

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

BULLETIN 891

DECEMBER 21, 1950.

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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 591

DECEMBER 21, 1950.

1. ACTIVITY REPORT FOR NOVEMBER 1950

ARRESTS:

| | |
|----------------------------------|----|
| Total number of persons arrested | 15 |
| Licensees and employees | 4 |
| Bootleggers | 11 |

SEIZURES:

| | |
|---|------|
| Motor vehicles - cars | 4 |
| Alcohol - gallons | 3.41 |
| Distilled alcoholic beverages - gallons | 7.79 |
| Wine - gallons | 1.66 |
| Brewed malt alcoholic beverages - gallons | 1.31 |

RETAIL LICENSEES:

| | |
|--|--------|
| Premises inspected | 868 |
| Premises where alcoholic beverages were gauged | 849 |
| Bottles gauged | 14,117 |
| Premises where violations were found | 70 |
| Violations found | 78 |
| Type of violations found: | |
| Prohibited signs | 16 |
| Unqualified employees | 9 |
| Reg. #38 sign not posted | 8 |
| Improper beer taps | 3 |
| Probable fronts | 1 |
| Disposal permit necessary | 1 |
| Other mercantile business | 1 |
| Other violations | 39 |

STATE LICENSEES:

| | |
|-----------------------------------|----|
| Premises inspected | 16 |
| License applications investigated | 7 |

COMPLAINTS:

| | |
|---------------------------------------|-----|
| Complaints assigned for investigation | 488 |
| Investigations completed | 445 |
| Investigations pending | 111 |

LABORATORY:

| | |
|--|-----|
| Analyses made | 143 |
| "Shake-up" cases (alcohol, water and artificial color) - bottles | 18 |
| Liquor found to be not genuine as labeled - bottles | 3 |

IDENTIFICATION BUREAU:

| | |
|---|-----|
| Criminal fingerprint identifications made | 12 |
| Persons fingerprinted for non-criminal purposes | 165 |
| Identification contacts made with other enforcement agencies | 118 |
| Motor vehicle identifications via N. J. State Police Teletype | 5 |

Disciplinary Proceedings:

| | |
|-------------------------------------|---|
| Cases transmitted to municipalities | 4 |
|-------------------------------------|---|

Violations involved:

| | |
|-------------------------------|---|
| Sale to minors | 3 |
| Permitting brawls on premises | 2 |

| | |
|------------------------------|-----|
| Cases instituted at Division | 16* |
|------------------------------|-----|

Violations involved:

| | | | |
|---|---|---------------------------------------|---|
| Sale to minors | 6 | Failure to file notice of change | 1 |
| Sale during prohibited hours | 3 | in application | 1 |
| Permitting immoral activity on premises | 2 | Sale under Fair Trade price | 1 |
| Fraud and front | 2 | Permitting prostitutes on premises | 1 |
| Mislabeling beer taps | 2 | Possessing contraceptives on premises | 1 |
| Women at bar | 1 | Failure to afford view into premises | 1 |
| Permitting bookmaking on premises | 1 | during prohibited hours | 1 |

*1 includes cancellation proceedings for club's lack of continuous possession of club quarters for 3 years prior to application.

| | |
|--|----|
| Cases brought by municipalities on own initiative and reported to Division | 11 |
|--|----|

Violations involved:

| | | | |
|-----------------------------------|---|-----------------------------|---|
| Sale during prohibited hours | 4 | Sale to minors | 1 |
| Permitting bookmaking on premises | 3 | Sale to intoxicated persons | 1 |
| Permitting brawls on premises | 3 | | |

HEARINGS HELD AT DIVISION:

| | | | |
|-------------------------------|----|--------------------------|---|
| Total number of hearings held | 33 | | |
| Appeals | 3 | Seizures | 4 |
| Disciplinary proceedings | 19 | Tax revocation | 1 |
| Eligibility | 5 | Applications for license | 1 |

PERMITS ISSUED:

| | | | |
|---------------------------------|-------|----------------|-----|
| Total number of permits issued | 1,245 | | |
| Employment | 117 | Social affairs | 365 |
| Solicitors | 65 | Special wire | 552 |
| Disposal of alcoholic beverages | 38 | Miscellaneous | 108 |

ERWIN B. HOCK, DIRECTOR

2. APPELLATE DECISIONS - SENATORE v. RANDOLPH.

ALFRED G. SENATORE,

Appellant,

-vs-

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RANDOLPH,

Respondent.

ON APPEAL
CONCLUSIONS AND ORDER.E. Marco Stirone, Esq., Attorney for Appellant.
Morris H. Saltz, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from denial of an application to transfer a plenary retail consumption license from one John Oszeyczik to appellant and from premises on south side of State Highway #10 to premises on north side of State Highway #10, Township of Randolph.

The petition of appeal alleges that the denial of the application was arbitrary and unreasonable; that appellant's premises are in an area "given to business" and that there is lack of uniformity of policy, if any adopted, as to any neighborhood.

No answer was filed herein as required by Rule 4 of State Regulations No. 15. However, it appears from the opening statement made at the hearing by the attorney for respondent that the application was denied because, among other reasons, numerous persons residing in the neighborhood to which the transfer was sought objected to the transfer of the license. Since the case was fully presented, I shall decide the case upon the merits despite the failure of respondent to file an answer including a statement of the grounds for its action.

The evidence shows that State Highway #10 runs through the northern section of Randolph Township for a distance of approximately six miles. The license now held by John Oszeyczik is one of three plenary retail consumption licenses which have been issued for premises on said highway near the westerly boundary of Randolph Township. A fourth plenary retail consumption license has been issued for premises on the highway near the easterly boundary of the township. Appellant seeks to transfer the license now held by Oszeyczik to a new building recently erected on the northerly side of said highway, a distance of about 3.6 miles from the premises now licensed. The portion of the highway on which appellant's building is located runs through sections of the township which are locally known as Millbrook and Mount Fern. These sections are described as primarily residential in character. It appears that a petition containing the signatures of 203 persons who opposed the granting of the transfer was filed with respondent. At a hearing held pursuant to Rule 6 of State Regulations No. 2, eleven residents of the township spoke in opposition to the transfer of the license. Appellant, his attorney and the present holder of the license spoke in favor of the transfer.

It further appears that a small portion of State Highway #10, adjoining appellant's premises, was zoned for business purposes. Two gasoline stations are located in this business area. At a later date, the plot of ground on which appellant's premises are located was zoned for business purposes, apparently after it had been represented to the Board of Adjustment that the premises were to be used as a produce market. Instead, appellant opened a small restaurant in the new building.

Considering the sentiment of the residents of the Millbrook and Mount Fern sections and the lack of evidence that a liquor license is necessary to serve the needs of these residents, I cannot say that the action of respondent in refusing to transfer the license to appellant's premises was arbitrary or unreasonable.

While it is true that the plot of ground occupied by appellant's premises was added to the business area, it seems apparent that at that time the Township Committee had no knowledge that the premises were to be used for the sale of alcoholic beverages. This business area is small and is of such a character that I conclude that it was not unreasonable to deny a transfer of the license to premises located therein.

There is little, if any, evidence as to any policy adopted by respondent. Chairman Crowley of the Township Committee testified that he voted to deny appellant's application primarily because of the almost unanimous objection to "the transfer to that particular community which did not want that type of business". He testified that he was not familiar with the facts concerning the transfer of a license to the Straus Farm in the Millbrook section because he was not a member of the Township Committee at that time. From the record I must conclude that the present application was denied because of the facts of this case and, hence, no question of any policy, or the lack of uniformity of policy, is involved.

For the reasons aforesaid, the action of respondent will be affirmed.

Accordingly, it is, on this 22nd day of November, 1950,

ORDERED that the action of respondent be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed.

ERWIN B. HOCK
Director.

3. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - SALE TO NON-MEMBERS -
THIRD SIMILAR VIOLATION - LICENSE REVOKED.

In the Matter of Disciplinary)
Proceedings against)

POLISH DEMOCRATIC CLUB, INC.)
9-11 Patterson Street)
Harrison, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-272,)
issued by the Director of the)
Division of Alcoholic Beverage)
Control.)

Walter Michaelson, Esq., Attorney for Defendant-licensee.
Vincent T. Flanagan, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold, served and delivered alcoholic beverages to persons not bona fide members or bona fide guests of such members, in violation of Rule 8 of State Regulations No. 7.

On October 11, 1950, two agents of the Division of Alcoholic Beverage Control, neither of whom is a member of defendant club, entered the club barroom and were sold and served two bottles of beer each by an employee of the club, the bartender on duty.

The bartender's explanation was, "I thought the agents were caterers with whom the club has business relations and took a chance." This is clearly no excuse.

Defendant has a prior record. Effective March 28, 1947, its license was suspended for ten days by the local issuing authority after a finding of guilt to charges involving sales to non-members and permitting gambling on its licensed premises. Again, effective April 1, 1950, the local issuing authority suspended the license for seven days after a finding of guilt to charges also including sales to non-members and, in addition, sales for off-premises consumption.

The serious nature of the violation admitted herein warrants a severe penalty. Within less than four years defendant has been guilty three times of selling alcoholic beverages to non-members. Club licensees who, by this method, compete with plenary retail consumption licensees are not worthy of the privileges afforded them by their license. Cf. Re Democratic Club of the 11th Ward, Bulletin 539, Item 10. I shall revoke the license.

Accordingly, it is, on this 27th day of November, 1950,

ORDERED that Club License CB-272, issued by the Director of the Division of Alcoholic Beverage Control to Polish Democratic Club, Inc., 9-11 Patterson Street, Harrison, be and the same is hereby revoked, effective immediately.

ERWIN B. HOCK
Director.

4. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

ZENON NADZEIKA

T/a ZENO'S TAVERN

Corner Edwards & New Roads

Rockaway Neck

Parsippany-Troy Hills Township

RD 1, Box 217, Parsippany, N.J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-20, issued by the
Township Committee of the Township
of Parsippany-Troy Hills.

Zenon Nadzeika, Defendant-licensee, Pro Se.

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20.

It appears from the statements of the minor and her companions that, on October 15, 1950, at about 8:00 a.m., Jacqueline ---, sixteen years of age, entered defendant's premises with three male companions, all of whom were of full age. There she was served with a glass of whiskey with a beer chaser. Her companions were served, respectively, a shot of whiskey and two beers by defendant-licensee. The party, including the minor, stayed in the tavern until about 12:30 p.m., during which time the minor was served approximately ten or more glasses of beer. Nowhere does it appear that defendant, who served all this liquor to the minor, made any more than a casual inquiry of the party as to whether or not they were all of age. It is clear that the defendant secured no representation in writing from the minor that she was twenty-one years of age or over. R.S. 33:1-77. Defendant is guilty as charged.

Defendant has no prior adjudicated record. Because of the youthfulness of the minor, I shall suspend defendant's license for twenty days. Remitting five days for the plea will leave a net suspension of fifteen days.

Accordingly, it is, on this 22nd day of November, 1950,

ORDERED that Plenary Retail Consumption License C-20, issued by the Township Committee of the Township of Parsippany-Troy Hills to Zenon Nadzeika, t/a Zeno's Tavern, for premises Corner Edwards and New Roads, Rockaway Neck, Parsippany-Troy Hills Township, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3:00 a.m. November 29, 1950, and terminating at 3:00 a.m. December 14, 1950.

ERWIN B. HOCK
Director.

5. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES
(INDECENT SONGS) - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF
TIME - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary.)
Proceedings against)

S. E. W., INC., a corporation)

T/a "SURF RESTAURANT")

State Highway Route 29 & Jefferson Ave.)

Green Brook)

PO Bound Brook, RFD 2, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-8, issued by the Township)
Committee of the Township of Green)
Brook.)

-----)
Robert Carey, Jr., Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it allowed, permitted and suffered lewdness and immoral activities in and upon its licensed premises, in that female entertainers sang songs and recited stories having lewd, indecent, disgusting and suggestive import and meaning, in violation of Rule 5 of State Regulations No. 20.

The file herein discloses that ABC agents visited defendant's licensed premises at 9:45 on the evening of September 19, 1950 and remained there until 1:00 a.m. on September 20, 1950. The ABC agents returned at 10:30 p.m. on September 20, 1950 and remained on defendant's licensed premises until 2:00 a.m. on September 21, 1950. During the first visit of the ABC agents, a female entertainer played the piano and sang sexually suggestive songs. During the second visit by the ABC agents, the same female entertainer again sang songs similar to those she had previously sung for the "entertainment" of the patrons. On the latter occasion, another female entertainer, who is a major stockholder of the defendant corporate licensee, sang off-color songs and recited indecent stories. At 12:30 a.m. September 21, 1950, the ABC agents made known their identity to the bartender, the husband of one of the entertainers, and requested that the female entertainers desist from engaging in any further objectionable entertainment. It appears from the record that this entertainment was composed substantially of deliberately suggestive songs and off-color stories. Entertainment of the type in question will not be permitted on licensed premises.

Defendant has a previous adjudicated record. Effective November 30, 1942, defendant's license was suspended for five days by the local issuing authority as a result of sales of alcoholic beverages to minors. Inasmuch as the previous dissimilar violation occurred eight years ago, I shall not take the former record into consideration in fixing the penalty herein. In view of the circumstances, I shall suspend defendant's license for a period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 7th day of December, 1950,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Green Brook to S.E.W., Inc., a corporation, t/a "Surf Restaurant", State Highway Route 29 & Jefferson Ave., Green Brook, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. December 12, 1950, and terminating at 2:00 a.m. December 22, 1950.

ERWIN B. HOCK
Director.

6. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING EFFECTIVE DATES OF SUSPENSION.

In the Matter of Disciplinary)
Proceedings against)

S.E.W., INC., a corporation)
T/a "SURF RESTAURANT")
State Hwy. Rte 29 & Jefferson Ave.)
Green Brook)
PO Bound Brook, RFD 2, N. J.,)

ON PETITION
O R D E R

Holder of Plenary Retail Consumption)
License C-8, issued by the Township)
Committee of the Township of Green)
Brook.)

Robert Carey, Jr., Esq., Attorney for Petitioner-licensee.

BY THE DIRECTOR:

It appearing that by Order dated December 7, 1950, petitioner's license was suspended for a period of ten days, commencing at 2:00 a.m. December 12, 1950, and terminating at 2:00 a.m. December 22, 1950; and

It further appearing from a verified petition submitted by the licensee that, prior to December 7, 1950, the licensee and employees of Calco Chemical Company had entered into a contract for holding a banquet at petitioner's licensed premises on December 18, 1950; and

It further appearing that approximately 100 tickets have been sold and that numerous innocent persons will suffer if said banquet is not held as scheduled;

It is, on this 15th day of December, 1950,

ORDERED that the suspension which commenced at 2:00 a.m. December 12, 1950, shall continue in effect until 2:00 a.m. December 18, 1950; that thereafter said suspension shall be lifted until 2:00 a. m. December 19, 1950, when it shall again become effective and thereafter continue in effect until 2:00 a.m. December 23, 1950.

ERWIN B. HOCK
Director.

7. DISCIPLINARY PROCEEDINGS - TRANSPORTATION OF ALCOHOLIC BEVERAGES IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 - PRIOR RECORD OF ONE OF LICENSEES NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

JOHN BENASH, SOPHIE BENASH,
JOSEPH BENASH, LEO BENASH;
ALFRED BENASH and STEPHEN BENASH
West Side Mantua-Sewell Road
Mantua Township
PO Sewell, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Distri-
bution License D-1, issued by the
Township Committee of the Township
of Mantua.

Samuel Moskowitz, 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 a charge that they delivered alcoholic beverages in their licensed vehicle without accompanying invoices or manifests, in violation of Rule 3 of State Regulations No. 17.

On September 16, 1950 a Ford truck bearing transportation insignia issued by the Division of Alcoholic Beverage Control to defendants was examined by ABC agents. On the truck the agents found a large quantity of canned beer in cases and some wine in original containers. The driver of the truck could produce no invoices, manifests, or other similar documents, containing the information required by Rule 3 of State Regulations No. 17, aforesaid.

In 1939, a license held by John Benash, one of defendants herein, was suspended by the local issuing authority for seven days for selling alcoholic beverages during prohibited hours and employing a disqualified person. Because of the time since this violation, it will not be considered as warranting an increased penalty herein. I shall suspend defendants' license for ten days. Remitting five days because of the plea, will leave a net suspension of five days.

Accordingly, it is, on this 17th day of November, 1950,

ORDERED that Plenary Retail Distribution License D-1, issued by the Township Committee of the Township of Mantua to John Benash, Sophie Benash, Joseph Benash, Leo Benash, Alfred Benash and Stephen Benash, for premises West side Mantua-Sewell Road, Mantua Township, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. November 27, 1950, and terminating at 9:00 a.m. December 2, 1950.

ERWIN B. HOCK
Director.

8. DISCIPLINARY PROCEEDINGS - TRANSPORTATION OF ALCOHOLIC BEVERAGES IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 - ACCEPTING ORDERS FOR ALCOHOLIC BEVERAGES AT PREMISES OTHER THAN LICENSED PREMISES - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

JOSEPH & EMILY WOZNICA
T/a PARK BEVERAGE
15-17 Hackensack Avenue
Ridgefield Park, N. J.,

CONCLUSIONS
AND ORDER

Holders of Limited Retail Distri-
bution License DL-1, issued by
the Board of Commissioners of the
Village of Ridgefield Park.

Joseph & Emily Woznica, Defendant-licensees, by Joseph Woznica,
Partner.

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

BY THE DIRECTOR:

Defendants pleaded non vult to charges alleging that (1) they transported and delivered alcoholic beverages in their licensed vehicles without the drivers thereof having in their possession bona fide invoices or manifests, in violation of Rule 3 of State Regulations No. 17; and (2) they accepted orders for alcoholic beverages at premises other than their licensed premises, in violation of R. S. 33:1-2.

The file in the instant case discloses that on August 12, 1950, two delivery trucks of defendants were stopped by ABC agents and the drivers thereof were found to have alcoholic beverages on said trucks without the accompanying invoices or manifests indicating thereon the names and addresses of the customers to whom said alcoholic beverages were to be delivered. Joseph Woznica, one of the defendants, admitted taking orders for alcoholic beverages at customers' homes for delivery at a later date.

Defendants have no previous adjudicated record. I shall, therefore, suspend their license on said charges for a period of fifteen days. Five days will be remitted because of the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 17th day of November, 1950,

ORDERED that Limited Retail Distribution License DL-1, issued by the Board of Commissioners of the Village of Ridgefield Park to Joseph & Emily Woznica, t/a Park Beverage, for premises 15-17 Hackensack Avenue, Ridgefield Park, be and the same is hereby suspended for a period of ten (10) days, commencing at 9:00 a. m. November 27, 1950, and terminating at 9:00 a. m. December 7, 1950.

ERWIN B. HOCK
Director.

9. DISCIPLINARY PROCEEDINGS - TRANSPORTATION AND PEDDLING OF ALCOHOLIC BEVERAGES, BY PREDECESSOR-IN-INTEREST, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

PASQUALE PORSIO)
1301 New York Avenue)
Union City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Limited Retail Distri-)
bution License DL-12, issued by)
the Board of Commissioners of the)
City of Union City.)

- - - - -
Pasquale Porsio, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant, present holder of the license in question, has pleaded non vult to charges alleging that (1) his predecessor-in-interest, Dominick Mariniello, from whom he obtained his limited retail distribution license by transfer on September 21, 1950, sold alcoholic beverages from a vehicle on a public highway, in violation of Rule 3 of State Regulations No. 17; and (2) said predecessor-in-interest, Dominick Mariniello, transported alcoholic beverages in a vehicle without having in his possession bona fide delivery slips or invoices, in violation of Rule 3 of State Regulations No. 17.

The file in the instant case discloses that on September 15, 1950, Dominick Mariniello, former holder of the license in question, sold a case of beer to ABC agents from a vehicle parked on a public highway. After the ABC agents made known their identity to said Dominick Mariniello, it was learned by the ABC agents that the alcoholic beverages on the truck were not accompanied by proper invoices. Defendant accompanied said Dominick Mariniello on the truck at the time the violations were committed.

Although the license was transferred to defendant after the violations complained of in the instant case were committed, defendant's license is subject to any suspension which may be imposed herein. Rule 2 of State Regulations No. 16.

Defendant has no previous adjudicated record. I shall, therefore, suspend his license for a period of fifteen days. Five days will be remitted because of the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 17th day of November, 1950,

ORDERED that Limited Retail Distribution License DL-12, issued by the Board of Commissioners of the City of Union City to Pasquale Porsio, for premises 1301 New York Avenue, Union City, be and the same is hereby suspended for a period of ten (10) days, commencing at 9:00 a.m. November 27, 1950, and terminating at 9:00 a. m. December 7, 1950.

ERWIN B. HOCK
Director.

10. DISQUALIFICATION - PREVIOUS PETITION DENIED - APPLICATION HEREIN GRANTED.

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

CONCLUSIONS
 AND ORDER

Case No. 877.
 - - - - -)

BY THE DIRECTOR:

Petitioner, who heretofore has been ruled ineligible to be employed by the holder of a liquor license in this state by reason of the fact that he was convicted, more than twenty years ago, of grand larceny (auto), a crime involving moral turpitude, filed the instant application for relief, pursuant to the condition of an Order, dated June 5, 1950, dismissing his petition and granting him leave to reapply after October 10, 1950. Case No. 826, Bulletin 879, Item 10.

Since that date, petitioner has apparently been leading a law-abiding existence and there is no evidence presented disclosing that petitioner has worked on licensed premises.

Three persons (a certified public accountant, a chef, and an employee of a bus company) testified that they have known petitioner eight or more years and that, in their opinion, he bears a reputation for being a law-abiding person in the community in which he resides.

The Police Department of the municipality wherein petitioner lives has indicated that there are no complaints or investigations concerning petitioner at the present time.

I find that petitioner has conducted himself in a law-abiding manner during the past five years and that his association with the alcoholic beverage industry will not be contrary to public interest.

Accordingly, it is, on this 20th day of November, 1950,

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

ERWIN B. HOCK
 Director.

11. DISCIPLINARY PROCEEDINGS - CHARGE OF POSSESSING ILLICIT LIQUOR -
 DEFENDANT'S CHEMIST UNABLE TO MAKE COMPLETE ANALYSIS BECAUSE OF
 INSUFFICIENT AMOUNT IN SEIZED BOTTLE - CHARGE DISMISSED.

In the Matter of Disciplinary)
 Proceedings against)

JAMES A. KEELAN)
 T/a KEELAN'S BAR AND GRILL)
 3 Railroad Place)
 Keansburg, N. J.,)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consump-)
 tion License C-27 for the 1949-50)
 and 1950-51 licensing periods,)
 issued by the Borough Council of)
 the Borough of Keansburg.)

 J. Stanley Herbert, Esq., Attorney for Defendant-licensee.
 William F. Wood, Esq., appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to a charge alleging that he pos-
 sessed on his licensed premises an alcoholic beverage in a bottle
 bearing a label which did not truly describe its contents, in
 violation of Rule 28 (now Rule 27) of State Regulations No. 20.

The record indicates that an ABC agent visited the licensed prem-
 ises on June 13, 1950 for the purpose of testing defendant's open
 stock of liquor and while there found a 4/5 quart bottle labeled
 "Paul Jones Fine Blended Whiskey" which appeared questionable to
 him. This bottle containing approximately three and three-quarter
 ounces of alleged alcoholic beverage was thereafter turned over to
 the Division chemist who, upon chemical analysis, found that the
 contents varied in proof and solids from a sealed bottle of the same
 brand which has been obtained from the defendant's premises.

Defendant and two of his employees testified that they did not
 tamper with the questionable bottle at any time. Defendant further
 stated that this bottle had remained open on his licensed premises
 for more than a year prior to its being seized by the ABC agent. On
 behalf of defendant, a consulting chemical engineer testified that,
 although he had been afforded an opportunity to examine the remaining
 contents of the open bottle, he could not make a complete analysis
 of such contents because an insufficient amount remained therein.

It appears, therefore, that the small amount of seized alcoholic
 beverage remaining after the Division's analysis had been made gave
 defendant's chemist inadequate opportunity to check against such
 analysis. Under the circumstances here present, and whatever may be
 my suspicion as to defendant's guilt, I shall dismiss the charge
 (cf. Re Krantz, Bulletin 499, Item 4).

Accordingly, it is, on this 22nd day of November, 1950,

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

ERWIN B. HOCK
 Director.

12. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - PRIOR RECORD OF ONE OF LICENSEES NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 3 DAYS, LESS 1 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

WILLIAM J. and ALBERTA FAUBLE
T/a JUICYS TIP TOP TAVERN
130 So. Broadway
South Amboy, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-
tion License C-27, issued by the
Common Council of the City of
South Amboy.

William J. and Alberta Fauble, Defendant-licensees, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The defendants pleaded non vult to the charge that on November 10, 1950 they possessed a mislabeled beer tap in their tavern, in violation of Rule 26 of State Regulations No. 20.

An ABC agent, on routine inspection of defendants' licensed premises on the day in question, found that beer was being drawn from a barrel of "Schmidt's" beer through a spigot labeled "Krueger Ambassador".

Defendants have a previous adjudicated record. Effective August 14, 1944, when the license was held by Alberta Fauble, one of the partners herein, said license was suspended by the local issuing authority for five days because of an "hours" violation. In view of the fact that six years have elapsed and that the violation was dissimilar to that in the instant case, I shall not consider the past record in imposing the penalty herein.

I shall suspend defendants' license for a period of three days, less one day's remission because of the plea entered herein, or a net suspension of two days. Re Hearns, Bulletin 854, Item 4.

Accordingly, it is, on this 4th day of December, 1950,

ORDERED that Plenary Retail Consumption License C-27, issued by the Common Council of the City of South Amboy to William J. and Alberta Fauble, t/a Juicys Tip Top Tavern, for premises 130 So. Broadway, South Amboy, be and the same is hereby suspended for two (2) days, commencing at 2:00 a.m. December 11, 1950, and terminating at 2:00 a.m. December 13, 1950.

ERWIN B. HOCK
Director.

13. DISCIPLINARY PROCEEDINGS - CHARGES ALLEGING SALE OF ALCOHOLIC BEVERAGES TO MINORS DISMISSED BECAUSE OF LACK OF PROOF.

In the Matter of Disciplinary
Proceedings against

ARCHIE E. VanNESS, SR. & JR.
T/a ARCHIES
E/S of Morris Ave. about 1200'
West of Eden Mill Lane
Hanover Township
P. O. Whippany, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-
tion License C-3, issued by the
Township Committee of the Township
of Hanover.

Louis Winer, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The defendants pleaded not guilty to charges alleging that they sold, served and delivered alcoholic beverages to two minors, Paul --- and Arthur ---, and permitted them to consume alcoholic beverages at their licensed premises on November 5 and 12, 1949, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

This is a companion case to Re Fefferman, decided simultaneously herewith. As in that case, the unsatisfactory testimony of the minors, together with the lack of proper corroboration, necessitates a dismissal of the charges.

Arthur, one of the minors in question, testified that on November 5, 1949 he was served beer by one of the defendants (Archie VanNess, Jr.) and that he (Arthur) delivered a glass of beer to his companion Paul, also a minor, who was standing outside on the grounds adjoining the roadstand operated by the defendants. Paul did not observe who served the beer to Arthur, but testified that Arthur brought him a glass of beer. In a written statement given to an ABC agent on December 14, 1949, Paul states, however, that "I went to the counter and tried to buy a glass of beer but I was refused because I was too young. I then asked some old fellow, whose name I do not know, to buy me a glass of beer and he did. This happened on the 5th of November 1949." When, on cross-examination, he was asked why he had not told this story on the witness stand, he first said that he had not been questioned about it and then said that the incident occurred on October 28, 1949, and not on November 5 as he stated in his written statement. In this statement, however, he made no mention of visiting the defendants' premises prior to November 5.

As to November 12, 1949, Arthur testified that he was again served beer at the defendants' premises. Although in his written statement Paul said that Arthur had brought him a glass of beer on this occasion, he testified at the hearing that he "wasn't feeling so good", "didn't drink any beer" and "don't know whether anybody else did or not". Thus, Arthur's version of this incident is totally lacking in corroboration.

Without the necessity of detailing any more of the evidence, it suffices to say that there are various other contradictions and inconsistencies in the record relating, among other things, to the number of drinks allegedly purchased, the place where the minors parked their automobile at the premises, the location of the service

window where the alleged purchases were made, and the price paid for the beer, all of which tend substantially to weaken the credibility of their testimony.

Under the circumstances, I find that the burden of proving the truth of the charges by a preponderance of the believable testimony has not been sustained, and the charges, therefore, are dismissed.

Accordingly, it is, on this 15th day of December, 1950,

ORDERED that the charges herein be and the same are hereby dismissed.

ERWIN B. HOCK
Director.

14. DISCIPLINARY PROCEEDINGS - CHARGES ALLEGING SALE OF ALCOHOLIC BEVERAGES TO MINORS DISMISSED BECAUSE OF LACK OF PROOF.

In the Matter of Disciplinary
Proceedings against

AARON FEFFERMAN
T/a MORRISTOWN WINE & LIQUOR CO.
88 Speedwell Avenue
Morristown, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-
bution License D-4, issued by the
Board of Aldermen of the Town of
Morristown.

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

BY THE DIRECTOR:

The defendant pleaded not guilty to charges alleging that he sold, served and delivered alcoholic beverages to a minor, Paul ---, on November 5, 12 and 19, 1949, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

This case came to the attention of this Division as a result of an automobile accident which occurred on November 19, 1949. Paul and three other minors were involved in this accident and, because of the death of one and the critical injuries received by another, only Paul and Arthur --- were available as witnesses at the hearing held herein.

Paul, who was born on January 19, 1934, testified that on November 5 and 12, both Saturday nights, he purchased six quarts of beer from Arthur Harris, a clerk in the defendant's store, and that on the following Saturday night, November 19, he purchased six quarts of beer and a pint bottle of wine from Harris. On the first two occasions he paid Harris \$2.10, or 35¢ per quart, and on the last occasion he paid him \$2.45, which included 35¢ for the pint of wine.

There is no corroboration in the record as to the purchases allegedly made by Paul at the defendant's premises on November 5 and 19. As to November 12, the only corroboration came from Arthur, who testified that he walked past the store and saw Paul and Harris engaged in conversation. He did not, however, see any purchase being made by Paul nor did he see him emerge from the store.

Paul further admitted that he had not told the police, who questioned him after the accident, any of the facts to which he

testified but, on the contrary, he "told them some other story". Although he testified with careful particularity that he had purchased six bottles of beer on each of three occasions, and specified the individual bottle price and the total purchase price for each occasion, he told an ABC agent, in a statement made several months before the hearing herein, that on the first two occasions he had purchased "four quarts of beer, one each for the four of us".

Arthur, when questioned at the hearing, testified that Paul had made no purchases of beer prior to November 5. In a statement given to an ABC agent, also taken several months before the hearing, he stated that Paul had made beer purchases on four occasions, the first time being on October 28, 1949. Despite the fact that he testified that he had observed Paul in conversation with Harris at the defendant's premises on November 12, in the statement he states that this occurred "on the second occasion, November 5, 1949".

For the defendant, the clerk (Arthur Harris) denied categorically that he had sold any alcoholic beverages to Paul on the aforesaid three Saturday nights, or at any other time. The defendant, who testified that, in accordance with his usual practice, he was present in his store on the Saturday nights in question, corroborated the clerk's testimony.

Under the particular circumstances in this case, justice and fairness dictate that the defendant be found not guilty of the charges.

Accordingly, it is, on this 15th day of December, 1950,

ORDERED that the charges herein be and the same are hereby dismissed.

ERWIN B. HOCK
Director.

15. MORAL TURPITUDE - COMMERCIALIZED GAMBLING HELD NOT TO INVOLVE
MORAL TURPITUDE UNDER FACTS OF CASE.

December 7, 1950.

Re: Case No. 625

Applicant seeks a ruling on his eligibility to obtain a solicitor's permit from this Division.

In November 1944 he was convicted in this state on a charge of bookmaking. Sentenced to State's Prison for from one to three years, he entered prison on May 16, 1946, and was paroled in February 1947.

This charge grew out of a raid on a bookmaking establishment. From the story told by applicant, it appears that he was a clerk employed to answer the telephone and take bets "phoned in". He worked elsewhere and was employed at the bookmaking establishment only a few hours a day and was paid on an average of \$25.00 to \$40.00 per week, dependent upon the time worked. From the record it appears that the applicant's version of the incident was truthful and that he was not a principal, lieutenant or even a supervisory employee. Under the facts herein, I do not believe that the said conviction is the conviction of crime involving moral turpitude within the provisions of the statute, R. S. 33:1-25 and 26.

It is recommended that applicant be advised that, under the rules laid down in Re Case No. 315, Bulletin 396, Item 4, and Re Case No. 295, Bulletin 351, Item 10, his conviction as aforesaid is not the conviction of crime involving moral turpitude and that he is eligible, if otherwise qualified, to receive a solicitor's permit.

APPROVED:
ERWIN B. HOCK
Director.

Edward F. Hodges
Attorney.

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

In the Matter of Disciplinary)
Proceedings against)

PETER J. EWTUSHEK)
T/a PETES TAVERN)
100 Augusta Street)
South Amboy, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-))
tion License C-26, issued by the)
Mayor and Common Council of the)
City of South Amboy.)

-----)
Peter J. Ewtushek, Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to the charge that, on November 20, 1950, he possessed a mislabeled beer tap in his licensed premises, in violation of Rule 26 of State Regulations No. 20.

An ABC agent, on routine inspection of the defendant's licensed premises on the day in question, found that beer was being drawn from a barrel marked "Breidt's" through a spigot labeled "R & H".

Defendant contends, in mitigation of penalty, that the bartender in charge of the licensed premises inadvertently placed an improper label on a new tap. Nevertheless, defendant is responsible for the violation since he possessed a mislabeled beer tap on his licensed premises.

Defendant has no previous adjudicated record. The license, therefore, will be suspended for a period of three days, less one day's remission because of the plea entered herein, or a net suspension of two days. Re Hearn's, Bulletin 854, Item 4.

Accordingly, it is, on this 13th day of December, 1950,

ORDERED that Plenary Retail Consumption License C-26, issued by the Mayor and Common Council of the City of South Amboy to Peter J. Ewtushek, t/a Petes Tavern, for premises 100 Augusta Street, South Amboy, be and the same is hereby suspended for a period of two (2) days, commencing at 2:00 a.m. December 18, 1950, and terminating at 2:00 a.m. December 20, 1950.

ERWIN B. HOCK
Director.

17. STATE LICENSES - NEW APPLICATIONS FILED.

Roma Importing Company
388-390 Market Street (Front & Rear), Newark, N. J.
Application for retail privilege under Plenary Winery License
V-28 filed November 22, 1950.

Antonio Miele, t/a Miele's Bonded Winery
109-11-13 - 14th Avenue, Newark, N. J.
Application for retail privilege under Plenary Winery License
V-31 filed November 22, 1950.

Antonio Napolitano
178-180 - 8th Avenue, Newark, N. J.
Application for retail privilege under Plenary Winery License
V-40 filed November 22, 1950.

N. J. Winery and Grocery Co., Inc.
93 Speedwell Avenue, Morristown, N. J.
Application for retail privilege under Plenary Winery License
V-45 filed November 22, 1950.

Domenick M. Paruta, t/a Paruta Wine Co.
51 Market Street, Paterson, N. J.
Application for retail privilege under Plenary Winery License
V-20 filed December 1, 1950.

Stollenwerk Winery, Inc.
454 Boston Avenue, Egg Harbor City, N. J.
Application for retail privilege under Plenary Winery License
V-49 filed November 22, 1950.

Vincove Winery
675 River Street, Paterson, N. J.
Application for retail privilege under Plenary Winery License
V-47 filed November 27, 1950.

Fort Pitt Brewing Company
16th & Mary Streets, Pittsburgh 15, Pa.
Application for Limited Wholesale License filed December 7, 1950.

Premier Beer Co., Inc.
809 Second Avenue, Asbury Park, N. J.
Application for transfer of Limited Wholesale License from
Edward Agriss, t/a Premier Beer Co. filed December 7, 1950.

Galileo P. Crisonino, t/a Sunglow
497 Avenue A., Bayonne, N. J.
Application for Plenary Winery License with Retail Privileges
filed December 7, 1950.

Fred Metzger, t/a Fred Metzger Company
Rooms 807-808, 60 Park Place, Newark, N. J.
Application for transfer of Plenary Wholesale License from
C. B. Baker - Fred Metzger Co., Inc. filed December 8, 1950.

Fred Metzger, t/a Fred Metzger Company
Rooms 807-808, 60 Park Place, Newark, N. J.
Application for Warehouse Receipts License filed December 8, 1950.

Austin Nichols & Co., Inc.
1414-32 Chestnut Avenue, Hillside, N. J.
Application for Transfer of Plenary Wholesale License from
82 Poinier Street (Second Floor) filed December 19, 1950.

Ernest B. Hook

Director.