

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
744 Broad Street Newark, N. J.

BULLETIN 224

JANUARY 10, 1938.

1. LICENSEES - RULE 20 - THE PROHIBITION AGAINST GIVING PRIZES DOES NOT APPLY WHERE THERE IS NO INDUCEMENT TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION - HEREIN OF ICE YACHTS.

December 28, 1937.

Thomas Irving Brown, President,
North Shrewsbury Ice Boat & Yacht Club,
Red Bank, N. J.

My dear Mr. Brown:

I have before me your letter of the 14th whence I understand that Mr. Richard Doelger of the Rumson Inn wishes to give a case of champagne to the first skipper to sail his ice yacht from Red Bank to the Rumson public wharf a prize somewhat in the tradition of the annual cutter race to the late Central Park Casino for a magnum of champagne.

I take it that your inquiry is prompted by Rule 20 of the State rules Concerning Conduct of Licensees which prohibits licensees from giving prizes, premiums, rebates, or similar inducements with the sale of any alcoholic beverage for consumption off the licensed premises.

The rule has no application to the case as stated. The urge is not to buy liquor but to go like the wind. I take it that the offer is open to all irrespective of whether they are Doelger's customers or ace teetotalers. I therefore see no inducement to the sale of alcoholic beverages for off-premises consumption.

But beware, however, if the winner is a minor! Youth, you will remember, is not to be served!! Perhaps the offer had better be confined "to the first skipper of full age" etc., even if that does sound like a marine lawyer.

Cordially yours,

D. FREDERICK BURNETT
Commissioner

2. DISQUALIFICATION - REMOVAL PROCEEDINGS - REFUSAL TO LIFT.

In the Matter of an Application)
to Remove Disqualification because)
of a Conviction, Pursuant to the)
Provisions of Chapter 76, P.L.)
1937 --Case No. 7.)

CONCLUSIONS
AND
ORDER

Petitioner Pro Se.
BY THE COMMISSIONER:

On July 6, 1925 petitioner pleaded guilty to two indictments: (1) for unlawfully possessing drugs; (2) for setting up an opium joint. He was sentenced to serve one year on the

New Jersey State Library

first indictment and five years on the second indictment, sentences to run consecutively. On August 5, 1929 he was released from prison.

While the conviction for unlawfully possessing drugs does not involve moral turpitude in the absence of aggravating circumstances, Hampton vs. Wong Ging, 299 Fed. 289, the crime of setting up an opium joint involves moral turpitude. One who provides such facilities for the degradation of his fellowmen is guilty of an act of baseness in the private social duties which he owes to society in general, contrary to the accepted and customary rule of right and duty between man and man.

The Commissioner has power to lift the disqualification resulting from conviction of a crime involving moral turpitude only if petitioner affirmatively proves, inter alia, that at least ten years have elapsed since the date of conviction and that he has conducted himself in a law abiding manner during that period.

It appears that petitioner was confined in prison from 1925 to August 5, 1929. Of course, his conduct in jail was "law abiding" but the time he spent in penance there is not part of the probationary period. Case No. 16, Bulletin 222, Item 12.

The petition to remove disqualification is, therefore, denied with leave to file a new petition on or after August 5, 1939.

D. FREDERICK BURNETT
Commissioner

Dated: December 28, 1937.

3. RULES GOVERNING DECANTERING OF WINE.

Counsel-in-Chief Nathan L. Jacobs reports:-

"Requests have been received that retail consumption licensees be authorized to draw tax paid wine from kegs or barrels into properly labeled decanters and thereafter serve, in the ordinary course of business, such wine from the decanters for consumption on the premises. Such conduct is prohibited by the present rulings of the Department. Cf. Bulletin #60, Item #6; Bulletin #78, Item #9. At a public hearing attended by interested licensees and others, the subject received extended discussion and thereafter individual conferences were held with representatives of the industry.

"The proponents of the suggested change urged that (1) it would lower the cost to the retailer and the consumer, thus decreasing the incentive for bootlegging and promoting temperance by the increased sale of wine as distinguished from hard liquor; (2) it would bring this Department's regulations in accord with the United States Treasury regulations and those of neighboring States, such as New York, Pennsylvania and Massachusetts; and (3) it would eliminate the subterfuges engaged in by many retail consumption licensees who now purchase wine in barrels.

"Those opposing the suggested change relied mainly upon the contention that any departure from the present restrictions relative to bottling by retailers would interfere with strict enforcement and would result in increased illicit activity. This was originally the view of representatives of

the State Tax Department but I am now advised that they have modified somewhat their opinion and believe that the suggested change might well be given a trial.

"It is agreed that the present restrictions should not be modified in so far as hard liquor is concerned. However, different considerations might be said to apply to wine. In the first place, we have not encountered any substantial bootlegging of wine by retail licensees. This is undoubtedly due to the absence of the tremendous profit motive present when dealing with hard liquor. The suggested change should lower the cost of wine and may even result in a reduction of whatever illicit activity in wine now prevails among retailers. In the second place, much can be said, from the temperance point of view, in favor of regulations generally calculated to increase the sale and consumption of wine as distinguished from hard liquor. Finally, our present regulations permit retail consumption licensees to purchase wine in barrels. A considerable portion of the wine thus purchased must be removed from the barrels once they are opened in order to prevent deterioration. The result has been that many retail licensees have engaged in subterfuges to avoid open violation of the present rulings. There is force to the argument that purchases of wine in barrels by retail consumption licensees should be prohibited entirely, or else they should be permitted to bottle wine for ultimate on-premises consumption.

"In the event Section 78 is construed to prohibit absolutely the drawing of wine from a larger to a smaller container (Cf. Bulletin #78, Item #9), then it might be concluded that the suggested change may not be considered in the absence of statutory amendment. If, however, Section 78 is construed to be inapplicable to the drawing of wine from a larger to a smaller container solely for on-premises service as distinguished from off-premises sale, then the following regulation might be adopted as a temporary experiment, to be continued in force if warranted by actual experience thereunder:

- '1. The holder of any retail license authorizing the sale of alcoholic beverages for consumption on the licensed premises may transfer wine from any tax paid barrel, cask or keg on the licensed premises to a decanter, bottle or other container and thereafter serve such wine solely for consumption on the licensed premises; provided, however, that each such decanter, bottle or other container shall have affixed thereto at all times a gummed label clearly identifying the original barrel, cask or keg from which the contents thereof were drawn; and provided further, that the contents of such decanter, bottle or other container shall not be removed from the licensed premises under any circumstances whatsoever.
- '2. The label prescribed by the preceding paragraph shall be in the following form and each statement made shall be true, viz:

This contains _____ wine, drawn
on _____ type _____
on _____ by _____
_____ (Date) _____ (Name of person
from tax paid barrel,
who drew off the wine)
cask or keg received from _____
_____ (Name and Address
on _____
of Seller) _____ (Date of Receipt)

(Signature). "

Adopting the latter alternative, above-mentioned, as the true construction of Section 78, I approve the proposed regulations and promulgate them herewith as Rules 1 and 2 of the Rules Governing the Decanting of Wines, effective January 1, 1938.

D. FREDERICK BURNETT
Commissioner

Dated: December 28, 1937.

4. RULES GOVERNING EQUIPMENT, SIGNS AND OTHER ADVERTISING MATTER -
AMENDMENT OF TITLE AND RULE 1 OF THE RULES GOVERNING SIGNS
AND OTHER ADVERTISING MATTER.

Counsel-in-Chief Nathan L. Jacobs reports:-

"On September 10, 1937, a notice was issued to the effect that a public hearing would be held on September 23, 1937 to consider proposed modifications of the Department's rules relating to signs and the promulgation of new rules with respect to the cleaning of coils and the furnishing of tapping accessories by breweries to retail licensees. There was set forth in the notice a suggested formal regulation which embodied the following restrictions designed to effectuate the legislative purposes implicit in Sections 40 and *40A to divorce the manufacturing and wholesaling of alcoholic beverages from their retail sale:

"1. That manufacturers and wholesalers be prohibited from furnishing hereafter to retailers any outside signs;

"2. That a limit of \$50.00 be fixed on the cost or reasonable value of inside signs and advertising specialties which may hereafter be furnished during any one license year by manufacturers and wholesalers to retailers;

"3. That a limit of \$20.00 be fixed upon the cost or value of tapping accessories and coil cleaning services and material used in connection therewith, which may hereafter be furnished during any one license year by manufacturers and wholesalers to retailers.

"The hearing was duly held and was well attended by representatives of the trade and, in general, the sentiment was in favor of the above restrictions. It was pointed out, at

the hearing, that the regulation should expressly restrict the class of advertising specialties which may be furnished by manufacturers and wholesalers to retailers to such specialties as actually advertise the products being sold by the manufacturers and wholesalers. I believe that this point is well taken.

"Certain of the breweries submitted an alternative to the \$20.00 limitation on tapping accessories and coil cleaning services and materials used in connection therewith which may be furnished by manufacturers and wholesalers to retailers. They suggested that they be authorized to furnish tapping accessories without limit and to service beer lines only in emergencies, provided, nevertheless, that such servicing does not exceed 10 times in any one year and that not more than \$1.00 per line is expended on each occasion of servicing. I do not believe that there is any legitimate trade practice or any other adequate reason which calls for the conclusion that breweries should be permitted to furnish tapping accessories without any restriction. With respect to the remainder of the alternative submitted, I am inclined towards the view that it would be impracticable in operation. The Department would have no means of determining when an 'emergency' existed and would not have sufficient men available to ascertain whether there have been more than 10 servicings or whether more than \$1.00 has been expended on any occasion of servicing. I believe that the \$20.00 blanket restriction furnishes sufficient leeway without endangering control and at the same time would be enforceable.

"After considering the record of the hearing, the letters and other material submitted, and the files of the Department, it is my recommendation that the title and Rule 1 of the Rules Governing Signs and Other Advertising Matter be amended to read as follows, effective immediately:

'RULES GOVERNING EQUIPMENT, SIGNS AND OTHER
ADVERTISING MATTER.

'1. No manufacturer or wholesaler shall directly or indirectly furnish (by sale, loan, gift or otherwise), deliver, service or repair any fixtures, equipment, signs or other advertising matter to any retail licensee or at any retail licensed premises, subject to the following exceptions:

'(a) Manufacturers and wholesalers may furnish to retail licensees inside signs and advertising specialties (such as trays, coasters, display racks, menu-cards, and calendars), bearing their names, brands or trade marks, provided, however, that the aggregate cost or reasonable value of the signs and advertising specialties does not exceed Fifty (\$50.00) Dollars for each licensed premises in any one license year; and

'(b) Manufacturers and wholesalers may clean and repair beer lines between barrels and faucets in retail premises and may furnish tapping accessories (such as rods, taps, hose, and pressure regulators), provided, however, that the aggregate cost or reasonable value of any services rendered and any material used in connection with the cleaning and repairing of coils and the tapping accessories furnished shall not exceed Twenty (\$20.00) Dollars for each licensed premises in any one license year.'"

The recommendation is approved. The title and Rule 1 of the Rules Governing Signs and Other Advertising Matter are hereby amended as above set forth, effective January 1, 1938.

D. FREDERICK BURNETT
Commissioner

Dated: December 28, 1937.

5. EDUCATIONAL CAMPAIGN

December 31, 1937.

To: Commissioner Burnett
From: E. W. Garrett

Herewith list of addresses made by members of the Department in connection with Educational Campaign during the calendar year 1937 and the organizations before which appearances were made:

Jan. 9th	New England, New York, Pennsylvania and New Jersey Liquor Administrators, Providence, R.I.	Commissioner
Jan. 11th	Sheriffs' Association of New Jersey Trenton	Commissioner
Jan. 13th	New Jersey Association of Township Committeemen, Trenton	Commissioner
Jan. 19th	Men's Club, Grace Church, Newark	S.J. MacIntosh
Jan. 20th	Branchville Women's Club, Branchville	E.B. Hock
Jan. 27th	Testimonial Dinner to John D. Butcher at Monroe Township	D.J. Murray
Feb. 4th	Rotary Club, Metuchen	Edward Lurie
Feb. 5th	Anti-Saloon League of N.J., Newark	Commissioner
Feb. 8th	B.P.O. Elks #1454, Freehold	D.J. Murray
Feb. 14th	Hudson-Bergen County Retail Liquor Stores Association, at New York City	N.L. Jacobs
Feb. 16th	B.P.O. Elks #1357, Union City	H. Castelbaum
Feb. 16th	Mayors & Chiefs of Police of Middlesex County, at Colonia	Commissioner
Feb. 17th	Rotary Club, South River	N.L. Jacobs
Feb. 23rd	Women's Auxiliary, Essex County Medical Society, Newark	S.J. MacIntosh
Feb. 27th	Radio Speech, W N E W, New York	Commissioner
Mar. 3rd	Veritans Club, Paterson	H. Castelbaum

Mar. 4th	Lions Club, Ridgewood	A.P.Bianco
Mar. 8th	Paterson Grill Owners Social Association Inc., at Cedar Grove	S.J.MacIntosh
Mar. 8th	League of Women Voters of the Oranges, Orange	S.J.MacIntosh
Mar. 9th	Bergen County League of Women Voters, Hackensack	M.E. Ash
Mar.17th	Rotary Club, Gloucester City	F.M.Middleton
Mar.23rd	The Society of Restaurateurs, New York City	Commissioner
Mar.24th	Jr. Order United American Mechanics of 52nd State Council, District of New Jersey, at Bayonne	E.W.Garrett and Edward Lurie
Mar.30th	Arlington Women's Club, Arlington	M.E. Ash
Mar.30th	W.C.T.U., Nutley	Anthony Robbins
Mar.31st	Y.M.C.A., Newark	N.L.Jacobs
Mar.31st	Nassau Club, Princeton	Commissioner
Mar.31st	Rotary Club, Wildwood	F.M.Middleton
Apr. 1st	Loyal Order of Moose, Lodge #111, Camden	F.M.Middleton
Apr. 5th	Lions Club, Atlantic Highlands	D.J.Murray
Apr. 5th	Combination Liquor Merchants Ass'n. of N.J., at Newark	Commissioner
Apr. 7th	New Jersey Licensed Beverage Ass'n. Newark	Commissioner
Apr.12th	South Orange Community House, South Orange	Commissioner
Apr.14th	Rotary Club, Fort Lee	Charles Kenney
Apr.15th	Original Tavern Owners Ass'n. Newark	E.B. Hock
Apr.22nd	Court Jersey City #3, Foresters of America, Jersey City	Edward Lurie
Apr.26th	Passaic Bar Association, Paterson	Commissioner
Apr.27th	Newark Tavern Association, Inc. Newark	E.B. Hock
Apr.29th	Rotary Club, Penns Grove	F.M.Middleton
May 11th	Passaic Retail Beverage Dealers Ass'n. Passaic	H.Castelbaum
May 14th	W.C.T.U. Hackensack	N.L.Jacobs
May 16th	Young Peoples Group, First Baptist Church East Orange	S.J.MacIntosh
May 19th	Tri-County Ass'n. at Sea Girt	Commissioner

May 19th	Somerville Beverage Ass'n., Somerville	S.J.MacIntosh
May 21st	Retail Liquor Dealers, Long Branch	D.J.Murray
May 27th	Ophir Lodge #186, F. & A. M., E.Orange	Commissioner
June 3rd	Kiwanis Club, Millville	Edward Lurie
June 14th	Americanization Council, Newark	H.Castelbaum
June 18th	Paulsboro Republican Club, Paulsboro	F.M.Middleton
July 10th	Longshoremen Labor Banquet, Brooklyn	C.E.Hendrick- son
July 27th	Rotary Club, Newark	Commissioner
Aug. 26th	Police Training School, Trenton	E.Lurie and E.W.Garrett
Sept. 1st	Kiwanis Club, Egg Harbor City	S. Lippman
Sept. 16th	Kiwanis Club, East Orange	Commissioner
Sept. 28th	New Jersey State Hotel Men's Ass'n. at West Orange	Commissioner
Sept. 28th	The Number Seven Club, Camden	F.M.Middleton
Sept.29th	Annual Convention of the New Jersey Licensed Beverage Ass'n. at Atlantic City	Commissioner
Sept.30th	Hudson County W.C.T.U. Jersey City	A. Robbins
Oct. 5th	Rotary Club, Englewood	E. Lurie
Oct. 5th	Lions Club, Asbury Park	S.J.MacIntosh
Oct. 6th	Annual Convention of International Association of Chiefs of Police at Baltimore	Commissioner
Oct. 10th	High School Group, First Congregational Church, East Orange	S.J.MacIntosh
Oct. 27th	62nd Annual Convention of the U.S. Brewers Association at Pittsburgh	Commissioner
Nov. 4th	Kiwanis Club, Blackwood	F.M.Middleton
Nov. 8th	First Baptist Church, Paterson	Commissioner
Nov. 16th	American Legion, Clayton	F.M.Middleton
Nov. 17th	Rutgers Club of Newark	Commissioner
Nov. 23rd	The Contemporary Club of Newark	Commissioner
Nov. 23rd	Kiwanis Club, Hackettstown	S.J.MacIntosh
Nov. 26th	Knights of Pythias, Phillipsburg	C.Kenney
Dec. 1st	Parent-Teachers Ass'n. Coolidge School, Wyckoff	S.J.MacIntosh
Dec. 2nd	Tavern Owners' Ass'n. of Orange	C. Basile

Dec. 3rd	Hunterdon County Municipal Officers Ass'n., at Sandy Ridge	C. Basile
Dec. 8th	Rotary Club, Haddonfield	R.C.Lockwood
Dec. 8th	Exchange Club, Atlantic City	E.J. Dorton
Dec. 8th	Lions Club, Atlantic City	D.J.Murray
Dec. 8th	Medico-Dental Society, Atlantic City	S.Lippman
Dec. 10th	Kiwanis Club, Camden	F.M.Middleton
Dec. 10th	Junior Chamber of Commerce, Newark	Commissioner
Dec. 10th	Shrine Club, Atlantic City	Schuyler Adams
Dec. 13th	Atlantic City Ministerial Union	George Tracy
Dec. 13th	Edgewater Republican Club, Edgewater	W.S. Codd
Dec. 14th	Ukrainian Youth Social Club, New Brunswick	E. Lurie
Dec. 14th	Kiwanis Club, Burlington	F.M.Middleton
Dec. 14th	Camden Suburban Liquor Dealers' Ass'n. Lindenwold	C. Basile
Dec. 21st	Kiwanis Club, Paulsboro	F.M.Middleton
Dec. 28th	Atlantic City Tuna Club, Atlantic City	S. Lippman

E.W. Garrett
Deputy Commissioner

6. RETAIL LICENSEES - HOURS OF SALE - REFERENDUM - MUNICIPALITY MAY FIX REASONABLE HOURS OF SUNDAY SALES NOTWITHSTANDING AFFIRMATIVE VOTE ON REFERENDUM.

See 598-6

January 4, 1938

J.Cory Johnson,
Town Clerk,
Bloomfield, N.J.

My dear Mr. Johnson:

I have before me the resolution adopted by the Council on December 20th prohibiting the sale of alcoholic beverages in Bloomfield on Sundays between the hours of 2:00 A.M. and 1:00 P.M.

I note that the referendum held in Bloomfield at the general election of November 6, 1934 on the question "Shall the sale of alcoholic beverages be permitted on Sundays in this municipality?" resulted in a majority voting in the affirmative. My records indicate that prior to the referendum sales of alcoholic beverages on Sundays in Bloomfield were prohibited after the hour of 2:00 A.M.

The referendum, however, does not necessarily mean that unrestricted Sunday sales must be allowed. The Council has the power to fix hours of Sunday selling by new ordinance or resolution, notwithstanding the referendum, provided the hours are reasonable in the light of the declared wishes of the electorate as expressed in the result of the referendum. See Re Roxbury Township, Bulletin 214, Item 1.

As the regulation in effect prior to the referendum prohibited all sales on Sundays after 2:00 A. M., I deem the hours of Sunday sales set forth in the resolution of December 20th to be reasonable, and therefore approve, subject as usual to appeal.

Very truly yours,

D. FREDERICK BURNETT
Commissioner

7. MUNICIPAL ORDINANCES - LIMITATION OF LICENSES - RESERVATION OF POWER TO REFUSE APPLICANTS NOTWITHSTANDING A VACANCY EXISTS - CONSTRUCTION - PRINCIPLES APPLICABLE.

January 4, 1933.

Arthur H. Abrams,
Borough Clerk,
Cliffside Park, N.J.

My dear Mr. Abrams:

I have before me the ordinance adopted by the Council on October 11, 1937 which limits the number of plenary and seasonal retail consumption, plenary and limited retail distribution and club licenses.

I note the proviso in the ordinance reading: "provided, however, that if any of the present licenses are revoked or annulled, either by voluntary surrender or otherwise, the issuing authority may, in its discretion, refuse to grant further licenses to any of the above classes - even though the number in existence shall be less than the maximum set forth in this Ordinance....."

A number of cases have already come before me where applications for licenses were denied, despite the fact that vacancies existed in the numerical limitation, and where I was compelled to reverse the municipality because of its failure to show good cause. See Eisen v. Plainfield, Bulletin 68, Item 12; Sosnow v. Freehold, Bulletin 68, Item 13, Kemo v. Trenton, Bulletin 155, Item 6; Pelos and McNamara v. Passaic, Bulletin 156, Item 2; Levy v. Mt. Ephraim, Bulletin 189, Item 3.

On the other hand, where it has been shown that there were too many licensed places already in the vicinity of the premises sought to be licensed or there was other good and sufficient cause, such denials have been affirmed. See Young v. Pennsauken, Bulletin 114, Item 2; Rosania v. Readington, Bulletin 123, Item 4, Lan v. Millburn, Bulletin 163, Item 11; Levitt v. Liberty, Bulletin 169, Item 4; Lingelbach v. North Caldwell, Bulletin 180, Item 8; Zakarew v. South Bound Brook, Bulletin 216, Item 4.

The proviso will be construed in the light of the principles laid down in the above mentioned cases as not affording an arbitrary capricious right to refuse an applicant if a vacancy exists, but rather as express notice to applicants that the right to refuse them exists if reasonable and proper cause be shown.

Very truly yours,

D. FREDERICK BURNETT
Commissioner

8. ENFORCEMENT - THE GENERAL POLICY OF THE COMMISSIONER IS TO PUT THE RESPONSIBILITY FOR LOCAL ADMINISTRATION SQUARELY UP TO THE GOVERNING BODY OF EACH MUNICIPALITY - THE STATE, HOWEVER, WILL HAVE TO TAKE OVER DISCIPLINARY FUNCTIONS IF THE LOCAL AUTHORITIES FAIL IN THEIR DUTY.

January 5, 1938.

Public Affairs Association,
Asbury Park, N. J.

Gentlemen:

I have your letter of January 3rd requesting that I take over the enforcement of liquor control in Asbury Park.

I shall, if necessary, shoulder the burden.

My policy, however, has been to put the responsibility for the local administration of the liquor laws squarely up to the governing body of each municipality. The failure of Prohibition was mainly due to the fact its enforcement was a thing apart from the local authorities. It was all too convenient to say that it was the duty of the Federals - the business of somebody else. Consequently, I have endeavored to arouse each municipality to a sense of its own responsibility and deem it but fair to give it the first chance to set its own house in order. The principle is succinctly stated in the editorial you enclosed from the Asbury Park Press: "The liquor regulations in this State contemplate local enforcement of a decent code of standards with the State Commissioner intervening only when the local authorities fail in this duty."

I have previously called the matters of which you complain to the attention of the City Council. It would be wholly unfair to prejudge their action concerning the hearing set for January 11th. The citizens of Asbury Park have a right to expect, as do I, that every man will do his duty.

It is highly encouraging to realize that there is an active and courageous body of public spirited citizens in your community interested in law enforcement. I appreciate the confidence they repose.

Sincerely yours,

D. FREDERICK BURNETT
Commissioner

9. RECAPITULATION OF ENFORCEMENT DIVISION ACTIVITY FOR PERIOD FROM
JULY 1st TO DECEMBER 31ST, 1937, INCLUSIVE

TO: D. Frederick Burnett, Commissioner:

<u>ARRESTS</u>	<u>JULY</u>	<u>AUG.</u>	<u>SEPT.</u>	<u>OCT.</u>	<u>NOV.</u>	<u>DEC.</u>	<u>TOTALS</u>
Licensees	8	6	5	4	5	4	32
Non-Licensees	67	68	57	67	44	74	377
Total Number	75	74	62	71	49	78	409
<u>SEIZURES</u>							
<u>Still</u> s							
1 to 50 Gal.Capacity	5	14	9	12	21*	12	73*
Over 50 Gal. "	11	14	11	5	8	16	65
Total Number	16	28	20	17	29*	28	138*
<u>Motor Vehicles</u>							
Trucks	0	1	1	0	1	1	4
Passenger Cars	2	4	10	4	4	5	29
Total Number	2	5	11	4	5	6	33
<u>Alcohol</u>							
Beverage " (Gal.)	109	152	1052	321	112	275	2021
Denatured" (Gal.)	0	0	5	5	0	0	10
<u>Mash</u>							
Total No.Gals.	32794	26350	72595	56205	42125	68360	298429
<u>Alcoholic Beverages</u>							
Beer,Ale,etc.(Bottles)	257	855	348	382	157	326	2325
Beer,Ale,etc.(Bbls.)	3 $\frac{1}{2}$	0	0	0	0	0	3 $\frac{1}{2}$
Wine (Gallons)	3	8	130	121	494	98	854
Whiskey,hard liquor (Gal.)	105	285	139	707	54	59	1349
<u>RETAIL INSPECTIONS</u>							
Licensed premises inspected	1609	1526	894	2244	1817	2907	10997
Illicit (Bootleg) liquor	7	2	3	4	6	19	41
Gambling Violations	47	99	33	85	41	141	446
Sign Violations	26	42	28	63	84	87	330
Unqualified employees	191	192	30	80	42	107	642
Other Violations	46	34	18	71	57	75	301
Total Violations found	317	369	112	303	230	429	1760
No. of bottles gauged	9459	9226	5559	14679	11787	17684	68394
<u>COMPLAINTS</u>							
Investigated and closed	289	278	372	329	325	343	1936
Investigated,pending	389	205	347	276	114	116	
<u>LABORATORY</u>							
Samples submitted	181	139	162	109	187	145	923
Analyses made	124	176	160	102	175	130	867
Poison liquor cases	0	0	0	0	0	0	0
Denaturant cases	3	1	0	3	2	3	12
Samples of alcohol, water and artificial coloring	8	7	7	7	11	22	62
Samples of moonshine (home-made finished product of illicit still)	20	17	41	19	25	23	145

* This figure includes ten stills which were adopted from other Enforcement Agencies.

Respectfully submitted,

E. W. Garrett,
Deputy Commissioner

10. REPORT ON DISCIPLINARY PROCEEDINGS AGAINST LICENSEES
TRANSMITTED BY THE DEPARTMENT TO MUNICIPAL ISSUING
AUTHORITIES.

January 6, 1938

To: D. Frederick Burnett, Commissioner
From: Jerome B. McKenna, Attorney

Period Covered

July 1, 1937 to December 31, 1937

SUMMARY

Cases transmitted 197

<u>Dispositions</u>		
Revocation of licenses	7	
Suspension of licenses	107	
Dismissals	15	
Sentence suspended	13	
Surrender of licenses	3	
Pending - hearing dates set	23	
Pending - no dates set	<u>29</u>	197

The above 197 cases involved violations as set forth
below:

1. Sales during hours prohibited by local ordinances or
regulations

Transmittals - 71

Disposed of as follows:

Suspensions	45	
Periods covered by suspensions:		
30 days	2	
20 "	1	
18 "	1	
10 "	1	
9 "	1	
7 "	3	
6 "	1	
5 "	13	
3 "	9	
2 "	12	
1 day	<u>1</u>	
	45	
Dismissed	1	
Sentence suspended	6	
Pending - hearing dates set	7	
Pending - no dates set	<u>12</u>	71

2. Sales to MinorsTransmittals - 19Disposed of as follows:

Suspensions	9
Periods covered by suspensions:	
10 days	3
15 "	1
7 "	1
5 "	1
3 "	2
2 "	1
	<u>9</u>
Dismissed	3
Sentence suspended	2
Pending - hearing dates set	2
Pending - no dates set	<u>3</u>

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3. Possession of Illicit Alcoholic BeveragesTransmittals - 11Disposed of as follows:

Suspensions	6
Periods covered by suspensions:	
20 days	1
10 "	1
7 "	1
5 "	1
3 "	1
	<u>6</u>
Dismissed	1
Sentence suspended	1
Pending - hearing dates set	2
Pending - no dates set	<u>1</u>

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4. Sales by Club Licensees to Non-MembersTransmittals - 5Disposed of as follows:

Suspensions	4
Periods covered by suspensions:	
7 days	1
3 "	2
1 day	1
	<u>4</u>
Dismissed	<u>1</u>

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5. Gambling, Slot Machines and Lotteries on Licensed Premises in Violation of State RuleTransmittals - 11

Disposed of as follows:

Suspensions	6	
Periods covered by suspensions:		
2 weeks	2	
15 days	1	
5 "	1	
3 "	1	
1 day	1	
	<u>6</u>	
Dismissed	1	
Pending - hearing date set	1	
Pending - no dates set	<u>3</u>	11

6. Sales Without the Scope of Privileges Conferred by License

Transmittals - 7

Disposed of as follows:

Suspensions	4	
Periods covered by suspensions:		
15 days	1	
3 "	1	
2 "	2	
	<u>4</u>	
Pending - hearing date set	1	
Pending - no dates set	<u>2</u>	7

7. Fraud, Misrepresentation, False Statements, Etc., in Application for License

Transmittals - 13

Disposed of as follows:

Revocations	4	
Suspensions	2	
Periods covered by suspensions:		
20 days	1	
2 "	1	
	<u>2</u>	
Surrender of licenses	2	
Pending - hearing dates set	3	
Pending - no dates set	<u>2</u>	13

8. Permitting Prostitutes, Persons of Ill-Repute and Immoral Activities on the Licensed Premises

Transmittals - 7

Disposed of as follows:

Revocations	2	
Suspension (15 days)	1	
Dismissed	1	
Pending - hearing dates set	2	
Pending - no date set	<u>1</u>	7

9. Sales or Delivery of Alcoholic Beverages to Consumers on Election Day while Polls Were Open for Voting

Transmittals - 42

Disposed of as follows:

Suspensions	27
Periods covered by suspensions:	
60 days	1
12 "	1
10 "	1
7 "	1
5 "	6
3 "	2
2 "	12
1 day	3
	<u>27</u>
Sentence suspended	3
Dismissed	7
Pending - hearing dates set	4
Pending - no date set	<u>1</u>

42

10. Miscellaneous (Employment of Ineligible Persons; Hostesses; Sign Violations; Brawls; Unnecessary Noises; Hindering Inspection of Licensed Premises, etc.)

Transmittals - 11

Disposed of as follows:

Revocation	1
Suspensions	3
Periods covered by suspensions:	
5 days	2
3 "	<u>1</u>
	<u>3</u>
Surrender of license	1
Sentence suspended	1
Pending - hearing date set	1
Pending - no dates set	<u>4</u>

11

TOTAL.....197

Respectfully submitted,

JEROME B. McKENNA
Attorney

11. PLENARY RETAIL DISTRIBUTION LICENSES - NOT CONVERTIBLE INTO PLENARY RETAIL CONSUMPTION LICENSES.

January 6, 1938.

John F. Boyce,
City Clerk,
New Brunswick, N. J.

My dear Mr. Boyce:

I understand that one of your plenary retail distribution licensees wishes to pay the additional fee required and

convert his distribution into a plenary retail consumption license.

Plenary retail distribution may not be converted into plenary retail consumption licenses.

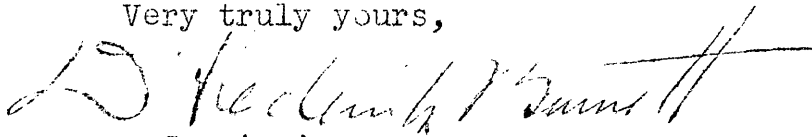
The only conversion of retail licenses allowable is from a club to a plenary retail consumption license. See Re Keevil, Bulletin 158, Item 11. The reasons, which you will find set forth in detail in the ruling, have no application to the instant case.

Plenary retail consumption licenses may not be converted into plenary retail distribution licenses because the privileges afforded by the two classes of licenses are substantially different. Re Duffy, Bulletin 103, Item 1. The converse is prohibited for the same reason.

The licensee may, of course, surrender his plenary retail distribution license, in which event he will be entitled to refund, provided no statutory deductions are in order, in accordance with the provisions of Section 28 of the Act. For the method of computing the refund, see Re Schneider, Bulletin 48, Item 6; Re Jones, Bulletin 48, Item 9.

If he wishes to apply for a plenary retail consumption license, he must make application and publish his notice in the regular manner and pay, as in the case of all new applications, the regular prorated fee.

Very truly yours,


Commissioner

New Jersey State Library

C. E. MENDRICKSON