b>							
Motor vehicles - cars	8			6			14
Stills - over 50 gallons	4			2			6
- 50 gallons or under	3			2			5
Mash - gallons	1,627.50			445.00			2,072.50
Distilled alcoholic beverages - gallons	241.02			259.26			500.28
Wine- gallons	6.62			5.90			12.52
Brewed malt alcoholic beverages - gallons	50.87			35.89			86.76
<b>RETAIL LICENSES:</b>							
Premises inspected	1,506			1,856			3,362
Premises where alcoholic beverages were gauged	1,412			1,747			3,159
Bottles gauged	22,900			26,779			49,679
Premises where violations were found	171			219			390
Violations found	237			322			559
Type of violations found:							
Unqualified employees	102			116			218
Application copy not available	38			57			95
Reg. #38 sign not posted	30			53			83
Prohibited signs	17			34			51
Improper beer taps	4			10			14
Disposal permit necessary	3			10			13
Other mercantile business	3			9			12
Gambling devices	1			-			1
Probable fronts	-			1			1
Other violations	39			32			71
<b>STATE LICENSEES:</b>							
Premises inspected	110			70			180
License applications investigated	33			26			59
<b>COMPLAINTS:</b>							
Complaints assigned for investigation	1,304			1,140			2,444
Investigations completed	1,245			1,033			2,278
Investigations pending	(149)			146			146
<b>LABORATORY:</b>							
Analyses made	519			526			1,045
Refills from licensed premises - bottles	2			8			10
Bottles from unlicensed premises	105			119			224
<b>IDENTIFICATION BUREAU:</b>							
Criminal fingerprint identifications made	121			36			157
Persons fingerprinted for non-criminal purposes	819			442			1,261
Identification contacts made with other enforcement agencies	661			350			1,011
Motor vehicle identifications via N.J.State Police teletype	15			23			38
<b>DISCIPLINARY PROCEEDINGS:</b>							
Cases transmitted to municipalities							
Violations involved	38			43			81
Sale during prohibited hours	45			53			98
Sale to minors	25			25			50
Sale to minors	12			11			23
Failure to close premises during prohibited hours	3			4			7
Sale to intoxicated persons	1			3			4
Sale to non-members by club	-			3			3
Service to women at a bar (local reg.)	1			1			2
Permitting hostesses on premises	1			-			1
Permitting brawl on premises	1			-			1
Permitting foul language on premises	1			-			1
Sale outside scope of license	-			1			1
Possessing chilled beer (DL licensee)	-			1			1
Employing female bartender (local reg.)	-			1			1
Failure to afford view into prem.during prohibited hours	-			1			1
Conducting business as a nuisance	-			1			1
Permitting lottery activity (punchboard)	-			1			1
Cases instituted at Division							
Violations involved	90			73			165
Sale to minors	117			111			228
Sale during prohibited hours	36			17			53
Sale below minimum resale price	33			17			50
Sale below minimum resale price	10			10			20
Permitting immoral activity on premises	7			7			14
Fraud and front	1			6			7
Permitting lottery activity (numbers)	1			5			6
Unauthorized transportation	1			4			5
Possessing illicit liquor	1			4			5
Hindering investigation	2			3			5
Delivery without bona fide invoice	2			3			5
Permitting foul language on premises	1			4			5
Conducting business as a nuisance	1			4			5
Sale outside scope of license	3			1			4
Employee w/o requisite identification card	2			1			3
Permitting bookmaking on premises	2			1			3

DISCIPLINARY PROCEEDINGS (Continued)	1st Quarter			2d Quarter			Total
	July,	Aug.,	Sept.	Oct.,	Nov.,	Dec.	
Cases instituted at Division (Continued)							
Violations involved:							
Sale to intoxicated persons		1		2			3
Employing unqualified persons		-		3			3
Possessing indecent matter		-		3			3
Permitting gambling (cards) on premises		2		-			2
Mislabeling beer taps		2		-			2
Permitting hostesses on premises		1		1			2
Permitting brawl on premises		1		1			2
Retailer to retailer sales		-		2			2
Failure to close premises during prohibited hours		-		2			2
Failure to file notice of change in application		-		2			2
Sale to non-members by club		-		2			2
Employing female bartender (local reg.)		1		-			1
Failure to afford view into premises during prohibited hours		1		-			1
Rebottling by retailer		1		-			1
Sol'r furnishing unlawful inducements to retailer		1		-			1
Sol'r engaging in conduct prohibited to employer		1		-			1
Sol'r violating terms of permit		1		-			1
Sol'r employed by retailer		1		-			1
Unlicensed sale by solicitor		-		1			1
Storage off licensed premises		-		1			1
Aiding and abetting unauthorized sale		-		1			1
Aiding and abetting unauthorized transportation		-		1			1
Service to women at a bar (local reg.)		-		1			1
Licensee convicted of crime involving moral turpitude after issuance of license		-		1			1
Cases brought by municipalities on own initiative and reported to Division	36			43			79
Violations involved:							
Sale to minors	44			55			99
Sale during prohibited hours	12			18			30
Permitting brawl on premises	7			11			18
Conducting business as a nuisance	7			10			17
Permitting bookmaking on premises	5			1			6
Hindering investigation	3			3			6
Failure to afford view into premises during prohibited hours	2			2			4
Permitting gambling (cards) on premises	1			2			3
Failure to close premises during prohibited hours	1			1			2
Sale to intoxicated person	-			2			2
Sale on Primary Election Day	1			-			1
Licensee working while intoxicated	1			-			1
Employee working while intoxicated	1			-			1
Permitting foul language on premises	1			-			1
Permitting female impersonators on premises	1			-			1
Employing unqualified persons	-			1			1
Employing police officer on premises	-			1			1
Sale to non-members by club	-			1			1
Permitting lottery activity (baseball pool)	-			1			1
Fraud in application	-			1			1
HEARINGS HELD AT DIVISION:							
Total number of hearings held	135			136			271
Appeals	23			18			41
Disciplinary proceedings	79			80			159
Eligibility	17			13			30
Seizures	9			13			22
Tax revocations	6			7			13
Hearing on petition	1			-			1
Applications for license	-			5			5
STATE LICENSES AND PERMITS ISSUED:							
Total number issued	5,199			4,021			9,220
Licenses	950			3			953
Employment permits	788			387			1,175
Solicitors'	183			106			289
Disposal "	254			222			476
Social affair "	1,391			1,048			2,439
Wine "	2			1,043			1,045
Miscellaneous "	647			482			1,129
Transit insignia	857			600			1,457
Transit certificates	127			130			257

WILLIAM HOWE DAVIS  
DIRECTOR

Dated: January 15, 1958.

12. SEIZURE - FORFEITURE PROCEEDINGS - INTERSTATE TRANSPORTATION OF TAXPAID ALCOHOLIC BEVERAGES WITHOUT COMPLIANCE WITH STATE REGULATION NO. 18 - ALCOHOLIC BEVERAGES INTENDED FOR UNLAWFUL IMPORTATION INTO NEW YORK - ALCOHOLIC BEVERAGES AND MOTOR VEHICLE ORDERED FORFEITED.

In the Matter of the Seizure on ) Case No. 9565  
 September 5, 1957 of a quantity )  
 of alcoholic beverages and a )  
 Dodge coupe on Route #202, Town- ) ON HEARING  
 ship of Raritan, County of ) CONCLUSIONS AND ORDER  
 Hunterdon and State of New Jersey. )  
 ----- )

Theodore Meth, Esq., Attorney for Royal Smithson.  
 I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

"This matter came on for hearing pursuant to R. S. 33:1-66 to determine whether a quantity of taxpaid alcoholic beverages and a Dodge coupe described in a schedule attached hereto seized on September 5, 1957 on Route #202, Raritan Township, New Jersey constitute unlawful property and should be forfeited.

"Theodore Meth appeared at the hearing and represented that his primary purpose as counsel is to protect the interest, as far as he can, of whoever is the true owner of the car, on claim that he was wholly innocent in the matter, although counsel's only source of information on that score is Royal Smithson, who was driving the car. Smithson failed to appear at the hearing.

"The substance of testimony of ABC agents is that they spoke with Smithson who told them that on September 1st he met one Frank Taylor on a street in New York City and Taylor supplied him with the Dodge coupe (registered in the name of Hanis Richard Taylor of Lynchburg, Virginia which Frank Taylor was in the process of purchasing); that Taylor instructed him to drive south, pick up some liquor and return; that he picked up his friend Richard Jones and both drove to Virginia where they visited relatives and friends; that on their way back they stopped in Washington, D. C. and Smithson purchased the taxpaid alcoholic beverages at a cost of between \$1500.00 and \$1700.00; that a small portion of these beverages was for himself and the balance for friends who were to reimburse him; that he was to drive to Somerville, New Jersey, to meet a Mr. Brown who was to pay him for part of the alcoholic beverages and tell him where he was to deliver the liquor; that while enroute to Somerville they were picked up by State Police.

"Richard Jones, when interviewed by such agents, stated that on September 2nd he and Smithson boarded a train at the Pennsylvania Station in New York City and went to Lynchburg, Virginia to visit Smithson's sister; that at the conclusion of their visit he and Smithson went by train to Washington, D. C.; that there in a restaurant Smithson held a conversation with some man; and that, leaving the restaurant Smithson and he walked to the Dodge coupe which was parked nearby and drove north.

"There were 614 pint bottles and 34 - 4/5 quart bottles of taxpaid whiskey in the Dodge coupe when such motor vehicle and alcoholic beverages were seized on the above date and location. Smithson had in his possession a bill to Frank Taylor in the amount of \$1648.93 for alcoholic beverages, on the billhead of a retail liquor dealer located in Washington, D. C. The records of this Division do not disclose any license or permit issued to Royal Smithson, Frank Taylor or Richard Jones authorizing the transportation of alcoholic beverages in such Dodge coupe.

"Alcoholic beverages intended for delivery in New Jersey must be transported in a vehicle licensed for that purpose. Alcoholic beverages being transported through New Jersey for delivery in another state may be transported in a vehicle licensed for that purpose or in the alternative may be transported without such license or permit if the driver has in his possession bona fide, authentic and accurate waybills or similar documents stating the bona fide names and addresses of the consignee and consignor, the nature and quantity of the alcoholic beverages being transported, the place of origin and destination; provided further, the beverages may be lawfully delivered to and received by a consignee fully authorized by State and Federal laws to receive the same. R. S. 33:1-2, Rule 2, State Regulation No. 18.

"The transportation in the instant case of a large quantity of alcoholic beverages is prima facie unlawful either because (1) such beverages were to be delivered to some person in Somerville or (2) they were to be delivered out of state and the driver did not have a proper waybill.

"The failure of Smithson and the owner of the car to appear in person to contest forfeiture justifies the inference that they could not establish that they were engaged in a legitimate enterprise.

"Counsel requested that the motor vehicle, subject to warehouse charges, should be segregated to await the claim of the true owner because of the conflicting stories concerning the exact details of when and how the motor vehicle came into the possession of Smithson. Counsel acknowledged that the motor vehicle was actually used to transport the alcoholic beverages in this state without a license or permit but maintains that the Division must establish actual ownership of the car and that such owner had knowledge of its unlawful use.

"This argument in a vacuum has no substance. In forfeiture proceedings the action is against the vehicle itself and not against the owner thereof. If the vehicle is used in violation of the Alcoholic Beverage Law it is subject to forfeiture even as against an innocent owner and relief from such forfeiture is directed to the discretionary authority of the Director. R. S. 33:1-66 (e) and (f).

"On the assumption that counsel may have misunderstood the provisions of the law he was granted a continuance of the case to permit him to present any claim the owner of the car might have. This continuance was granted on condition that counsel would notify the Division by December 1, 1957 either that he desired to present further evidence and cross-examine the ABC agents or desired to rest his case on whatever evidence has been presented so far. Counsel has not since communicated with this Division and therefore will be considered to have rested his case.

"I recommend that the motor vehicle and alcoholic beverages be declared forfeited."

No exceptions were taken to the Hearer's Report within the time limited by Rule 4 of State Regulation No. 28.

After carefully considering the facts and circumstances herein, I concur in the recommended Conclusions in the Hearer's Report and I adopt them as my Conclusions herein.

Accordingly, it is DETERMINED and ORDERED that the seized property, more fully described in Schedule "A" attached hereto, constitutes unlawful property, and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and shall be sold at public sale for the use of the State in accordance with State Regulation No. 29 or retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS  
Director.

Dated: December 30, 1957.

SCHEDULE "A"

- 614 - pint bottles of whiskey
- 34 - 4/5 quarts of whiskey
- 1 - Dodge coupe, Serial No. 37189874,  
Engine No. 0-24-311936, Virginia  
Registration 992-734.

13. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 PRAKSEDA KWASNIEWSKI  
 T/a PROXY'S TAVERN  
 70 Wallington Avenue  
 Wallington, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-21, issued by the Mayor and Council of the Borough of Wallington.

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 Prakseda Kwasniewski, Defendant-licensee, Pro se.  
 David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she sold, at retail, alcoholic beverages at less than the price thereof listed in the then currently effective Minimum Consumer Resale Price List, in violation of Rule 5 of State Regulation No. 30.

The file herein discloses that at about 12:10 p.m. on Monday, August 26, 1957, an ABC agent at defendant's licensed premises purchased three cans of Rheingold beer for off-premises consumption from the licensee, who stated that the price was fifty-five cents and received payment in that amount. There-upon the agent and a fellow-agent in the premises revealed their

identities and informed her that the correct minimum consumer resale price then in effect for one can of Rheingold beer was nineteen cents and, hence, the minimum price for three cans was fifty-seven cents. The licensee then verbally admitted the sale of the three cans of beer for fifty-five cents but stated that, since the minimum consumer resale price for six cans of the beer is \$1.10, she thought the correct price for the sale of three cans was fifty-five cents.

The defendant-licensee repeated this statement in her letter entering the above mentioned plea. However, it is not permissible to sell three cans for one-half of the six-pack price.

Defendant has no prior adjudicated record. In consideration of the mitigating circumstances presented, I shall suspend defendant's license for five days instead of the ten days usually imposed for a violation of this nature (Re Chmielowiec, Bulletin 1185, Item 2), and remit two days for the plea entered herein (cf. Re Club 209 Bar & Grill, Inc., Bulletin 1036, Item 4), leaving a net suspension of three days.

Accordingly, it is, on this 8th day of January, 1958,

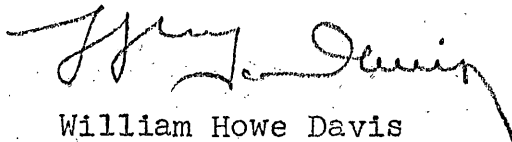
ORDERED that Plenary Retail Consumption License C-21, issued by the Mayor and Council of the Borough of Wallington to Prakseda Kwasniewski, t/a Proxy's Tavern, for premises 70 Wallington Avenue, Wallington, be and the same is hereby suspended for three (3) days, commencing at 3:00 a.m. January 20, 1958, and terminating at 3:00 a.m. January 23, 1958.

WILLIAM HOWE DAVIS  
Director.

14. STATE LICENSES - NEW APPLICATION FILED.

Great Western Producers, Inc.  
Hammondsport, N. Y.

Application filed February 13, 1958 for person-to-person transfer of Wine Wholesale License WW-9 from The Pleasant Valley Wine Company.



William Howe Davis  
Director.