

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

BULLETIN 1002

FEBRUARY 24, 1954.

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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 1002

FEBRUARY 24, 1954.

DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE
SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

VILLA VALLEY INN
T/a VILLA VALLEY INN
Mt. Hope & Rockaway Rd.
Rockaway Township
PO RD 1, Rockaway, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Rockaway.

Arthur J. Connelly, Esq., Attorney for defendant-licensee.
David S. Piltzer, 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 and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages at its licensed premises to minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on December 3, 1953, during the time two ABC agents were in defendant's licensed premises, they observed four male patrons who appeared to be minors being served and consuming beer. Upon questioning the four youths it was ascertained that three were 20 years and the fourth 19 years of age. The violation was called to the attention of the two bartenders who were identified by the minors as the men who served them, and although requested the bartenders refused to make a written statement in the matter.

Three of the minors stated that they were never questioned regarding their age by anyone that evening or on prior occasions when they were served and consumed beer in the defendant's premises. One, however, stated that he had been questioned by three bartenders as to his age on previous visits and that he had told them he was 21 years old. He further stated that he was never asked by any of the bartenders to sign a written statement as to his age. Since it appears that the minor did not falsely represent in writing that he was 21 years of age or over, defendant has not established a valid defense with reference to the charge concerning this minor, pursuant to the provisions of R. S. 33:1-77. Re Roey, Bulletin 747, Item 3.

In the absence of a prior adjudicated record, the minimum suspension in the instant case, because of the number of minors involved, would be fifteen days instead of the usual ten days. Re Hep's Tavern, Inc., Bulletin 962, Item 7. However, the present defendant had its license suspended for three days, effective September 7, 1952, by the local issuing authority for an "hours" violation. Again, by letter dated September 11, 1953, the defendant was advised that I had information that a 16-year-old youth had been sold, served and allowed to consume drinks of alcoholic beverages on the night of June 27, 1953 at its licensed premises, but because of conflict in the statements given by the minor and his adult companion I decided not to institute proceedings in the matter. The defendant was warned, however, that should it commit any violation of like character warranting the institution of disciplinary proceedings, the warning "may be taken into consideration in

determining the proper penalty to be imposed." Moreover, while the license was held by Joseph J. Cronauer (currently employed on the licensed premises) and L. May Cronauer (president and substantial stockholder [48%] of current corporate-licensee) it was suspended on two occasions. Effective March 20, 1951, the license was suspended for ten days for possession of obscene and filthy statuettes. Re Cronauer, Bulletin 902, Item 7. Again, effective December 3, 1951, their license was suspended by the local issuing authority for ten days for sale of alcoholic beverages to minors.

A past record such as outlined above, involving as it does three violations and a warning in less than five years, raises serious doubt as to the ability or desire to conduct the licensed business in a lawful manner. Certainly a substantial penalty is indicated. Under all the circumstances, I shall suspend defendant's license for a period of fifty days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty-five days.

Accordingly, it is, on this 25th day of January, 1954,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Rockaway to Villa Valley Inn, t/a Villa Valley Inn, Mt. Hope & Rockaway Rd., Rockaway Township, be and the same is hereby suspended for a period of forty-five (45) days, commencing at 3:00 a.m. February 1, 1954, and terminating at 3:00 a.m. March 18, 1954.

DOMINIC A. CAVICCHIA
Director.

2. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 45 DAYS.

In the Matter of Disciplinary Proceedings against)

CLEMENT J. MALAGUE)
T/a CLEMS)
967 Pompton Avenue)
Cedar Grove, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Board of Commissioners of the Township of Cedar Grove.)

James V. Convery, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On the night of Sunday, December 6, 1953 and during the early morning hours of Monday, December 7, 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 Charles E. ---, Walter E. --- and Loretta E. ---, 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.

"2. On December 8, 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 Philip J. ---, Vincent J. ---, Harry J. --- and Richard J. ---, 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.

"3. On December 8, 1953, while an inspector and an investigator of the Division of Alcoholic Beverage Control were conducting an investigation at your licensed premises, you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation; in violation of R. S. 33:1-35."

The file herein discloses that the Cedar Grove Police Department notified this Division that it had information indicating that three minors had been served and had consumed alcoholic beverages at defendant's licensed premises on December 6, 1953. Accordingly, agents of this Division obtained signed sworn statements from the three minors, one of whom was 17 years of age and two of whom are 19 years of age. All three minors stated that they had consumed drinks of alcoholic beverages (ale and beer) at defendant's licensed premises between 9:30 p.m. on December 6, 1953 and 2:00 a.m. on December 7, 1953, which drinks had been served to them by defendant.

At approximately 8:45 p.m. on December 8, 1953, these three minors accompanied the agents to defendant's licensed premises where they identified the premises as the place where they had consumed the aforementioned drinks of alcoholic beverages and identified the licensee as the person who had served them. While there, the agents observed four young males seated at the bar, each with a bottle of beer and a glass in front of him. Upon identifying themselves as agents they learned that two of these males were 18 years of age and two were 19. All four gave signed sworn statements in which they stated that they had been served bottled beer by the licensee and that they had consumed a part thereof before the agents seized it.

One of the agents took the partly filled bottles of beer which he had seized and placed them on the bar next to the wall and told the licensee that he was going to take these bottles as evidence for the State. However, while the agents were otherwise engaged, the licensee emptied the contents of these bottles in the sink and, later, attempted to explain his action by saying that he did not know that the contents of the bottles were needed further.

Defendant has no prior adjudicated record. In view of the number of minors involved and the fact that one of them was only 17 years of age, I shall suspend the license for thirty days on charges (1) and (2). Cf. Re Holmes, Bulletin 987, Item 4. I will suspend the license for an additional fifteen days on charge (3), Re Von Schrag, Bulletin 975, Item 3, making a total of forty-five days. Since the plea herein was not entered until the day of the hearing no remission will be made therefor. Re Sirvent, Bulletin 938, Item 8.

Accordingly, it is, on this 18th day of January, 1954,

ORDERED that Plenary Retail Consumption License C-3, issued by the Board of Commissioners of the Township of Cedar Grove to Clement J. Malague, t/a Clems, 967 Pompton Avenue, Cedar Grove, be and the same is hereby suspended for a period of forty-five (45) days, commencing at 2:30 a.m., January 25, 1954, and terminating at 2:30 a.m., March 11, 1954.

DOMINIC A. CAVICCHIA
Director.

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

In the Matter of Disciplinary Proceedings against)

PRINCETON MUNICIPAL IMPROVEMENT INC.)
T/a NASSAU TAVERN HOTEL)
Palmer Square)
Princeton, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Princeton.)
-----)

Sidney Simandl, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On September 24, 1953, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, an alcoholic beverage in a bottle which bore a label which did not truly describe its contents, viz.,

One 4/5 quart bottle labeled 'Tom Moore Kentucky Straight Bourbon Whiskey Bottled in Bond 100 Proof (6 years old)',

in violation of Rule 27 of State Regulations No. 20."

The file herein discloses that on September 24, 1953, an ABC agent examined seventy-one opened bottles of alcoholic beverages on defendant's licensed premises and seized a 4/5 quart bottle labeled "Tom Moore Kentucky Straight Bourbon Whiskey Bottled in Bond 100 Proof (6 years old)" when his field tests indicated a variance between the contents of the bottle and the description on the label. Subsequent analysis disclosed that the contents of the seized bottle were not genuine as labeled.

Defendant has a prior record. Its license was suspended by the then State Commissioner for twenty days, effective January 2, 1946 for a violation similar to that charged herein (Re Princeton Municipal Improvement Inc., Bulletin 687, Item 7) and by the local issuing authority for five days, effective May 30, 1948 for sale of alcoholic beverages to minors. The latter suspension, being dissimilar in nature and being beyond the five-year period, will not be considered in fixing the penalty herein. Re Pioneer Tavern, Inc., Bulletin 988, Item 11. However, the suspension first above mentioned involved an offense similar to that charged herein and, while beyond the five-year period is within the ten-year period. Consequently I shall suspend the license for a period of twenty days. Cf. Re Smith, Bulletin 929, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 21st day of January, 1954,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Princeton to Princeton Municipal Improvement Inc., t/a Nassau Tavern Hotel, for premises at Palmer Square, Princeton, be and the same is hereby suspended for fifteen (15) days, commencing at 7:00 a.m. February 1, 1954, and terminating at 7:00 a.m. February 16, 1954.

DOMINIC A. CAVICCHIA
Director.

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

In the Matter of Disciplinary Proceedings against)

SALVATORE STARVAGGI)
T/a SAL'S TAVERN)
200 Monticello Avenue)
Jersey City 4, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-383, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)
-----)

Salvatore Starvaggi, Defendant-licensee, Pro Se.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold an alcoholic beverage at retail in its original container for consumption off his licensed premises, in violation of Rule 1 of State Regulations No. 38.

The file herein discloses that on Thursday, January 7, 1954, at about 12:45 a.m., a bartender employed by defendant sold a pint bottle of whiskey to an ABC agent for off-premises consumption, and at the time of the sale told the agent to put the bottle in his pocket. The agent then left the premises and immediately returned, at which time he and another agent who had been on the premises identified themselves to the bartender who admitted the sale.

In alleged mitigation defendant states that on the day in question his regular bartender was in the hospital and that he had instructed a temporary employee who was then tending bar not to make sales after hours. Rule 31 of State Regulations No. 20 provides, among other things, that the fact that an agent, servant or employee acted contrary to instructions given to him by a licensee shall constitute no defense to charges preferred in disciplinary proceedings.

Defendant has a prior record. Effective July 21, 1947, the local issuing authority suspended his license for a period of ten days after he pleaded guilty to a similar charge. Because more than five years have elapsed since the previous violation, I shall, instead of doubling the minimum fifteen-day penalty (Re Fleming's Wine & Liquor, Inc., Bulletin 984, Item 6), suspend defendant's license in this case for a period of twenty days. Cf. Re Kneble, Bulletin 942, Item 6; Re Ostrowski, Bulletin 952, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 27th day of January, 1954,

ORDERED that Plenary Retail Consumption License C-383, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Salvatore Starvaggi, t/a Sal's Tavern, for premises 200 Monticello Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. February 3, 1954, and terminating at 2:00 a.m. February 18, 1954.

DOMINIC A. CAVICCHIA
Director.

5. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ROGERS, INC.)
T/a RINGSIDE INN)
88 Garden Street)
Hoboken, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-164, issued by the Board of Commissioners of the City of Hoboken.)
-----)

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

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On Saturday night, December 12, 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 Donald ---, U. S. Navy, Otto ---, U. S. Navy and Mervin ---, 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, while two ABC agents were on defendant's premises on December 12, 1953, Otto ---, age 18, entered defendant's premises about 10:00 p.m. and took a seat at the bar. Prior to the time the agents identified themselves, Otto purchased and consumed four glasses of beer, served by Sylvia Rogers, President of defendant corporation, who was then acting as bartender. About 10:30 p.m. Donald ---, age 19, entered defendant's premises and left about 10:40 p.m. During the period he remained on the premises Donald --- consumed the contents of two glasses of beer served to him by Sylvia Rogers and paid for by another patron. About 11:00 p.m. Donald --- returned to the premises with Mervin ---, age 19, and purchased from Sylvia Rogers one glass of beer for himself and another glass of beer for his minor companion. While these minors were consuming their drinks, the agents seized their drinks. It appears that prior to the last sale the bartender requested Mervin --- to show his I. D. card and that she served the drinks after looking at the card. None of the minors was required to sign a written statement as to his age.

Defendant has no prior adjudicated record (a prior conviction for employing an unqualified person and selling to a minor having been reversed, on January 31, 1952, by the Director (Rogers, Inc. v. Hoboken Bulletin 925, Item 2)). In alleged mitigation the attorney for defendant states that the I.D. card exhibited by Mervin --- indicated that he was over 21 years of age and that the bartender believed that Otto --- was 23 years of age. However, it is clear that none of the minors 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. Re Roey, Bulletin 747, Item 3. Because three minors over the age of 18 years were involved, I shall suspend defendant's license for a period of fifteen days. Re Harbor Inn, Inc., Bulletin 949, Item 9. Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 15th day of January, 1954,

ORDERED that Plenary Retail Consumption License C-164, issued by the Board of Commissioners of the City of Hoboken to Rogers, Inc., t/a Ringside Inn, for premises 88 Garden Street, Hoboken, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. January 25, 1954, and terminating at 2:00 a.m. February 4, 1954.

DOMINIC A. CAVICCHIA
Director.

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

In the Matter of Disciplinary)
Proceedings against)

MICHAEL PAPP & ELIZABETH PAPP)
T/a PARADISE)
301 Union Street)
Trenton 10, N. J.,)

CONCLUSIONS
AND ORDER

-----)
Holders of Plenary Retail Consump-)
tion License C-188, issued by the)
Board of Commissioners of the)
City of Trenton.)

Michael Papp and Elizabeth Papp, licensees pro se.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded guilty to a charge alleging that they allowed a mislabeled beer tap on their licensed premises in violation of Rule 26 of State Regulations No. 20.

The file herein discloses that on January 8, 1954, during the course of a routine inspection, an ABC agent found a barrel of Rubsam & Horrmann Crown beer connected to a tap which bore the name "Sunshine Beer."

Defendants have no prior record. I shall suspend defendants' license for three days, the minimum suspension imposed for a violation of this character. One day will be remitted for the plea entered herein, leaving a net suspension of two days. Re Palchik, Bulletin 980, Item 6.

Accordingly, it is, on this 2nd day of February, 1954,

ORDERED that Plenary Retail Consumption License C-188, issued by the Board of Commissioners of the City of Trenton to Michael Papp & Elizabeth Papp, t/a Paradise, for premises 301 Union Street, Trenton, be and the same is hereby suspended for two (2) days, commencing at 2:00 a.m. February 8, 1954, and terminating at 2:00 a.m. February 10, 1954.

DOMINIC A. CAVICCHIA
Director.

7. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GREENVILLE GARDEN, INC.)
128 Danforth Avenue)
Jersey City, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-269, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)
-----)

Harold J. Ruvoldt, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it sold, served and delivered alcoholic beverages to minors and permitted said minors to consume such beverages upon its licensed premises; in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that, at approximately 8:45 p.m. on Friday, December 11, 1953, two ABC agents observed two young males sitting at the bar in defendant's licensed premises. Shortly thereafter the minors consumed beer which had been served to them by defendant's bartender. The agents identified themselves to the minors and ascertained that they were 18 years of age and 19 years of age, respectively. The bartender verbally admitted that he had served beer to the minors without questioning them as to their ages but declined to give a written statement.

Defendant has no prior adjudicated record. I shall suspend the license for ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Di Ruggiero, Bulletin 923, Item 8.

Accordingly, it is, on this 14th day of January, 1954,

ORDERED that Plenary Retail Consumption License C-269, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Greenville Garden, Inc., for premises 128 Danforth Avenue, Jersey City, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. January 25, 1954, and terminating at 2:00 a.m. January 30, 1954.

DOMINIC A. CAVICCHIA
Director.

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

In the Matter of Disciplinary Proceedings against)

GREENVILLE GARDEN, INC.)
128 Danforth Avenue)
Jersey City, N. J.,)

ON PETITION
O R D E R

Holder of Plenary Retail Consumption License C-269, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)
-----)

Harold J. Ruvoldt, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

On January 14, 1954, the license herein was suspended for a period of five days, commencing at 2:00 a.m. January 25, 1954, and terminating at 2:00 a.m. January 30, 1954. It appears from a petition filed herein and verified by William F. Ruvoldt, President of petitioner, that prior to the entry of the order herein petitioner had completed arrangements for a banquet to be held on its licensed premises on January 28, 1954; a dance to be held on January 30, 1954, and a dinner-meeting to be held on February 2, 1954; that two hundred people plan to attend the banquet, four hundred people plan to attend the dance, and one hundred people plan to attend the dinner-meeting. The petition requests that the previous order be amended to provide that the suspension shall be effective during future dates therein mentioned.

It sufficiently appearing that many members of the general public will suffer hardship because of the suspension of defendant's license in accordance with the terms of the original order, and no cause appearing to the contrary,

It is, on this 19th day of January, 1954,

ORDERED that the suspension of five days heretofore imposed in this proceeding shall commence at 2:00 a.m. January 25, 1954, and continue in effect until 2:00 a.m. January 28, 1954; that thereafter said suspension shall be lifted until 2:00 a.m. February 3, 1954, when it shall again become effective and continue in effect until 2:00 a.m. February 5, 1954.

DOMINIC A. CAVICCHIA
Director.

9. DISCIPLINARY PROCEEDINGS - EMPLOYING FEMALE BARTENDER IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CARL O. NARR)
T/a CARL'S TAVERN)
160 Pavonia Avenue)
Jersey City 2, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-322, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Carl O. Narr, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant has pleaded non vult to a charge alleging that on November 6, 1953, he had a female bartender employed on his licensed premises, in violation of Section 5 of an Ordinance adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950.

The file discloses that on November 6, 1953, during a routine inspection by an ABC agent of defendant's licensed premises, defendant's wife was observed acting as a bartender. The local ordinance prohibits any female employee to act as a bartender on licensed premises. When confronted with the violation, the female admitted to the agent that she had been tending bar for approximately a month.

Defendant has no prior adjudicated record. The license will be suspended for a period of five days. Two days will be remitted for the plea entered herein, leaving a net suspension of three days. Re Awramko, Bulletin 848, Item 3.

Accordingly, it is, on this 15th day of January, 1954,

ORDERED that Plenary Retail Consumption License C-322, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Carl O. Narr, t/a Carl's Tavern, 160 Pavonia Avenue, Jersey City be and the same is hereby suspended for a period of three (3) days, commencing at 2:00 a.m. January 25, 1954, and terminating at 2:00 a.m. January 28, 1954.

DOMINIC A. CAVICCHIA
Director.

D. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JULIA MAKSYMETZ)
T/a PALACE BAR & GRILL)
128 First Street)
Passaic, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-47, issued by the Board of Commissioners of the City of Passaic.)
-----)

Feder & Rinzler, Esqs., Attorneys for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she sold, served and delivered alcoholic beverages to minors and permitted said minors to consume such beverages upon her licensed premises; in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that this Division received information that two youths, Ronald --- and Nelson E. ---, both 17 years of age, had been served and had consumed alcoholic beverages at defendant's licensed premises. Accordingly, agents of this Division obtained signed sworn statements from the minors. From these statements it appears that, on the early morning of October 30, 1953, each of the minors consumed on the licensed premises two glasses of beer which had been served to them by defendant's husband, who was tending bar. Ronald identified the licensed premises as the place where he and Nelson consumed the beer and identified the licensee's husband as the person who served them.

Defendant has no prior adjudicated record. Since the minors are only 17 years of age, I shall suspend the license for fifteen days. Re Jacobs, Bulletin 995, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 18th day of January, 1954,

ORDERED that Plenary Retail Consumption License C-47, issued by the Board of Commissioners of the City of Passaic to Julia Maksymetz, t/a Palace Bar & Grill, 128 First Street, Passaic, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. January 25, 1954, and terminating at 3:00 a.m. February 4, 1954.

DOMINIC A. CAVICCHIA
Director.

11. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF BOOTLEG CORN WHISKEY - WHISKEY ORDERED FORFEITED - RETURN OF MOTOR VEHICLE DENIED BECAUSE OF FAILURE TO ESTABLISH ACTUAL OWNERSHIP THEREOF BY CLOSE RELATIVE OF WRONGDOER - ALSO BECAUSE APPLICANT CHARGEABLE WITH KNOWLEDGE BY SURRENDER OF CONTROL OF MOTOR VEHICLE TO WRONGDOER WITH RECORD OF LIQUOR LAW VIOLATION.

In the Matter of the Seizure on)
September 19, 1953, of 32 two-quart)
jars of alcohol and an Oldsmobile)
coupe, on U. S. Route #1, south of)
Green Street Circle, in the Township)
of Woodbridge, County of Middlesex)
and State of New Jersey.)

Case No. 8412

ON HEARING
CONCLUSIONS AND ORDER

Edward F. Menetti, Esq., Attorney for Henry Basket.
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 32 two-quart jars of alcohol, and an Oldsmobile coupe, described in a schedule attached hereto, seized on September 19, 1953, on U. S. Route #1, south of Green Street Circle, Woodbridge, N. J., constitute unlawful property and should be forfeited.

The seizure was made in the first instance by a New Jersey State trooper, and the alcoholic beverages and motor vehicle were later turned over to the Division of Alcoholic Beverage Control.

When the matter came on for hearing pursuant to R. S. 33:1-66, Henry Basket, in whose name the motor vehicle is registered, appeared and sought return thereof. No one opposed forfeiture of the alcoholic beverages.

The evidence presented on behalf of the Division establishes that Leroy Napper, one of the persons in the car when it was halted, told the trooper that he had alcohol in the trunk of the car, and that 32 two-quart jars of alcohol were found there.

According to the trooper, Napper also told him that the car, while registered in the name of Henry Basket, actually is Napper's car; that when he was mustered out of the Army he received a considerable sum of money and used it as part payment on the purchase of the car; that he borrowed the balance from Henry Basket, his uncle, and placed title to the car in the latter's name as security therefor. The trooper further stated that Napper told him that he had been released in March 1953 from a prison located in Petersburg, Virginia, on a conviction for violating the liquor laws.

There are no labels or stamps indicating the payment of tax on alcoholic beverages on the two-quart jars. The contents of one of the two-quart jars were analyzed by the Division chemist, who reports that it is alcohol and water, fit for beverage purposes, with an alcoholic content by volume of 46.2%.

The alcoholic beverages are prima facie illicit because of the absence of tax stamps or labels on the jars. R. S. 33:1-88, R. S. 33:1-1(i). Actually, it is a typical case of the attempted transportation through the state of bootleg corn whiskey in such containers. Such illicit alcoholic beverages, and the vehicle in which they were being transported, constitute unlawful property and are both subject to forfeiture. R. S. 33:1-1(y), R. S. 33:1-2, R. S. 33:1-66.

I have the discretionary authority to return the motor vehicle to Henry Basket if he establishes to my satisfaction that he is the actual

owner thereof; has acted in good faith; and did not know or have any reason to suspect that illicit alcoholic beverages were being transported in the motor vehicle. R. S. 33:1-66(e) and (f).

Napper testified on Basket's behalf. He states that he was visiting in South Carolina, having travelled there by bus from his home in Philadelphia. Intending to return by bus, he visited his uncle (Basket), and was told that Basket's son, who also resided in Philadelphia, intended to visit his father. Thereupon Napper asked Basket for the loan of the Oldsmobile coupe to transport Napper and his family to Philadelphia, and there Napper was to turn over the car to Basket's son. Napper borrowed the car on September 15th. Arriving home, he contacted Basket's son, and arranged to turn over the car on September 20th or 22nd, because the son was leaving on September 26th or 27th. Napper denied the statement attributed to him by the trooper concerning the purchase and ownership of the motor vehicle.

Napper's home was in South Carolina until 1949. He was employed there as a farmhand on his mother's farm. In 1949 he moved to Philadelphia, where he was employed as a handyman. In 1951 he visited his uncle, Henry Basket, in South Carolina. While there he claims he obtained an interest in a night club of some kind and later was arrested for violating the liquor laws (resulting in his imprisonment from 1952 until March 1953).

Napper further says that, upon his release from prison in March 1953, he went to South Carolina, stayed there about a month, purchased a truck there and drove to Philadelphia, where he did odd jobs. In July or August 1953 he was picked up in South Carolina for investigation of a complaint that he conspired to violate the liquor laws.

Henry Basket is seventy-three years of age. He claims that he purchased the 1951 Oldsmobile coupe for \$2500.00, of which \$2,000.00 was his money and \$500.00 was borrowed money. He further testified that Napper borrowed the car on September 15th, and that Napper was to drive the car back to South Carolina, and return it in a few weeks.

Basket has a 30-acre farm where he resides with a son. He takes his cotton crop to the gin by mule power. He does not drive a car and has no automotive equipment on his farm. Previously neither he nor his son owned any motor vehicle. He has little, if any, savings; just barely makes a living. He claims that the \$2,000.00 was an inheritance (from a member of his family), which he deposited in a local bank.

Basket acknowledges that he heard about Napper's arrest for bootlegging in South Carolina and that Napper was sentenced to imprisonment in the Petersburg prison.

It seems extremely unlikely that Basket is the actual owner of the motor vehicle; it is inconsistent with his financial background and mode of existence. It is improbable that he would invest the only money he had in the world in such car. The car was purchased during the period when Napper was in South Carolina, where he acquired his interest in the night club and was involved in bootlegging activities. His statement to the trooper that it was actually his car appears more logical.

Even if Basket were the actual owner of the car, he was aware of Napper's bootlegging background and, therefore, knew or should have suspected that the car would be used to transport bootleg alcoholic beverages. According to Basket, Napper was to have the sole custody and control of the car for a number of weeks.

For the reasons above expressed I am not satisfied that Henry Basket is the actual owner of the Oldsmobile coupe. In any event, I am satisfied that Basket knew or should have known that Napper would use the car in bootlegging activities, or at least surrendered all control over the car to Napper. Therefore, Basket's request for return of the motor vehicle is dismissed 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: January 18, 1954.

SCHEDULE "A"

- 32 - two-quart jars of alcohol
- 1 - Oldsmobile Coupe, Serial No. 519A6009,
Motor BC166790, 1953 South Carolina Registration
E-58-133

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

In the Matter of Disciplinary Proceedings against)

SYD BROOKE & ANNE BROOKE)
T/a BUCHANAN & CO.)
116 Clifton Avenue)
Lakewood, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Distribution License D-5, issued by the Township Committee of the Township of Lakewood.)

Defendant-licensees, by Syd Brooke, Partner.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they sold at retail an alcoholic beverage at less than the price thereof listed in the currently effective Minimum Consumer Resale Price List, in violation of Rule 5 of State Regulations No. 30.

The file herein discloses that on December 16, 1953, Syd Brooke, one of the licensees, sold to an ABC agent a case of twelve 4/5 quart bottles (fifths) of Schenley Reserve Blended Whiskey for \$48.50. In the Minimum Consumer Resale Price List effective October 1, 1953, the minimum price of one bottle of the item in question is \$4.49 with a discount of 5% permitted on case-lot purchases, thus making the minimum price of a case \$51.19.

Defendants have no prior adjudicated record. I shall suspend their license for ten days, the minimum penalty for an unaggravated offense of this kind. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Johnson, Bulletin 997, Item 12

Accordingly, it is, on this 19th day of January, 1954,

ORDERED that Plenary Retail Distribution License D-5, issued by the Township Committee of the Township of Lakewood to Syd Brooke & Anna Brooke, t/a Buchanan & Co., for premises 116 Clifton Avenue, Lakewood, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. January 25, 1954, and terminating at 9:00 a.m. January 30, 1954.

DOMINIC A. CAVICCHIA
Director.

3. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ISRAEL WEINSTEIN & ANNA WEINSTEIN T/a WASHINGTON DELICATESSEN & LIQUOR STORE 119-121 Wanaque Avenue Pompton Lakes, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Pompton Lakes.)

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

BY THE DIRECTOR:

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

The file herein discloses that this Division received information that a minor had been sold alcoholic beverages at defendants' licensed premises. Accordingly, agents of this Division were assigned to investigate. Signed statements were obtained by the Pompton Lakes Police Department and agents of this Division from the minor, Woodrow C. ---, 19 years of age and his 17-year-old companion. From these statements it appears that, on the morning of December 16, 1953, Woodrow entered the premises alone. Both licensees and a male clerk were upon the licensed premises. Woodrow ordered and received from the clerk, four cartons, each containing six cans of beer. Upon making payment to the clerk therefor, he left the licensed premises with the beer and returned to his companion. In his statement, Woodrow says that he was not questioned as to his age.

In alleged mitigation defendants contend, among other things, that they were not personally involved in the violation. This is neither a defense nor an excuse. Re Di Salvo, Bulletin 964, Item 7. Licensees are responsible at all times for the proper conduct of their licensed premises. Cf. Essex Holding Corp. v Hock, 136 N. J. L. 28 (Sup. Ct. 1947). A licensee may not hide behind his employees. Re Paton, Bulletin 898, Item 3, and authorities there cited. See also Rule 31 of State Regulations No. 20.

Defendants have a prior record. When Israel Weinstein held a license for premises 123 Wanaque Avenue, such license was suspended by the then State Commissioner for five days, commencing September 10, 1939 for sale of alcoholic beverages below the "fair trade" price. Re Weinstein, Bulletin 328, Item 10; Re Weinstein, Bulletin 344, Item 6. However, since that violation is dissimilar in nature and is beyond the five-year period I will not consider it in arriving at the penalty herein. Re Pioneer Tavern, Inc., Bulletin 988, Item 11. I shall suspend the license for ten days, the minimum penalty for a violation of this kind involving a 19-year-old minor. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Highlander Hotel, Inc., Bulletin 985, Item 10.

Accordingly, it is, on this 25th day of January, 1954,

ORDERED that Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Pompton Lakes to Israel Weinstein Anna Weinstein, t/a Washington Delicatessen & Liquor Store, for premises 119-121 Wanaque Avenue, Pompton Lakes, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. February 1, 1954, and terminating at 9:00 a.m. February 6, 1954.

DOMINIC A. CAVICCHIA
Director.

14. STATE LICENSES - NEW APPLICATIONS FILED.

Frank Rinaldi, Anthony Rinaldi and John Rinaldi
T/a Rinaldi Bros.
1006 West Elizabeth Avenue
Linden, N. J.

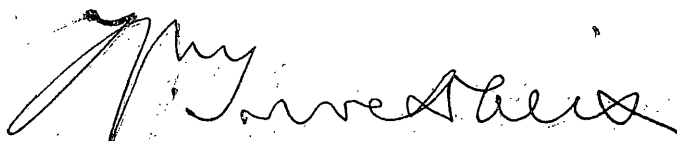
Application filed February 9, 1954 for additional warehouse at
Rear 370 Schuyler Avenue, Kearny, N. J.

Intercity Transportation Company
175 E. Ashland Street
Brockton, Mass.

Application filed February 16, 1954 for Transportation License.

Vincove Winery
675 River Street
Paterson, N. J.

Application filed February 19, 1954 for Wine Wholesale License.



William Howe Davis
Director.