

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1574

August 7, 1964

TABLE OF CONTENTSITEM

1. DISCIPLINARY PROCEEDINGS (Paterson) - PROCUREMENT FOR PROSTITUTION - FOUL LANGUAGE - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 235 DAYS.
2. APPELLATE DECISIONS - BEDROCK, INC. v. ELIZABETH.
3. DISCIPLINARY PROCEEDINGS (Paterson) - SALE TO A MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Dunellen) - GAMBLING (ACCEPTANCE OF HORSE RACE BETS - CONDUCT OF HORSE RACE POOL) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Red Bank) - SALE TO A MINOR - CHARGE NOLLE PROSSED.
6. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE TO MINORS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
7. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1963 THROUGH JUNE 30, 1964.
8. DISCIPLINARY PROCEEDINGS (Mount Ephraim) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - SUPPLEMENTAL CONCLUSIONS..
9. DISCIPLINARY PROCEEDINGS (Harrison) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. DISQUALIFICATION REMOVAL PROCEEDINGS - INTERSTATE TRANSPORTATION OF STOLEN PROPERTY (CHECK) - ORDER REMOVING DISQUALIFICATION.
11. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Camden) - PIN BALL MACHINE ON PREMISES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
13. STATE LICENSES - NEW APPLICATIONS FILED.

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1574

August 7, 1964

1. DISCIPLINARY PROCEEDINGS - PROCUREMENT FOR PROSTITUTION -  
FOUL LANGUAGE - SALE IN VIOLATION OF STATE REGULATION  
NO. 38 - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR  
235 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

B & N TAVERN, INC.  
t/a DEALER'S INN )  
7 Park Avenue )  
Paterson, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-140, issued by the Board )  
of Alcoholic Beverage Control for )  
the City of Paterson. )

-----  
Bruno L. Leopizzi, Esq., Attorney for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges as follows:

- "1. On April 11, 1964, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you, through a person employed as a bartender on your licensed premises, made offers to male patrons and customers on your licensed premises to procure and did procure a female to engage in acts of illicit sexual intercourse with them, and participated in and allowed, permitted and suffered the making of overtures and arrangements, in and upon your licensed premises, by said female with male patrons and customers for acts of illicit sexual intercourse, as aforesaid; in violation of Rule 5 of State Regulation No. 20.
- "2. On Saturday, April 11, 1964, you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises, in violation of Rule 5 of State Regulation No. 20.
- "3. On Saturday, April 11, 1964, at about 11:45 p.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage at retail in its original container for consumption off your licensed premises and allowed, permitted and suffered the removal of said alcoholic beverage in its original container from your licensed premises; in violation of Rule 1 of State Regulation No. 38."

Licensee has a previous record of suspension of license by the Director for thirty-five days effective January 28, 1963, for conducting the licensed place of business as a nuisance (permitting female patrons and a bartender to solicit the purchase of drinks from male patrons and permitting intoxicated bartender to work on the premises). Re B & N Tavern, Inc., Bulletin 1498, Item 3.

The prior record as well as the confessional plea entered considered, the license will be suspended on the first charge for two hundred ten days (Re Starr & Rose, Bulletin 1528, Item 1), on the second charge for ten days (Re Club Del Rose, Bulletin 1556, Item 1) and on the third charge for fifteen days (Re Maria, Bulletin 1561, Item 8) or a total of two hundred thirty-five days.

Accordingly, it is, on this 25th day of June, 1964,

ORDERED that Plenary Retail Consumption License C-140, issued by the Board of Alcoholic Beverage Control for the City of Paterson to B & N Tavern, Inc., t/a Dealer's Inn, for premises 7 Park Avenue, Paterson, be and the same is hereby suspended for two hundred thirty-five (235) days, commencing at 3:00 a.m. Thursday, July 2, 1964, and terminating at 3:00 a.m. Monday, February 22, 1965.

JOSEPH P. LORDI  
DIRECTOR

2. APPELLATE DECISIONS - BEDROCK, INC. v. ELIZABETH.

BEDROCK, INC., trading as )  
BILLY'S TAVERN, )

Appellant, )

v. )

CITY COUNCIL OF THE CITY OF )  
ELIZABETH, )

Respondent. )

ON APPEAL SUPPLEMENTAL  
CONCLUSIONS

Rothbard, Harris & Oxfeld, Esqs., by Emil Oxfeld, Esq., Attorneys  
for Appellant.

John M. Boyle, Esq., Attorney for Respondent.

BY THE DIRECTOR:

On April 16, 1962, Conclusions and Order were entered herein affirming respondent's denial on June 29, 1961, of appellant's application for renewal of license for the year 1961-62. Bedrock Inc. v. Elizabeth, Bulletin 1452, Item 1 (herein Bedrock I).

As indicated in Bedrock I, during the pendency of that appeal, the license was suspended by the Director for 190 days, effective September 18, 1961, for permitting obscene conduct and entertainment and female impersonators on the licensed premises, sale during prohibited hours, and hindering investigation by ABC agents. Re Bedrock, Inc., Bulletin 1417, Item 1 (herein Bedrock II).

On November 28, 1962, Conclusions and Order were entered

in a subsequent appeal affirming respondent's denial on June 26, 1962, of appellant's application for "renewal" of license for the year 1962-63. Bedrock, Inc. v. Elizabeth, Bulletin 1490, Item 2. (herein Bedrock III).

No appeal was taken from the Conclusions and Orders in any of the three cases.

Comes now appellant with a petition to reopen the determination in Bedrock I upon an allegation of newly-discovered evidence with respect to the police report considered in that case as one of the bases for the denial and affirmance. To impugn the veracity and accuracy of the police report (covering thirty-five or more separate instances in and upon the licensed premises between 1956 and 1961, involving riots, assault with a gun, assault with a knife, atrocious assault and battery, larceny, threats, bookmaking, disorderly persons and drunks), appellant annexes to its petition affidavits of (1) a former patrolman (recently resigned) to the effect that during his patrol of the area in which the tavern was located, from February 1960 to 1962, "I never had occasion to report any violation of any kind" at the tavern, and that he was unaware of certain police procedures testified to by his superiors; and (2) a husband and wife who deny that they were the persons named as involved in one of the thirty-five incidents, viz., that occurring on January 1, 1960.

The subject of reopening a previous determination on the basis of alleged newly-discovered evidence was most recently discussed in Rigoletti v. Wayne, Bulletin 1487, Item 2, which see. See also Great Notch Villa, Inc. v. Clifton, Bulletin 92, Item 14. Applying the general principles therein enunciated, I am of the opinion that the evidence could have been obtained by reasonable diligence prior to the original hearing and that even if now considered, it would not probably alter the determination since, even if there remained only thirty-four incidents in the police report, and this were not considered sufficient to support the original denial, there still remains the appellant's unlovely record of suspension of license in 1955, 1956, 1958 and 1960, as fully set forth in Bedrock I, capped by the above-mentioned suspension for 190 days in 1961 in Bedrock II.

Proper administration requires that, aside from exceptional cases where the clear interests of justice compel a contrary conclusion, determinations on appeal be final and not subject to redetermination.

The petition is denied.

JOSEPH P. LORDI  
DIRECTOR

DATED: June 26, 1964

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

In the Matter of Disciplinary  
Proceedings against

JOHN SCANLAN & AGNES SCANLAN  
t/a SCANLAN'S TAVERN  
541 Union Avenue  
Paterson, N. J.

)  
)  
) CONCLUSIONS  
) AND ORDER  
)

-----  
Holders of Plenary Retail Consumption  
License C-74, issued by the Board of  
Alcoholic Beverage Control for the  
City of Paterson.

Irving I. Lieberman, Esq., Attorney for Licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on May 17, 1964, they sold three quart containers of beer to a minor, age 17, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Tarter, Bulletin 1560, Item 10.

Accordingly, it is, on this 29th day of June, 1964,

ORDERED that Plenary Retail Consumption License C-74, issued by the Board of Alcoholic Beverage Control for the City of Paterson to John Scanlan and Agnes Scanlan, t/a Scanlan's Tavern, for premises 541 Union Avenue, Paterson, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. Monday, July 6, 1964, and terminating at 3:00 a.m. Tuesday, July 21, 1964.

JOSEPH P. LORDI  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (ACCEPTANCE OF HORSE RACE BETS - CONDUCT OF HORSE RACE POOL) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

GEORGE'S BAR & GRILL, INC.  
380 North Avenue  
Dunellen, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-9, issued by the Borough  
Council of the Borough of Dunellen

Doren & Stanton, Esqs., by Joseph C. Doren, Esq., Attorneys  
for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on March 12, 14, 18, 21, 25, 28 and April 4, 1964, it permitted the acceptance of horse race bets and on March 28 and April 4, 1964 the conduct of a horse race pool on its licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record and since the violations occurred previous to my notice of April 27, 1964 to all retail licensees concerning increased penalties to be imposed in bookmaking and numbers cases (Bulletin 1560, Item 6), in fairness the heretofore existing minimum penalty will be imposed as in similar cases, viz., suspension of license for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Sajdik, Bulletin 1527, Item 5; Re Mussara, Bulletin 1567, Item 7.

Accordingly, it is, on this 24th day of June, 1964,

ORDERED that Plenary Retail Consumption License C-9, issued by the Borough Council of the Borough of Dunellen to George's Bar & Grill, Inc. for premises 380 North Avenue, Dunellen, be and the same is hereby suspended for twenty (20) days, commencing \*at 1:00 a.m. Wednesday, July 1, 1964, and terminating at 1:00 a.m. Tuesday, July 21, 1964.

JOSEPH P. LORDI  
DIRECTOR

\*By order dated June 26, 1964, the suspension was deferred to commence at 1:00 a.m. Tuesday, August 4, 1964, and to terminate at 1:00 a.m. Monday, August 24, 1964.

## 5. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - CHARGE NOLLE PROSSED.

In the Matter of Disciplinary  
Proceedings against

JOHN J., PETER E. & HARRY GENOVESE  
t/a CRATE'S BEVERAGES  
22-24 No. Bridge Avenue  
Red Bank, N. J.

CONCLUSIONS  
AND ORDER

-----  
Holders of Plenary Retail Distribution  
License D-10, issued by the Borough  
Council of the Borough of Red Bank.

Licensees, Pro se.

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

BY THE DIRECTOR:

Licensees pleaded not guilty to the following charge:

"On May 23, 1964, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Kenneth ---, age 19; in violation of Rule 1 of State Regulation No. 20."

As the hearing on June 17, 1964, Kenneth --- (19 years of age) testified that "two or three" days before May 23, 1964, he and two companions, one of whom was twenty-three years of age (hereinafter referred to as the adult companion), called at the licensees' place of business; that, as he and his other companion left the room to obtain cigarettes, the adult companion ordered and paid a \$25 deposit for various items including four half-barrels of beer for delivery to 122 Harrison Avenue, Fair Haven; that immediately prior to arrival of licensees' truck on May 23, at "approximately four in the afternoon", the telephone rang and he (Kenneth) went into the house to answer it but, before doing so, gave his adult companion the sum of \$57 representing the balance due to the licensees for the merchandise; that, as he came out of the house, the licensees' "truck was pulling out."

The attorney appearing for the Division then confronted Kenneth with a five-page statement dated May 26, 1964, and a one-page statement dated May 27, 1964. Kenneth identified the signature on each page as his and admitted swearing to the truth of the contents thereof before an ABC agent. Kenneth testified that the assertions made in the statements (that he ordered, paid for and received the merchandise purchased from the licensees) were false; that, in response to a question by the attorney appearing for the Division to explain the reason for the untruthful story in the statements, Kenneth answered "Because it was the story I had given the police when they had told me somebody had to take the rap and if I didn't I would be held in jail until they did find somebody"; that, when the subpoena to testify was served on him a few days previous to the hearing herein, he "decided to tell the truth so innocent parties would not get hurt."

In view of the fact that no further evidence was available the attorney appearing for the Division moved to nolle pros the charge.

Accordingly, it is, on this 25th day of June, 1964,

JOSEPH P. LORDI  
DIRECTOR

JOSEPH P. LORDI  
DIRECTOR

## 7. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1963 THROUGH JUNE 30, 1964

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Total
	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
ARRESTS:													
Total number of persons arrested	66			55			73			72			266
Licenseses and employees	37			30			47			53			167
Bootleggers	29			25			26			19			99
SEIZURES:													
Motor vehicles - cars	3			4			1			2			10
- fishing boats	1			3			-			-			4
Still - over 50 gallons	-			-			-			1			1
- 50 gallons or under	3			2			6			-			11
Alcohol - gallons	-			-			-			60.5			60.5
Mash - gallons	665			875			1,930			315			3,785
Distilled alcoholic beverages - gallons	1,900.954			274.964			117.641			10.396			2,303.955
Wine - gallons	16.598			7.500			9.180			28.175			61.453
Brewed malt alcoholic beverages - gallons	78.158			45.028			313.400			21.602			458.168
RETAIL LICENSEES:													
Premises inspected	2,529			2,829			2,208			2,043			9,609
Premises where alcoholic bev. were gauged	1,469			1,173			1,337			1,224			5,203
Bottles gauged	22,749			17,152			19,783			17,165			76,849
Premises where violations were found	239			281			217			181			918
Violations found	314			386			269			236			1,205
Unqualified employees	99			134			66			64			363
Application copy not available	41			59			49			52			201
Reg. #38 sign not posted	75			78			58			44			255
Prohibited signs	13			19			21			15			68
Other mercantile business	16			9			11			6			42
Disposal permit necessary	7			8			9			11			35
Improper beer taps	4			1			6			1			12
Other violations	59			78			49			43			229
STATE LICENSEES:													
Premises inspected	76			62			44			69			251
License applications investigated	25			16			18			45			104
COMPLAINTS:													
Complaints assigned for investigation	1,108			1,036			1,022			1,101			4,267
Investigations completed	1,032			1,028			1,059			1,043			4,162
Investigations pending	(158)			(168)			(131)			176			176
LABORATORY:													
Analyses made	324			317			303			350			1,294
Refills from licensed premises - bottles	111			110			101			127			449
Bottles from unlicensed premises	64			36			31			38			169
IDENTIFICATION:													
Criminal fingerprint identifications made	30			21			24			19			94
Persons fingerprinted for non-criminal purp.	1,096			741			716			1,260			3,813
Ident. contacts made w/other enforcement agency.	623			501			444			758			2,326
MV Ident. via N.J. State Police teletype	3			1			1			4			9
DISCIPLINARY PROCEEDINGS:													
Cases transmitted to municipalities	43			31			32			22			128
Violations involved	50			33			37			22			142
Sale during prohibited hours	30			16			20			13			79
Sales to minors	8			16			10			7			41
Failure to close prem. dur. prob. hrs.	5			1			4			-			10
Failure to afford view into prem. during prohibited hours	4			-			-			-			4
Sale to non-members by club	1			-			1			1			3
Possessing chilled beer (DL licensee)	2			-			-			1			3
Cases instituted at Division	68			57*			46			79			250
Violations involved	104			83			57			111			355
Possessing liquor not truly labeled	14			15			10			17			56
Sale during prohibited hours	18			13			9			14			54
Sales to minors	14			4			4			11			33
Permitting lottery activity on premises	3			8			4			8			23
Sale below filed price	2			7			5			5			19
Permitting bookmaking on premises	4			4			1			6			15
Conducting business as a nuisance	4			3			3			5			15
Permitting immoral activity on premises	4			1			-			9			14
Fraud in application	4			2			4			4			14
Hindering investigation	3			5			1			3			12
Sale to intoxicated persons	5			1			1			3			10
Beverage Tax Law non-compliance	-			-			3			6			9
Permitting foul language on premises	2			1			-			5			8
Failure to close prem. dur. proh. hrs.	3			-			-			3			6
Permitting hostess activity on premises	2			-			-			3			5
Fraud and front	2			1			2			-			5
Possessing pinball machine on premises	-			-			2			3			5
Sale outside scope of license	3			-			2			-			5
Furnishing unlawful inducement to retailer	4			-			-			-			4
Subst. alc. bev. other than ordered	2			1			1			-			4
Permitting gambling on premises	1			1			1			-			3
Retailer-to-retailer sales	-			3			-			-			3

\*Includes one cancellation proceeding - license improvidently issued to club not bona fide.

1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Total
July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	

## DISCIPLINARY PROCEEDINGS (Continued)

Cases instituted at Division (Continued)												
Unauthorized transportation	-			2			-		-			2
Possessing contraceptives on premises	1			1			-		-			2
Sol-Per. engaging in conduct prohibited to employer	2			-			-		-			2
Storage off licensed premises	-			2			-		-			2
Single instance of other violations	6			8			4		6			24
Cases brought by municipalities on own initiative and reported to Division	71			58			73		96			298
Violations involved	88			68			85		126			367
Sales to minors	39			30			41		56			166
Sale during prohibited hours	15			5			11		17			48
Permitting brawl, etc. on premises	8			10			5		19			42
Failure to close prem. dur. proh. hrs.	6			1			7		5			19
Conducting business as a nuisance	1			2			6		6			15
Permitting lottery activity on premises	3			2			4		2			11
Hindering investigation	2			3			2		2			9
Permitting minors on prem. unaccomp. by parents or guardian (local reg.)	2			-			1		5			8
Permitting immoral activity on premises	1			1			-		4			6
Permitting gambling on premises	4			1			-		-			5
Permitting bookmaking on premises	3			-			-		1			4
Failure to afford view into prem. dur. prohibited hours	-			2			2		-			4
Unqualified employees	-			-			2		2			4
Sale to intoxicated persons	-			3			-		-			3
Act of violence	1			2			-		-			3
Employing persons w/o Ident. card (local reg.)	-			2			-		1			3
Permitting gambling paraphernalia on prem.	2			-			-		-			2
Single instance of other violations	1			4			4		6			15
HEARINGS HELD AT DIVISION:												
Total number of hearings held	114			106			97		131			448
Appeals	12			11			20		14			57
Disciplinary proceedings	72			64			41		73			250
Eligibility	23			26			22		33			104
Seizures	6			2			10		3			21
Tax revocations	-			1			4		6			11
Applications for license	1			2			-		1			4
Application for permit	-			-			-		1			1
STATE LICENSES AND PERMITS ISSUED:												
Total number issued	5,010			4,502			3,098		22,513			35,123
Licenses	624			11			5		4			644
Solicitors' permits	179			97			170		2,820			3,266
Employment permits	1,080			713			519		3,441			5,753
Disposal permits	268			217			171		212			868
Social affair permits	1,320			1,207			1,003		1,454			4,984
Wine permits	1			816			8		-			825
Miscellaneous permits	665			624			366		698			2,353
Transit insignia	811			775			823		12,549			14,958
Transit certificates	62			42			33		1,353			1,490
OFFICE OF AMUSEMENT GAMES CONTROL:												
Licenses issued	190			70			320		264			844
Premises inspected	880			-			-		297			1,177
Premises where violations were found	22			-			-		10			32
Number of violations found	24			-			-		10			34
Enforcement files established	77			57			31		42			207
Disciplinary proceedings instituted	1			-			2		-			3
Violations involved	2			-			2		-			4
Redemption of prize for money	1			-			-		-			1
Redemption for prize other than merchandise	1			-			2		-			3

JOSEPH P. LÓRDI

Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: July 15, 1964

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
 LABELED - SUPPLEMENTAL CONCLUSIONS.

In the Matter of Disciplinary )  
 Proceedings against )

C.A.R. CORPORATION )

t/a SCHILLIG'S BLACK HORSE FARMS )

4th Ave. & N. Black Horse Pike )

Mount Ephraim, N. J. )

SUPPLEMENTAL  
 CONCLUSIONS

Holder of Plenary Retail Consumption )  
 License C-1, issued by the Board of )  
 Commissioners of the Borough of Mount )  
 Ephraim. )

-----  
 Anthony M. Lario, Esq., Attorney for Licensee-Petitioner.  
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

On April 1, 1964, I entered an order herein suspending for twenty days, commencing July 1, 1964, any renewal license issued to this corporation, or to any transferee, for the licensing period 1964-65, upon licensee's plea of non vult to a charge that it possessed, on October 14, 1963, alcoholic beverages in four bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20. Re C.A.R. Corporation, Bulletin 1560, Item 9. The penalty was calculated on the basis of a twenty day suspension of the license for possession of the four bottles of alcoholic beverages not truly labeled, the established penalty for a violation of that kind (Re Manning, Bulletin 1431, Item 5) to which was added five days suspension of the license by reason of the fact that, effective March 5, 1963, a license held by John J. Schillig, vice president and a minority (6%) stockholder of the corporate-licensee, in his individual name for other premises, had been suspended by the Director for a violation dissimilar from the kind charged herein (Re Schillig, Bulletin 1496, Item 5), also in accordance with established Division practice and policy in such cases, (see Re Guarino Bulletin 1259, Item 9) making a total of twenty-five days suspension of the license with remission of five days for the plea entered, and cited as precedent authority Re Di Natale, Bulletin 1545, Item 7.

Thereafter, the attorney for the licensee filed the within petition for a hearing directed to a reduction of the penalty of suspension to the extent of the five days which had been added by reason of the aforesaid previous record of suspension of license of John J. Schillig, urging that such record should not be chargeable against the corporate-licensee for reasons, in sum, that John J. Schillig had no financial interest whatsoever in the corporate-licensee, that his mother, Sophie Schillig, was the real and beneficial owner of all the shares of stock in the corporation, that the six per cent of the shares were put in his name merely to "qualify" him as a stockholder, that this corporate-licensee had no financial interest in or control of the license held by John J. Schillig, did not participate in the violation for which that license was suspended and that John J. Schillig did not participate in the instant violation of the corporate-licensee.

Hearing was duly held by me on this petition and the attorney for the licensee presented witnesses and oral argument in

support thereof. In effect, the testimony was as set forth in the petition. Additionally, the witnesses testified that John J. Schillig is no more than an employee of the corporation, receiving a weekly salary, that a restaurant and banquet business operated by the corporation on the licensed premises does an annual business in excess of a million dollars, that, nevertheless, there has never been any surplus of money from the business and that the corporation has never declared a dividend nor divided or distributed any profits, directly or indirectly, to any of the stockholders, that no formal meetings of the corporation are held and that all corporate business and details are handled by Sophie Schillig and an attorney. The certificate representing the six shares of stock issued to John J. Schillig was not produced at the hearing, nor were any of the other certificates. There was no testimony that any assignment of the six shares had been executed by John J. Schillig to his mother or that there was any separate agreement of assignment between them with respect to these shares.

I have carefully reviewed and considered the matters urged in the petition, in the testimony of the witnesses and in the argument advanced by the attorney for the licensee at the hearing herein. I cannot with that degree of needed certainty conclude that John J. Schillig was a mere "nominal stockholder" in this corporation, particularly since he was also an officer (vice president) and a director of the corporation and further since neither the certificate nor any agreement of assignment of the certificate was produced at the hearing in support of the claim. Additionally it is noted that Question No. 24 in the application which asks: "Has any stockholder of the applicant corporation any beneficial interest, directly or indirectly, in the stock of any other stockholder of the applicant corporation?" is answered "No". Nor can I believe with full certainty the claim that this corporation has never declared a dividend nor divided any profits despite an annual business of a million dollars and an admission of a resulting profit. It is also noted that, while the witnesses admitted that a professional accountant guides the financial structure of the license and the corporate business, no written records or books of any kind were produced at the hearing in support of the claims.

Accordingly, I conclude that the prior record of suspension of license held by John J. Schillig, as aforesaid, was properly considered in determining the full penalty assessed in the case against the corporate-licensee. See Re Woodlawn Bar & Grill Inc., Bulletin 1060, Item 2; Re Brick's Bar Inc., Bulletin 1322, Item 6; Re Texas Foods Inc., Bulletin 1362, Item 8; Re Doc's Spa Inc., Bulletin 1436, Item 5; Re Farmingdale Liquor Store Inc., Bulletin 1377, Item 7; Re Tooley's Bar Inc., Bulletin 1533, Item 10. The rule may be otherwise in cases involving an established nominal stockholder and a different kind or type of violation.

Under all the above stated facts, circumstances and precedents and since no reasons appear or have been shown why the order entered in this case on April 1, 1964, should be disturbed, the petition is denied.

JOSEPH P. LORDI  
DIRECTOR

Dated: June 29, 1964

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
 LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
 Proceedings against

MAE ROWLAND  
 t/a ROWLAND'S TAVERN  
 101 North 3rd Street  
 Harrison, N. J.

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption  
 License C-21, issued by the Mayor and  
 Town Council of the Town of Harrison.

-----  
 Licensee, Pro se.

David S. Piltzer, Esq., Appearing for Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
 June 3, 1964, she possessed alcoholic beverages in two bottles  
 bearing labels which did not truly describe their contents,  
 in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for  
 fifteen days, with remission of five days for the plea entered,  
 leaving a net suspension of ten days. Re Cliffside Inn, Inc.,  
 Bulletin 1542, Item 3.

Accordingly, it is, on this 22nd day of June 1964,

ORDERED that Plenary Retail Consumption License C-21,  
 issued by the Mayor and Town Council of the Town of Harrison to  
 Mae Rowland, t/a Rowland's Tavern, for premises 101 North 3rd  
 Street, Harrison, be and the same is hereby suspended for the  
 balance of its term, viz., until midnight June 30, 1964, com-  
 mencing at 2 a.m. Monday, June 29, 1964; and it is further

ORDERED that any renewal license that may be granted  
 shall be and the same is hereby suspended until 2 a.m. Thursday,  
 July 9, 1964.

JOSEPH P. LORDI  
 DIRECTOR

10. DISQUALIFICATION REMOVAL PROCEEDINGS - INTERSTATE TRANSPORTATION  
OF STOLEN PROPERTY (CHECK) - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application to	)	
Remove Disqualification because of a	)	CONCLUSIONS
Conviction, pursuant to R.S. 33:1-31.2.	)	AND ORDER
Case No. 1824	)	
-----		

BY THE DIRECTOR:

Petitioner's criminal record discloses that on June 6, 1958, following a plea of guilty in a federal court to a charge of interstate transportation of stolen property (a check), he was sentenced to serve one year in a federal correctional institution and was released therefrom on March 26, 1959; that he was convicted in a local magistrate's court on November 13, 1959 of a motor vehicle violation (procuring another to take his license examination) and on August 15, 1962 for ignoring a traffic warrant; that on the first of said convictions he was ordered to pay a fine of \$205.00 or serve thirty days in jail (committed) and on his second conviction he was fined \$25.00.

Since the crime of which the petitioner was convicted on June 6, 1958 involves the element of moral turpitude (cf. Re Case No. 1717, Bulletin 1481, Item 8), he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26. Petitioner's convictions under the Motor Vehicle Act and for disobeying a traffic warrant are not convictions of crime. Re Case No. 515, Bulletin 591, Item 3.

At the hearing held herein, petitioner (28 years old) testified that he has lived in the same municipality where he presently resides for more than twenty years last past; that he is presently unemployed; that between 1958 and 1960 he was employed as an injection molder by a manufacturing company and that between 1961 and 1964 he was employed as a laborer (moving houses).

Petitioner further testified that he is asking for the removal of his disqualification to be free to accept employment as a bartender in licensed premises and that ever since his aforesaid release on March 26, 1959 from the federal correctional institution he has not been convicted of any crime.

Petitioner produced three character witnesses (housewives) who testified that they have known petitioner for more than five years last past and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

The Police Department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against the petitioner.

I hesitate to grant the relief sought because of petitioner's conviction on November 13, 1959 (violation of Motor Vehicle Act) and his conviction on August 15, 1962 (ignoring a traffic warrant). To afford the petitioner the relief requested, it is necessary that I find that he has been conducting himself

in a law-abiding manner for five years following the date of his last conviction (or his release from imprisonment resulting therefrom) and that his association with the alcoholic beverage industry will not be contrary to the public interest. See R.S. 33:1-31.2. Although his above convictions on November 13, 1959 and August 15, 1962 are not convictions for violation of criminal statutes, they are, nevertheless, pertinent circumstances to consider on the question whether he has successfully rehabilitated himself and that his association with the alcoholic beverage industry in this State will not be contrary to public interest.

I do not believe that petitioner's convictions on November 13, 1959 and August 15, 1962 are sufficient to overcome the favorable testimony of his character witnesses, his present attitude and his otherwise clear record during the past five years. Re Case No. 1716, Bulletin 1481, Item 7.

Considering all of the aforesaid facts and circumstances, I am satisfied that the petitioner has conducted himself in a law-abiding manner for five years following the date of his release resulting from his conviction involving moral turpitude and conclude that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 30th day of June, 1964,

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

JOSEPH P. LORDI  
DIRECTOR

In the Matter of Disciplinary  
Proceedings against

## CONCLUSIONS AND ORDER

Licensee, by Max Schumer, President, Pro se.  
Morton B. Zemel, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

Licensee pleads non vult to a charge alleging that on Sunday, May 24, 1964, it sold two 6-packs of beer for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Bun, Bulletin 1556, Item 10.

ORDERED that Plenary Retail Consumption License C-453, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Jersey Bar, Inc. for premises 521 Jersey Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, July 6, 1964, and terminating at 2:00 a.m. Thursday, July 16, 1964.

JOSEPH P. LORDI  
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - PIN BALL MACHINE ON PREMISES -  
 LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
 Proceedings against

M & B COCKTAIL LOUNGE, INC.  
 t/a M & B COCKTAIL LOUNGE  
 2630 Mt. Ephraim Avenue  
 Camden, New Jersey

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption  
 License C-20, issued by the Municipal  
 Board of Alcoholic Beverage Control  
 of the City of Camden.

-----  
 Licensee, by Fred Kaplan, President, Pro se.  
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
 June 10, 1964, it permitted a pin ball machine on its licensed  
 premises, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for  
 ten days, with remission of five days for the plea entered,  
 leaving a net suspension of five days. Re Stadium Cocktail  
 Lounge, Inc., Bulletin 1558, Item 7.

Accordingly, it is, on this 30th day of June, 1964,

ORDERED that Plenary Retail Consumption License C-20,  
 issued by the Municipal Board of Alcoholic Beverage Control of the  
 City of Camden to M & B Cocktail Lounge, Inc., t/a M & B Cocktail  
 Lounge, for premises 2630 Mt. Ephraim Avenue, Camden, be and the  
 same is hereby suspended for five (5) days, commencing at 7:00  
 a.m. Monday, July 6, 1964, and terminating at 2:00 a.m. Saturday,  
 July 11, 1964.

JOSEPH P. LORDI  
 DIRECTOR

13. STATE LICENSES - NEW APPLICATIONS FILED.

Hazlet Beverage Co. Inc., 1000 Highway #36  
 Raritan Township, N. J.

Application filed August 4, 1964 for person-to-person transfer  
 of State Beverage Distributor's License SBD-18 from Charles  
 Kubiak, t/a Hazlet Beverages.

Gateway Distributors, Inc., t/a Gateway Distributors, Inc. and  
 Emery Clinton, 1414-32 Chestnut Avenue, Hillside, N.J.

Application filed August 5, 1964 for person-to-person  
 transfer of Plenary Wholesale License W-64 from Austin,  
 Nichols & Co., Inc., t/a Johnson & Murray.

  
 Joseph P. Lordi  
 Director