

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

BULLETIN 849

JULY 21, 1949.

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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 849

JULY 21, 1949.

1. DISCIPLINARY PROCEEDINGS - FOUR LICENSEES - CHARGES ALLEGING
VIOLATIONS OF RULE 4(a) OF STATE REGULATIONS NO. 39 DISMISSED UPON
ADOPTION OF POLICY FOR OBTAINING SPECIAL PERMIT.

In the Matter of Disciplinary)
Proceedings against)

QUINLAN BEVERAGE COMPANY, INC.)
53-55 Lewis Street)
Paterson, N. J.,)

Holder of State Beverage Distributor's)
License SBD-112 for the 1948-49 and)
1949-50 licensing periods, issued by)
the State Commissioner (now Director))
of Alcoholic Beverage Control.)

-----)
In the Matter of Disciplinary)
Proceedings against)

FRANK CHERNATSKY and MORRIS LEVY)
T/a AMERICAN BOTTLING CO.)
Rear 241 E. Blackwell Street)
Dover, N. J.,)

Holders of State Beverage Distributor's)
License SBD-141 for the 1948-49 and)
1949-50 licensing periods, issued by the)
State Commissioner (now Director) of)
Alcoholic Beverage Control.)

CONCLUSIONS

-----)
In the Matter of Disciplinary)
Proceedings against)

AND

SUFFERN DISTRIBUTORS, INC.)
E. S. Franklin Turnpike)
Mahwah, N. J.,)

ORDER

Holder of Plenary Wholesale License W-78)
for the 1948-49 and 1949-50 licensing)
periods, issued by the State Commissioner)
(now Director) of Alcoholic Beverage)
Control.)

-----)
In the Matter of Disciplinary)
Proceedings against)

CAPE MAY COUNTY BEVERAGE COMPANY, INC.)
3601-05 Park Boulevard and 275 West)
Lincoln Avenue)
Wildwood, N. J.,)

Holder of State Beverage Distributor's)
License SBD-134 for the 1948-49 and)
1949-50 licensing periods, issued by the)
State Commissioner (now Director) of)
Alcoholic Beverage Control.)

-----)
Leo J. Berg, Esq., Attorney for Defendant Quinlan Beverage)
Company, Inc.)

Frank C. Scerbo, Esq., Attorney for Defendants Chernatsky and Levy.)
Suffern Distributors, Inc., by Henry Mayer, President.)

Harry Tenenbaum, Esq., Attorney for Defendant Cape May County)
Beverage Company, Inc.)

Anthony Meyer, Jr., Esq., appearing for Division of Alcoholic)
Beverage Control.)

BY THE DIRECTOR:

Each of the above defendants has pleaded non vult to a charge alleging that it or they sold and delivered alcoholic beverages to a retail licensee who was then listed on the default list without requiring payment in cash on delivery, in violation of Rule 4(a) of State Regulations No. 39. Defendant Cape May County Beverage Company, Inc. has also pleaded non vult to an additional similar charge concerning sale and delivery of alcoholic beverages to another retail licensee who was then listed on the default list without requiring payment in cash on delivery. The sales and deliveries in question were made during July, August, or the early part of September 1948. No aggravating circumstances appear in any of the cases.

Since the institution of these proceedings I have adopted a policy whereby manufacturers and wholesalers who have violated only Rule 4(a) of State Regulations No. 39 may obtain a special permit and have withheld the institution of disciplinary proceedings where such permit has been obtained. In view of this policy, in fairness, the defendants will be afforded a like opportunity to obtain such permit and upon doing so the proceedings referred to herein will be considered dismissed.

It should be noted that the policy set forth above applies only to cases where no aggravating circumstances appear and no other violation is involved.

Accordingly, it is, on this 8th day of July, 1949,

ORDERED that the charge or charges in each of the cases herein be considered dismissed against each of the defendants herein who obtains a special permit as set forth above on or before July 20, 1949, with the right reserved to enter a further order as to any defendant who fails to obtain such special permit within the time specified herein.

ERWIN B. HOCK
Director.

2. DISCIPLINARY PROCEEDINGS - PERMITTING EXHIBITION OF INDECENT MOTION PICTURE ON LICENSED PREMISES - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

WALTER KLAMERUS & ANTHONY KLAMERUS)
T/a WHITE EAGLE GRILL)
169 Passaic Street)
Passaic, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-109 for the 1948-49 and 1949-50 licensing years, issued by the Board of Commissioners of the City of Passaic.)
-----)

Peter P. Zangara, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants plead non vult to charges alleging that they allowed, permitted and suffered on the licensed premises a device for showing a motion picture containing indecent, lewd and lascivious pictures, and allowed, permitted and suffered the projection, exhibition and display of said pictures, in violation of Rules 5 and 17 of State Regulations No. 20.

The file in the instant case discloses that, on May 16, 1949, two ABC agents observed on the defendants' licensed premises a coin-operated Pan-O-Ram moving picture apparatus. When this machine was operated by the agents, it exhibited or displayed females performing "strip tease" acts accompanied by "bumps", "grinds", and other suggestive motions.

This case is similar to Re DiAngelo, Bulletin 753, Item 4, wherein a "strip tease" and "fan dance" were performed by a female entertainer. The only difference is that in the aforesaid case the dances were portrayed in the flesh while in the latter, the exhibitions were portrayed by motion pictures. The result and purpose were the same. Both were executed in a manner to appeal to, arouse and inflame the passions of male spectators and, as such, it is lewd and immoral within the meaning and intendment of Rules 5 and 17 of Regulations No. 20.

As I stated In Re DiAngelo, supra, "Entertainment, if presented upon licensed premises, must be of such character as not to be inimical to the public welfare and morals or to the best interests of the industry."

In view of the foregoing, since the exhibitions which form the basis of the charges herein were not accompanied by any aggravating circumstances, I shall suspend the license for thirty days, less five days' remission for the plea entered herein, or a net suspension of twenty-five days. Cf. Re DiAngelo, supra.

Although this proceeding was instituted during the license period ending June 30, 1949, it does not abate but remains fully operative against defendants' renewal license for the current 1949-50 period. State Regulations No. 16.

Accordingly, it is, on this 8th day of July, 1949,

ORDERED that Plenary Retail Consumption License C-109, issued for the 1949-50 licensing year by the Board of Commissioners of the City of Passaic to Walter Klamerus & Anthony Klamerus, t/a White Eagle Grill, for premises 169 Passaic Street, Passaic, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. July 14, 1949, and terminating at 3:00 a.m. August 8, 1949.

ERWIN B. HOCK
Director.

3. DISCIPLINARY PROCEEDINGS - LIMITED WHOLESALE LICENSEE - CHARGE
ALLEGING VIOLATION OF RULE 5(b) OF STATE REGULATIONS NO. 39
DISMISSED UPON ADOPTION OF POLICY FOR OBTAINING SPECIAL PERMIT.

In the Matter of Disciplinary
Proceedings against

HOFFMAN BEVERAGE COMPANY
392-408 Grove Street
Newark 3, N. J.,

CONCLUSIONS
AND ORDER

Holder of Limited Wholesale License
WL-12 for the 1948-49 and 1949-50
licensing periods, issued by the
State Commissioner (now Director) of
Alcoholic Beverage Control.

Lindabury, Steelman & Lafferty, Esqs., Attorneys for Defendant-
licensee.

Anthony Meyer, Jr., Esq., appearing for Division of Alcoholic Beverage
Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On or about July 23, August 6 and 13, 1948, each date being more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the State Commissioner of Alcoholic Beverage Control a notice of such default, in that you failed to notify the said Commissioner that retail licensee --- had failed to make payment for beer delivered to him by you on June 18, July 2 and 9, 1948, respectively; in violation of Rule 5(b) of State Regulations No. 39."

Since the institution of these proceedings I have adopted a policy whereby manufacturers and wholesalers who have violated only Rule 5(b) of State Regulations No. 39 may obtain a special permit, and have withheld the institution of disciplinary proceedings where such permit has been obtained. In view of this policy, in fairness the defendant will be afforded a like opportunity to obtain such permit and, upon its doing so, the proceedings herein will be considered dismissed.

It should be noted that the policy set forth above applies only to cases where no aggravating circumstances appear and no other violation is involved.

Accordingly, it is, on this 8th day of July, 1949,

ORDERED that the charge herein be considered dismissed, provided defendant obtains a special permit as set forth above on or before July 20, 1949; with the right reserved to enter a further order herein if defendant fails to obtain such special permit within the time specified herein.

ERWIN B. HOCK
Director.

4. DISCIPLINARY PROCEEDINGS - STATE BEVERAGE DISTRIBUTOR LICENSEE - VIOLATIONS OF RULE 5(b) OF STATE REGULATIONS NO. 39 - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary
Proceedings against

MICHAEL T. BABALYA, GEORGE T.
BABALYA and ALEXANDER J. TORMA
T/a CENTRAL JERSEY BEVERAGE CO.
10 Oak Street
Trenton 9, N. J.,

CONCLUSIONS
AND ORDER

Holder of State Beverage Distributor's)
License SBD-17 for the 1948-49 and
1949-50 licensing years, issued by)
the State Director of Alcoholic
Beverage Control.)

Michael T. Babalya, George T. Babalya and Alexander J. Torma,
Defendant-licensees, Pro Se.
Anthony Meyer, Jr., Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded guilty to charges:

- "1. On September 8 and October 8, 1948, each date being more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the State Commissioner of Alcoholic Beverage Control a notice of such default, in that you failed to notify the said Commissioner that retail licensee --- had failed to make payment for beer delivered to it by you on August 3 and September 2, 1948, respectively; in violation of Rule 5(b) of State Regulations No. 39.
- "2. On September 11, 1948, more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the State Commissioner of Alcoholic Beverage Control a notice of such default, in that you failed to notify the said Commissioner that retail licensee --- had failed to make payment for beer delivered to him by you on August 5, 1948; in violation of Rule 5(b) of State Regulations No. 39.
- "3. On or about October 8, 1948, more than three days after a New Jersey retail licensee became in default to you pursuant to Rule 2(a) of State Regulations No. 39, you failed to file with the State Commissioner of Alcoholic Beverage Control a notice of such default, in that you failed to notify the said Commissioner that retail licensees --- had failed to make payment for beer delivered to them by you on September 3, 1948; in violation of Rule 5(b) of State Regulations No. 39."

Defendants have pleaded non vult to the following charge:

- "4. On divers dates between July 31 and November 19, 1948, you failed to file with the State Commissioner of Alcoholic Beverage Control notices of default within three days after a New Jersey retail licensee became in default to you under Rules 1 and 2 of State Regulations No. 39, in that on

thirteen separate occasions you failed promptly to deposit for collection checks received by you in payment of the account of ---, contrary to Rule 2(b) of State Regulations No. 39; in violation of Rule 5(b) of State Regulations No. 39."

A review of the record discloses that the violations charged herein were committed wilfully and deliberately with complete disregard for Regulations No. 39. This case, therefore, is distinguishable from the other cases decided today wherein the defendants are given an opportunity to apply for special permits.

George T. Babalya, in a sworn statement, admitted falsifying invoices to show payment by retail licensees within thirty days after delivery, whereas payment in fact was not received until after the thirtieth day. He admitted that he did this to keep the retailer off the default list "so that the customer would continue to buy from us".

Michael T. Babalya, in a sworn statement, said: "I just didn't want to report anyone in default."

Defendants, who have been licensed since February 1947, have no prior record.

Under all of the circumstances, and considering the plea entered herein, I shall suspend the defendants' license for a period of ten days.

Although this proceeding was instituted during the 1948-49 licensing period, it does not abate but remains fully effective against the renewal license for the licensing year 1949-50. State Regulations No. 16.

Accordingly, it is, on this 8th day of July, 1949,

ORDERED that State Beverage Distributor's License SBD-17, for the 1949-50 licensing year, issued by the State Director of Alcoholic Beverage Control to Michael T. Babalya, George T. Babalya and Alexander J. Torma, t/a Central Jersey Beverage Co., for premises 10 Oak Street, Trenton, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m. July 18, 1949, and terminating at 7:00 a.m. July 28, 1949.

ERWIN B. HOCK
Director.

5. APPELLATE DECISIONS - PERRY v. RED BANK ET AL. - ORDER DISMISSING APPEAL.

JOHN PERRY,

)

Appellant,

)

-vs-

)

ON APPEAL

MAYOR AND BOROUGH COUNCIL OF

)

THE BOROUGH OF RED BANK, and

)

DOMENIC A. ACERRA, t/a DOM'S

)

BAR AND GRILL,

)

Respondents.

- - - - -

Merrill E. Richardson, Esq., Attorney for Appellant.
Leon Reussille, Esq., Attorney for Respondent Mayor and Borough Council.
John A. Petillo, Esq., Attorney for Respondent Domenic A. Acerra.

BY THE DIRECTOR:

Appellant, who resides at 237 Shrewsbury Avenue, Red Bank, appealed herein from the action of respondent Mayor and Borough Council on June 6, 1949, whereby it allegedly transferred Plenary Retail Consumption License C-16, then held by respondent Domenic A. Acerra, from 103 Herbert Street to 241 Shrewsbury Avenue, Red Bank.

It appears from the pleadings that the resolution granting the transfer provided that "said transfer shall not be and become effective, nor said license endorsed for transfer, unless and until the building referred to in the application and the public notice of hearing be completed in accordance with the plans and specifications referred to therein".

Prior to June 30, 1949, the building at 241 Shrewsbury Avenue was not so completed, and respondent Domenic A. Acerra obtained from respondent Mayor and Borough Council a renewal of his plenary retail consumption license for the 1949-50 licensing year for the old premises at 103 Herbert Street, wherein he continues to operate his licensed business. In accordance with the procedure set forth in Bulletin 843, Item 1, he must, if he desires to transfer his present license, file a new application for a place-to-place transfer to 241 Shrewsbury Avenue. Written objections may be filed to the granting of the new application and, if so filed, hearing must be held thereon by the local issuing authority.

Under these circumstances appellant has requested leave to withdraw the present appeal without prejudice, and respondents have not opposed said request. No reason appearing to the contrary, the request will be granted.

Accordingly, it is, on this 11th day of July, 1949,

ORDERED that the appeal herein be and the same is hereby dismissed, without prejudice.

ERWIN B. HOCK
Director.

6. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN LICENSE APPLICATION
CONCERNING RESIDENCE - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary)
Proceedings against)

EUGENE ROSNER & BERNARD ROSNER)
T/a COLONIAL BAR & RESTAURANT)
White Horse Pike)
Winslow Township)
P.O. Waterford, N. J.,)

Holder of Plenary Retail Consump-)
tion License C-19 for the fiscal)
year 1948-49, and transferred during)
pendency of these proceedings in)
said year to)

CONCLUSIONS

EUGENE M. ROSNER)
T/a COLONIAL BAR & RESTAURANT,)
for the same premises,)

AND

ORDER

and renewed by the said Eugene M.)
Rosner, t/a Colonial Bar & Restaurant,)
now holding Plenary Retail Consumption)
License C-19 for the fiscal year)
1949-50, issued by the Township)
Committee of the Township of Winslow.)

-----)
Eugene Rosner & Bernard Rosner, Defendant-licensees, by)
Eugene M. Rosner, Pro Se.)
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 falsified the application by virtue of which the license was transferred to them, in violation of R. S. 33:1-25.

Plenary Retail Consumption License C-19 was transferred by the Township Committee of the Township of Winslow to the defendants on December 16, 1948 after application therefor, dated November 12, 1948, had been duly filed. In said application defendants gave the residence address of Bernard Rosner as 1066 Langham Avenue, Camden, N.J., and further alleged that he maintained no home elsewhere than in New Jersey. The fact is that Bernard Rosner has lived during the past five years in Philadelphia and he still lives there.

All members of a partnership must be, among other things, residents of the State of New Jersey at the time of the application and continue so to be during the existence of their license. R. S. 33:1-25. Re Meyers et al., Bulletin 635, Item 4.

Promptly after the service of the charges and before the hearing date, Bernard Rosner withdrew from the partnership. The license was continued to Eugene M. Rosner, remaining partner, and from affidavits presented herein it appears that he is the only person interested in the license and the business conducted thereunder.

I shall accept proof submitted as sufficient to show a correction of the illegal situation. Cf. Re Tanzman's Inc., Bulletin 747, Item 8. I must, however, impose a proper penalty. The license will be suspended for ten days. Re Meyers et al., supra.

Although this proceeding was instituted during the 1948-49 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1949-50. State Regulations No. 16.

Accordingly, it is, on this 11th day of July, 1949,

ORDERED that Plenary Retail Consumption License C-19, issued for the 1949-50 licensing year to Eugene M. Rosner, t/a Colonial Bar & Restaurant, for premises White Horse Pike, Winslow Township, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. July 18, 1949, and terminating at 2:00 a.m. July 28, 1949.

ERWIN B. HOCK
Director.

7. APPELLATE DECISIONS - TAKACS v. NEW BRUNSWICK ET AL. - ORDER OF DISCONTINUANCE.

JOSEPH J. TAKACS,)

Appellant,)

-vs-)

ON APPEAL
ORDER OF DISCONTINUANCE

BOARD OF COMMISSIONERS OF THE)
CITY OF NEW BRUNSWICK, and)
JOSEPH HORVATH,)

Respondents.)

Thomas L. Hanson, Esq., Attorney for Appellant.

BY THE DIRECTOR:

This matter being opened to this Division by Thomas L. Hanson, Esq., attorney for appellant, and no appearances having been entered by the respondents; and it appearing that the appellant desires to withdraw or discontinue the appeal without prejudice so that he may seek other relief; and no cause appearing to the contrary;

It is, on this 11th day of July, 1949,

ORDERED that said appeal be and hereby is discontinued, without prejudice to the rights of any of the parties hereto.

ERWIN B. HOCK
Director.

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

In the Matter of an Application)
to Remove Disqualification because)
of a Conviction, Pursuant to)
R. S. 33:1-31.2.)
Case No. 769.)
-----)

CONCLUSIONS
AND ORDER

BY THE DIRECTOR:

Petitioner, who has heretofore been ruled ineligible to hold a liquor license or to be connected with the holder of such a license because of his conviction of a crime involving moral turpitude (Case No. 294, Bulletin 593, Item 2 and Case No. 320, Bulletin 612, Item 2), has reapplied for a removal of his disqualification, pursuant to permission granted him on July 11, 1945.

Since the last hearing in 1944, petitioner's only involvement with the law seems to have been his arrest in 1944 on serious criminal charges. However, the Grand Jury returned a "no bill".

Petitioner has been, and still is, in the taxicab business on his own behalf, and connected with his father in the mason business. He seeks the removal of his disqualification because he may have an opportunity to become engaged in the liquor business.

Petitioner produced three witnesses; one a Newark businessman, who has known petitioner and his family twenty to twenty-five years; one a businessman and neighbor, who has known him five years; the third, a businessman, who has known petitioner for thirteen years. They testified that during the past five years they know of no unlawful activity in which petitioner was involved, and that to their knowledge and belief the petitioner would be a satisfactory person to be connected with the liquor business.

The Police Department of the community in which petitioner lives has certified that he is not under arrest or investigation at this time.

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

Accordingly, it is, on this 13th day of July, 1949,

ORDERED that petitioner's statutory disqualification because of the conviction of crime mentioned in Case No. 294, supra, be and the same is hereby removed, in accordance with the provisions of R. S. 33:1-31.2.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - SALES DURING PROHIBITED HOURS - PERMITTING GAMBLING ON LICENSED PREMISES - PREVIOUS RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SCULLY-BOZARTH POST #1817)
Veterans of Foreign Wars)
S/S River Bank, Bet. Wood and)
Talbot Streets)
Burlington, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-46 for)
the 1948-49 and 1949-50 licensing)
years, issued by the State Director)
of Alcoholic Beverage Control.)

James M. Davis, Jr., Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Sunday, April 24, 1949, between 1:15 p.m. and 2:00 p.m., and on divers Sundays prior thereto between 2:00 a.m. and midnight, you sold, served, delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages contrary to Rule 9 of State Regulations No. 7, in violation of Section 4 of an Ordinance adopted by the Common Council of the City of Burlington on June 11, 1940, which prohibits any such activity on Sunday between the hours of 2:00 a.m. and midnight.

"2. On Sunday, April 24, 1949, at about 2:00 p.m., you allowed, permitted and suffered gambling on and about your licensed premises, viz., the playing of a card game for money; in violation of Rule 7 of State Regulations No. 20."

An examination of the file in the instant case discloses that, on Sunday, April 24, 1949, at about 2:00 p.m., ABC agents entered the licensed premises. Upon descending the steps leading to the basement of the said premises, the ABC agents observed a number of men seated at a table, drinking beer and playing cards. A person in authority on the premises admitted to the ABC agents that sale of alcoholic beverages had been permitted, not only during prohibited hours on the licensed premises on April 24, 1949, but also on several Sundays prior thereto. In this connection, it should be noted that, under date of January 21, 1949, defendant club acknowledged receipt of an official notice from the State Director of Alcoholic Beverage Control to the effect that no alcoholic beverages may be sold between the hours of 2:00 a.m. Sunday and 7:00 a.m. of the following Monday.

The men seated at the tables when the ABC investigators entered the premises on April 24, 1949 were playing "stud poker" for money.

Defendants have a previous adjudicated record. In 1940, the license was suspended for five days for the sale of alcoholic beverages to non-members and for off-premises consumption. Bulletin 407, Item 11. Effective March 1, 1948, defendant's license was again suspended for five days by the State Commissioner of Alcoholic Beverage Control for permitting slot machines, or devices in the nature of slot machines, on the licensed premises. Bulletin 796, Item 9.

Under all the circumstances, I shall suspend the license for a period of thirty days, less five days' remission for the plea entered herein, or a net suspension of twenty-five days.

Although this proceeding was instituted during the 1948-49 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1949-50. State Regulations No. 16.

Accordingly, it is, on this 12th day of July, 1949,

ORDERED that Club License CB-46, issued for the 1949-50 licensing year by the State Director of Alcoholic Beverage Control to Scully-Bozarth Post #1817, Veterans of Foreign Wars, for premises S/S River Bank, Bet. Wood and Talbot Streets, Burlington, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 7:00 a.m. July 18, 1949, and terminating at 7:00 a.m. August 12, 1949.

ERWIN B. HOCK
Director.

11. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

AARON AUERBACH, IRVING &

LENA ANDERSON

151 Pacific Street

Newark 5, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Distribution License D-147, issued by the
Municipal Board of Alcoholic Beverage
Control of the City of Newark.

Aaron Auerbach, Irving & Lena Anderson, Defendant-licensees, by
Aaron Auerbach, Pro Se.

William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded guilty to a charge alleging that they sold alcoholic beverages at retail below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

On June 29, 1949, one of the partners of defendant-licensee sold to an agent of the State Division of Alcoholic Beverage Control, at retail, a 4/5 quart bottle of Frankfort Distilled London Dry Gin for the price or sum of \$2.99. The minimum consumer price for said item as listed in the then current "List of Minimum Resale Prices", effective April 1, 1949, was \$3.25.

Defendants have no prior adjudicated record. I shall suspend the license for ten days. Re Markowitz, Bulletin 792, Item 9. Remitting five days for the plea will leave a net suspension of five days.

Accordingly, it is, on this 18th day of July, 1949,

ORDERED that Plenary Retail Distribution License D-147, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Aaron Auerbach, Irving & Lena Anderson, for premises 151 Pacific Street, Newark, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. July 25, 1949, and terminating at 9:00 a.m. July 30, 1949.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary)
Proceedings against)

PETER KARAVITIS)
T/a HOOK'S BAR & GRILL)
704 - 74th St.)
North Bergen, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-82, issued by the)
Board of Commissioners of the)
Township of North Bergen.)
- - - - -)

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

BY THE DIRECTOR:

Defendant pleads non vult to a charge alleging that, on June 22, 1949, he possessed an illicit alcoholic beverage, to wit, a 4/5 quart bottle of "Canadian Club Blended Canadian Whisky", which was not genuine as labeled, in violation of Rule 28 of State Regulations No. 20.

On June 22, 1949, an ABC agent seized the bottle in question when his field tests disclosed that the contents of said bottle were not genuine as labeled. Subsequent analysis of the contents of the bottle by the ABC chemist disclosed differences in characteristics between the alcoholic beverages described on the label and that contained in the bottle.

Defendant has no previous adjudicated record. I shall, therefore, suspend his license for a period of fifteen days, less five days' remission for the plea entered herein, leaving a net suspension of ten days. Re Grandinetti, Bulletin 774, Item 2.

Accordingly, it is, on this 18th day of July, 1949,

ORDERED that Plenary Retail Consumption License C-82, issued by the Board of Commissioners of the Township of North Bergen to Peter Karavitis, t/a Hook's Bar & Grill, for premises 704 - 74th Street, North Bergen, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. July 25, 1949, and terminating at 3:00 a.m. August 4, 1949.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary
Proceedings against

WOJCIECH KOBYLARZ
92 Fourth Street
Passaic, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-49 for the 1948-49
and 1949-50 licensing years, issued
by the Board of Commissioners of the
City of Passaic.

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he pos-
sessed illicit alcoholic beverages at his licensed premises, in
violation of Rule 28 of State Regulations No. 20.

On May 24th an agent of the State Division of Alcoholic Beverage
Control seized on defendant's licensed premises a 4/5 quart bottle
labeled "Canadian Club Blended Canadian Whisky", when his field tests
indicated that the contents of said bottle were not, in fact, as
described on its label. The result of an analysis of the contents of
said bottle by the Division Chemist is conclusive that the label on
said bottle did not describe its contents. The said alcoholic bever-
age is, therefore, an illicit beverage. Rule 28, State Regulations
No. 20. R. S. 33:1-88.

Defendant has no prior adjudicated record. I shall suspend the
license for the minimum period in illicit liquor cases, fifteen days,
Re Rudolph, Bulletin 680, Item 1. Remitting five days for the plea
will leave a net suspension of ten days.

Although this proceeding was instituted during the 1948-49
licensing period, it does not abate but remains fully effective
against the renewal license for the fiscal year 1949-50. State
Regulations No. 16.

Accordingly, it is, on this 18th day of July, 1949,

ORDERED that Plenary Retail Consumption License C-49, issued for
the 1949-50 licensing year to Wojciech Kobylarz, for premises
92 Fourth Street, Passaic, be and the same is hereby suspended for a
period of ten (10) days, commencing at 3:00 a.m. July 25, 1949, and
terminating at 3:00 a.m. August 4, 1949.

ERWIN B. HOCK
Director.

14. STATE LICENSES - NEW APPLICATIONS FILED.

Edelbrew Brewery, Inc.
250 Meserole St., Brooklyn, N. Y.

Application for Transportation License filed July 7, 1949.

Miller Brewing Company
939 North 40th St., Milwaukee, Wisconsin.

Application for Limited Wholesale License filed July 13, 1949.

ERWIN B. HOCK
Director.

15. DISCIPLINARY PROCEEDINGS - SALE AND ADVERTISING OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM IN VIOLATION OF RULE 5 OF STATE REGULATIONS NO. 30 - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

RESSLER'S WINES & LIQUORS, INC.)
201 Mt. Prospect Avenue)
Newark 4, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-76 for the 1948-49)
and 1949-50 licensing periods, issued)
by the Municipal Board of Alcoholic)
Beverage Control of the City of)
Newark.)

Ressler's Wines & Liquors, Inc., by Mary Ressler, Vice-President.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that it sold alcoholic beverages at retail below the minimum consumer price, and advertised alcoholic beverages for sale at retail at a price less than the said minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

On June 17, 1949, ABC agents purchased from Mary Ressler, Vice-President of the corporate licensee, a 4/5 quart bottle of Seagram's V. O. Canadian Whisky A Blend, for the price or sum of \$5.45. On or about June 17, 1949, defendant advertised in a circular, sent to prospective customers through the United States mail, on which was listed the whiskey in question for sale at retail for the price of \$5.45 for a 4/5 quart. The minimum consumer price for said item is \$5.67, as disclosed in the list of such prices, effective April 1, 1949.

The minimum penalty for Fair Trade violations is ten days.
Re Nurse, Bulletin 847, Item 7.

Defendant has no previous adjudicated record. I shall therefore suspend its license for a period of ten days, less five days for the plea, leaving a net suspension of five days.

Although this proceeding was instituted during the 1948-49 licensing period, it does not abate but remains fully effective against the renewal license for the 1949-50 licensing period. State Regulations No. 16.

Accordingly, it is, on this 19th day of July, 1949,

ORDERED that Plenary Retail Distribution License D-76, issued for the 1949-50 licensing year by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Ressler's Wines & Liquors, Inc., 201 Mt. Prospect Avenue, Newark, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. July 25, 1949, and terminating at 9:00 a.m. July 30, 1949.

New Jersey State Library

Ernest B. Hock
Director.