

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 5, N. J.

August 1, 1956.

BULLETIN 1124

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1. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - SALE TO A MINOR - POSSESSION OF LEWD PICTURES - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

MICHAEL LaBRUNO
T/a DUNCAN BAR
268 Duncan Avenue
Jersey City 6, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-235, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Israel E. Mischel, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging (1) that on April 27, 1956 after 10:00 p.m. and on April 28, 1956 after 10:00 p.m., he sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38; (2) that he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20; and (3) that he allowed, permitted and suffered in and upon his licensed premises, and had in his possession obscene, indecent, filthy, lewd, lascivious and disgusting printings, pictures and other representations, in violation of Rule 17 of State Regulations No. 20.

On April 27, 1956, between 10:15 p.m. and 10:30 p.m., two ABC agents at defendant's licensed premises observed the sale therein by the bartender of two quarts of beer to one person, one pint of gin to another person, and three quarts of beer to a third person, each of whom then left the premises with his purchase. The bartender placed each purchase in a paper bag. The agents left the premises without disclosing their identity.

These agents returned to the vicinity of the defendant's licensed premises on April 28, 1956 at about 10:15 p.m. They observed patrons emerge therefrom carrying paper bags. One of the agents entered at about 10:25 p.m. Shortly thereafter a man entered the tavern and handed a book to the bartender. The bartender opened the book and turned to photographs therein which the agent observed to be extremely obscene. Holding the book open to these pages, the bartender handed the book to a patron who in turn handed it to another patron who displayed the photographs to various other patrons.

At about 10:40 p.m., an apparent minor entered the tavern and approached two persons who were placing beer in the cooler. One of these persons was Edward Martignetti, who was then acting as a porter, and the other was the licensee. The minor asked

for two quarts of beer which Martignetti obtained from the cooler, placed in a bag and handed to the minor. The minor gave Martignetti a dollar bill. Martignetti handed the bill to the bartender who retained ninety cents therefrom and returned ten cents in change. As the minor left the tavern, the agent followed and questioned him. Said agent and his fellow agent, who had remained outside, entered the premises with the minor and identified themselves. The book with the obscene matter therein, then lying on the bar, was seized by the agents. The book contained 172 pages of erotic reading matter interspersed with eight highly offensive pornographic photographs.

The minor identified himself as Raymond R. ---, 19 years of age, and in a sworn statement obtained from him asserted that he had previously purchased beer at the licensed premises for his mother two or three times a week and had never been questioned as to his age. Martignetti verbally admitted the sale of the two quarts of beer to the minor and that he had not asked the minor his age.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of fifteen days because of the violation set forth in Charge (1) (Re Sada, Bulletin 1112, Item 12) because, since no locus poenitentiae (i.e., chance to repent and amend, and thereafter a subsequent violation and adjudication) intervened between the prohibited sales on the respective dates, the sale on the last date will not be considered a second violation. Re Penta, Bulletin 1054, Item 5.

Since the violation set forth in Charge (2) occurred subsequent to January 16, 1956 (see Bulletin 1095, Item 1), the minimum penalty of suspension of license for fifteen days will be imposed because of such violation. Re Goldere, Bulletin 1110, Item 1.

The presence of highly obscene material on licensed premises is a most flagrant offense. Licensees or their employees who make a practice, or have a pattern of displaying or possessing such material either to cater to patrons who may be attracted to patronize the premises on that account, or who possess or display such material merely for personal gratification will merit heavy-fisted penalties. Licensed premises will not be permitted to become pornographic galleries. Penalties imposed in the past may well be increased in the future for such misbehavior. Excuses that such material was left with the licensee by other persons and forgotten have not and will not be accepted.

However, the instant case has sharply distinguishable aspects -- it is a wholly casual incident. A patron brought the book in about fifteen minutes before it was seized. The bartender, instead of promptly rejecting it after it was handed to him and he observed its nature, handed it to another patron. Whether or not he realized that he was thereby placing the license in jeopardy does not appear. While not condoning what occurred, for which a penalty will be imposed, it does not demonstrate the grossness of conduct above outlined so as to warrant an increase of the ten-day penalty heretofore imposed for violations somewhat similar to that here involved. The license will, therefore, be suspended for ten days because of the violation set forth in Charge (3). Re Deaver, Bulletin 1096, Item 5.

Defendant's license will be suspended for a total period of forty days of which five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 21st day of June, 1956,

ORDERED that any renewal for the 1956-57 licensing year or transfer of Plenary Retail Consumption License C-235, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Michael LaBruno, t/a Duncan Bar, for premises 268 Duncan Avenue, Jersey City, be and the same is hereby suspended for a period of thirty-five days, commencing at 2:00 a.m. July 5, 1956, and terminating at 2:00 a.m. August 9, 1956.

WILLIAM HOWE DAVIS
Director.

DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - POSSESSING LOTTERY TICKETS - POSSESSING INDECENT FIGURINE - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
SPORTS BAR & GRILL, INC.)
4012-14 Hudson Boulevard)
Union City, N. J.,)
Holder of Plenary Retail Consumption License C-229, issued by the Board of Commissioners of the City of Union City.)
-----)

CONCLUSIONS
AND ORDER

Sports Bar & Grill, Inc., Defendant-licensee, by William E. Morse, President.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to charges alleging that on Sunday, March 18, 1956, (1) it sold and delivered alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38; (2) it possessed lottery tickets in and upon its licensed premises, in violation of Rule 6 of State Regulations No. 20; and (3) it possessed on its licensed premises an indecent figurine, in violation of Rule 17 of State Regulations No. 20.

The file herein discloses that on Sunday afternoon, March 18, 1956, ABC agents visited defendant's licensed premises wherein they observed the bartender (later identified as William Morse, president of the corporate licensee herein) put some 12-ounce cans of beer in a large paper bag, place the package near the side entrance, and accept payment from a patron who picked up the package and departed. The agents followed, identified themselves to the patron, seized the bag which contained twelve 12-ounce cans of beer and returned with the patron to the licensed premises and informed Morse of the violation. Both Morse and the patron verbally admitted the sale of said beverages for off-premises consumption. An indecent figurine that rested on top of the cash register and two Irish Hospital Sweepstake Tickets found in the register were also seized by the agents for evidential purposes.

Defendant has no prior adjudicated record. I shall suspend its license for fifteen days on Charge (1), Re Garcia, Bulletin 1102, Item 12; fifteen days on Charge (2) since no commercialized gambling is involved, Re Rybicki, Bulletin 1087,

Item 12; and ten days on Charge (3), Re Mack, Bulletin 1088, Item 2, making a total suspension of forty days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 26th day of June, 1956,

ORDERED that any renewal for the 1956-57 licensing year or transfer of Plenary Retail Consumption License C-229, issued by the Board of Commissioners of the City of Union City to Sports Bar & Grill, Inc., 4012-14 Hudson Boulevard, Union City, be and the same is hereby suspended for a period of thirty-five (35) days, commencing 3:00 a.m. July 5, 1956, and terminating at 3:00 a.m. August 9, 1956.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ELSIE ROSENBERGER ARAHILL
T/a DRIVER'S REST.
778 Jersey Avenue
Jersey City, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-491, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Elsie Rosenberger Arahill, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) on May 16, 1956, she sold alcoholic beverages to three minors and permitted the consumption of such beverages by said minors in her licensed premises, in violation of Rule 1 of State Regulations No. 20, and (2) on May 11, 1956, after 10:00 p.m., and on May 16, 1956, after 10:00 p.m., she sold and delivered alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38.

The file discloses that, while two ABC agents were in defendant's licensed premises on the evening of May 16, 1956, three young men entered about 10:35 p.m. and took seats at the bar. Defendant-licensee, who was tending bar, sold to each of the young men a glass of beer, the contents of which each consumed. At 10:40 p.m. another patron purchased from the licensee two quart-bottles of beer which she placed in a paper bag. After this patron left with the bag, the agents followed him, seized the package, returned to the premises and identified themselves to the licensee. The three young men were questioned by the agents and it was ascertained that two of them were 19 years of age and the other was 20 years of age.

When defendant (then known as Elsie Rosenberger) held a license for 766 Jersey Avenue, Jersey City, her license was suspended for five days, effective February 8, 1943, by the local issuing authority for an "hours" violation. Since that violation occurred more than ten years ago, it will not be considered in fixing penalty herein (Re Stefura, Bulletin 1090, Item 3). Until recently, the usual penalty for sale to three minors eighteen years of age or over was fifteen days (Re Buratti, Bulletin 1097, Item 1). However, on January 16, 1956, I announced that the penalty in such cases would be increased by five days. Since the violation herein occurred after that date, I shall suspend defendant's license for twenty days on Charge 1. I shall suspend her license for an additional period of fifteen days on Charge 2 (Re Sada, Bulletin 1112, Item 12). Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 13th day of June, 1956,

ORDERED that Plenary Retail Consumption License C-491, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Elsie Rosenberger Arahill, t/a Driver's Rest., for premises 778 Jersey Avenue, Jersey City, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. June 19, 1956; and it is further

ORDERED that any renewal or transfer of such license shall be and remain under suspension until 2:00 a.m. July 19, 1956.

WILLIAM HOWE DAVIS
Director.

DISCIPLINARY PROCEEDINGS TRANSPORTATION OF ALCOHOLIC BEVERAGES WITHOUT BONA FIDE INVOICES OR MANIFESTS - TRANSPORTATION WITHOUT TRANSPORTATION INSIGNIA - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SAMUEL NEIMEISER & JACOB J. LEVIKOFF)
T/a BERLIN BOTTLING CO.)
76 So. White Horse Pike)
Berlin, N. J.,)

CONCLUSIONS AND ORDER

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

William T. Cahill, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to the following charges:

"1. On December 12, 1955, you transported alcoholic beverages in a vehicle without the driver having in his possession a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill, or similar document stating the bona fide name and address of the

purchaser or consignee and the brand name or size of the container and the quantity of each item of alcoholic beverages being transported; in violation of Rule 3 of State Regulations No. 17.

"2. On December 12, 1955, you transported alcoholic beverages in a vehicle having no transportation insignia affixed to it; in violation of Rule 2 of State Regulations No. 17.

"3. On or about December 21, 1955, you sold at retail one case (24 pint bottles) of Hunter Blended Whiskey, two one-half gallon bottles of Hunter Blended Whiskey and two 4/5 quart (fifths) of Mr. Tilford Blend (Musical Lantern), alcoholic beverages, at less than the prices thereof listed in the then currently effective Minimum Resale Price List published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulations No. 30."

On December 12, 1955, near defendants' premises, a New Jersey State Trooper stopped a truck driven by an employee of defendants and ascertained that the truck (which bore no transportation insignia) contained a large quantity of tax-paid alcoholic beverages for which the driver had no invoices. Subsequent investigation by ABC agents disclosed that the truck contained forty-six cases and eight bottles of alcoholic beverages. Samuel Neimeiser alleged that the items in question were being delivered to a customer pursuant to his order, but the customer denied that he had ordered such a large amount. Investigation by the agents further disclosed that on December 21, 1955, defendants had sold to another customer the items set forth in Charge 3 for the sum of \$158.00 whereas the minimum resale price then in effect for said items was \$170.34.

Defendants have no prior record. I shall suspend their license for fifteen days on Charges 1 and 2 (Re Stephan, Bulletin 1052, Item 13) and, since a substantial amount of liquor was sold, I shall suspend their license for an additional fifteen days on Charge 3 (Re Brodsky, Bulletin 1056, Item 7). Five days will be remitted for the plea herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 11th day of June, 1956,

ORDERED that Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Berlin to Samuel Neimeiser & Jacob J. Levikoff, t/a Berlin Bottling Co., for premises 76 So. White Horse Pike, Berlin, be and the same is hereby suspended for the balance of its term, effective at 9:00 a.m. June 15, 1956; and it is further

ORDERED that any renewal or transfer of such license shall be and remain under suspension until 9:00 a.m. July 10, 1956.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SYLVERA, INC.)
203-205 Market Street)
Camden, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-32, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

Joseph Wm. Cowgill, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) it permitted gambling in and upon its licensed premises, in violation of Rule 7 of State Regulations No. 20, and (2) that it possessed and sold lottery tickets in and upon its licensed premises, in violation of Rule 6 of State Regulations No. 20.

The file herein discloses that ABC agents visited defendant's licensed premises on January 25 and 27, 1956, and on each occasion observed what later proved to be gambling activities. On their first visit one of the agents was directed by Morris Tacknoff (Secretary and Treasurer of defendant corporation), the bartender, to a "bookie" with whom the agent played 50¢ on a "number". After being assured by the bartender that a "hit" would be paid, the agents departed. On their second visit the "betting" agent played \$1.00 on a "number" with the same "bookie" and handed him a marked bill. As prearranged, three local police officers entered the licensed premises. The agents identified themselves, pointed out the "bookie" (Charles H. Beam) who was taken into custody, and advised Tacknoff of the violation. Tacknoff commented, "What can I do? He comes in every day".

Defendant has no prior adjudicated record. Until recently, the usual penalty imposed for permitting commercialized gambling on licensed premises where the licensee or his employee participated was a suspension of the license for twenty days. Re Koch, Bulletin 1093, Item 6. However, on January 16, 1956, I announced that the penalty in such cases would be increased by five days. Re Increased Penalties, Bulletin 1095, Item 1. Since the violations in the instant case occurred after that announcement, I shall suspend defendant's license for twenty-five days and remit five days for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 18th day of June, 1956,

ORDERED that any renewal for the 1956-57 licensing year or transfer of Plenary Retail Consumption License C-32, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Sylvera, Inc. for premises 203-205 Market Street, Camden, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. July 3, 1956, and terminating at 2:00 a.m. July 23, 1956.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - CLUB LICENSE - SALE TO NON-MEMBERS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

NATIONAL PARK MEMORIAL POST 6884, V.F.W. Hessian Avenue and Temple Place National Park, N. J.,)

CONCLUSIONS AND ORDER

Holder of Club License CB-162, issued by the Director of the Division of Alcoholic Beverage Control.)

National Park Memorial Post 6884, V.F.W., Defendant-licensee, by Norbert D. Burke, Adjutant. Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charge:

"On April 20, 1956, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to persons not bona fide members of your club or bona fide guests of any such members; in violation of Rule 8 of State Regulations No. 7."

The file herein discloses that at approximately 10:00 p.m., on Friday, April 20, 1956, an ABC agent purchased a bottle of beer from the bartender on duty in the defendant's licensed premises. At 10:15 p.m., by prearrangement, another agent who had remained outside entered the barroom and observed his fellow-agent seated at the bar with the bottle of beer in front of him. Gavin W. Johnstone, Quartermaster of defendant club who had preceded the second agent into the premises, asked if he could help him at which time he and the agent who had purchased the beer identified themselves. Gavin W. Johnstone gave a signed sworn statement wherein he stated that although he did not see the agent served, he observed the agent at the bar drinking beer. Furthermore, the bartender admitted that he made the sale of the bottle of beer to the agent. The agent who purchased the beer is not a member of defendant club or of any V.F.W. Post and was not a bona fide guest of a member at the time in question.

Defendant has no prior adjudicated record. I shall suspend its license for the minimum period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Italian-American Pleasure Club, Inc., Bulletin 995, Item 4.

Accordingly, it is, on this 7th day of June, 1956,

ORDERED that Club License CB-162, issued by the Director of the Division of Alcoholic Beverage Control to National Park Memorial Post 6884, V.F.W., Hessian Avenue and Temple Place, National Park, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. June 18, 1956, and terminating at 2:00 a.m. June 28, 1956.

WILLIAM HOWE DAVIS Director.

7. DISQUALIFICATION - FIVE YEARS' GOOD CONDUCT NOT SHOWN -
APPLICATION DENIED.

In the Matter of an Application) to Remove Disqualification) because of a Conviction, Pursuant) to R. S. 33:1-31.2.)	CONCLUSIONS AND ORDER
Case No. 1277) -----))	

BY THE DIRECTOR:

On October 3, 1941, petitioner was convicted in a United States District Court of conspiracy to operate an unregistered still and as a result thereof he was sentenced to a penal institution for a period of six months. The operation of the sentence was suspended and he was fined \$100.00 and placed on probation for three years. On November 30, 1949, petitioner was convicted of possession of an unregistered still and was sentenced by a federal judge to prison for one year and one day. The operation of said sentence was suspended and petitioner was placed on probation for three years. In connection with the latter offense, petitioner, on January 10, 1951, was charged with conspiracy and was sentenced to prison for thirty days. He was released, however, from the penal institution after serving seventeen days therein.

On November 16, 1952, petitioner was fined \$50.00 and costs by a municipal magistrate after he had been adjudged a disorderly person for committing an assault and battery upon his wife.

The crime of conspiracy to operate an unregistered still is a crime involving the element of moral turpitude. Re Case No. 983, Bulletin 940, Item 12. It is unnecessary, therefore, to determine whether or not the other crimes of which petitioner was convicted involve that element.

Petitioner testified that at the present time he is engaged in the construction business. It is his intention, according to his testimony, if relief is granted to him in this proceeding, to acquire a liquor licensed establishment.

Petitioner produced four character witnesses, each of whom has known him for at least five years, who testified that he has the reputation of leading a law-abiding existence. The Chief of Police of the municipality wherein petitioner resides has advised me that there are no complaints or investigations presently pending involving the petitioner.

After careful examination of the petitioner's record, particularly with reference to the fact that during the past five years he was adjudged a disorderly person for an assault and battery upon his wife, I am not satisfied that he has sufficiently rehabilitated himself so that his association with the alcoholic beverage industry would not be detrimental to the public interest. I have reached this conclusion regardless of the fact that petitioner's wife at the hearing herein attempted to assume some of the responsibility for the assault committed upon her by the petitioner. To afford petitioner the relief requested, it is necessary that I find that he has been conducting himself in a law-abiding manner for five years last past 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 conviction in 1952 as a disorderly person does not constitute conviction of a "crime" (Re Case No. 1009, Bulletin 950, Item 8), it is, nevertheless, a pertinent circumstance to consider on the question whether he has successfully rehabilitated himself and has been living in a "law-abiding" manner during the above requisite period. I cannot find under the facts in this case that petitioner has been law-abiding for five years last past and, hence, I shall deny his petition.

Accordingly, it is, on this 23rd day of May, 1956,

ORDERED that the petition herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
Director.

8. DISQUALIFICATION - DISCLOSURE OF CONVICTION IN APPLICATION FOR LICENSE - FIVE YEARS' GOOD CONDUCT - APPLICATION GRANTED.

In the Matter of an Application)
to Remove Disqualification because)
of a Conviction, Pursuant to R. S.)
33:1-31.2.)
Case No. 1279.)
-----)

CONCLUSIONS
AND ORDER

BY THE DIRECTOR:

Applicant's fingerprint returns show that in 1943 she entered a plea of not guilty to an indictment charging her with abortion, was found guilty thereof by a jury and sentenced on June 9, 1943, to a reformatory. The sentence was stayed pending an appeal to the higher courts, and applicant did not begin to serve her sentence until June 24, 1944. The sentence imposed was one to fifteen years, and on December 6, 1945, she was placed on parole which expired in October 1950. Since the aforesaid crime involves the element of moral turpitude (Bulletin 319, Item 13), applicant is precluded from engaging in the alcoholic beverage industry in this State unless and until her disqualification is removed.

At the hearing herein applicant testified that she is a widow, 65 years of age; that she and her daughter held a plenary retail consumption license as partners from May 1, 1951, up to and including the current licensing year; that the applications for said license disclosed her criminal record; that she was not cognizant of her disqualification until recently when she was apprised thereof by agents of this Division who were investigating the licensed premises; that she has not worked on the licensed premises since said investigation; that her sole means of livelihood is the licensed business; and that she has not been convicted of any other crime and has had no difficulty with the law since 1945. The Police Department of the community in which applicant resides reports no complaints or investigations presently pending against her.

Three witnesses (an active and a retired government employee and an insurance broker) appeared at the hearing and testified that they have known applicant for over nine years and that she has been a law-abiding citizen for more than five years last past.

I would have no hesitancy in granting the relief sought were it not for the fact that applicant, although disqualified, has been engaging in the alcoholic beverage industry in this State. However, after carefully considering her testimony, I am of the belief that she was unaware of the legal requirements and that she acted in good faith. Knowledge of the law is not an essential prerequisite in rehabilitation proceedings (Re Case No. 996, Bulletin 943, Item 8). She practiced no fraud upon the local issuing authority since she disclosed her conviction in each application filed.

Under the circumstances, I find that applicant has been law-abiding for more than five years last past, and that her association with the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 28th day of May, 1956,

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

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

SAMUEL NEIMEISER & JACOB J. LEVIKOFF)
T/a BERLIN BOTTLING CO.)
76 So. White Horse Pike)
Berlin, N. J.,)

ON PETITION
O R D E R

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

William T. Cahill, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

An order having been entered herein on June 11, 1956, suspending defendants' license for twenty-five days, effective at 9:00 a.m. June 15, 1956, for the balance of its term, and a further order having been entered providing that any renewal or transfer of such license would remain under suspension until 9:00 a.m. July 10, 1956; and

It appearing from a petition herein that, prior to entry of said orders, defendants had "made ready for the week-end prior to and the holiday of the Fourth of July" and, therefore, requested that suspension commence on July 9, 1956; and no reason appearing to the contrary,

It is, on this 18th day of June, 1956,

ORDERED that the suspension of twenty-five days heretofore imposed, instead of commencing at 9:00 a.m. June 15, 1956, shall, in lieu thereof, commence against the renewed license at 9:00 a.m. July 9, 1956, and terminate at 9:00 a.m. August 3, 1956.

WILLIAM HOWE DAVIS
Director.

10. DISCIPLINARY PROCEEDINGS - EFFECTIVE DATES FIXED FOR SUSPENSION PREVIOUSLY IMPOSED UPON REOPENING FOR BUSINESS.

In the Matter of Disciplinary Proceedings against)

STEWART-ALLEN, INC.)
T/a SEA BRIGHT YACHT CLUB)
958 Ocean Avenue)
Sea Bright, N. J.,)

Holder of Plenary Retail Consumption License C-1 (for the 1954-55 licensing year) issued by the Borough Council of the Borough of Sea Bright, and since transferred to and renewed by)

ON PETITION
O R D E R

ARTHUR E. LEES)
T/a CLUB PINK)
1300 Ocean Avenue)
Sea Bright, N. J.)

Harold M. Blanchard, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

By order dated March 21, 1955, I suspended the license then held by Stewart-Allen, Inc., for the balance of its term and provided therein that, if the unlawful situation were corrected, defendant might file a petition to lift the suspension ten days from the date I am satisfied that other premises to which the license might be transferred are ready to open for business (see Bulletin 1056, Item 9); and

Report of an investigation of the premises to be operated by the present licensee having satisfied me that said premises are ready to open for business, and it appearing that the unlawful situation has been corrected,

It is, on this 11th day of June, 1956,

ORDERED that the ten-day suspension heretofore imposed shall commence at 7:00 a.m. June 12, 1956, and terminate at 7:00 a.m. June 22, 1956.

WILLIAM HOWE DAVIS
Director.

11. AUTOMATIC SUSPENSION - SELLING ALCOHOLIC BEVERAGES TO MINORS - LICENSE PREVIOUSLY SUSPENDED BY DIRECTOR - APPLICATION TO LIFT GRANTED.

In the Matter of Disciplinary Proceedings against)

JOSEPH T. & JOHN WEBER, JR.)
T/a WALNUT GROVE)
Route #46, at Great Meadows)
Liberty Township)
PO Great Meadows, N. J.,)

ON PETITION
O R D E R

Holders of Plenary Retail Consump-)
tion License C-4, issued by the)
Township Committee of Liberty)
Township.)

BY THE DIRECTOR:

It appears from a verified petition filed herein that on May 31, 1956, Joseph T. Weber (one of the defendants herein) was sentenced in the Warren County Court to pay a fine of \$250.00 after pleading non vult to a charge of selling alcoholic beverages to minors. Said conviction has resulted in the automatic suspension of the license held by defendants herein for the balance of its term. R. S. 33:1-31.1. The petition requests the lifting of said suspension.

By order dated May 3, 1956, I suspended defendants' license for thirty days after they had pleaded non vult in disciplinary proceedings to a charge alleging that they sold alcoholic beverages to minors. Said suspension was effective from 3:00 a.m. May 14, 1956 to 3:00 a.m. June 13, 1956. See Bulletin 1115, Item 4. The conviction in the criminal proceedings and the charge in the disciplinary proceedings were based upon the same facts. Since the suspension heretofore imposed is adequate, the relief sought herein will be granted upon the termination of the suspension now in effect.

Accordingly, it is, on this 11th day of June, 1956,

ORDERED that the automatic suspension of the license held by defendants be lifted, effective at 3:00 a.m. June 13, 1956. Until then the suspension remains in effect.

WILLIAM HOWE DAVIS
Director.

12. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

OLIMPIO MERCANTINI & PETER ROSSI T/a WASHINGTON HOUSE BAR 233 Farnsworth Avenue Bordentown, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Board of Commissioners of the City of Bordentown.)

-----) Felcone & Felcone, Esqs., by Joseph J. Felcone, Esq., Attorneys for Defendant-licensees. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that on May 3, 1956 they sold, served and delivered and permitted the sale, service and delivery of alcoholic beverages to a minor and permitted said minor to consume such beverages in and upon their licensed premises, in violation of Rule 1 of State Regulations No. 20.

Acting upon information obtained from the Provost Marshal at Fort Dix, ABC agents obtained a sworn statement from Ronald G. --- (19 years of age). Therein Robert states that he and an adult companion entered defendants' premises at about 9:00 p.m. May 3, 1956 and was there served and drank a glass of beer, without any inquiry as to his age, and similarly was served with beer at the premises on one or two previous occasions. Statements obtained by officers of the Bordentown Police Department from Robert's adult companion and Olimpio Mercantini, one of the licensees, corroborated Robert's account of the incident and Mercantini acknowledged therein that he had served the beer to the minor.

Defendants have no prior adjudicated record. Since the violation occurred subsequent to January 16, 1956 (see Bulletin 1095, Item 1), I shall impose the minimum penalty of fifteen days, with five days being remitted for the plea, leaving a net suspension of ten days. Re Goldere, Bulletin 1110, Item 1.

Accordingly, it is, on this 13th day of June, 1956,

ORDERED that Plenary Retail Consumption License C-2, issued by the Board of Commissioners of the City of Bordentown to Olimpio Mercantini & Peter Rossi, t/a Washington House Bar, 233 Farnsworth Avenue, Bordentown, be and the same is hereby suspended for a period of ten (10) days, commencing at 6:00 a.m. June 18, 1956, and terminating at 6:00 a.m. June 28, 1956.

WILLIAM HOWE DAVIS Director.

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

In the Matter of Disciplinary)
Proceedings against)

MICHAEL FERRANTE)
T/a BLUE JAY INN)
Route #28, North Branch)
Branchburg Township)
PO RD #3, Somerville, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-6, issued by the)
Township Committee of the Township)
of Branchburg.)

Michael Ferrante, Defendant-licensee, Pro se.
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 possessed on his licensed premises alcoholic beverages in bottles bearing labels which did not truly describe the contents thereof, in violation of Rule 27 of State Regulations No. 20.

The file herein discloses that on April 26, 1956, ABC agents, conducting a routine inspection of defendant's licensed premises, gauged and tested the contents of various open bottles of assorted brands of liquor. Four of the bottles were seized and submitted to the Division's chemist for an analysis of their contents. The chemist's report shows that the contents of one of the bottles labeled "Old Quaker Straight Bourbon Whiskey 5 years old 86 Proof" to be "too high in solids; too low in acids and 7 proof short" and the contents of a bottle labeled "Park & Tilford Genuine Sour Mash Kentucky Bred Straight Bourbon Whiskey 90 Proof" to be "artificially colored". A comparison was made with samples of the genuine products.

Defendant has a prior adjudicated record. Effective November 10, 1955, his license was suspended for twenty days by the local issuing authority for allowing a brawl and sale to intoxicated persons on his licensed premises. Under all the circumstances, including the prior dissimilar record, I shall suspend defendant's license for twenty days. Re Constantine, Bulletin 1082, Item 9; Re Marrone, Bulletin 1076, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 13th day of June, 1956,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Branchburg to Michael Ferrante, t/a Blue Jay Inn, Route #28, North Branch, Branchburg Township, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. June 18, 1956; and it is further

ORDERED that any renewal or transfer of such license shall be and remain under suspension until 2:00 a.m. July 3, 1956.

WILLIAM HOWE DAVIS
Director.

14. DISCIPLINARY PROCEEDINGS - SUSPENSION REIMPOSED AFTER TERMINATION OF PROCEEDINGS TO REVIEW.

In the Matter of Disciplinary Proceedings against)

FRANK E. HORNAUER)
t/a Blue Roof Restaurant)
Route #69 (formerly Route 30))
Washington Township (Warren Co.))
PO RD 1, Hampton, New Jersey)

O R D E R

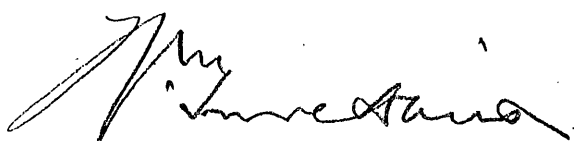
Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Washington.)

BY THE DIRECTOR:

On January 18, 1956, the defendant's license was suspended for a period of 25 days. See Bulletin 1099, Item 3. The suspension was held in abeyance pending the defendant's appeal to the Superior Court, Appellate Division. On June 27, 1956, the court affirmed the suspension and it may now be reimposed.

Accordingly, it is, on this 16th day of July 1956,

ORDERED that the suspension for a period of twenty-five (25) days, heretofore imposed against License C-3, issued by the Township Committee of the Township of Washington to Frank E. Hornauer, t/a Blue Roof Restaurant, Route #69 (formerly Route 30), Washington Township (Warren Co.), be and the same is hereby reimposed, commencing at 3 a.m., July 23, 1956, and terminating at 3 a.m., August 17, 1956.



William Howe Davis
Director.