

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 5, N. J.

BULLETIN 1123

JULY 25, 1956.

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STATE OF NEW JERSEY  
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DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
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BULLETIN 1123

JULY 25, 1956.

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES  
(MAKING ARRANGEMENTS FOR ILLICIT SEXUAL INTERCOURSE) -  
PERMITTING FOUL, FILTHY AND OBSCENE LANGUAGE - PRIOR RECORD -  
LICENSE SUSPENDED FOR 210 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

ROBERT CELENTANO & JOHN CELENTANO )  
178 Waite Street )  
Paterson, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-186, issued by the Board of )  
Alcoholic Beverage Control for the )  
City of Paterson. )  
-----)

Leo J. Berg, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to the following  
charges:

"1. On January 19, 21, 22, 27, 28 and 29, 1956,  
you allowed, permitted and suffered lewdness and immoral  
activity in and upon your licensed premises, viz., the  
making of overtures and arrangements for illicit sexual  
intercourse and acts of perverted sexual relations; in  
violation of Rule 5 of State Regulations No. 20.

"2. On January 13, 1956, you allowed, permitted and  
suffered foul, filthy and obscene language in and upon  
your licensed premises; in violation of Rule 5 of State  
Regulations No. 20."

As to Charge 1: The file herein discloses that two  
ABC agents entered defendants' licensed premises on Thursday,  
January 19, 1956, at about 8:20 p.m. Robert Celentano was  
tending bar. One of the agents had a long conversation with  
him concerning two females whom the agent had seen at the  
licensed premises on the evening of January 13, 1956. From  
the conversation it is very evident that Robert Celentano knew  
that both females were prostitutes. Neither of the females  
appeared on the premises prior to the time the agents left at  
9:50 p.m., but the bartender told the agents that the females  
would be there "Friday and Saturday."

The same ABC agents and another agent returned to the  
licensed premises on the evening of Saturday, January 21, 1956,  
and remained there until shortly after 1:00 a.m. on the follow-  
ing morning. Neither of said females appeared on the licensed  
premises during this visit. When one of the agents asked John  
Celentano, who was then tending bar, what had happened to the  
females, the bartender replied that "you can't depend on them"  
but promised that they would be in "next week."

The same three agents returned to the vicinity of the  
licensed premises on Friday evening, January 27, 1956. One  
agent entered about 11:00 p.m. but neither of the aforesaid

females was present and the agent left after a short time and rejoined his companions who had remained outside. At 12:10 a.m. January 28, 1956, two of the agents entered the licensed premises and asked Robert Celentano (the bartender) if the two females previously referred to had come in. The bartender said he hadn't seen them and, shortly thereafter, introduced the agents to two other females (Dee and Adeline). Dee suggested to the agents that they come in on Sunday night and "we could have a good time and everything." After Dee and the agents discussed a price for illicit sexual intercourse, one of the agents gave her one dollar and she left the premises after promising to see the agents on Sunday night. After she left, one of the agents told Robert Celentano about the arrangements which had been made and Robert said that Dee and Adeline were "both good" and, when the agent asked where they might take the girls, Robert suggested a nearby hotel.

On Sunday, January 29, 1956, two of the agents, carrying marked money, entered the licensed premises about 8:15 p.m. and a third agent remained outside. Dee entered about 8:45 p.m. She and the agents had a conversation with reference to Adeline who had not appeared, and Dee then accepted three marked one-dollar bills from one of the agents after agreeing to have intercourse with him "in the car" and "then go pick up Adeline." As this agent and Dee were leaving the premises, the agent told the bartender that he was going "to get laid in my car." Outside the licensed premises this agent and Dee were stopped by the agent who had remained outside and a member of the Paterson Police Department, and the marked money was found in Dee's purse. Returning to the licensed premises, the agents identified themselves and Robert Celentano was arrested for maintaining a disorderly house in violation of a local ordinance.

As to Charge 2: While two ABC agents were in defendants' licensed premises on the evening of January 13, 1956, an argument occurred between a male patron and a female patron during the course of which both screamed loud and obscene words at each other so that they were heard all over the place. Although the argument lasted at least ten minutes, neither of the defendants, who were then tending bar, took any effective action to stop the patrons from using obscene language, although Robert Celentano requested them to keep quiet.

Defendants have a prior record. Effective August 1, 1955, their license was suspended by the local issuing authority for twenty days for sale to minors. Under all the circumstances, I shall suspend defendants' license for a period of two hundred and ten days. Cf. Re Fromkin & Lieberman, Bulletin 1041, Item 1; Re Sussman, Bulletin 1041, Item 2; Re 204 Mulberry Street Corporation, Bulletin 1095, Item 3.

Accordingly, it is, on this 11th day of June, 1956,

ORDERED that Plenary Retail Consumption License C-186, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Robert Celentano & John Celentano, for premises 178 Waite Street, Paterson, be and the same is hereby suspended for the balance of its term, effective at 3:00 a.m. June 16, 1956; and it is further

ORDERED that any renewal or transfer of such license shall be and remain under suspension until 3:00 a.m. January 12, 1957.

WILLIAM HOWE DAVIS  
Director.

2. DISCIPLINARY PROCEEDINGS - ALLOWING FEMALE IMPERSONATORS ON LICENSED PREMISES - PERMITTING FILTHY AND OBSCENE LANGUAGE - CONDUCTING LICENSED PLACE OF BUSINESS IN SUCH MANNER AS TO BECOME A NUISANCE - LICENSE SUSPENDED FOR 180 DAYS.

In the Matter of Disciplinary Proceedings against

CLUB CORONET, INC.  
24 - 13th Avenue  
Newark 3, N. J.,

Holder of Plenary Retail Consumption License C-700, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS  
AND ORDER

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Jack L. Cohen, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charge:

"On March 24, 25, 30 and 31, 1956, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance in that you allowed, permitted and suffered female impersonators and persons who appeared to be homosexuals in and upon your licensed premises; allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises; and otherwise conducted your place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20."

The file herein discloses that ABC agents visited defendant's licensed premises on the evenings of March 24, 1956, and March 30, 1956, and on each visit remained until the early hours of the following morning.

On the evening of March 24, 1956, George Zillken and Salvatore Russomanno were tending bar. The agents report that during the course of this visit they observed about forty male patrons, about eighty per cent. of whom talked and acted like "fags", and that foul, filthy and obscene language was used on the premises without the bartenders doing anything to stop it.

On the evening of March 30, 1956, Alphonse Hunsanger (president of defendant corporation) and the two bartenders mentioned above were tending bar. The agents report that, at 10:30 p.m., there were about sixty male patrons and eight female patrons in the premises and that about forty-five of the males "acted like fags" and referred to each other in the feminine gender. On both evenings in question the "fags" wore male attire.

Defendant has no prior adjudicated record. In attempted mitigation defendant's attorney alleges that the licensed business was originally conducted in an exemplary manner and that, when these homosexuals began to frequent the premises, the officers and agents of the corporation attempted to control their activities. This can scarcely be accepted as an excuse.



The window on the front door was covered with a newspaper and wooden screens or partitions about four feet high behind the windows made it impossible to observe the activities in the premises.

At about 10:50 a.m., one of the agents knocked at the side door which was locked and was admitted to the licensed premises. He observed seven patrons seated at the bar consuming drinks of beer and whiskey. The agent ordered six cans of beer from the bartender who was later ascertained to be the licensee. The licensee delivered the beer to such agent and received payment therefor. While making this purchase, the agent observed another patron purchase from the licensee a pint of gin and place it under his shirt. The agent left the premises with the beer and joined the other agent who had remained outside. As the agents were preparing to enter the premises, they apprehended the aforesaid patron leaving the tavern with the pint bottle of gin concealed beneath his shirt. The agents then entered, disclosed their identities and informed the licensee that he had committed the various violations.

The local Ordinance prohibits the conduct of the licensed business between 2:00 a.m. and 1:00 p.m. on Sundays, and between said hours and subject to an exception not hereto pertinent, prohibits any person other than the licensee and his actual employees to be in and upon the licensed premises, and requires that there be a clear view of the bar from the exterior of the premises.

Defendant, individually, has no prior adjudicated record. However, while he was an officer of a corporate licensee at other premises located in Jersey City, the license of said corporation was suspended, effective March 25, 1955, by the Director for ten days for a similar violation to that set forth in Charge (1) herein. Re Pawlowski's Tavern, Inc., t/a Pawlowski's Tavern, Bulletin 1055, Item 5. Under all the circumstances, I shall suspend defendant's license for twenty days because of the violation set forth in Charge (1) (Re Meller, Bulletin 1026, Item 3), and for an additional period of twenty days because of the violations set forth in Charges (2), (3) and (4) (Re Buddy and Steve's Tavern, Inc., Bulletin 1053, Item 5). Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 18th day of June, 1956,

ORDERED that Plenary Retail Consumption License C-448, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Theodore Pawlowski, t/a Ted Pawlowski Tavern, 341 Johnston Avenue, Jersey City, be and the same is hereby suspended for the balance of its term, effective 2:00 a.m. June 25, 1956; and it is further

ORDERED that any renewal or transfer of such license shall be and remain under suspension until 2:00 a.m. July 30, 1956.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - INADEQUATE PENALTIES - NO  
DISCIPLINARY PROCEEDINGS HEREAFTER REFERRED TO LOCAL ISSUING  
AUTHORITY IN CITY OF PASSAIC.

June 7, 1956

William N. Gurtman, City Counsel  
Passaic, N. J.

Dear Sir:

This acknowledges your letter of June 1, 1956 reporting disposition in disciplinary proceedings conducted by the Board of Commissioners against licensees as follows:

1. Stanley M. Wojcik  
t/a Stanley's Bar & Grill  
42 Wall Street

charged with (1) permitting the making and accepting of horse race bets on the licensed premises, and (2) permitting "numbers writing" on the licensed premises, both in violation of state regulation, after contested hearing found not guilty and the charge dismissed by a 3-2 vote.

2. Mary Fennell, formerly Mary Barhight  
t/a Lawler's Bar & Grill  
351 Monroe Street

charged with sale of alcoholic beverages at retail in original containers for off-premises consumption on Sunday in violation of state regulation, upon plea of non vult received a three (3) day suspension of license, but "the closing" was "suspended because of the plea of non vult on a first offense."

3. Pink's Bar & Grill, Inc.  
t/a Pink's Bar & Grill  
(transferred during pendency of proceedings from  
William Kochansky and Harry Kochansky  
t/a Pink's Bar & Grill)  
424 Paulison Avenue

charged with sale of alcoholic beverages at retail in original containers for off-premises consumption on Sunday in violation of state regulation, upon plea of non vult received a three (3) day suspension of license, but "the closing" was "suspended because of the plea of non vult on the first offense."

The Board is to be commended for the institution of the Pink's Bar & Grill, Inc. case on municipal initiative. However, the results in all three cases are extremely disappointing and disturbing.

In the Wojcik case, the investigation was conducted by agents of this Division whose reports indicate that the violation in fact had occurred under circumstances which tend to establish that the licensee not only knew of these activities upon his licensed premises but may actually have participated therein. Under the circumstances, it is difficult to understand the three "not guilty" votes (two of the Commissioners having voted against the "not guilty" finding).

In addition to the unfortunate result in the Wojcik case, it is noted that, although the proceedings were instituted by the Board on September 20, 1955, the first hearing was held on

November 1, 1955, and the taking of testimony was concluded on November 29, 1955, yet the matter was not finally disposed of until May 29, 1956.

In the Fennell and Pink's Bar & Grill, Inc. cases, the three-day "closing", even if actually imposed, would have been wholly inadequate for the offense involved. Obviously, the suspension of the penalty resulted in no punishment whatsoever. As has been pointed out to the Board on many occasions, the imposition of adequate penalties in disciplinary proceedings does much to discourage not only the repetition of the offense by the guilty licensee but also acts as a deterrent to others.

I have carefully examined the Board's record in the handling of disciplinary proceedings in recent years. That record is one of consistently inadequate penalties, many as low as two and three days. On no less than eight occasions in the last two and one-half years, my predecessors and I have written to the Board calling attention to the inadequacy of these penalties. As recently as February 6, 1956, in commenting on the inadequacy of the penalty imposed by the Board against Andrew Rusin, t/a Rusin's Bar & Grill, 174 Third Street, I called upon the Board to adopt a policy of imposing adequate penalties in disciplinary proceedings without which enforcement of the Alcoholic Beverage Law and regulations is difficult if not impossible.

While I dislike the "blacklisting" of any municipality, I cannot condone a breakdown in liquor law enforcement resulting from the reluctance of a local issuing authority to impose adequate penalties in disciplinary proceedings. The Board's recent action in the three cases hereinabove mentioned, coupled with its long-continued demonstrated indifference to the imposition of effective penalties, leaves me no choice.

Accordingly, because of the Board's long history of inadequate penalties, highlighted by its most recent manifestations of unwillingness to impose penalties conducive to effective alcoholic beverage control, I have determined that no further disciplinary matters resulting from investigations by agents of this Division will be referred to the Passaic Board of Commissioners. This determination will stand until such time as the Board shall have demonstrated, by its adjudications and penalties in cases hereafter brought on its own initiative, a full understanding of its statutory duty in connection with disciplinary proceedings.

Very truly yours,  
WILLIAM HOWE DAVIS  
Director.

5. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - NO "LOCUS POENITENTIAE" - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

CLEOPATRA SCHMOLL )  
311 Doughty Road )  
Pleasantville, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Common Council of the City of Pleasantville. )

----- )  
Kirkman, Mulligan & Harris, Esqs., by Frank P. Mulligan, Esq., Attorneys for Defendant-licensee. )  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control. )

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On Friday night, May 4, 1956, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Nicholas ---, age 16, and Robert ---, age 18, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulations No. 20."

The file herein discloses that on May 4, 1956, two minors, 16 and 18 years of age respectively, visited defendant's licensed premises. Each ordered and was served a glass of beer by the bartender on duty and they also purchased two cases of quart-bottles of beer for off-premises consumption.

As to penalty: Until recently the minimum penalty in an unaggravated case for sale of alcoholic beverages to a 16-year-old minor was twenty days (Re Cramer, Bulletin 1066, Item 3). On January 16, 1956, I announced that the penalty in such cases would be increased by five days (Re Increased Penalties, Bulletin 1095, Item 1). Since the violation herein occurred after that announcement, the penalty, in the absence of a prior adjudicated record, would be twenty-five days. However, effective May 22, 1956, defendant's license was suspended for fifteen days by the local issuing authority for sale of alcoholic beverages to a minor. Inasmuch as no locus poenitentiae ("i.e., a chance to repent and amend, and thereafter a subsequent violation and adjudication" (Re Blanker, Bulletin 254, Item 6)) intervened, the present violation cannot here be considered a second similar offense. In other words, there must be an adjudication of guilt followed by punishment and then, still unregenerate, a subsequent violation and adjudication (Rose v. Bellmawr, Bulletin 411, Item 9). Yet the present violation cannot be ignored but must be considered as aggravating that which is the subject of the previous charge. Cf. Re Ciancio, Bulletin 944, Item 4.

Under all the circumstances and bearing in mind the two separate "minors" violations, I shall suspend defendant's license for a period 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 7th day of June, 1956,

ORDERED that Plenary Retail Consumption License C-5, issued by the Common Council of the City of Pleasantville to Cleopatra Schmoll, for premises 311 Doughty Road, Pleasantville, be and the same is hereby suspended for the balance of its term, effective at 1:00 a.m. June 11, 1956; and it is further

ORDERED that any renewal or transfer of such license shall be and remain under suspension until 1:00 a.m. July 6, 1956.

WILLIAM HOWE DAVIS  
Director.

6. DISCIPLINARY PROCEEDINGS - ORDER FIXING EFFECTIVE DATES OF SUSPENSION AFTER LICENSEE RESUMED BUSINESS.

In the Matter of Disciplinary Proceedings against )

ROBERT, CATHERINE and EDWARD J. )  
CASEY and MARY JENNINGS, )  
T/a CASEY'S )  
93-97 Beachway )  
Keansburg, N. J., )

O R D E R

----- )  
Holders of Plenary Retail Consumption License C-2, issued by the )  
Borough Council of the Borough of )  
Keansburg. )

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

BY THE DIRECTOR:

It appearing that, by an order dated January 16, 1956, the license held by the above named defendants was suspended for fifteen days, and that the effective dates of said suspension were to be fixed by subsequent order (Bulletin 1098, Item 8); and

It further appearing to my satisfaction that defendants' premises have been reopened for the 1956 season,

It is, on this 4th day of June, 1956,

ORDERED that the fifteen-day suspension heretofore imposed shall commence at 2:00 a.m. June 11, 1956, and terminate at 2:00 a.m. June 26, 1956.

WILLIAM HOWE DAVIS  
Director.

## 7. DISQUALIFICATION - FIVE YEARS' GOOD CONDUCT - APPLICATION GRANTED.

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

Case No. 1246.  
 -----)

BY THE DIRECTOR:

Applicant's fingerprint returns show that in April 1938 he was convicted in Bergen County of aiding and abetting prostitution and was sentenced to the County Jail for a period of three months; that on June 29, 1938, he was convicted in Essex County on a charge of transporting for prostitution (arising out of the previous charge) and was sentenced by a County Judge to six months in the County Penitentiary, from which he was released on July 15, 1938, by order of the Court; that in 1940 he was fined \$10.00 for loitering, and that on August 1, 1950, on a complaint charging him with threatening and non-support brought by his wife, he was placed on probation for one year by a municipal court. The crimes of which applicant was convicted in 1938 involve the element of moral turpitude and preclude him from engaging in the alcoholic beverage industry in this State unless his disqualification is removed.

At the hearing herein applicant testified that he is forty-five years of age, resides with his wife, and is the father of two married daughters; that he operated a taxicab for nine years; that he recently sold the taxicab business and, at the time of the hearing, was unemployed. Applicant admitted that his wife and daughters are the stockholders in a corporation which obtained a transfer of a retail liquor license in May 1955. He contended that he has no interest in the corporation, but subsequent investigation discloses that he and his wife are joint owners of the stock which is held in her name. See Re Palmero's Bar, Inc., decided herewith. The Police Department of the community wherein applicant resides reports no complaints or investigations presently pending against applicant.

Three witnesses (an attorney-at-law, an insurance broker and an accountant) appeared on applicant's behalf and testified as to their acquaintance with him from five to twelve years and respecting his good reputation in the community for more than five years last past.

I am hesitant about granting relief herein because applicant has been involved in a "front" case. However, I note that his wife has been steadily employed elsewhere for eight or nine years, and shall accept his testimony that "it is practically all her money" although the money used to purchase the business was drawn from their joint account. There is no evidence that applicant has ever been employed on the corporation's licensed premises. The penalty imposed in the disciplinary proceedings against the corporation will be a sufficient punishment for participating in the "front" situation.

Under all the circumstances, I find that applicant has been law-abiding for more than five years last past and

that his association with the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 23rd day of May, 1956,

ORDERED that applicant's statutory disqualification, because of the convictions described herein, be and the same is hereby removed in accordance with the provisions of R. S. 33:1-31.2.

WILLIAM HOWE DAVIS  
Director.

8. DISCIPLINARY PROCEEDINGS - ORDER FIXING EFFECTIVE DATES OF SUSPENSION AFTER LICENSEE RESUMED BUSINESS.

In the Matter of Disciplinary Proceedings against )

FRANCES MELILLO & ORLANDO MELILLO )  
T/a DOLPHIN INN )  
Cor. Ocean Avenue & Laird Street )  
Long Branch, N. J., )

O R D E R

Holders of Plenary Retail Consumption License C-48, issued by the Board of Commissioners of the City of Long Branch, and transferred during the pendency of these proceedings to )

ORLANDO A. MELILLO and JOSEPH V. MELILLO )  
64 Ocean Avenue )  
Long Branch, N. J. )

-----  
Fox & Schackner, Esqs., by Donal C. Fox, Esq., Attorneys for Defendant-licensees.

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

BY THE DIRECTOR:

It appearing that by an order dated November 23, 1955, the license herein was suspended for fifteen days and that the effective dates of said suspension were to be fixed by subsequent order (Bulletin 1091, Item 8); and

It further appearing to my satisfaction that the licensed premises are now being operated on a substantial basis;

It is, on this 4th day of June, 1956,

ORDERED that the fifteen-day suspension heretofore imposed shall commence at 3:00 a.m. June 11, 1956, and terminate at 3:00 a.m. June 26, 1956.

WILLIAM HOWE DAVIS  
Director.

9. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOL - ALCOHOL ORDERED FORFEITED - MOTOR VEHICLE RETURNED TO INNOCENT LIENOR.

In the Matter of the Seizure on ) Case No. 9125  
 February 24, 1956 of a quantity )  
 of alcohol and an Oldsmobile sedan, )  
 on Route #130, south of Bridgeboro, )  
 Township of Delran, County of ) ON HEARING  
 Burlington and State of New Jersey. ) CONCLUSIONS AND ORDER  
 -----)

Green and Yanoff, Esqs., by Leo Yanoff, Esq., Attorneys for  
 Universal C. I. T. Credit Corporation.

I. Edward Amada, Esq., appearing for the Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey to determine whether 48 two-quart "Mason" jars of alcohol and an Oldsmobile sedan described in a schedule attached hereto, seized on February 24, 1956 on Route 130 in the Township of Delran, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R. S. 33:1-66, an appearance was entered on behalf of Universal C.I.T. Credit Corporation which sought recognition of its alleged lien on the Oldsmobile sedan.

Reports of ABC agents and other documents in the file presented in evidence with the consent of counsel for the finance company disclose the following facts:

A New Jersey State Trooper halted the Oldsmobile sedan on the above date and location while on routine patrol of traffic. He ascertained that the motor vehicle was being driven by Kenneth Dove, its registered owner. When the trooper discovered the 48 two-quart jars of alcohol in the car without any stamps thereon indicating the payment of tax on alcoholic beverages, he took into custody Dove, the motor vehicle and the alcohol. Later the motor vehicle and alcohol were turned over to ABC agents.

A portion of the contents of one of the jars was analyzed by the Division chemist who reports that it is alcohol and water fit for beverage purposes with an alcoholic content by volume of 46.7 per cent.

The alcohol is illicit because of the absence of any tax stamps on any of the jars. R. S. 33:1-1(i), R.S. 33:1-88. Statements from Dove establish that it is bootleg alcohol. Such illicit alcohol and the car in which it was transported and found constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

Universal C.I.T. Credit Corporation has presented in evidence a conditional sales contract dated January 28, 1955 evidencing the sale of the Oldsmobile sedan in question to Kenneth Dove and securing the payment of \$1,247.04. The finance company holds the contract by assignment and the present balance due thereon after rebate for prepayment is \$1,025.76.

It appears that previous to purchasing the contract the finance company received information that Kenneth C. Dove resided at an address in Jamaica, Long Island; was employed by an industrial concern and that the company had previously financed Dove's purchase of a motor vehicle. Its records disclose that in August 1955 Dove purchased a Packard sedan upon the security of which the finance company advanced \$500.00. Dove was employed at the time as a clerk in an institution for the blind at a salary of \$175.00 per month. His payments on this account were prompt. The finance company checked Dove's employment with his new employer and his residence and thereafter replaced the old account with the one presently involved. The fingerprint records of Kenneth C. Dove do not disclose any previous record of violating any liquor laws.

I am satisfied that the Universal C.I.T. Credit Corporation acted in good faith and had no knowledge of the unlawful use to which the Oldsmobile sedan was put, or of such facts as would have led a person of ordinary prudence to discover such use. R.S. 33:1-66(f). I shall therefore recognize the lien against the Oldsmobile sedan to the extent of \$1,025.76.

It appears that the appraised retail value of the Oldsmobile sedan does not exceed the amount of the lien claim and the costs of its seizure and storage. Such motor vehicle will therefore be returned to Universal C.I.T. Credit Corporation upon payment of the costs of its seizure and storage.

Accordingly, it is DETERMINED and ORDERED that if on or before the 7th day of June, 1956, Universal C.I.T. Credit Corporation pays the costs incurred in the seizure and storage of the Oldsmobile sedan, described in Schedule "A" attached hereto, such motor vehicle will be returned to it; and it is further

DETERMINED and ORDERED that the alcoholic beverages listed in the aforesaid Schedule "A" constitute unlawful property and the same hereby are forfeited in accordance with the provisions of R. S. 33:1-66 and that they be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS  
Director.

Dated: May 28, 1956.

SCHEDULE "A"

- 48 - two-quart "Mason" jars of alcohol
- 1 - Oldsmobile sedan, Serial No. 529L3420,  
Engine No. R58191, 1956 New York  
Registration 4887KB.

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

In the Matter of Disciplinary Proceedings against  
 CHOY CHING FAT  
 T/a CHINA INN  
 389 Jackson Avenue  
 Jersey City, N. J.,  
 Holder of Plenary Retail Consumption License C-221, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS AND ORDER

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 Choy Ching Fat, Defendant-licensee, Pro se.  
 William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

The file herein discloses that on February 24, 1956 ABC agents, while testing and gauging the licensee's open bottles of alcoholic beverages, seized a number of such bottles because their contents appeared to be low in proof and submitted such bottles to the Division chemist for analysis.

The chemist's report shows that, when compared with samples of the genuine product of the labeled brands, the contents of a quart bottle labeled "Wilson That's All Blended Whiskey 86 Proof" is 24 proof short, acids slightly high and diluted; that the contents of a quart bottle labeled "Bellows Partners Choice Whiskey A Blend 86.8 Proof" is 13.8 proof short, solids low and acids high; that the contents of a bottle labeled "Three Feathers Reserve Blended Whiskey 86 Proof" is 23 proof short, solids slightly high and diluted; and that the contents of a bottle labeled "Park & Tilford Reserve Whiskey A Blend 86 Proof" is 25 proof short, solids slightly high and diluted.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty days, the minimum suspension in a "refill" case involving four bottles. Re Titone, Bulletin 1069, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 5th day of June, 1956,

ORDERED that Plenary Retail Consumption License C-221, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Choy Ching Fat, t/a China Inn, 389 Jackson Avenue, Jersey City, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. June 15, 1956, and terminating at 2:00 a.m. June 30, 1956.

WILLIAM HOWE DAVIS  
Director.

11. RETAIL LICENSE - TRADE NAME "DEVIL'S PARADISE" ON LICENSED PREMISES, DISAPPROVED.

May 31, 1956

Gentlemen:

This Division is in receipt of information that your place of business is known as "Devil's Paradise" and that you have two large signs bearing the name, one red-neon lighted in front of your building and the other a white painted background with red-painted letters, illuminated by spotlights, on your roof.

In general, the Devil is associated only with evil and Paradise with good. The name, itself, is therefore a paradox. Moreover, many permissible inferences may be drawn from your use of the name, not the least of which is that evil conduct and practices occur at your licensed premises in surroundings pleasing to the Devil.

Additionally, the name might be deemed by some as irreverent and offensive since it connotes the existence and conduct of a place of evil, of sin, and of iniquity, and the use of such a name might well be deemed as a "come-on" designed to lure patrons to your establishment, there to participate in forbidden revelry. The conduct of licensed premises in a manner which would justify the use of such a name would be in violation of Rule 5 of State Regulations No. 20, which is cause for suspension or revocation of the license.

Accordingly, you must immediately discontinue the use of the name "Devil's Paradise". If you substitute another name, you should select one without such connotations.

You must let us have, by return mail, a letter signed by one of your responsible officers, acknowledging receipt of this letter and advising us of your discontinuance of the aforementioned objectionable trade name, and stating what, if any, other trade name you have adopted. You must also advise the Borough Clerk of your discontinuance of the objectionable trade name and of the selection of any substitute therefor.

Very truly yours,  
WILLIAM HOWE DAVIS  
Director.

12. DISCIPLINARY PROCEEDINGS - ORDER FIXING EFFECTIVE DATES OF SUSPENSION AFTER LICENSEE RESUMED BUSINESS.

In the Matter of Disciplinary Proceedings against )

HARRY & MAC'S LAKEVIEW TAVERN, INC. )  
T/a HARRY & MAC'S LAKEVIEW TAVERN )  
Central Avenue, corner Musconetcong )  
Avenue, Lake View Heights )  
Stanhope, N. J., )

O R D E R

Holder of Plenary Retail Consumption License C-3, issued by the Mayor and Council of the Borough of Stanhope. )

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Milford Salny, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

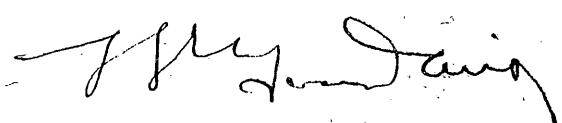
BY THE DIRECTOR:

It appearing that, by an order dated October 5, 1955, the license held by the above named defendant was suspended for fifteen days and that the effective dates of said suspension were to be fixed by subsequent order (Bulletin 1086, Item 3); and

It further appearing to my satisfaction that defendant's premises have now been reopened for the 1956 season,

It is, on this 4th day of June, 1956,

ORDERED that the fifteen-day suspension heretofore imposed shall commence at 2:00 a.m. June 11, 1956, and terminate at 2:00 a.m. June 26, 1956.



William Howe Davis  
Director.

New Jersey State Library