Director Davis
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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 1086 NOVEMBER 4, 1955.

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New Jersey State Library

STATE OF NEW JERSEY
Department of Law and Public Safety
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1060 Broad Street · Newark 2, N. J.

BULLETIN 1086 NOVEMBER 4, 1955.

1. APPELLATE DECISIONS - DURR AND McDEVITT v. BELMAR.

MICHAEL J. DURR and JOSEPH A. McDEVITT,

Appellants,

-vs-

BOARD OF COMMISSIONERS OF THE BOROUGH OF BELMAR,

Respondent.

ON APPEAL
CONCLUSIONS AND ORDER

Michael F. Reilly, Esq., Attorney for Appellants.
Harold Feinberg, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from respondent's action whereby, on April 22, 1955, it denied appellants' application for a seasonal retail consumption license for premises located at 102-104 Fourth Avenue, Belmar, N. J.

The premises sought to be licensed are apparently operated as an hotel and appellants contend that, pursuant to R.S. 33:1-12.20, they are entitled as of right to a license and that respondent's action in denying their application was arbitrary and unreasonable.

At the hearing on appeal, considerable testimony was adduced respecting the existence or nonexistence of habitable rooms in appellants' structure as indicated by plans submitted in evidence. However, the factual question as to whether or not the premises in question contain at least fifty sleeping rooms need not be decided herein. R.S. 33:1-12.20 does not mean that the operator of a fifty-room hotel is entitled to a license. Szczesna v. Wildwood, Bulletin 852, Item 1.

In Current v. Fredon, Bulletin 184, Item 1, the late Commissioner Burnett ruled:

> "There is no 'must' in the Control Act (Alcoholic Beverage Law, R.S. Title 33) which provides that all hotels are entitled as of right to a liquor license. The test is public necessity and convenience, not whether a given place is a hotel or not."

Hence, the issue for my determination is: Did appellants, upon whom rests the burden of proof, establish by a preponderance of the evidence that public necessity and convenience required the granting of the license applied for? As to this issue, appellants offered no testimony. On the contrary, it appears from the testimony of respondent's witnesses and that of one of appellants' witnesses that the neighborhood of the premises in question is amply supplied with liquor establishments. In fact, there are four in the immediate area.

Having carefully considered all of the testimony herein and the arguments of counsel at the oral argument before me, I am satisfied that appellants have failed to meet the required test referred to above, and I am further satisfied that under

the circumstances respondent's action was neither arbitrary nor unreasonable. Its action is hereby affirmed. Garrett-William Hotel Co. v. Bass River Township, Bulletin 820, Item 3; Szczesna v. Wildwood, supra; Haba Realty Corp. v. Long Branch, Bulletin 984, Item 1.

Accordingly, it is, on this 10th day of October, 1955,

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

WILLIAM HOWE DAVIS
Director.

2. APPELLATE DECISIONS - PIGNOTTI v. WEST NEW YORK.

JOHN PIGNOTTI and MARIE PIGNOTTI, trading as SKY CLUB,

Appellants,

-vs-

BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK,

Respondent.

ON APPEAL
CONCLUSIONS AND ORDER

Alexander White, Esq., Attorney for Appellants.
Samuel L. Hirschberg, Esq., by Anthony J. Armore, Esq., Attorney for Respondent.

BY THE DIRECTOR:

Appellants appeal from respondent's refusal to renew their plenary retail consumption license for the 1955-56 licensing year.

On July 1, 1955, I entered an order extending the term of appellants' 1954-55 license until further order herein. R. S. 33:1-22.

Appellants in their petition allege that respondent, without justification, failed, neglected or refused to renew their license.

Respondent in its answer sets forth numerous infractions of the law alleged to have been committed by appellants during the time they possessed the licensed premises, upon which it predicated its determination not to renew the license.

The matter was heard de novo pursuant to Rule 6 of State Regulations No. 15.

From the evidence adduced at the hearing on appeal it appears that some flagrant infractions alleged to have been committed by appellants are unsupported by competent proof. However, the credible testimony shows that appellants, despite many warnings by the authorities to desist, permitted the continuance of unnecessary noise on their licensed premises; that there was a brawl in and upon the premises, and that minors were served and permitted to consume alcoholic beverages therein. Moreover, on August 11, 1955, I entered Conclusions and Order in a prior appeal between the parties hereto wherein, although I reversed respondent's action taken on April 20, 1955, whereby it found appellants guilty on a charge of violating Rule 3 of State Regulations No. 13, I affirmed respondent's action taken at the same

time whereby it found appellants guilty of selling alcoholic beverages to a minor and reimposed a twenty-day suspension on the latter charge (Pignotti v. West New York, Bulletin 1078, Item 4). The aforesaid evidence of appellants' disregard of their privilege is sufficient to sustain respondent's determination which is hereby affirmed. See Zicherman v. Driscoll, 133 N.J.L. 586, wherein the Court observed:

> "The liquor business is one that must be carefully supervised and it should be conducted by reputable people in a reputable manner. The common interest of the general public should be the guide post in the issuing and renewing of licenses."

See also Borden v. Newark, Bulletin 148, Item 8; Deutsch v. Somerville, Bulletin 915, Item 3; Schneider v. Dover, Bulletin 924, Item 4.

Accordingly, it is, on this 17th day of October, 1955,

ORDERED that the petition of appeal filed herein be and the same is hereby dismissed; and it is further

ORDERED that the order extending the term of the license be and the same is hereby vacated, effective immediately.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - CHARGE ALLEGING SERVICE OF ALCOHOLIC BEVERAGES TO PERSONS ACTUALLY OR APPARENTLY INTOXICATED, DISMISSED - LICENSE SUSPENDED FOR 15 DAYS.

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, LakeView Heights Stanhope, N. J., Holder of Plenary Retail Consumption License C-3, issued by the Mayor and Council of the Borough of Stanhope.	CONCLUSIONS AND ORDER

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

BY THE DIRECTOR:

Defendant pleaded not guilty to charges alleging that (1) it sold, served and delivered alcoholic beverages to a minor and allowed, permitted and suffered the consumption of such beverages by said minor in and upon its licensed premises, and (2) it sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons actually or apparently intoxicated, and allowed, permitted and suffered the consumption of such beverages by said persons in and upon its licensed premises; in violation of Rule 1 of State Regulations No. 20.

At the hearing herein the Division produced as witnesses the minor, Shirley --- (age 17 at the time of the violation), her husband and two adult male acquaintances of the couple, two New

Jersey State Troopers, the Chief of Police of Stanhope, and an ABC agent.

Shirley --- testified that she was born on July 20, 1937; that, between 8:15 p.m. and 8:30 p.m., May 28, 1955, she entered defendant's licensed premises accompanied by her husband and the other two male acquaintances. The men took seats at the bar; the minor went to the ladies' room and then took a seat at the bar with her companions. There was a glass of beer in front of her on the bar; this beer was accidentally spilled. The bartender then placed another glass of beer in front of the minor. She took a sip of the beer and her husband either drank the remainder or accidentally spilled it.

One of the troopers testified that he arrived at the licensed premises at about 9:15 p.m. on the date in question, at which time Shirley and her husband were in the tavern near the door quarreling, and their two male companions were outside standing near a car. When the husband, still quarreling, was removed from the tavern by the Chief of Police and another trooper, the husband shouted, among other things, that he would tell that his wife had beer in the tavern. This witness then asked the bartender, in the presence of the Chief of Police, whether the bartender had served these people (the group of four), to which the bartender replied that he had served them with two rounds, or eight glasses, of beer and that the girl drank her beer and that he had not questioned her as to her age when serving the beer.

The bartender, when called as a witness on behalf of the licensee, testified that he had told the trooper that he had served beer to the group of four people; that he placed four beers on the bar and walked away; that he did not see the girl drink the beer.

Placing four glasses of beer on the bar for a group of four persons (one of whom is a minor) constitutes, at least, service and delivery of alcoholic beverages to a minor aside from the evidence that the minor in question consumed some of the beer. Re 32 Broad St., Inc., Bulletin 1066, Item 1. I, therefore, find defendant guilty of Charge 1.

There is not sufficient evidence to sustain the allegations of Charge 2, viz., that the bartender knew or had reason to believe that the three male companions of the minor were intoxicated, or apparently intoxicated, when he served them with two rounds of beer. The minor testified that her male companions were "feeling pretty high" but that she did not consider them intoxicated. The three males denied that they were intoxicated. The trooper made the categorical statement that the minor's husband was "drunk" when he observed him near the door of the tavern. The condition of the other two men, in the opinion of the Chief of Police, was not too bad. I shall dismiss Charge 2. Re Sobolewski, Bulletin 627, Item 3.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of fifteen days (the minimum suspension where a minor seventeen years of age has been served or permitted to consume alcoholic beverages). Re Kaplan, Bulletin 1082, Item 3.

In view of the fact that the summer season has ended, no effective penalty can be imposed at the present time. The effective dates will be fixed by future order which will be entered by me herein after the licensed premises have fully reopened for business for the 1956 season. Re DeFreitas, Bulletin 1051, Item 5.

Accordingly, it is, on this 5th day of October, 1955,

ORDERED that Plenary Retail Consumption License C-6 for the 1955-56 licensing year, issued in renewal of License C-3 for the 1954-55 licensing year by the Mayor and Council of the Borough of Stanhope to Harry & Mac's Lakeview Tavern, Inc., t/a Harry & Mac's Lakeview Tavern, for premises on Central Avenue, corner Musconetcong Avenue, LakeView Heights, Stanhope, be and the same is hereby suspended for a period of fifteen days, the time to be fixed by subsequent order as aforesaid.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against VICTOR G. CONKLIN T/a VIC'S 796 Broadway Bayonne, N. J., Holder of Plenary Retail Consumption License C-7, issued by the Board of Commissioners of the City of Bayonne.	CONCLUSIONS AND ORDER

James L. Sweeney, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On or about August 23, 1955 and prior thereto, you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets, in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20.

"2. On or about August 23, 1955, you possessed, had custody of, and allowed, permitted and suffered tickets and participation rights in lotteries, commonly known as the 'numbers game' and the Irish Hospitals' Sweepstakes, in and upon your licensed premises; in violation of Rule 6 of State Regulations No. 20."

The file in the case discloses that on August 23, 1955, ABC agents and New Jersey State Troopers entered defendant's licensed premises to execute a search warrant therefor based on the allegation that bookmaking and gambling activities were there being carried on. Charles J. Tuttle was tending bar and there were seven patrons in the place.

The premises were searched by the officers who discovered a horse race betting slip in a trash can underneath the bar; six slips of paper in front of the bar identified by the bartender as evidencing number bets; an Irish Sweepstakes ticket; a chance on a raffle to be held by a social organization and slips evidencing what appear to be horse race bets, all of

which were in the cash register; and in a trash can in the kitchen there were numerous torn slips identified by the bartender as number bets. Four of the patrons had slips on their person evidencing horse race and number bets.

The officers ascertained from one of the patrons and the bartender that horse race bets were accepted on the premises.

Defendant has a prior adjudicated record which will not be considered in fixing the penalty herein because the violation was the sale of alcoholic beverages to a minor, dissimilar to the present violation, and the effective date of such prior suspension was October 22, 1945 -- more than five years prior to the violation herein. Re Tabone, Bulletin 1076, Item 12. I shall suspend defendant's license for twenty days (Re Disner & Gordon, Bulletin 1051, Item 4). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 6th day of October, 1955,

ORDERED that Plenary Retail Consumption License C-7, issued by the Board of Commissioners of the City of Bayonne to Victor G. Conklin, t/a Vic's, for premises 796 Broadway, Bayonne, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. October 17, 1955, and terminating at 2:00 a.m. November 1, 1955.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of the Seizure on February 27, 1955 of 191 two-quart jars of alcohol, five cartons of cigarettes, and a Ford sedan, on Route 130, about three and a half miles north of Route 322, in Greenwich Township, County of Gloucester and State of New Jersey.	Case No. 8816 ON HEARING CONCLUSIONS AND ORDER

Bessie McDougal, Pro se.
Green & Yanoff, Esqs., by H. Kermit Green, 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 a quantity of alcoholic beverages, five cartons of cigarettes, and a Ford sedan, described in a schedule attached hereto, seized on February 27, 1955 on Route No. 130, in Greenwich Township, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R. S. 33:1-66, Bessie McDougal, the registered owner of the Ford sedan, appeared and sought its return. An appearance was also entered on behalf of Universal C.I.T. Credit Corporation, which sought recognition of its alleged lien on the motor vehicle. Forfeiture of the alcoholic beverages and cigarettes were not opposed by any person.

The Hearer's report setting forth the facts presented at the hearing in the case, and his recommendations thereon were mailed to Bessie McDougal and the attorneys for the Universal C.I.T. Credit Corporation. No objection or exception to such report was filed within the time limited therefor.

I have given careful consideration to the complete record in the case, have reviewed the Hearer's report, and make the following findings based upon the evidence presented:

On Sunday, February 27, 1955, at about 12:45 p.m., a New Jersey State Trooper, during his routine traffic duty, stopped the Ford sedan in question on Route No. 130 in Greenwich Township. The motor vehicle, bearing license plates issued to Bessie McDougal, was being operated by Rose Jones, with George Flagg a passenger therein. The trooper discovered 191 two-quart jars of alcohol, some of which was in the back seat, and some in the trunk of the car. There was no label or stamp indicating the payment of the tax on alcoholic beverages on any of the jars.

Accordingly, the trooper took into custody Rose Jones and George Flagg, the motor vehicle, alcohol, and a quantity of cigarettes. Such motor vehicle, alcohol, and cigarettes were thereafter turned over to ABC agents.

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 47.9 per cent.

ABC agents questioned Rose Jones and George Flagg. Rose Jones stated that she borrowed the car from Bessie McDougal, and with George Flagg drove to South Carolina to attend a funeral; that prior to her return, she purchased the alcohol and intended to sell the same in New York.

The fingerprint records of George Flagg disclose that he was convicted on January 24, 1952 of transporting 272 two-quart jars of illicit alcohol in Burlington County, New Jersey; that he was convicted in New York City in 1940 for possession of an illicit still, and arrested in New York City in 1954 charged with possessing and transporting alcoholic beverages unlawfully.

It further appears that another George Flagg, some years younger than the one presently involved (both of the same Brooklyn, N. Y. address), was apprehended with one Earl Moore in Burlington County in March 1954, for transporting a small quantity of illicit alcohol. This motor vehicle was also registered in the name of Bessie McDougal and was returned to her because the evidence then presented appeared to establish that she did not know or have any reason to suspect that the motor vehicle would be used to transport illicit alcoholic beverages.

The alcohol in the 191 two-quart jars is illicit because of the absence of any label or tax stamp on the jars. R. S. 33:1-1(i), R.S. 33:1-88. Such illicit alcohol and the motor vehicle 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.

Bessie McDougal again presented the claim that she loaned her car to a friend, Rose Jones, in good faith without suspecting that it would be used to transport illicit alcoholic beverages. She claims that she purchased the car in June 1953.

At that time, she was also the owner of the motor vehicle seized from Moore and the younger George Flagg. She is a domestic and does not drive a motor vehicle. She claimed that Moore drove her about.

It appears obvious that Bessie McDougal did not need two cars. At the hearing it was suggested to Bessie McDougal that these cars were placed in her name as a convenience to bootleggers, to which she replied: "It might look that way, yes. I wouldn't say that it doesn't, but I didn't loan the car to a bootlegger."

It is unlikely that on each occasion, by sheer coincidence, and without her knowledge, one of the persons in her car was a George Flagg, a bootlegger by reputation. As it now appears, it is also unlikely that she was the actual owner of one car, let alone two cars. Further, by her own account, she freely continued to loan her car to others, even after her first experience, without taking any precautions to prevent its unlawful use. From the evidence presented it appears extremely unlikely that Bessie McDougal is the actual owner of the Ford sedan in question, or that in any event she did not know, or suspect that such motor vehicle would be used to transport illicit alcoholic beverages. Her request for return of the motor vehicle is therefore denied.

After the original hearing, Universal C.I.T. Credit Corporation advised that it claimed to have an interest in the motor vehicle, and was afforded a supplemental hearing.

The finance company presented a chronological account of its participation in financing the purchase of the motor vehicle. It first received information from the dealer that the purchaser was Bessie McDougal, with her residence, employment, and credit references. The company made a cursory check of these items, including inquiry of an independent investigating agency, and approved the loan, primarily for the reason that the cash down payment was over $1,000.00 on the purchase price of $3,626.56, including insurance and finance charges.

Thereafter the finance company received from the dealer the customer's statement of her background and references, which duplicated the previous information received with the additional information that the nearest relative not living with her was George Flagg. It also received a conditional sales contract dated July 8, 1953 covering the motor vehicle in question, securing an unpaid balance of $2,571.30. This contract, while naming Bessie McDougal as the customer, was signed by Bessie McDougal and George Flagg.

The persons who handled the transaction for the finance company are no longer in its employ, and it is represented that they are unavailable as witnesses. Hence it is impossible to obtain first hand information as to what significance was given to the Flagg signature. While it may be supposed that those in charge would naturally seek to determine the reason for such signature, it would appear unreasonable to conclude from the mere presence of the signature that it dealt with Flagg, or considered him a party to the transaction, and hence was under the obligation to investigate his background. The account was carried on the books of the finance company in the name of Bessie McDougal.

I therefore conclude that the finance company acted in good faith and with reasonable prudence in consummating the

original transaction. About a year later the finance company had difficulty in collecting the monthly payments on the account, and during the course of its efforts to have the account kept up to date, was informed that Bessie McDougal said she did not care what happened to the car, and that it was in the possession of George Flagg. In January 1955 the finance company effected what is described as a "rewrite"; that is, the amount of the payments was altered, and that document was likewise signed by Bessie McDougal and George Flagg.

It is represented that it is not the practice of the finance company to make any additional investigation on the "rewrite", which is a means adopted to salvage the account and that, in any event, the company could not legally repossess the car if the debtor offered to pay whatever payments were due. The last payment on the account was made in March 1955, and the present balance due is $1,121.42.

The evidence presented establishes to my satisfaction that the finance company acted in good faith and had no knowledge of the unlawful use to which the property 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 its lien to the extent of $1,121.42.

I am advised that the amount of such lien together with the costs of seizure and storage of the motor vehicle exceeds its retail value. The 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 17th day of October, 1955, Universal C.I.T. Credit Corporation pays the costs incurred in the seizure and storage of the Ford 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 and cigarettes listed in the aforesaid Schedule "A" constitute unlawful property and the same be and 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: October 6, 1955.

SCHEDULE "A"

191 - two-quart "Mason" jars of alcoholic beverages
5 - cartons of cigarettes
1 - Ford sedan, Serial and Engine No. B3EV137522, New York Registration 9L1692.

6. RECAPITULATION OF ACTIVITY FOR QUARTERLY PERIOD FROM JULY 1, 1955 THROUGH SEPT. 30, 1955

	JULY	AUG.	SEPT.	TOTAL
ARRESTS:				
Total number of persons arrested	29	27	38	94
Licensees and employees	12	14	2	28
Bootleggers	17	13	34	64
ABC agent impersonators	0	0	2	2
SEIZURES:				
Motor vehicles - cars	3	4	5	12
--trucks	2	0	2	4
Stills - over 50 gallons	0	2	3	5
- 50 gallons or under	0	0	3	3
Mash - gallons	0	1,670.00	13,214.00	14,884.00
Distilled alcoholic beverages - gallons	81.24	138.00	618.14	837.38
Wine - gallons	211.27	.25	3.37	214.89
Brewed malt alcoholic beverages gallons	22.40	102.91	19.08	144.39
RETAIL LICENSEES:				
Premises inspected	810	847	778	2,435
Premises where alcoholic beverages were gauged	436	476	814	1,726
Bottles gauged	9,175	9,207	15,249	33,631
Premises where violations were found	73	99	67	239
Violations found	110	133	84	327
Type of violation found:				
Unqualified employees	63	59	29	151
Disposal permit necessary	9	12	10	31
Regs. #38 sign not posted	9	13	8	30
Other mercantile business	6	11	3	20
Gambling devices	2	2	0	4
Prohibited signs	0	1	3	4
Probable fronts	2	1	0	3
Improper beer taps	0	2	1	3
Other violations	19	32	30	81
STATE LICENSEES:				
Premises inspected	1	15	13	29
License applications investigated	27	10	13	50
COMPLAINTS:				
Complaints assigned for investigation	387	562	455	1,404
Investigations completed	349	544	424	1,317
Investigations pending	(236)	(218)	185	185
LABORATORY:				
Analyses made	82	144	124	350
Refills (from licensed premises) - bottles	0	5	1	6
Bottles from unlicensed premises	10	25	30	65
IDENTIFICATION BUREAU:				
Criminal fingerprint identifications made	24	22	18	64
Persons fingerprinted for non-criminal purposes	301	217	202	720
Ident. contacts made with other enforcement agencies	266	191	151	608
Motor vehicle identifications via N.J.State Police teletype	12	4	0	16
DISCIPLINARY PROCEEDINGS:				
Cases transmitted to municipalities	9	9	11	29
Violations involved:				
Sale during prohibited hours	5	7	5	17
Sale to minors	3	3	5	11
Permitting lottery activity (numbers, fight pool, baseball pool)	1	0	2	3
Permitting bookmaking on premises	0	0	2	2
Permitting gambling (baseball bets)	1	0	0	1
Permitting hostesses on premises	1	0	0	1
Permitting brawl on premises	0	0	1	1
Sale to intoxicated persons	0	0	1	1
Serving women at a bar (local reg.)	0	0	1	1
Cases instituted at Division	15	33	17	65
Violations involved:				
Sale to minors	6	19	13	38
Permitting bookmaking on premises	1	7	1	9
Permitting lottery activity (numbers, pools, sweepstakes tickets)	0	7	0	7
Sale during prohibited hours	3	1	0	4
Permitting immoral activity	1	3	0	4
Possessing illicit liquor	1	1	1	3
Permitting female impersonators on premises	1	1	0	2
Possession of indecent matter	1	1	0	2
Sale below minimum resale price	1	1	0	2
Permitting hostesses on premises	0	2	0	2
Possessing pin ball machine on premises	1	1	0	2
Illegal activity connected with licensed premises	1	0	0	1
Solicitor employed by retailer	0	0	1	1
Permitting consumption during license suspension	0	0	1	1

	JULY	AUG.	SEPT.	TOTAL
DISCIPLINARY PROCEEDINGS (Cont'd):				
Cases brought by municipalities on own initiative and reported to Division	14	11	12	37
Violations involved:				
Sale to minors	7	2	5	14
Permitting brawls on premises	2	5	5	12
Sale during prohibited hours	6	2	1	9
Hindering investigation	1	2	0	3
Permitting gambling (wagering, cards)	1	2	0	3
Failure to afford view into premises during prohibited hours	0	1	0	1
Illegal activity connected with licensed premises	0	1	0	1
Permitting immoral activity on premises	0	1	0	1
Employing female bartender (local reg.)	0	0	1	1
Altering interior of premises w/o approval (local reg.)	0	0	1	1
HEARINGS HELD AT DIVISION:				
Total number of hearings held	34	42	46	122
Appeals	7	9	2	18
Disciplinary proceedings	16	21		65
Eligibility	7	5		20
Seizures	2	5		13
Tax revocations	0	1	1	2
Applications for license	2	1	1	4
STATE LICENSES AND PERMITS ISSUED:				
Total number issued	17,187	1,310	1,337	19,834
Licenses	910	7	9	926
Employment permits	312	199	165	676
Solicitors' "	2,804	88	52	2,944
Disposal "	49	92	88	229
Social affair "	267	362	390	1,019
Wine "	1	0	0	1
Miscellaneous "	301	136	327	764
Transportation insignia	12,522	396	280	13,198
Transportation certificates	21	30	26	77

Dated: October 10, 1955

WILLIAM HOWE DAVIS
DIRECTOR

7. CLUB LICENSE - ISSUANCE BY DIRECTOR AFTER CONSIDERATION OF OBJECTIONS.

In the Matter of the Application of Hackensack Pax Club for a Club License at

21 Dock Street
Hackensack, N. J.

CONCLUSIONS

Carmine J. Parisi, Esq., Attorney for Applicant.

BY THE DIRECTOR:

Application for a club license was filed by Hackensack Pax Club with the Director because one of its members is a member of the issuing authority of Hackensack. R. S. 33:1-20.

A written objection to the issuance of the license having been filed, a hearing upon said objection was held on August 8, 1955.

At the hearing Miss Carolyn Mantzke and her aunt, Mrs. Elizabeth Metzeler, testified that they, together with a brother of Miss Mantzke and the husband of Mrs. Metzeler, have resided for many years at 17 Dock Street, and that their home is separated only by a driveway from the premises for which the license is sought. Both of these witnesses testified that, during the past five years, the club has been an almost constant source of aggravation to them due to excessive drinking and quarreling on the premises, indecent language "which keeps us from having company on the porch" and excessive noise as people leave in their cars. Miss Mantzke testified that, during the past five years, she made three or four anonymous complaints by telephone to the Hackensack Police and that, on each occasion, a police officer called at the club premises. Andrew Brachitta, a bartender,

testified that he resides at 22 Dock Street; that there are noises and disturbances at the club and that, if the license is issued, "we will have much more noise and different people on the street again and more traffic." He presented a petition containing the names of fourteen people residing on Dock Street, and nine people residing on a side-street, who object to the issuance of the license. John Brachitta, father of Andrew, testified that members of the club "make the commotion" and use bad language. Andrew and John Brachitta testified that they had never complained to the police.

It appears that Hackensack Pax Club, a social and athletic club, has been in existence for more than twenty-seven years; that it owns the building at 21 Dock Street and has continuously occupied the building since it was erected in 1950. The president and secretary of the club denied that there has been any disturbance or drunkenness at the premises. The secretary testified that "about two and a half to three years ago" the police received one complaint concerning noise and that, when the police officer arrived, he found no ground for the complaint.

The Chief of Police of Hackensack has certified that the club has never had any complaints lodged against it for any reason whatsoever. It is indicated in the testimony that the Police Department does not keep a record of anonymous complaints. The City Council of Hackensack has adopted a resolution stating that it has no objection to the issuance of the license, and is not aware of any circumstances or provisions of law or local ordinances which prohibit the issuance of the license. A foundry is located adjacent to the property in which Andrew and John Brachitta reside and almost opposite the premises for which the license is sought.

There is evidence that at least some of the objectors opposed the erection of the club building five years ago. I believe they are opposed to the existence of the club, licensed or unlicensed, in its present location. If the premises are properly conducted as licensed premises, their fears as to the future should be unfounded.

The issuance of the license rests in the Director's discretion. R. S. 33:1-20. I have carefully considered all the facts and circumstances of this case, and conclude that the license should be issued. The application will, therefore, be granted if and when said application is in proper form.

WILLIAM HOWE DAVIS
Director.

Dated: October 10, 1955.

NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1955 TO SEPTEMBER 30, 1955 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption No. Issued	Plenary Retail Consumption Fees Paid	Plenary Retail Distribution No. Issued	Plenary Retail Distribution Fees Paid	Club No. Issued	Club Fees Paid	Limited Retail Distribution No. Issued	Limited Retail Distribution Fees Paid	Seasonal Retail Consumption No. Issued	Seasonal Retail Consumption Fees Paid	Number Surrendered Revoked Expired	Number Licenses in Effect	Total Fees Paid
Atlantic	489	$ 208,750.00	71	$ 25,575.00	18	$ 1,750.00						578	$ 236,075.0
Bergen	815	305,867.50	298	84,594.90	94	9,091.16	53	$ 2,471.25	5	$ 1,382.71		1265	403,407.5
Burlington	185	87,290.00	36	9,700.00	41	5,942.19	1	50.00				263	102,982.1
Camden	453	216,790.41	82	31,925.00	69	6,710.00			1	375.00		605	255,800.4
Cape May	133	73,650.00	11	4,300.00	18	2,150.00						162	80,100.0
Cumberland	81	40,000.00	13	3,600.00	30	4,060.00						124	47,660.0
Essex	1363	759,299.04	351	205,700.00	99	13,520.07	30	1,500.00	1	750.00		1844	980,769.1
Gloucester	108	34,400.00	13	2,750.00	18	1,700.00						139	38,850.0
Hudson	1547	702,273.65	298	122,400.00	79	9,159.87	67	2,900.00				1991	836,733.5
Hunterdon	79	26,300.00	7	2,200.00	6	700.00						92	29,200.0
Mercer	425	257,904.38	51	21,000.00	53	7,474.52			1	97.50		530	286,476.4
Middlesex	633	311,255.00	73	22,895.00	88	7,901.03	3	150.00				797	342,201.0
Monmouth	552	281,995.00	122	41,860.00	39	4,500.00	10	435.00	24	10,768.79		747	339,558.7
Morris	356	123,911.92	98	33,300.00	46	4,300.00	19	950.00	6	1,537.50		525	163,999.4
Ocean	181	100,670.00	49	19,630.00	21	2,236.11						251	122,536.1
Passaic	874	357,930.00	167	51,370.00	38	4,675.00	10	475.00				1089	414,450.0
Salem	51	19,700.00	8	1,550.00	17	1,473.36						76	22,723.3
Somerset	184	80,700.00	40	12,145.00	25	2,875.00						249	95,720.0
Sussex	168	45,855	19	3,805.00	8	585.00	1	50.00	1	225.00		197	50,520.0
Union	548	300,659.93	144	66,300.00	71	8,041.23	29	1,425.00				792	376,426.1
Warren	149	43,455.00	18	4,257.50	29	2,980.00			2	289.48		198	50,981.9
Totals	9374	$4,378,656.83	1969	$770,857.40	907	$101,824.54	223	$10,406.25	41	15,425.98		12,514	$5,277,171.0

William Howe Davis
Director

October 3, 1955

9.

ACTIVITY REPORT FOR OCTOBER 1955

ARRESTS:			
Total number of persons arrested			33
Licensees and employees	13		
Bootleggers	20		
SEIZURES:			
Motor vehicles - cars			6
- trucks			1
Stills - over 50 gallons			2
- 50 gallons or under			1
Mash - gallons			700.00
Distilled alcoholic beverages - gallons			195.46
Wine - gallons			21.64
Brewed malt alcoholic beverages - gallons			1.40
RETAIL LICENSEES:			
Premises inspected			938
Premises where alcoholic beverages were gauged			696
Bottles gauged			12,772
Premises where violations were found			69
Violations found			106
Type of violations found:			
Unqualified employees	33	Prohibited signs	2
Disposal permit necessary	13	Gambling devices	1
Reg. #38 sign not posted	9	Other violations	44
Other mercantile business	4		
STATE LICENSEES:			
Premises inspected			31
License applications investigated			22
COMPLAINTS:			
Complaints assigned for investigation			434
Investigations completed			434
Investigations pending			170
LABORATORY:			
Analyses made			126
Refills from licensed premises - bottles			2
Bottles from unlicensed premises			40
IDENTIFICATION BUREAU:			
Criminal fingerprint identifications made			22
Persons fingerprinted for non-criminal purposes			201
Identification contacts made with other enforcement agencies			182
Motor vehicle identifications via N. J. State Police teletype			7
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities			22
Violations involved:			
Sale during prohibited hours	9	Permitting gambling (wagering) on premises	1
Sale to minors	7	Failure to afford view into premises during prohibited hours	1
Sale to non-members by clubs	4	Serving women at a bar (local reg.)	1
Sale to intoxicated persons	1		
Cases instituted at Division			28
Violations involved:			
Sale to minors	9	Possessing indecent matter	2
Permitting lottery activity (baseball pools, numbers, sweepstakes tickets)	6	Possessing contraceptives on premises	2
Sale during prohibited hours	5	Sale outside scope of license	2
Permittee engaging in conduct prohibited to employer	4	Sale below minimum resale price	2
Permitting hostesses on premises	3	Sale to intoxicated persons	1
Permitting bookmaking on premises	3	Sale to non-members by clubs	1
Permitting immoral activity on premises	2	Mislabeling beer taps	1
		Permitting slot machines on premises	1
Cases brought by municipalities on own initiative and reported to Division			12
Violations involved:			
Sale to minors	5		
Permitting brawls on premises	3		
Sale during prohibited hours	2		
Hindering investigation	1		
Permitting bookmaking on premises	1		
Permitting gambling (cards) on premises	1		
HEARINGS HELD AT DIVISION:			
Total number of hearings held			47
Appeals	6	Seizures	8
Disciplinary proceedings	25	Applications for license	2
Eligibility	3	Tax revocations	3
STATE LICENSES AND PERMITS ISSUED:			
Total number issued			1,936
Licenses	7	Wine permits	706
Employment permits	187	Miscelleneous permits	126
Solicitors' "	57	Transportation insignia	385
Disposal permits	33	Transportation certificates	27
Social affair permits	408		

Dated: November 2, 1955

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - TRANSPORTATION OF ALCOHOLIC BEVERAGES WITHOUT BONA FIDE INVOICES OR MANIFESTS - SOLICITATION FROM HOUSE TO HOUSE - ACCEPTING ORDER AT OTHER THAN LICENSED PREMISES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

SILK CITY BOTTLING CO., INC.
8-10 Amity Street
Paterson 2, N. J.,

Holder of Plenary Retail Distribution License D-20 (for the 1954-55 and 1955-56 licensing years) issued by the Board of Alcoholic Beverage Control for the City of Paterson.

CONCLUSIONS AND ORDER

Defendant-licensee, by Herman Weiner, President.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On May 31, 1955 and June 7, 1955 and on divers other days prior to May 31, 1955, you transported alcoholic beverages in a vehicle without the driver thereof having in his possession a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill, or similar document stating the bona fide name and address of the purchaser or consignee and the brand name or size of the container and the quantity of each item of alcoholic beverages being transported; in violation of Rule 3 of State Regulations No. 17.

"2. On the occasions aforesaid you solicited from house to house the purchase of alcoholic beverages by personal visits and allowed, permitted and suffered such solicitation; in violation of Rule 3 of State Regulations No. 20.

"3. On the occasions aforesaid you sold alcoholic beverages not pursuant to and within the terms of your plenary retail distribution license, as defined by R. S. 33:1-12(3a), contrary to R. S. 33:1-26 and R.S. 33:1-1(w), in that you accepted orders for alcoholic beverages at premises other than your licensed premises; in violation of R. S. 33:1-2."

The file herein discloses that on the afternoon of June 7, 1955, Garfield White, a driver employed by defendant, was arrested in Pompton Lakes on a charge of peddling without a license, in violation of a local ordinance. The Chief of Police of Pompton Lakes reported the arrest to this Division and, thereafter, ABC agents obtained a written statement from Garfield White. Therefrom it appears that defendant engages in the business of selling soda, beer, wines and whiskey and makes deliveries to its customers in Paterson and nearby communities; that on June 7, White was told by a customer in Pompton Lakes that a woman who lived at another address wanted some beer and soda; that he went to the given address, spoke to a lady and she ordered two cases of beer and one case of soda which he took from his truck and for which he accepted payment. White admitted that he had no orders or manifests for the beer on the truck.

Referring to the loading of his truck, he stated that "I know about how much I will need for the day and that's how much I load. What is left at the end of the day I bring back."

Defendant has no prior record. Since all three charges arose out of the same transaction, I shall suspend defendant's license for twenty days (cf. Re Bodnar, Bulletin 1032, Item 8 and Re Spinelli, Bulletin 948, Item 3). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 10th day of October, 1955,

ORDERED that Plenary Retail Distribution License D-20, for the 1955-56 licensing year, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Silk City Bottling Co., Inc., for premises 8-10 Amity Street, Paterson, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m. October 17, 1955 and terminating at 9:00 a.m. November 1, 1955.

WILLIAM HOWE DAVIS
Director.

11. STATE LICENSES - NEW APPLICATION FILED.

William A. Hennessy
11 Overlook Terrace
Fords, Woodbridge Township, N. J.
Application filed October 26, 1955 for Transportation License.

William Howe Davis
Director.

New Jersey State Library