

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

BULLETIN 979

JULY 28, 1953.

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DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 979

JULY 28, 1953.

1. LICENSE APPLICATION HEARING - WILLIAM PITT TAVERN, INC. -
APPLICATION DENIED.

In the Matter of an Application)
by

WILLIAM PITT TAVERN, INC.)

CONCLUSIONS

for a Plenary Retail Consumption)
License for premises at)

6 Roosevelt Avenue)
Borough of Chatham, N. J.)

Lum, Fairlie & Foster, Esqs., by William F. Tompkins, Esq.,
Attorneys for Applicant.

Objectors, Pro Se.

BY THE DIRECTOR:

This application for a plenary retail consumption license is made to the Director because George R. Gibson, Jr., an officer, director and stockholder of the applicant corporation, is a member of the local issuing authority of the Borough of Chatham.

Written objections to the issuance of the license having been filed with me, a hearing thereon was held on January 30, 1953, at which five objectors appeared. Two of the five objectors testified that they were opposed to the issuance of the license. Two witnesses produced by the applicant testified that they favored the issuance of the license. George R. Gibson, Jr. and a realtor also testified at said hearing. It then appeared that applicant had not yet presented a "certified copy of resolution adopted by the issuing authority of the municipality wherein the licensed premises are to be situated, setting forth that said issuing authority has no objection to the issuance of the license and consents thereto ***." See Rule 3 of State Regulations No. 4. The attorney for applicant admitted that no such resolution had been obtained, and stated that "it is my understanding that that matter is still pending."

Subsequently, at a regular meeting held on February 9, 1953, the Mayor and Council of the Borough of Chatham adopted the following resolution:

"Whereas, William Pitt Tavern, a Corporation organized under the laws of the State of New Jersey, has made application to the Department (sic) of Alcoholic Beverage Control of the State of New Jersey for a plenary retail consumption license for premises located at 6 Roosevelt Avenue in the Borough of Chatham, and

"Whereas, because the applicant's place of business, though in the business zone, is surrounded by a number of fine residential areas, and the granting of the requested application would in the opinion of the Borough Council create additional serious safety and traffic problems and would adversely affect the residential character of the area.

"NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Council definitely objects to the issuance of any plenary retail consumption license to the said applicant and requests that the application be disapproved."

The file herein discloses that applicant conducts a restaurant at the corner of Main Street and Roosevelt Avenue, Chatham. It seeks the liquor license in question for a building on Roosevelt Avenue, across the street from its restaurant, and plans to operate a cocktail lounge in two of the rooms there. This proposed location on Roosevelt Avenue is a short distance in from the corner. It appears that Roosevelt Avenue is a residential street and that many persons residing on that street are opposed to issuance of the license.

Considering the residential character of Roosevelt Avenue, the protest of various residents there, and the feeling of the local governing body, as expressed in the above resolution, I find no fair or reasonable alternative but to deny the license applied for. Cf. Re Cranford American Legion Holding Co., Bulletin 83, Item 3; Re Passaic Lodge of Elks, Bulletin 95, Item 4; Re Cranford Veterans Holding Co., Bulletin 126, Item 11.

Moreover, there is a further factor to be considered in this case. There are three plenary retail consumption licenses in the Borough (which has a population of 7,391 under the last Federal census). At the aforesaid meeting of the Mayor and Council on February 9, 1953, an amendatory ordinance was introduced, which was finally adopted on March 9, 1953, formally reducing the municipal quota on plenary retail consumption licenses from 4 to 3. Although this formal reduction occurred while the application in question was pending before me, the test is, not the factual situation as it existed when the application was filed, but rather the factual situation as actually existing when decision is being made on the application. Hence, in rendering such decision, I may not ignore the quota of 3 which the Borough has adopted pursuant to its statutory power (R.S.33:1-40) or the fact that such quota is exhausted. Cf. Shaw v. Rockaway, Bulletin 771, Item 2; and cases there cited; DeShields v. Cinnaminson, Bulletin 798, Item 8, and cases there cited.

The application is herewith denied.

DOMINIC A. CAVICCHIA
Director.

Dated: June 26, 1953.

- 2. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF TAX-PAID ALCOHOLIC BEVERAGES THROUGH NEW JERSEY WITHOUT COMPLIANCE WITH STATE REGULATIONS NO. 18 - ALCOHOLIC BEVERAGES INTENDED FOR UNLAWFUL IMPORTATION INTO NEW YORK - ALCOHOLIC BEVERAGES ORDERED FORFEITED - APPLICATION FOR RETURN OF MOTOR VEHICLE DENIED BECAUSE APPLICANT NOT ACTUAL OWNER THEREOF - APPLICANT ALSO CHARGEABLE WITH KNOWLEDGE BY REASON OF FAMILY RELATIONSHIP - MOTOR VEHICLE ORDERED FORFEITED.

Case No. 8234

In the Matter of the Seizure on)
 December 17, 1952 of a quantity)
 of alcoholic beverages and a)
 Buick sedan, on the New Jersey)
 Turnpike, in the Township of)
 Bordentown, County of Burlington)
 and State of New Jersey.)

ON HEARING
CONCLUSIONS AND ORDER

 Joseph Klotz, Esq., Attorney for Junious Canty and Frances Canty.
 Harry Castelbaum, 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 243 bottles of various alcoholic beverages and a Buick sedan, described in a schedule attached hereto, seized on December 17, 1952, on the New Jersey Turnpike in Bordentown, New Jersey, constitute unlawful property and should be forfeited.

The alcoholic beverages were being transported by Junious Canty in the Buick sedan, registered in the name of Frances Canty, when the car caught fire. New Jersey troopers who appeared on the scene discovered the alcoholic beverages in the car. A part of the beverages had been destroyed by the fire. The car and alcoholic beverages were taken into custody by the troopers pending investigation, and were ultimately turned over to ABC agents.

According to Canty, he was transporting the alcoholic beverages from Washington, D. C., where they were purchased, through this state to his home in New York City. This type of transportation is governed by our Rule 2, State Regulations No. 18, which requires the transporter to have a New Jersey transportation insignia on the vehicle; or a special permit; or a waybill or other document containing pertinent specific information. Canty had none of these.

These means of supervisory control over transportation of alcoholic beverages through this state are designed to prevent transportation over our highways of alcoholic beverages intended for unlawful importation into neighboring states. The objective of such control is to make certain that the alcoholic beverages are legitimate in origin and intended for a lawful destination. Even if the transporter acted in good faith, if the alcoholic beverages although intended for personal consumption are barred from entry into the neighboring state, such alcoholic beverages are forfeited but the vehicle is returned. If the alcoholic beverages were intended for other than legitimate use, then both the alcoholic beverages and motor vehicle are forfeited. See Seizure Case No. 6534, Bulletin 656, Item 9; Seizure Case No. 6544, Bulletin 657, Item 6; Seizure Case No. 6959, Bulletin 722, Item 3; Seizure Case No. 6965, Bulletin 750, Item 2.

Failure to comply with our regulations subjects the vehicle and alcoholic beverages to forfeiture. Relief from such forfeiture is discretionary with the Director, R. S. 33:1-66(e), and hence the transporter's account of what transpired must be forthright, logical, and have the ring of truth, else it will be rejected.

When the matter came on for hearing pursuant to R. S. 33:1-66, Frances Canty appeared and sought return of the Buick sedan on claim that she had no knowledge whatsoever of the entire transaction. Junious Canty also appeared and sought return of the alcoholic beverages on his own and other persons' behalf.

Junious Canty told the agents that he had paid \$633.20 for the alcoholic beverages, purchased at a liquor store in Washington, D.C.; that he and eleven of his friends, all members of a fraternal organization, had contributed towards the purchase of the alcoholic beverages for their personal use primarily at a Christmas party.

It is incumbent upon Junious Canty to establish that under the law of the State of New York such alcoholic beverages could legally be imported for personal consumption into that state. Seizure Case No. 6564. No such evidence has been presented. Our independent inquiry of the New York State Liquor Authority discloses what it designates as its ruling, in the following language:

"A person may bring alcoholic beverages into this State, provided he accompanies the vehicle in which they are transported; they are for personal consumption only and not for resale. Where the owner of the beverages does not personally bring the beverages into the state, he must obtain authorization for its importation into this state".

Seemingly this ruling would bar Canty from bringing alcoholic beverages into New York for use of his friends. Whether such is the actual law does not authoritatively appear, and for lack of such proof the alcoholic beverages may not be returned.

Return of the motor vehicle depends upon whether it appears likely that Canty purchased the alcoholic beverages for personal use of himself and his friends or, on the other hand, whether it appears more probable that such alcoholic beverages were intended by him for surreptitious unlawful sale; if the latter, (1) whether Frances Canty is the actual owner of the motor vehicle, and (2) whether she was aware of or is chargeable with knowledge of such intended unlawful use of the alcoholic beverages.

Canty, an unemployed longshoreman, by his own account was selected by fellow longshoremen some two weeks before the seizure to purchase alcoholic beverages for a holiday party. During this period each man gave Canty money without receiving any receipt and of which Canty kept no account either in aggregate or individually. He estimates that his own contribution to this fund was \$70.00 or \$75.00. He kept the money in a cigar box in his bedroom. He had intended to purchase the alcoholic beverages locally. On Monday, December 15th, having arranged to transport two soldiers to Richmond, Virginia, Canty decided to purchase the alcoholic beverages in Washington. He then counted the money for the first time. He had not received any instruction as to the specific quantity or brands that he was to purchase. He purchased 4/5 quarts, pints and 1/2 pints, ostensibly to be consumed at the party at one and the same time.

The mere recital demonstrates the implausible character of this story. One must indeed be gullible to believe that a group of men entrusted Canty with uncounted and unaccounted funds, each contributing at least \$50.00, with which Canty was given carte blanche to buy such alcoholic beverages as he desired, even though intended for their personal use at a holiday party and elsewhere. His alleged personal contribution of \$70.00 or \$75.00 is out of proportion to his financial condition. The more likely explanation is that it was Canty's private enterprise wherein he had devised some method of disposing of the alcoholic beverages at a profit.

The witnesses who testified on Junious Canty's behalf do not to any substantial degree tend to make his explanation more acceptable. Two of the witnesses merely confirmed the existence of the fraternal organization named by Canty; that its meeting place was available for Christmas holiday gatherings or parties of its members; and that such a party was planned for December 26th by a group of 25 or 30 persons, including Canty. These witnesses testified that they collected \$70.00 from a few members of the group for the purchase of food for the party and that a record was kept of the contributions; that the party was held as planned and about 125 persons attended; that they were not delegated to supply alcoholic beverages for the party. One of these witnesses stated that \$633.00 of alcoholic beverages would not be used at such party. It is quite evident that Canty, seeking a ready alibi to conceal the actual use for which the alcoholic beverages were intended, grasped at the pretense that they were to be used at this party.

Another witness professed to be one of the group which "chipped in" money to purchase whiskey. He testified that he was an unemployed longshoreman, dependent for the most part on an income of \$25.00 a week as compensation for injuries; that in previous years he had attended parties at the fraternal organization without spending any money. On this occasion, without any apparent reason, he contributed \$65.00 to purchase whiskey for use at the party intending to take home whatever was left over, without specifying the brands to be purchased, although he customarily used specific brands.

I am not impressed or convinced by this testimony that there actually were eleven men who contributed money to Canty under the conditions described by him.

I am not satisfied from the evidence presented by Junious Canty that the alcoholic beverages were intended for lawful use. Accordingly, if Canty is the actual owner of the motor vehicle, it will not be returned to him.

Significant evidence as to the ownership of the motor vehicle is revealed by testimony of Canty, in response to a question whether he had given any security for a loan to him by a finance company, as follows:

"A I had to put up the car. That was the only security I had. I hadn't been working and I needed some money to meet my obligations. See, I had a car before and when I got hurt, I couldn't drive. The doctor forbid me to drive the car, so I sold my car, and she wanted a car and I told her I would give her the down payment on the car. Although I have an income, it was nothing to pay my car, and if I could give her the down payment on the car, she can get the car in her name."

The motor vehicle in question was purchased in July 1951 for about \$3400.00. The title was taken in the name of Frances Canty because she was working and Junious Canty was not working. A car owned by Junious Canty was traded in as a down payment with an allowance therefor of \$1700.00. Frances Canty answered in the affirmative when asked whether the motor vehicle was in her name because it was necessary to get a loan to finance the purchase of the car and she and Junious talked it over and decided or they were told that if Junious was not working there would be a poor chance of obtaining credit from a finance company. Under the circumstances disclosed, there can be little doubt that Junious Canty is the actual owner of the motor vehicle. Cf. Seizure Case No. 8227, Seizure Case No. 7955.

Moreover, by reason of her close relationship to Junious Canty she (Frances Canty) is normally presumed to know or is chargeable with knowledge, of his unlawful activities. See Seizure Case No. 7066, Bulletin 757, Item 8. She has not presented any evidence to overcome such presumption. The application of Frances Canty for return of the Buick sedan is therefore denied on both scores.

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 that it 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.

DOMINIC A. CAVICCHIA
Director.

Dated: June 25, 1953.

SCHEDULE "A"

- 17 - 4/5 qt. bottles of whiskey
- 134 - pint bottles of whiskey
- 89 - 1/2 pint bottles of whiskey
- 3 - 4/5 quart bottles of wine
- 6 - whiskey glasses
- 1 - Buick sedan, Serial No. 66227855, Engine No. 64046547, 1952 N. Y. Registration XN3464

- 3. SEIZURE - FORFEITURE PROCEEDINGS - ILLICIT ALCOHOLIC BEVERAGES AND OTHER PROPERTY FOUND ON PREMISES WHERE SAID BEVERAGES SEIZED ORDERED FORFEITED - MOTOR VEHICLE OWNED BY PERSON WITH RECORD OF PRIOR LIQUOR LAW VIOLATION AND SEIZED ON SAID PREMISES ORDERED FORFEITED - MOTOR VEHICLE DRIVEN AT DIRECTION OF POLICE OFFICERS TO PREMISES WHERE SAID BEVERAGES SEIZED ORDERED RETURNED TO OWNER ON PAYMENT OF COSTS.

Case No. 8300

ON HEARING
CONCLUSIONS AND ORDER

In the Matter of the Seizure on April 3, 1953 of 188 one-gallon jugs of alcoholic beverages, 16 empty jugs, and two Chevrolet sedans at the residence of James T. Quick, located in the vicinity of Morgan Road, Williamstown, Township of Monroe, in the County of Gloucester and State of New Jersey.)

Joseph T. Sherman, Esq., Attorney for Drusilla L. Quick and Jimmie Bright.
Harry Castelbaum, Esq., appearing for 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 188 one-gallon jugs of alcoholic beverages, 16 empty jugs, two funnels, two felt hats, and two Chevrolet sedans, described in a schedule attached hereto, seized on April 3, 1953 at the residence of James T. Quick, located in the vicinity of Morgan Road, Williamstown, Monroe Township, New Jersey, constitute unlawful property and should be forfeited.

The seizure was made in the first instance by local police officers during the course of their investigation of what appeared to be a violation of the motor vehicle laws by one Lenwood Williams. All of the alcoholic beverages were found in and about Quick's dwelling. One of the motor vehicles, owned by Drusilla Quick, was driven to the premises by Lenwood Williams at the direction of the officers.

The other car, owned by Jimmie Bright, was parked on the premises.

Quick has frankly admitted that he purchased about 200 gallons of bootleg or moonshine whiskey. He claims he purchased the whiskey from a stranger near a gas station in Berlin, N. J., in his attempt to earn some quick, easy money.

The alcoholic beverages and motor vehicles were turned over to the Division of Alcoholic Beverage Control. There are no labels or tax stamps on the jugs. The contents of three jugs have been analyzed by the Division's chemist who reports that it is alcohol and water, fit for beverage purposes, with an alcoholic content by volume of 45.7, 46.5 and 48.5 per cent. by volume respectively.

The absence of tax stamps or labels on the jugs renders the alcohol prima facie illicit. R.S. 33:1-88. Moreover, it is obviously illicit bootleg alcohol, manufactured and sold without any license or permit. R. S. 33:1-1(i).

Such illicit alcoholic beverages, and all personal property seized therewith on the premises constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y), R.S. 33:1-2, R.S.33:1-66. Hence the presence of a gallon of alcohol in Jimmie Bright's car, as claimed by the officers, is pertinent only so far as it has a bearing on his good faith and innocence. Whether Drusilla Quick is responsible for the jug of alcohol found in her car and whether the car was used to transport alcoholic beverages may be vital factors, inasmuch as her car was driven to the premises under direction of the officers.

When the matter came on for hearing, pursuant to R.S. 33:1-66, Drusilla L. Quick and Jimmie Bright appeared and sought return of the Chevrolet sedans owned by them respectively. No one opposed forfeiture of the alcoholic beverages and other articles seized.

The motor vehicles may be forfeited under the law because of their presence on the premises where illicit alcoholic beverages were seized even though the owners thereof might not have been involved in the violation and the motor vehicles may not have been used in connection with such unlawful alcoholic beverage activity.

Innocence of wrongdoing, and good faith in conduct are factors which may be recognized by the Director as justification, in his discretion, for relief from forfeiture. R.S. 33:1-66(e), (f).

For instance, if by mere chance, a passerby totally unconnected with the bootlegging activities happened to drive upon the premises, and his car was seized, it is perfectly obvious that it is essential justice that his car should not be forfeited unless some paramount objective of liquor law enforcement dictates otherwise.

If Drusilla Quick's car had been on the premises, instead of having been brought there by the officers, neither car would be returned irrespective of the presence or absence of illicit alcoholic beverages therein, because Drusilla Quick was fully aware of her husband's illicit liquor activities in their home and because Jimmie Bright has a long record of liquor law violations extending from 1929 through September 1952, being on probation for the last offense. Under such circumstances neither Drusilla Quick nor Jimmie Bright could be considered as deserving the exercise of the Director's discretionary authority to relieve them for forfeiture.

However, there are unusual circumstances relating to Drusilla Quick's motor vehicle. The officers directed and compelled the return of her car to the premises; and thus the situation is as though an officer personally drove the car from the place where it was parked to Quick's home and thereafter discovered the illicit alcoholic beverages on the premises. It definitely appears that there was no illicit alcohol in the car when the officers searched it at the place where it was stopped. None of the witnesses could account for the presence of the gallon jug of illicit alcohol thereafter found in the car. It is a matter of speculation whether one of the persons who were in Quick's home, or some officer inadvertently, placed the alcohol there. The evidence tends to indicate a strong likelihood that Drusilla Quick did not place it there (cf. Case No. 7899). There is no evidence (there is only suspicion) that the car may have been used to transport alcoholic beverages. Therefore, forfeiture clearly depends solely upon the presence of the car on the premises. While technically this could be sufficient, the circumstances of this case are such that I am not inclined to forfeit the car.

Drusilla Quick's Chevrolet sedan will be returned to her upon payment of the costs of its seizure and storage. Jimmie Bright's Chevrolet sedan will not be returned to him for the reasons above stated. His liquor laws violation background, his lack of gainful employment; the presence of a gallon of illicit alcoholic beverages in his car, and his presence on the scene, leaves me with grave doubts as to his good faith and freedom from participation in the unlawful alcoholic beverage activity at the Quicks' residence.

Accordingly, it is DETERMINED and ORDERED that if on or before the 14th day of July, 1953, Drusilla Quick pays the costs of seizure and storage of her Chevrolet sedan described in Schedule "A" attached hereto, it will be returned to her; and it is further

DETERMINED and ORDERED that the seized alcoholic beverages, Chevrolet sedan owned by Jimmie Bright, and other property described in the aforesaid Schedule "A" constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and that it 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.

DOMINIC A. CAVICCHIA
Director.

Dated: July 3, 1953.

SCHEDULE "A"

- 188 - 1 gallon jugs of alcoholic beverages
- 16 - 1 gallon empty jugs
- 2 - funnels
- 2 - felt hats
- 1 - Chevrolet sedan, Serial No. 31113, Engine No. HAM92901, So. Carolina Registration D44844
- 1 - Chevrolet sedan, Serial No. 14KKJ69898, 1953 N. J. Registration AJ726.

4. DISCIPLINARY PROCEEDINGS - PLENARY WHOLESALE LICENSEE - FURNISHING FREE GOODS TO RETAILER IN VIOLATION OF RULE 8 OF STATE REGULATIONS NO. 34 - COMBINATION ADVERTISING IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 21 - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against)

BROWN-FORMAN DISTILLERS CORPORATION) 1908 Howard Street) Louisville, Ky.,)

CONCLUSIONS AND ORDER

Holder of Plenary Wholesale License W-50, issued by the Director of the Division of Alcoholic Beverage Control.)

Pitney, Hardin & Ward, Esqs., Attorneys for Defendant-licensee. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On divers days between December 12, 1952 and March 27, 1953, you furnished, directly and indirectly, to various New Jersey retailers gifts, rebates, allowances of money and things of value, and other discounts and inducements, including free goods; in violation of Rule 8 of State Regulations No. 34.

"2. On February 11 and March 13, 1953, you furnished, directly and indirectly, to various New Jersey retail licensees matter advertising their licensed business and licensed premises, viz., by means of a 'combination' advertisement advertising the various retailers and Brown Forman's 'King' Blended Whiskey, published in the Camden Courier Post of February 11 and March 13, 1953; in violation of Rule 1 of State Regulations No. 21."

As to charge 1: The file herein discloses that in the autumn of 1952 defendant started a campaign to create interest in "King Blended Whiskey" in the Camden area. Accordingly, Daniel Kasen, who holds a solicitor's permit and who is employed by defendant as a missionary man, arranged with thirteen retail licensees in the City of Camden for the showing of sport films on their respective licensed premises on various dates between December 12, 1952, and March 27, 1953. David Cartun, who also holds a solicitor's permit and is employed as a missionary man by defendant, made similar arrangement with seven retail licensees in municipalities surrounding Camden between January 31, 1953, and March 23, 1953.

It further appears that, while these films were being shown, Kasen or Cartun would suggest to the patrons who were present that they "have a drink of King Whiskey"; that all who ordered "King's" were served without charge; and that all who ordered other brands paid for their own. It appears that, without checking the number of drinks of "King's" thus served without charge, Kasen or Cartun settled with the retail licensee "according to the amount of the tab" submitted by the retail licensee. It is evident that in some cases payment for a full case was made despite the fact that much less than a case was used. This constituted an indirect gift, rebate or allowance of money to the retailer in violation of Rule 8 of State Regulations No. 34.

As to charge 2: In the issue of the Camden Courier-Post dated February 11, 1953, there appeared an advertisement for "King's Blended Whiskey" surrounded by the pictures, names and addresses of sixteen retail licensees, and in the issue of the same paper dated March 13, 1953, there appeared a similar advertisement surrounded by the pictures, names and addresses of sixteen other retail licensees. Apparently the Camden Courier-Post sent a bill to each retailer, but at least one retailer has refused to pay because he had not authorized the advertisement, and the President of another retailer has stated that it was understood between Cartun and himself that his corporation was not to pay for the advertisement.

Defendant has no prior record. Under all the circumstances, including the plea, I shall suspend defendant's license for a period of twenty days. Cf. Re F & A Distributing Company, Bulletin 900, Item 8.

Accordingly, it is, on this 29th day of June, 1953,

ORDERED that Plenary Wholesale License W-50, for the 1953-54 licensing year, issued by the Director of the Division of Alcoholic Beverage Control to Brown-Forman Distillers Corporation, 1908 Howard Street, Louisville, Ky., in renewal of Plenary Wholesale License W-50 for the present licensing year, be and the same is hereby suspended for twenty (20) days, commencing at 8:00 a.m. July 8, 1953, and terminating at 8:00 a.m. July 28, 1953.

DOMINIC A. CAVICCHIA
Director.

5. DISCIPLINARY PROCEEDINGS - SOLICITORS' PERMITS - FURNISHING FREE GOODS TO RETAILERS IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 35 - PERMITS SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against

DAVID CARTUN
5224 Lebanon Avenue
Philadelphia, Pa.,

Holder of Solicitor's Permit #2968, issued by the Director of the Division of Alcoholic Beverage Control.

In the Matter of Disciplinary Proceedings against

DANIEL KASEN
1406 Park Boulevard
Camden, N. J.,

Holder of Solicitor's Permit #2329, issued by the Director of the Division of Alcoholic Beverage Control.

Pitney, Hardin & Ward, Esqs., Attorneys for Defendants.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

In these affiliate proceedings, being decided together for convenience, the defendant-solicitor David Cartun pleaded non vult to a charge alleging that between December 12, 1952, and March 27, 1953, he furnished, directly and indirectly, to various New Jersey retailers gifts, rebates, allowances of money and things of value, and other discounts and inducements, including free goods; in violation of Rule 3 of State Regulations No. 35. Defendant-solicitor Daniel

CONCLUSIONS
AND
ORDER

Kasen pleaded non vult to a similar charge referring to violations occurring between January 13, 1953, and March 23, 1953.

These two cases are related to proceedings decided concurrently herewith against Brown-Forman Distillers Corporation. The full facts appear in that decision and need not be repeated here.

Neither solicitor has a prior record. Under all the circumstances, including the plea, I shall suspend the permit of each solicitor for a period of twenty days, to commence at the expiration of the suspension imposed in the Brown-Forman case.

Accordingly, it is, on this 29th day of June, 1953,

ORDERED that Solicitor's Permit #2087, for the 1953-54 licensing year, issued by the Director of the Division of Alcoholic Beverage Control to David Cartun, 5224 Lebanon Avenue, Philadelphia, Pa., in renewal of Solicitor's Permit #2968 for the present licensing year, be and the same is hereby suspended for twenty (20) days, commencing at 8:00 a.m. July 28, 1953, and terminating at 8:00 a.m. August 17, 1953; and it is further

ORDERED that Solicitor's Permit #2432, for the 1953-54 licensing year, issued by the Director of the Division of Alcoholic Beverage Control to Daniel Kasen, 1406 Park Boulevard, Camden, N. J., in renewal of Solicitor's Permit #2329 for the present licensing year, be and the same is hereby suspended for twenty (20) days, commencing at 8:00 a.m. July 28, 1953, and terminating at 8:00 a.m. August 17, 1953.

DOMINIC A. CAVICCHIA
Director.

6. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

WILLIAM J. MINCHIN)
864 Bergen Street)
Newark 8, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-681, for the 1952-53 and 1953-54 licensing years, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

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William J. Minchin, Defendant-licensee, 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 June 10, 1953, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, at your licensed premises to Joseph J. ---, S/1C George R. ---, U. S. Navy, and F/A George R. ---; U. S. Navy, persons under the age of twenty-one (21) years, 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 two ABC agents entered defendant's premises at about 10:00 p.m. on Wednesday, June 10, 1953, and that John F. Condren was acting as bartender at that time. While the agents were in defendant's premises Joseph J. ---, 17 years of age, S/lc George R. ---, 20 years of age, and F/A George R. ---, 20 years of age, entered the premises with an adult companion. These four persons took seats at the bar and each of them asked for a glass of beer, which was served by the bartender. F/A George R. --- paid the bartender for this round of drinks. After each of these four persons had consumed his drink, the bartender refilled each glass, and S/lc George R. --- paid for this second round of drinks. While these drinks were being consumed, the two agents identified themselves and seized the contents of the glasses which had been placed in front of each of the minors. At no time did the bartender question any of the minors as to their respective ages.

In attempted mitigation defendant alleges that the physical appearance of the minors was such that they seemed to be of full age. This is not borne out by the report of the ABC agents. Defendant also alleges that each of the minors had previously displayed to the bartender a card indicating that the holder thereof was 21 years of age. Admittedly none of the minors ever falsely represented in writing that he was 21 years of age or over and, hence, defendant has not established a defense under the provisions of R.S. 33:1-77.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty days, which is the minimum penalty for sale of alcoholic beverages to three minors, one of whom is 17 years of age. Re Primiceri, Bulletin 948, Item 5: Five days will be remitted because of the plea entered herein, leaving a net suspension of fifteen (15) days.

Although this proceeding was instituted during the 1952-53 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1953-54. State Regulations No. 16.

Accordingly, it is, on this 6th day of July, 1953,

ORDERED that Plenary Retail Consumption License C-681 for the 1953-54 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to William J. Minchin, for premises 864 Bergen Street, Newark, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. July 13, 1953, and terminating at 2:00 a.m. July 28, 1953.

DOMINIC A. CAVICCHIA
Director.

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

In the Matter of Disciplinary Proceedings against HUNTING LODGE, INC. T/a RAINBOW INN Route #26 North Brunswick Township RFD #4, New Brunswick, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-14 for the 1952-53 and 1953-54 licensing years, issued by the Township Committee of the Township of North Brunswick.

Hunting Lodge, Inc., Defendant-licensee, by Ben Rubin, Pres. William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

The file herein discloses that on May 18, 1953, an ABC agent examined 59 open bottles of alcoholic beverages on defendant's licensed premises and seized two 4/5 quart bottles labeled "Canadian Club Blended Canadian Whisky 90.4 Proof" when his field tests indicated a variance between the description on the labels and the contents of the bottles. Subsequent analysis by the Division chemist disclosed that the contents of the seized bottles were not genuine as labeled.

Defendant's secretary-treasurer who was then in charge of the licensed premises denied any knowledge of the discrepancy.

Defendant has no prior adjudicated record. I shall suspend its license for fifteen days, the minimum penalty imposed in such cases. Five days will be remitted for the plea entered herein leaving a net suspension of ten days. Re Norece Corporation, Bulletin 945, Item 4.

Although this proceeding was instituted during the 1952-53 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1953-54. State Regulations No. 16.

Accordingly, it is, on this 9th day of July, 1953,

ORDERED that Plenary Retail Consumption License C-14, issued for the 1953-54 licensing year by the Township Committee of the Township of North Brunswick to Hunting Lodge, Inc., t/a Rainbow Inn, Route #26, North Brunswick Township, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. July 20, 1953, and terminating at 2:00 a.m. July 30, 1953.

DOMINIC A. CAVICCHIA Director.

8. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - LICENSE SUSPENDED FOR 3 DAYS, LESS 1 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JAMES W. CAVANAUGH & JOHN J. HRASNA)
T/a HOTEL NEW WINDSOR)
201 Fourth Avenue)
Belmar, N. J.,)

CONCLUSIONS AND ORDER

Holders of Seasonal Retail Consumption License CS-4, issued by the Board of Commissioners of the Borough of Belmar.)

Herbert & Isherwood, Esqs., by Howard Isherwood, Jr., Esq., Attorneys for Defendant-licensees.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they permitted two taps on their licensed premises to be connected with two barrels of malt alcoholic beverages, which taps did not truly indicate the name or brand of the manufacturer of such malt alcoholic beverages, in violation of Rule 26 of State Regulations No. 20.

During the course of an inspection of defendants' licensed premises on June 12, 1953, an ABC agent found two barrels of Gretz beer on tap and observed that there were no beer knobs on the dispensing spigots connected to the respective barrels. Defendants allege that they ordinarily sell another brand of beer but that, because of a beer shortage, they obtained Gretz beer which they connected to dispensing spigots bearing no beer knobs. This, of course, does not excuse the violation.

Defendants have no prior adjudicated record. I shall suspend the license for three days (the minimum period heretofore imposed in such cases). One day will be remitted for the plea entered herein, leaving a net suspension of two days. Re Graham, Bulletin 954, Item 10.

Accordingly, it is, on this 16th day of July, 1953,

ORDERED that Seasonal Retail Consumption License CS-4, issued by the Board of Commissioners of the Borough of Belmar to James W. Cavanaugh & John J. Hrasna, t/a Hotel New Windsor, for premises 201 Fourth Avenue, Belmar, be and the same is hereby suspended for two (2) days, commencing at 2:00 a.m. July 27, 1953, and terminating at 2:00 a.m. July 29, 1953.

DOMINIC A. CAVICCHIA
Director.

9. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

CHARLES BOGUSZEWSKI
T/a TRIANGLE TAVERN
1701 Ferry Avenue
Camden, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-148 for the 1952-53 licensing year and C-86 for the 1953-54 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

Walter A. Uliase, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On May 14, 16 and 20, 1953, 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."

The file discloses that at approximately 11:45 a.m., on Thursday, May 14, 1953, an ABC agent entered the licensed premises. The licensee was tending bar. At approximately 1:30 p.m. a patron, Thomas Monahan, accepted a horse race bet from the ABC agent.

The agent returned with another agent at approximately 11:15 a.m. on Saturday, May 16, 1953. Another patron, "Beansie", accepted from the agent first above mentioned a horse race bet. The agent told the licensee that he had won the bet which he had placed with Thomas Monahan on May 14 and asked the licensee how he (the licensee) had made out. The licensee replied that he had not done very well and that he was "giving them up."

The first agent and another ABC agent entered the licensed premises at approximately 1:00 p.m. Wednesday, May 20, 1953. "Beansie" approached the first agent at the bar and, in the presence of the licensee told the agent that he (the agent) had won the bet previously made. "Beansie" placed the amount won, namely, \$16.50, on the bar. The second agent requested the licensee to give him a pencil and a piece of paper, stating that he wanted to place a few bets. The licensee complied with the agent's request. The first agent took a slip which had been made by his companion and another horse race slip which he himself had made and went to the back room where he handed the slips and money to another patron, Francis Monahan, who was seated at a table with "Beansie." The first agent returned to the bar and asked the licensee how he was doing "with the horses." The licensee replied "lousy." The first agent placed another bet with Francis Monahan, again using a betting slip and marked money.

At approximately 1:50 p.m. a third ABC agent and an officer of the Camden Police Department entered the licensed premises and the agents identified themselves to the licensee and Francis Monahan. The latter produced the sum of \$14.00, of which six dollars were the

marked bills which had been used by the agents. Their betting slips and others were found on the person of Francis Monahan. A search of the premises revealed no further betting paraphernalia. On the way to police headquarters the licensee verbally admitted to the agents that he knew that the Monahans and "Beansie" were bookmaking upon his licensed premises and claims that while he tried to "chase them out" they continually returned to the licensed premises.

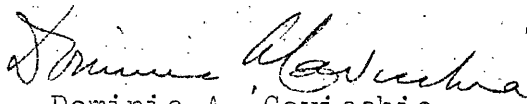
It is obvious from the facts hereinabove recited that the licensee permitted bookmaking to be carried on upon his licensed premises on a considerable scale.

The licensee has no prior adjudicated record. Under the circumstances I shall suspend the license for twenty days. Five days will be remitted for the plea entered herein leaving a net suspension of fifteen days. Re Achille, Bulletin 863, Item 6.

Although this proceeding was instituted during the 1952-53 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1953-54. State Regulations No. 16.

Accordingly, it is, on this 7th day of July, 1953,

ORDERED that Plenary Retail Consumption License C-86 for the 1953-54 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Charles Boguszewski, t/a Triangle Tavern, 1701 Ferry Avenue, Camden, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. July 14, 1953, and terminating at 2:00 a.m. July 29, 1953.


Dominic A. Cavicchia
Director.