

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark, 2, N. J.

BULLETIN 609

MARCH 14, 1944.

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HEREIN OF DEPARTMENT'S REQUEST FOR THE LISTING OF ALL ALCOHOLIC BEVERAGES SOLD AT RETAIL IN THE STATE OF NEW JERSEY.

CONFIDENTIAL

MEMORANDUM FOR THE DIRECTOR

RE: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark, 2, N. J.

BULLETIN 609

MARCH 14, 1944.

1. DISCIPLINARY PROCEEDINGS - SUSPENSION OF FEDERAL BASIC PERMIT
UNTIL MAY 14, 1944 GROUND FOR SUSPENSION OF STATE LICENSE FOR
CORRESPONDING PERIOD - LICENSE SUSPENDED ACCORDINGLY.

In the Matter of Disciplinary)
Proceedings against)

MONTE CARLO WINE COMPANY, INC.)
327 & rear of 329 Townsend St.)
New Brunswick, N. J.,)

Holder of Plenary Winery License)
V-37 issued by the State)
Commissioner of Alcoholic Beverage)
Control.)

CONCLUSIONS
AND ORDER

Frederic M. P. Pearse, Esq., Attorney for Defendant-Licensee.
Edward F. Ambrose, Esq., Attorney for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded non vult to the following charge:

"You do not have, from 12:01 A. M., February 15, 1944 and
until Midnight, May 14, 1944, a valid Federal permit for the
conduct of your plenary winery business in that your Federal
basic permits W-1810 and PW-12284 have been suspended for the
aforesaid period by the Federal Alcohol Tax Unit."

The Federal basic permits held by the defendant have been
suspended by the District Supervisor of the Alcohol Tax Unit,
Internal Revenue Service, from 12:01 A.M. on February 15, 1944 to
midnight on May 14, 1944. This suspension was imposed in disciplin-
ary proceedings instituted by the Alcohol Tax Unit wherein it was
alleged that defendant violated certain Federal regulations pertain-
ing to the manufacture of wine and the proper labeling thereof.

R. S. 33:1-25 provides that:

"A photostatic copy of all Federal permits necessary to the
lawful conduct of the business for which a State license is
sought and which relate to alcoholic beverages, or other
evidence in lieu thereof satisfactory to the commissioner,
must accompany the license application ***."

The statute contemplates that a manufacturing licensee shall at all
times have effective Federal permits necessary to the lawful conduct
of its business. Since it appears that defendant's Federal permits
are presently under suspension and will remain under suspension
until midnight May 14, 1944, I shall suspend its State license until
midnight May 14, 1944.

Accordingly, it is, on this 3rd day of March, 1944,

ORDERED, that Plenary Winery License V-37, issued by the State
Commissioner of Alcoholic Beverage Control to Monte Carlo Wine
Company, Inc., 327 & rear of 329 Townsend Street, New Brunswick, be
and the same is hereby suspended until midnight, May 14, 1944.

ALFRED E. DRISCOLL
Commissioner.

2. DISCIPLINARY PROCEEDINGS - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO PETITION TO LIFT UPON CORRECTION OF ILLEGAL SITUATION AND SUSPENSION FOR AT LEAST 20 DAYS - ILLEGAL SITUATION CORRECTED - APPLICATION TO LIFT GRANTED.

In the Matter of Disciplinary Proceedings against WILLIAM J. McCOLLIGAN 20 E. Monroe Street Paulsboro, N. J., Holder of Plenary Retail Consumption License C-14, issued by the Mayor and Borough Council of the Borough of Paulsboro.

ON PETITION ORDER

Hendrickson & Wick, Esqs., Attorneys for Petitioner.

BY THE COMMISSIONER:

On February 4, 1944 I suspended the license of William J. McColligan for the balance of its term, effective at 1:00 A. M. February 8, 1944, after he had pleaded non vult to charges which allege that he falsely concealed the fact that John H. McLaughlin was a partner in the licensed business and that he permitted the said John H. McLaughlin to exercise the rights and privileges of said license; and, further, for a violation of Rule 1 of State Regulations No. 22 (mis-labeled beer tap). Re McColligan, Bulletin 605, Item 10.

In said order leave was given to petition to lift the said suspension after twenty days thereof had been served, upon correction of the illegal situation. Pursuant to said leave, the said William J. McColligan has filed a petition wherein he alleges that he is now the sole owner of the licensed business and that John H. McLaughlin has divested himself of all his interest in the said licensed business and has transferred his interest to the said William J. McColligan.

This information is verified by submitting to this Department the original documents by which the said McLaughlin has transferred his interest to McColligan, as well as by a statement from the bank where the joint account had been maintained, stating that same has been transferred in the full amount to William J. McColligan. The partnership agreement which previously existed between McLaughlin and McColligan has been terminated.

It thus appearing that the unlawful situation has been corrected, and it further appearing that the twenty days' suspension has expired, the order of suspension herein entered will be lifted, effective at 1:00 A.M. March 6, 1944.

Accordingly, it is, on this 3rd day of March, 1944,

ORDERED, that the suspension heretofore imposed be lifted, and that Plenary Retail Consumption License C-14, issued by the Mayor and Borough Council of the Borough of Paulsboro to William J. McColligan, be and the same is hereby restored to full force and operation, effective immediately.

ALFRED E. DRISCOLL, Commissioner.

3. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO A MINOR, IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS NO. 20 - 10 DAYS' SUSPENSION, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against EDWARD PFEIFFER T/a SHADY SIDE INN Springtown Road Alpha, N. J., Holder of Plenary Retail Consumption License C-26, issued by the Common Council of the Borough of Alpha.

CONCLUSIONS AND ORDER

Francis L. Thompson, Esq., Attorney for Defendant-Licensee. Milton H. Cooper, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee, through his attorney, pleads non vult to the charge that alcoholic beverages were sold and served to, and permitted to be consumed by, a minor, upon the licensed premises, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

The file discloses that Barry ----, a youth nineteen years of age, and a girl companion of legal age, arrived at the defendant's tavern on the early morning of January 2, 1944. While there the minor purchased and was served two glasses of beer, one for his companion and the other for himself. One of these glasses of beer was consumed by the minor.

The sale and service of the two glasses of beer was made by an employee of the licensee. Nonetheless, the licensee is held strictly responsible for the acts of his employee or servant. Re Kurian, Bulletin 517, Item 2.

Since this is defendant's first adjudicated offense and there appears to be no aggravating circumstances, I shall impose the minimum penalty of ten days' suspension. Cf. Re Abrams, Bulletin 562, Item 8. Five days of the suspension will be remitted because of the plea, making a net suspension of five days.

Accordingly, it is, on this 3rd day of March, 1944,

ORDERED, that Plenary Retail Consumption License C-26, issued by the Common Council of the Borough of Alpha to Edward Pfeiffer, t/a Shady Side Inn, for premises Springtown Road, Alpha, be and the same is hereby suspended for a period of five (5) days, commencing at 3:00 A.M. March 13, 1944 and terminating at 3:00 A.M. March 18, 1944.

ALFRED E. DRISCOLL Commissioner.

4. AUTOMATIC SUSPENSION - R. S. 33:1-31.1 - LICENSEE PAID FINE OF \$100.00 - LICENSE SUSPENDED FOR 10 DAYS IN DISCIPLINARY PROCEEDINGS - APPLICATION TO LIFT GRANTED.

In the Matter of Petition by)
RALPH INGLESE)
T/a RALPH'S CAFE)
116 Spring Street)
Morristown, N. J.,)

ON PETITION
CONCLUSIONS AND ORDER

To Lift the Automatic Suspension)
of License C-10, issued by the)
Board of Aldermen of the Town of)
Morristown.)

Ralph Inglese, Pro Se.

It appears from the petition filed herein that, on March 3, 1944, the licensee pleaded guilty in a Court of Special Sessions of the County of Morris to a charge alleging that he had sold alcoholic beverages to a minor and that, as a result of said conviction, he has paid a fine of \$100.00 imposed in said proceedings. It further appears from the petition, and from the records of this Department, that the Commissioner of Alcoholic Beverage Control, in disciplinary proceedings instituted before him, has previously suspended petitioner's license for a period of ten days, effective from January 17, 1944, at 2:00 A.M., to January 27, 1944, at 2:00 A.M., after the licensee in said proceedings had pleaded guilty to a charge of selling alcoholic beverages to a minor. Re Inglese, Bulletin 602, Item 9.

The criminal proceedings and the charges in the disciplinary proceedings were based upon the same facts. Because of the conviction in the criminal proceedings, petitioner's license has been automatically suspended for the balance of its term. R.S. 33:1-31.1. The petitioner herein prays that the automatic suspension of his license may be lifted.

This case involves the sale of alcoholic beverages to a minor seventeen years of age. Under all the circumstances, the penalty heretofore imposed in the disciplinary proceedings appears to be adequate. Hence the relief prayed for in the petition will be granted.

Accordingly, it is, on this 6th day of March, 1944,

ORDERED, that the statutory automatic suspension of License C-10, issued by the Board of Aldermen of the Town of Morristown to Ralph Inglese, t/a Ralph's Cafe, for premises 116 Spring Street, Morristown, be lifted, and said license is hereby restored to full force and operation, effective immediately.

ALFRED E. DRISCOLL
Commissioner.

By: Edward J. Dorton
Deputy Commissioner and
Counsel.

5. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS, IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS NO. 20 - 10 DAYS' SUSPENSION, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PHILIP YELLEN)
T/a YELLEN'S BAR & RESTAURANT)
236 Broadway)
Long Branch, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-38, issued by the Board of Commissioners of the City of Long Branch.)
-----)

Ira J. Katchen, Esq., Attorney for Defendant-Licensee.
Milton H. Cooper, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee pleads non vult to charges alleging that, on the evening of November 18, 1943 and the morning of November 19, 1943, he sold alcoholic beverages to, and permitted the consumption of alcoholic beverages by, two minors upon his licensed premises, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

On the evening of November 18, 1943, a member of the military police observed two young men drinking a number of glasses of beer with soldiers in defendant's premises. Apparently the soldiers were of full age, but subsequent investigation disclosed that the two young men, both of whom were then civilians, were, respectively, eighteen and nineteen years of age.

Since no aggravating circumstances appear in this case, and defendant herein has no previous adjudicated record, I shall suspend his license for ten days, less five days for the guilty plea, making a net suspension of five days. Re Lombardi, Bulletin 588, Item 8.

Accordingly, it is, on this 6th day of March, 1944,

ORDERED, that Plenary Retail Consumption License C-38, issued by the Board of Commissioners of the City of Long Branch to Philip Yellen, t/a Yellen's Bar & Restaurant, for premises 236 Broadway, Long Branch, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 A.M. March 13, 1944 and terminating at 2:00 A.M. March 18, 1944.

ALFRED E. DRISCOLL
Commissioner.

6. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO A MINOR, IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS NO. 20 - PREVIOUS RECORD - 15 DAYS' SUSPENSION, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

WALTER T. SKEARS
T/a BRASS RAIL
Belvidere Road
Lopatcong Township
P.O. Phillipsburg, R.D. 2, N.J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Township Committee of Lopatcong Township.

Lewis S. Beers, Esq., Attorney for Defendant-Licensee.
Milton H. Cooper, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee pleads non vult to the charge that alcoholic beverages were sold and served to and permitted to be consumed by a minor upon his licensed premises, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

The file discloses that Barry ---, a youth nineteen years of age, accompanied by a girl companion of legal age, arrived at the defendant's place of business on the evening of January 1, 1944. Barry --- admitted, "We had a few shots of whiskey and then later some beer" in defendant's premises. The alcoholic beverages were served by a bartender who was not then qualified to act as such in New Jersey.

Barry --- called at the Department of Alcoholic Beverage Control with the defendant-licensee to permit the Hearer to observe his appearance. He is 6'1" in height and weighs approximately 185 pounds. Upon casual observation, he might easily pass for a young man over twenty-one years of age. The licensee in this case was confronted by one of the risks incident to the liquor business. A licensee cannot successfully defend himself against the charge of sale to minors unless he can show compliance with all of the provisions of R. S. 33:1-77, namely (a) that the minor falsely represented in writing that he was twenty-one years of age or over, (b) that the appearance of the minor was such that an ordinary prudent person would believe him to be twenty-one years of age or over, and (c) that the sale was made in good faith, relying upon such representation and appearance and in the reasonable belief that the minor was actually twenty-one years of age or over. (Underlining mine).

The defendant herein had his license suspended for a period of four days, commencing April 17, 1938, as a result of being adjudged guilty by the local issuing authority of serving alcoholic beverages to minors. Ordinarily, a second similar offense would warrant the doubling of the usual ten-day penalty to be imposed in the instant case. Because of the time that has elapsed since the first violation, namely, a period of about six years, and the mature appearance of the minor, I shall suspend the license for a period of fifteen days, with remission of five days for the non vult plea, or a net suspension of ten days.

Accordingly, it is, on this 3rd day of March, 1944,

ORDERED, that Plenary Retail Consumption License C-2, heretofore issued by the Township Committee of Lopatcong Township to Walter T. Skears, t/a Brass Rail, for premises Belvidere Road, Lopatcong Township, be and the same is hereby suspended for a period of ten (10) days, commencing at 12:01 A.M. March 13, 1944 and terminating at 12:01 A.M. March 23, 1944.

ALFRED E. DRISCOLL
Commissioner.

7. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - ILLEGAL SITUATION CORRECTED - 10 DAYS' SUSPENSION.

In the Matter of Disciplinary Proceedings against

MIDTOWN TAVERN OF FORT LEE, INC.
215 Main Street
Fort Lee, N. J.,

Holder of Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Fort Lee, and which license has, during the pendency of these proceedings, been transferred by said Mayor and Council to

GEORGE MAGUIRE

for the same premises.

Midtown Tavern of Fort Lee, Inc., by George Maguire, Treasurer.
Gaylord R. Hawkins, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant has entered a plea of guilty to the charge of violating R. S. 33:1-25 in that it falsely concealed in its license application for the current year (1943-1944) that George Maguire was the real and beneficial owner of all of the corporate stock.

In March 1942 George Maguire and Robert Burns purchased the tavern in question. George Maguire was not then eligible to hold a liquor license because he had not been a bona fide resident of this State for a period of five years, nor was a corporation in which he held ten per cent or more of its corporate stock then eligible to hold a license. Nevertheless, the defendant corporation was organized for the purpose of acquiring and holding a license. George Maguire invested the major portion of the money in the enterprise. Robert Burns made a somewhat smaller investment in the business. Ninety-eight shares of corporate stock were issued, according to the original application for the license, to one Emma J. Haber, one share to Robert Burns and one share to George Maguire. Shortly after the issuance of the license, in March 1942, Maguire

CONCLUSIONS
AND ORDER.

purchased Burns' interest in the business. The share of stock for which Burns was listed as the holder was transferred to Mary Maguire, the ninety-eight shares were assigned from Emma Haber to Hattie O'Donnell, a New Jersey resident, and the one share was retained by Maguire.

An investigation by the Department of Alcoholic Beverage Control discloses that George Maguire is the real and beneficial owner of the corporation, neither of the other persons named having any interest whatsoever.

The five year residence clause applicable to retail liquor licensees set forth in R.S. 33:1-25 was amended, effective as of March 27, 1943, so as to require a natural person or an owner of more than ten per cent of the corporate stock of any corporation to be a citizen of the United States and a resident of the State of New Jersey at the time of the submission of the application for a liquor license. Cessation of United States citizenship or New Jersey residence would be cause for the suspension or revocation of the license. See P.L. 1943, ch. 46.

During the pendency of these proceedings, the license was transferred from the defendant to George Maguire for the purpose of making the proper correction. George Maguire is a citizen of the United States and a bona fide resident of New Jersey.

Inasmuch as the defendant has no previous adjudicated record, the usual penalty of ten days will be imposed, which punishment shall be fully effective against the transferee. State Regulations No. 15, Rule 3.

Accordingly, it is, on this 7th day of March, 1944,

ORDERED, that Plenary Retail Consumption License C-2, heretofore issued by the Mayor and Council of the Borough of Fort Lee to Midtown Tavern of Fort Lee, Inc., and transferred during the pendency of these proceedings to George Maguire, for premises 215 Main Street, Fort Lee, be and the same is hereby suspended for ten (10) days, commencing at 12:01 A.M. March 13, 1944 and terminating at 12:01 A.M. March 23, 1944.

ALFRED E. DRISCOLL
Commissioner.

8. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - DISCREPANCY IN PROOF, SOLIDS AND ACIDS - PREVIOUS RECORD - 15 DAYS' SUSPENSION.

In the Matter of Disciplinary Proceedings against)

LOUIS H. CORSEY, JR. and)
CLIFFORD E. DORSEY)
Egg Harbor Road above Mail Ave.)
Deptford Township)
P.O. R.D. Sewell, N. J.,)

CONCLUSIONS AND ORDER

-----)
Holders of Plenary Retail Consumption License C-8 issued by the)
Township Committee of the Township)
of Deptford.)
-----)

Hendrickson & Wick, Esqs., Attorneys for Defendant-Licensees.
Gaylord R. Hawkins, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Licensees plead non vult to a charge alleging that, on December 28, 1943, they possessed a quart bottle labeled "Golden Wedding A Blend of Straight Whiskey 90.0 Proof" and a 4/5 quart bottle labeled "Wilson 'That's All' Blended Whiskey 86.8 Proof" containing alcoholic beverages which were not genuine as labeled, such possession being in violation of R. S. 33:1-50.

On December 28, 1943 an inspector of the Alcohol Tax Unit, Internal Revenue Service, seized on the premises of defendant-licensees the two bottles mentioned in the charge. Upon analysis, the contents of the bottle labeled "Golden Wedding" were found to be substantially lower in proof and substantially higher in solids than the contents of a genuine bottle of the same product. The analysis also disclosed that the contents of the bottle bearing the "Wilson" label were substantially lower in proof and substantially higher in acids and solids than the contents of a genuine sample of the same product.

Both licensees deny that they tampered with the contents of the seized bottles, and state that they can offer no explanation except that these bottles may have been refilled with other liquor by one of the four or five bartenders whom they employ. Despite personal innocence, however, the defendant-licensees must be held strictly responsible for any "refills" found in their stock of liquor. Re Kurian, Bulletin 517, Item 2.

As to penalty: On July 27, 1942 the local issuing authority suspended for a period of nine days the license which was then held solely in the name of Louis H. Corsey, Jr. after finding the licensee guilty of permitting a brawl on the licensed premises and selling alcoholic beverages to a minor. In view of the past record of one of the licensees, I shall suspend the license in this case for a period of fifteen days instead of the minimum penalty of ten days usually imposed for first violations of this character where no aggravating circumstances appear. Cf. Re Club Rhumba, Inc., Bulletin 598, Item 10, and cases therein cited.

Accordingly, it is, on this 7th day of March, 1944,

ORDERED, that Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Deptford to Louis H. Corsey, Jr. and Clifford E. Dorsey for premises on Egg Harbor Road above Mail Avenue, Deptford Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 A. M. March 13, 1944 and terminating at 2:00 A. M. March 28, 1944.

ALFRED E. DRISCOLL
Commissioner.

9. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS, IN VIOLATION OF LOCAL ORDINANCE - SALE OF ALCOHOLIC BEVERAGES BY CLUB LICENSEE TO NON-MEMBERS, IN VIOLATION OF R. S. 33:1-2 AND RULE 5 OF STATE REGULATIONS NO. 7 - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR BALANCE OF TERM.

In the Matter of Disciplinary)
Proceedings against)
SOUTH CAMDEN BOCCIE CLUB)
410 Line Street)
Camden, N. J.,)
Holder of Club License CB-35,)
issued by the Municipal Board of)
Alcoholic Beverage Control of the)
City of Camden.)
-----)

CONCLUSIONS
AND ORDER

South Camden Bocce Club, by Natale Ferri, President.
Edward F. Ambrose, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded non vult to charges alleging that, on Sunday, January 23, 1944, it (1) sold alcoholic beverages during prohibited hours, in violation of local ordinance, and (2) sold alcoholic beverages to non-members in violation of R. S. 33:1-2 and Rule 5 of State Regulations No. 7.

A supplemental charge alleging that, on Sunday, February 20, 1944, it sold alcoholic beverages during prohibited hours was also served on the defendant. To this charge the defendant also pleaded non vult.

The local ordinance prohibits the sale of alcoholic beverages after 2:00 A.M. on Sunday. Nevertheless, when two ABC agents entered the defendant's barroom about 4:30 P.M. on Sunday, January 23, 1944, they found about forty persons there, most of whom were consuming alcoholic beverages. In addition, the agents, being neither members of the club nor guests of any member, were served two rounds of drinks by the bartender.

Joseph Prococci, chairman of the club's house committee, was in charge of the premises. Although he refused to sign a written statement, he verbally acknowledged the infractions to the agents.

The same agents returned to the premises on Sunday evening, February 20, 1944, upon receipt of information that, despite the fact that it had, only the day before, to wit, Saturday, February 19, 1944, received notice of the aforesaid charges, the club still

persisted in selling alcoholic beverages contrary to the local hours ordinance. Before entering the premises, however, they observed that persons were admitted only after knocking on the door, which was kept locked, and being recognized by the doorkeeper. The agents followed closely on the heels of one of these persons and, when the door was unlocked, quickly entered and rushed into the barroom. In the meantime, the lookout, Mr. Prococci, had pressed a buzzer which sounded a warning to the bartender, but not in time to prevent the agents from observing four persons drinking alcoholic beverages at the bar.

The privileges of its license are, evidently, held very lightly by this defendant. Otherwise, it is inconceivable that it would, in open defiance of the law, continue to violate so brazenly the very regulation for which it was then under citation. The tactics it employed, viz., the lookout and buzzer signal, so reminiscent of the old speakeasy days, further seriously aggravate the offense. The only thing that saves the defendant an outright revocation of its license is its otherwise clear record. Under all of the attendant circumstances, I shall suspend the license for the violations herein for the balance of its term.

I am fast losing patience with these types of violations by club licensees who, under the Alcoholic Beverage Law, are confined to dispensing alcoholic beverages to their bona fide members and guests of such members during hours when the sale of alcoholic beverages is lawfully permitted. Fees for club licenses are fixed at a substantially lower figure than that for retail licensees. It is particularly harmful to the latter when the holders of club licenses engage in unfair competition with them by attracting patrons during prohibited hours of sale or by selling to non-members. If these violations continue with any degree of consistency in the future, I will increase the penalties to a point where they will effectively serve as a deterrent.

In view of the notoriety that must have accompanied defendant's illicit Sunday business, it is pertinent to point out that the primary responsibility for the enforcement of the law and regulations "so far as the same pertain or refer to or are in any way connected with retail licenses" rests with the local authorities. R.S. 33:1-24.

Accordingly, it is, on this 9th day of March, 1944,

ORDERED, that Club License CB-55, heretofore issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to South Camden Bocce Club for premises 410 Line Street, Camden, be and the same is hereby suspended for the balance of its term, effective immediately.

ALFRED E. DRISCOLL
Commissioner.

10. DISCIPLINARY PROCEEDINGS -- SALE OF ALCOHOLIC BEVERAGES TO A MINOR,
IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS
NO. 20 -- 10 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary)
Proceedings against)

FREIDA KRAKOWER)
52 Church Street)
Paterson, 1, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-77, issued by the)
Board of Alcoholic Beverage Control)
of the City of Paterson.)

Abraham I. Feltman, Esq., Attorney for Defendant-Licensee.
Milton H. Cooper, Esq., Attorney for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

Licensee has pleaded non vult to the following charges:

"1. On the night of January 27, 1944, you sold alcoholic beverages at your licensed premises to Seaman William Earl ----, a minor, in violation of R. S. 33:1-77.

"2. On the date and at the time aforesaid, you sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages to Seaman William Earl ----, a person under the age of twenty-one (21) years, and allowed, permitted and suffered the consumption of alcoholic beverages by such person upon your licensed premises, in violation of Rule 1 of State Regulations No. 20."

On the evening in question, investigators of the Department of Alcoholic Beverage Control observed a bartender of the licensee serve alcoholic beverages to Seaman William Earl ----, who appeared to them to be a minor. Upon being questioned, the minor readily admitted his age to be nineteen years and further stated that no one had inquired as to his age prior to serving him with a drink. The bartender of the licensee advanced no reason for the sale other than that he thought the minor was "old enough." This reason, however, is not sufficient and cannot be accepted as a defense. See R. S. 33:1-77. Careful licensees will follow the procedure outlined in the Control Law.

The licensee has no previous record and, in the absence of any aggravating circumstances, a penalty of ten days' suspension, less five days for the guilty plea, will be imposed.

Accordingly, it is, on this 7th day of March, 1944,

ORDERED, that Plenary Retail Consumption License C-77, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Freida Krakower, for premises 52 Church Street, Paterson, be and the same is hereby suspended for a period of five (5) days, commencing at 3:00 A.M. March 13, 1944 and terminating at 3:00 A. M. March 18, 1944.

ALFRED E. DRISCOLL
Commissioner.

11. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - STRAIGHT WHISKEY IN A BOTTLE LABELED TO CONTAIN A BLENDED WHISKEY - 10 DAYS' SUSPENSION.

In the Matter of Disciplinary Proceedings against MARY McDONALD T/a MAY-MAC BAR AND GRILL Route 17 and Vincent Avenue Hackensack, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-11 issued by the City Council of the City of Hackensack.

William C. Egan, Esq., Attorney for Defendant-Licensee. Gaylord R. Hawkins, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded guilty to a charge alleging that she possessed a 4/5th quart bottle labeled "Carstairs White Seal Blended Whiskey 86.8 Proof", which bottle contained alcoholic beverages not genuine as labeled, in violation of R. S. 33:1-50.

On September 3, 1943 a Junior Inspector employed by the Alcohol Tax Unit, Internal Revenue Service, seized the bottle of alcoholic beverages mentioned in the charge. Subsequent analysis disclosed that the seized bottle contained a naturally colored straight whiskey instead of an artificially blended whiskey as described on the label. The fact that, as in this case, a straight whiskey is found in a bottle which should contain a blended whiskey is evidence of a complete "top to bottom" refill.

Since defendant has no prior record, I shall suspend her license for a period of ten days. Re Mullaney, Bulletin 607, Item 2.

Accordingly, it is, on this 9th day of March, 1944,

ORDERED, that Plenary Retail Consumption License C-11, issued by the City Council of the City of Hackensack to Mary McDonald, t/a May-Mac Bar and Grill, for premises at Route 17 and Vincent Avenue, Hackensack, be and the same is hereby suspended for ten (10) days, commencing at 3:00 A. M. March 14, 1944 and terminating at 3:00 A.M. March 24, 1944.

ALFRED E. DRISCOLL Commissioner.

12. DISCIPLINARY PROCEEDINGS - FRONT - FALSE ANSWER IN LICENSE APPLICATION CONCEALING MATERIAL FACT - ILLEGAL SITUATION CORRECTED - 10 DAYS' SUSPENSION.

In the Matter of Disciplinary Proceedings against
 CHARLES H. MULLMANN
 T/a MULLMANN'S TAP ROOM
 9 W. Blancke Street
 Linden, N. J.,
 Holder of Plenary Retail Consumption License C-37, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden.

CONCLUSIONS AND ORDER

Feld & Breitner, Esqs., Attorneys for Defendant-Licensee.
 Gaylord R. Hawkins, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded guilty to charges alleging, in substance, that ever since February 6, 1940 he falsely concealed the fact that his brother, Theodore Mullmann, had an equal undivided half-interest in the license and business conducted thereunder.

On February 6, 1940 Theodore Mullman, a resident of the State of New York, purchased a half-interest in the defendant's license and business. Because of his non-residence, Theodore Mullmann's interest was not disclosed in any of the license applications filed by the defendant since July 1940.

Pending these proceedings, the defendant has purchased Theodore Mullmann's interest and the partnership arrangement has been terminated. The record discloses that the defendant is now the sole owner of the license and business conducted thereunder.

Since the defendant has no previous record, the usual penalty of ten days will be imposed. Re Starr, Bulletin 590, Item 2.

Accordingly, it is, on this 9th day of March, 1944,

ORDERED, that Plenary Retail Consumption License C-37, heretofore issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden to Charles H. Mullmann, t/a Mullmann's Tap Room, for premises 9 W. Blancke Street, Linden, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 A. M. March 14, 1944 and terminating at 2:00 A.M. March 24, 1944.

ALFRED E. DRISCOLL
 Commissioner.

13. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS, IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS NO. 20 - 15 DAYS' SUSPENSION, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MATTIO MELE)
T/a ROSELAND CASINO)
79 Lodi Street)
Hackensack, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-32 issued by the City Council of the City of Hackensack.

Mattio Mele, Pro Se.

Milton H. Cooper, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee pleads non vult to the charges that alcoholic beverages were sold and served to, and permitted to be consumed by, minors upon the licensed premises, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

The file discloses that, on February 26, 1944, three minors, two of whom were eighteen years of age and the other seventeen years of age, were served several glasses of beer by an employee of the licensee. Even if a licensee is personally innocent he must be held strictly accountable for the acts of his servant or employee. Re Kurian, Bulletin 517, Item 2.

This is defendant's first adjudicated offense. The usual penalty for sale of alcoholic beverages to a minor, where there are no aggravating circumstances, is ten days. Re Abrams, Bulletin 562, Item 8. However, because of the youthfulness of one of the minors mentioned herein, I shall increase the penalty to fifteen days. Five days will be remitted in view of the non vult plea, making a net suspension of ten days. Cf. Re Frater, Bulletin 576, Item 2.

Accordingly, it is, on this 9th day of March, 1944,

ORDERED, that Plenary Retail Consumption License C-32, issued by the City Council of the City of Hackensack to Mattio Mele, t/a Roseland Casino, for premises 79 Lodi Street, Hackensack, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 A.M. March 14, 1944, and terminating at 3:00 A. M. March 24, 1944.

ALFRED E. DRISCOLL
Commissioner.

[Handwritten signature]

14. FAIR TRADE - NOTICE - COMPLETE PUBLICATION.

HEREIN OF DEPARTMENT'S REQUEST FOR THE LISTING OF ALL ALCOHOLIC BEVERAGES SOLD AT RETAIL IN THE STATE OF NEW JERSEY.

March 13, 1944

IMPORTANT NOTICE TO STATE LICENSEES

In order to effect a formal publication of the prices of ALL alcoholic beverages sold at retail in the State of New Jersey, regardless of whether or not those items have heretofore appeared in minimum price pamphlets published pursuant to Regulations No. 30 (Fair Trade), it is my decision that a complete new minimum resale price publication shall be published and become effective on Monday, April 17th, 1944.

Being fully aware of the confusion that abounds among retailers who are required to strictly maintain minimum resale prices as published and who, at the same time, must comply with provisions of the OPA Maximum Price Regulations, I have decided to request suppliers of every item offered for retail sale in this State to submit prices of their items for publication in the next minimum resale price pamphlet. Thus, I believe, a distinct and helpful service will be rendered the consumer public, the retailer, and the industry as a whole, at a time when price chiseling threatens the best interest of the manufacturer and the good name of his label and product. By setting up a publication, listing for all alcoholic beverage items the maximum OPA prices, which shall also be the minimum consumer prices pursuant to our Fair Trade Regulations, the public will become acquainted with the exact prices it is required to pay and the retailer will have before him an accurate price listing for every item computed in accordance with the OPA percentage mark-up.

I suggest that suppliers who are submitting listings for the first time, telephone Mr. John Michelson of this Department at once and ascertain full details for proper procedure in offering price listings for ALL items in accordance with my request.

Listings must be filed at the offices of this Department not later than Friday, March 24, 1944. In submitting price lists for publication, bear in mind the Federal General Maximum Price Regulations as promulgated by the OPA and which establish a consumer price ceiling. Accordingly, your prices must be no higher than OPA consumer price ceiling levels determined after the application of the retail mark-up formula prescribed by Federal Regulations, which permit 33 1/3% on distilled spirits, 45% on liqueurs and cordials, and 50% on all types of wines. The prices submitted must include the new Federal Excise Tax effective April 1, 1944.

Notification of the proportionate share of the aggregate expense involved in publishing the minimum resale price publication will be made to participating companies as soon as the pamphlets are mailed to retail licensees.

I anticipate the cooperation of every State licensee handling beverages for sale at retail in this State, in joining in my plan for listing the prices of ALL of their products in the forthcoming publication.

Alfred E. Driscoll
Commissioner.