

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Dr. Cranford, N.J. 07016

BULLETIN 2064

September 13, 1972

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Dr. Cranford, N.J. 07016

BULLETIN 2064

September 13, 1972

1. APPELLATE DECISIONS - JAMES V. SYLVESTER, INC. v. KEARNY.

James V. Sylvester, Inc.,)
 Appellant,)
 v. On Appeal /
) AMENDED ORDER
Town Council of the Town)
of Kearny,)
 Respondent.)
-----)

Farley & Rush, Esqs., by Thomas R. Farley, Esq., Attorneys for
 Appellant
Norman A. Doyle, Jr., Esq., Attorney for Respondent

BY THE DIRECTOR:

On July 11, 1972 Conclusions and Order were entered herein affirming the action of respondent, dismissing the appeal and fixing the effective dates of suspension commencing July 25, 1972, and terminating August 9, 1972. James v. Sylvester, Inc. v. Kearny, Bulletin , Item .

By letter dated July 24, 1972, the attorney for appellant has requested that the said order be amended to provide that the suspension shall commence on or after September 15, 1972. Good cause appearing, I shall grant the request.

Accordingly, it is, on this 27th day of July 1972,

ORDERED that the order entered herein on July 11, 1972 be and the same is hereby amended as follows:

ORDERED that Plenary Retail Distribution License D-8 issued by the Town Council of the Town of Kearny to James V. Sylvester, Inc., for premises 179-181 Kearny Avenue, Kearny, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Friday, September 15, 1972, and terminating at 2 a.m. Saturday, September 30, 1972.

Robert E. Bower,
Director.

2. APPELLATE DECISIONS - CLUB MANGOS v. NEWARK.

Club Mangos,)	
)	
Appellant,)	
v.)	On Appeal
)	
Municipal Board of Alcoholic)	
Beverage Control of the City)	O R D E R
of Newark,)	
Respondent.)	

Schutzman, Glickman & Valentine, Esqs., by Peter S. Valentine,
 Esq., Attorneys for Appellant
 William H. Walls, Esq., by Beth M. Jaffe, Esq., Attorney for
 Respondent

BY THE DIRECTOR:

Appellant appealed from denial by respondent of its application for a person-to-person transfer of a plenary retail consumption license from Sea Gull Lounge, Inc. for premises 523 South Orange Avenue, Newark.

Subsequent to the date of hearing herein but before the preparation of a Hearer's report, appellant herein advised this Division by letter dated July 20, 1972, that it was withdrawing its appeal.

Accordingly, it is, on this 28th day of July 1972,

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

Robert E. Bower,
 Director.

3. APPELLATE DECISIONS - FRANKIES CORNER v. NEWARK.

Frankies Corner (Corp.),)	
	Appellant,)
v.		On Appeal
)	
Municipal Board of Alcoholic Beverage Control of the City of Newark,)	CONCLUSIONS and ORDER
	Respondent.)

Anthony J. Iuliani, Esq., Attorney for Appellant
 Horowitz, Bross and Sinins, Esqs., by Irwin A. Horowitz, Esq.,
 Attorneys on Petition
 William H. Walls, Esq., by Beth M. Jaffe, Esq., Attorney for
 Respondent

BY THE DIRECTOR:

Appellant appeals from an order of respondent Municipal Board of Alcoholic Beverage Control of the City of Newark which on January 24, 1972 suspended appellant's plenary retail consumption license (for premises 209 Clinton Place, Newark) for fifteen days effective February 7, 1972, upon conviction of a charge alleging that licensee on April 11, 1971 sold alcoholic beverages to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Following the filing of the appeal, and prior to hearing thereon, appellant withdrew the appeal and substituted therefor an application to pay a fine in lieu of suspension in accordance with Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$600 in lieu of suspension.

Accordingly, it is, on this 2nd day of August 1972,

ORDERED that the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the payment of a \$600 fine by the licensee is hereby accepted in lieu of the suspension of license for fifteen (15) days.

Robert E. Bower,
Director.

4. APPELLATE DECISIONS - TENRO, INC. v. ENGLEWOOD.

Tenro, Inc.,)	
)	
Appellant,)	
v.)	On Appeal
)	
Common Council of the City)	
of Englewood,)	O R D E R
Respondent.)	
-----)	

Van Riper, Belmont & Villanueva, Esqs., by Alfred C. De Cotiis,
 Esq., Attorneys for Appellant
 Sylvia B. Pressler, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from denial of its application for renewal for the 1971-72 license period of plenary retail consumption license for premises 60 Van Nostrand Avenue, Englewood.

Prior to hearing, the attorney for appellant requests dismissal of the within appeal, with prejudice. Good cause appearing, I shall grant the request.

Accordingly, it is, on this 7th day of August 1972,

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

Robert E. Bower,
Director.

5. SEIZURE - FORFEITURE PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES IN UNLICENSED CLUB - CLAIM FOR RETURN OF SUM DEPOSITED BY INNOCENT OWNER OF POOL TABLE, JUKE BOX AND VENDING MACHINES GRANTED - ALCOHOLIC BEVERAGES, CASH AND PERSONAL PROPERTY ORDERED FORFEITED.

In the Matter of the Seizure : Case No. 12,582
on September 17, 1971 of a :
quantity of alcoholic beverages, : On Hearing
miscellaneous personal property :
and \$10.00 in cash in the un- : CONCLUSIONS and ORDER
licensed premises of Club Civico :
Deportivo, located at 258 Monroe :
Street, in the City of Passaic, :
County of Passaic and State of :
New Jersey. :

.....
James Cuccio, t/a Chess Amusements, claimant.
Harry D. Gross, Esq., Appearing for the Division.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to the provisions of N.J.S.A. 33:1-66 and State Regulation No. 28, and, further, pursuant to two stipulations, both dated September 18, 1971, one entered into by James Cuccio, trading as Chess Amusements, and the other entered into by Luis Brizarry Rodriguez, Agent for and on behalf of Club Civico Deportivo to determine whether 75 containers of alcoholic beverages; one pool table; one juke box; one cigarette machine; one refrigerator; miscellaneous personal property and \$10.00 in cash, seized on September 17, 1971 in the unlicensed premises of Club Civico Deportivo, 258 Monroe Street, Passaic constitute unlawful property and should be forfeited; and further, to determine whether the sum of \$300.00, deposited with the Director, under protest, by James Cuccio, representing the appraised value of one pool table, one juke box and one cigarette machine, pursuant to the aforesaid stipulation should be forfeited; and, further, to determine whether the sum of \$50.00 deposited with the Director under protest by the Club Civico Deportivo, representing the appraised value of four tables, 14 chairs, one refrigerator, two heaters and one window fan should be forfeited.

When the matter came on for hearing, James Cuccio appeared and sought return of the pool table, juke box and cigarette machine. No one appeared to seek return of the alcoholic beverages, cash, or the sum of \$50.00 representing the balance of the personal property.

The Division file was admitted into evidence with the consent of all parties present. Reports of Division agents contained in the file disclose that on August 14, 1971, Agents D and R entered the unlicensed premises of Club Civico Deportivo, 258 Monroe Street, Passaic and shortly thereafter purchased two cans of beer at a cost of twenty-five cents each. They departed and submitted the beverages to the Division chemist for analysis.

On Friday, September 17, 1971 Agents D, R, and Ro returned to the vicinity of the premises. Agent R entered the premises alone while Agents D and Ro remained outside at a point of contact. Agent R purchase a can of Rheingold beer from a male, later identified as Jose Rivera, using a dollar bill, the serial number of which had been previously recorded. He received forty cents change.

By pre-arrangement, Agents D, Ro and members of the Passaic Police Department then entered, identified themselves and searched the premises as well as the person of Rivera. The "marked" currency was retrieved from the person of Rivera. A search of the premises disclosed the 75 containers of alcoholic beverages. Rivera was arrested and charged with the sale of alcoholic beverages and possession with intent to sell alcoholic beverages without a license in violation of N.J.S.A. 33:1-50 (a & b).

The Division file included the Director's certificate that no alcoholic beverage license or permit of any kind was ever issued to Jose Rivera or the Club Civico Deportivo, or for premises 258 Monroe Street, Passaic; proof of publication of notice of hearing; proof of service of notice of hearing; an inventory of the items seized; and the report of chemical analysis of the Division chemist certified by the Director, that one seven-ounce Rheingold beer can and one six-ounce bottle seized in the instant matter contained alcoholic beverages fit for beverage purposes, with alcoholic content, by volume, of 4.79% and 4.86% respectively.

James Cuccio, seeking return of the money deposited under the aforementioned stipulation, testified that he is the owner and operator of Chess Amusements. During late July or early August of 1971, he was contacted by a member of the Civico Club about placing equipment at the Club. He requested and was shown the certificate of occupancy issued by the City of Passaic and the club charter. Thereafter, he placed the pool table and juke box on or about August 15, 1971 and the cigarette machine one week thereafter.

On September 15, 1971 he revisited the premises to collect the receipts; on September 17, 1971 the seizure by ABC agents occurred. On this one occasion, he remained on the premises about five to ten minutes, counted the money, paid the club president his share and departed the premises. On his one visit to the premises, he saw no alcoholic beverage activity take place.

The seized alcoholic beverages are illicit because they were intended for sale and sold without a license. N.J.S.A. 33:1-1(i); N.J.S.A. 33:1-2, N.J.S.A. 33:1-50(a & b). Therefore, the alcoholic beverages, personal property and cash constitute unlawful property and are subject to forfeiture. N.J.S.A. 33:1-66(b). Seizure Case No. 11,597, Bulletin 1679, Item 7.

The Director has the discretionary authority to order the return of seized property upon showing by the claimant that he has acted in good faith and has unknowingly violated the law. N.J.S.A. 33:1-66(e).

Claimants for the return of seized property such as vending machines installed at unlicensed premises will not be permitted to rely on any presumed investigation of such premises by any other agency, including law enforcement agencies. Personal inspection at reasonable hours will be required in order to show that the claimant neither knew nor should have known of the illicit alcoholic beverage activity taking place in such premises. Seizure Case No. 12,252, Bulletin 1919, Item 5.

Under all the circumstances herein, I am satisfied that the claimant acted in good faith. He personally confirmed the existence of a bona fide club charter and a certificate of occupancy. Thereafter, he made only one regular scheduled visit. All told, the claimant was involved with the premises herein for slightly longer than one month.

Accordingly, it is recommended that the claim of James Cuccio, trading as Chess Amusements be recognized and that an order be entered returning the monies deposited, under the aforementioned stipulation. Seizure Case No. 11,821, Bulletin 1742, Item 5.

It is further recommended that the balance of the seized property, including the alcoholic beverages, \$10.00 in cash and the \$50.00 deposited, under protest, on behalf of the Club Civico Deportivo be forfeited.

Conclusions and Order

No exceptions to the Hearer's Report were filed within the time permitted by Rule 4 of State Regulation No. 28.

After carefully considering the entire matter herein, including the transcript of testimony, the exhibits and the Hearer's Report, I concur in the recommendation of the Hearer and adopt them as my conclusions herein.

Accordingly, it is on this 28th day of July, 1972

DETERMINED and ORDERED that the claim of Chess Amusements be and the same is hereby recognized; and the cash in the sum of \$300.00, deposited by James Cuccio as agent for and on behalf of Chess Amusements under one of the aforesaid stipulations be returned to it; and it is further

DETERMINED and ORDERED that the sum of \$50.00, representing the appraised retail value of certain personalty listed in Schedule "A", attached hereto; paid under protest by the Club Civico Deportivo to the Director of the Division of Alcoholic Beverage Control to obtain return of said items, constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of N.J.S.A. 33:1-66 to be disposed of in accordance with law; and it is further

DETERMINED and ORDERED that the balance of the seized property, including the alcoholic beverages and cash, as more fully set forth in Schedule "A", attached hereto, constitute unlawful property and the same be and is hereby forfeited in accordance with the provisions of N.J.S.A. 33:1-66 and shall be retained for the use of hospitals and State, county or municipal institutions or destroyed, in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

Robert E. Bower,
Director

SCHEDULE "A"

- 75 - containers of alcoholic beverages
- 1 - pool table; 1 - juke box; 1 - cigarette machine
- 1 - refrigerator; 14 - chairs; 4 - tables; 2 - heaters;
- 1 - fan
- \$10.00 - cash

6. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN DWELLING - CLAIM FOR SUM DEPOSITED BY OWNER OF PINBALL MACHINE IN LIEU OF SEIZURE REJECTED - ALCOHOLIC BEVERAGES, CASH AND PERSONAL PROPERTY FORFEITED.

In the Matter of the Seizure : Case No. 12,668
on January 26, 1972 of a quantity :
of alcoholic beverages, various : On Hearing
fixtures, furnishings and equip- :
ment and \$30.46 in cash in a : CONCLUSIONS and ORDER
dwelling at 122 Broadway, in the :
City of Paterson, County of Pas- :
saic and State of New Jersey. :

.....
Harry D. Gross, Esq., Appearing for Division.

BY THE DIRECTOR:

This matter came on for hearing pursuant to the provisions of N.J.S.A. 33:1-66 and State Regulation No. 28, to determine whether 24 containers of alcoholic beverages, one cash register, two refrigerators, one juke box, one cigarette machine, one pinball machine, one pool table, miscellaenous personal property and \$30.46 in cash, as set forth in an inventory attached hereto, made part hereof, and marked Schedule "A", seized on January 26, 1972 at a dwelling located at 122 Broadway, Paterson, New Jersey; constitutes unlawful property and should be forfeited; and further to determine whether the sum of \$50.00, deposited with the Director, under protest, by stipulation, dated February 9, 1972, executed by Donald Post, agent for George Tillotson, t/a George's Vending, representing the appraised retail value of one pinball machine, which was returned to him should be forfeited or returned to him. The seizure was made because of an alleged speakeasy conducted at said premises.

When the matter came on for hearing pursuant to N.J.S.A. 33:1-66, no one appeared to seek return of the seized property.

The records of the Division establish that at approximately 10:20 P.M. on January 26, 1972, Agents D, Di, P, C, B and R, in cooperation with the Paterson Police, proceeded to the vicinity of the subject premises.

Agent R with currency in his possession, the serial numbers of which had been previously recorded, entered the premises, and approached a male, later identified as Hector M. Milete. He ordered and received a 12 ounce can of Rheingold Beer from Milete, and paid him with a "marked" one-dollar bill, receiving 40¢ in change.

At about 10:30 P.M., the other agents and local police entered the premises, identified themselves to Milete, after Agent R informed them that Milete sold him the beer. Milete was placed under arrest and Paterson Police Detective Colon informed Milete of his constitutional rights in Spanish. He was charged with possession and with intent to sell alcoholic beverages in violation of N.J.S.A.

33:1-50(a). A search of the premises was made by the agents and \$30.46 was found in the cash register and on his person. Milete admitted that he is the operator of the Arecibo Social Club.

The records of the Division contain the Certification by the Director that no alcoholic beverage license or permit of any kind has ever been issued to Hector M. Milete at Arecibo Social Club or for the said premises; an inventory of the items seized; affidavits of mailing and publication of Notice of Hearing; and a report of chemical analysis by the Division chemist, certified by the Director, establishing that one six-ounce bottle of Rheingold beer, seized herein by Division agents, contained an alcoholic beverage fit for beverage purposes with an alcoholic content of 4.64% by volume.

The said alcoholic beverages, personal property and cash seized herein, as set forth in Schedule "A", attached hereto, constitutes unlawful property and are subject to forfeiture.

Accordingly, it is on this 28th day of July , 1972

DETERMINED and ORDERED that the \$50.00 deposited under protest, with the Director by George Tillotson, t/a George's Vending, representing the appraised value of one pinball machine which was returned to him, be and the same is hereby forfeited in accordance with the provisions of N.J.S.A. 33:1-66 to be accounted for in accordance with law; and it is further

DETERMINED and ORDERED that the balance of the seized property, including the alcoholic beverages and \$30.46 in cash, as more fully set forth in Schedule "A", attached hereto, constitute unlawful property and the same is hereby forfeited in accordance with the provisions of N.J.S.A. 33:1-66 and shall be retained for the use of hospitals or State, county or municipal institutions, or destroyed, in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

Robert E. Bower,
Director

SCHEDULE "A"

- 24 - containers of alcoholic beverages
- 1 - cash register; 1 - soda box;
- 2 - refrigerators; 1 - juke box;
- 1 - pinball machine; 1 - pool table;
- 1 - cigarette machine
- Miscellaneous personal property
- \$30.46 - cash

7. SEIZURE - FORFEITURE PROCEEDINGS - UNLAWFUL TRANSPORTATION OF ALCOHOLIC BEVERAGES IN STATE - ALCOHOLIC BEVERAGES ORDERED FORFEITED - MOTOR VEHICLE ORDERED RETURNED TO INNOCENT OWNER.

In the Matter of the Seizure	:	Case No. 12,746
on April 11, 1972 of a quantity	:	
of alcoholic beverages, car keys,	:	On Hearing
and a 1971 Oldsmobile in the rear	:	
parking lot of the Howard Johnson	:	CONCLUSIONS and ORDER
Motor Lodge, Route 46, in the	:	
Village of Ridgfield Park, County	:	
of Bergen and State of New Jersey.	:	
.....	:	

Seymour Chase, Esq., Appearing for Delthimar Hillaire, claimant.
 Nathan Robins, Esq., Appearing for First National Bank of Passaic County, now known as First National Bank of New Jersey, claimant.
 Harry D. Gross, Esq., Appearing for Division.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to the provisions of N.J.S.A. 33:1-66 and State Regulation No. 28 to determine whether 118 containers of alcoholic beverages, 19 car keys, one 1961 Pontiac Catalina, four-door sedan, one 1967 Oldsmobile, two-door sedan, and one 1971 Oldsmobile, two-door sedan, seized on April 11, 1972 by police officers of Ridgfield Park, in a parking lot owned by Ridgepark Operating Corp., and located in the rear of the Howard Johnson Motor Lodge, U.S. Route 46, Ridgfield Park, constitute unlawful property and should be forfeited.

At the hearing herein, Delthimar Hillaire, appeared to seek return of the 1971 Oldsmobile, more fully described in Schedule "A", attached hereto, and made part hereof. Additionally, an appearance was entered on behalf of First National Bank of Passaic County, which sought recognition of an alleged lien claim on the 1971 Oldsmobile.

The request of claimants for the remaining vehicles that hearing with respect to the two other vehicles be adjourned, was granted by the Director. Hence, only the 1971 Oldsmobile, the 118 containers of alcoholic beverages and the 19 car keys will be considered in this Report.

The Division file was admitted into evidence with the consent of all parties present. It contained reports of Ridgfield Park police which established that, at 1:25 A.M. April 11, 1972, Officer Ware, while on routine inspection observed certain adult males transferring plastic gallon jugs from the trunk of a 1961 Pontiac with Virginia license plates to the 1971 Oldsmobile which is the subject of this partial hearing. Nearby, a 1967 Oldsmobile sedan with Virginia license plates was observed and the occupants thereof were similarly engaged in unloading plastic gallon jugs of liquid. The incident occurred at the rear of the aforementioned parking area owned by Ridgepark Operating Corp. The plastic jugs had no indicia of any state or federal taxes having been paid thereon.

Upon detecting a strong odor of alcohol in the vehicle, the officers searched the vehicles, and found numerous containers of alleged alcoholic beverages.

Four adult males, one of whom was Albert A. Hillaire, were arrested and charged with possession of untaxed alcoholic beverages in violation of N.J.S.A. 54:47-5.

The file further disclosed that the office of the Bergen County Prosecutor advised the Division that the charges would be amended to possession and transportation of illicit alcoholic beverages, contrary to N.J.S.A. 33:1-1(i), in violation of N.J.S.A. 33:1-50.

On April 18, 1972, one gallon of the alleged illicit beverage was transferred to the Division chemist for analysis.

The Division file also includes the following: The records of this Division which show that no alcoholic beverage license or special permit of any kind had ever been issued to Albert A. Hillaire or any of the other male adults arrested herein, or for the premises herein described; proof of publication of notice of hearing; proof of service of notice of hearing; an inventory of the items seized herein, and the report of chemical analysis by the Division chemist certified by the Director establishing that one gallon of alleged alcoholic beverages, seized herein, contained corn whiskey and is an alcoholic beverage fit for beverage purposes, with alcoholic content of 45.11% by volume.

George Marquart testified that he is assistant collection manager for the First National Bank of New Jersey which was formerly known as the First National Bank of Passaic County. He identified a promissory note in the gross amount of \$3,308.40 dated January 5, 1971, executed by Delthimar Hillaire to said Bank calling for 36 monthly payments of \$91.80 beginning on February 15, 1971.

Concurrently therewith, Miss Hillaire executed a security agreement granting to the Bank a security interest in the subject 1971 Oldsmobile. The Certificate of Ownership of the said vehicle shows Delthimar Hillaire, 268 Liberty Road, Englewood as owner and the First National Bank of Passaic County as secured party.

He stated that Miss Hillaire has continued the payments of \$91.80 monthly since the date of the seizure of her vehicle and that the balance due and owing on the note was \$1,838.00 on the date of hearing.

Delthimar Hillaire testified that while she resided at the Englewood address on April 11, 1972, she presently resides at 70 Chester Avenue, Newark.

On the date of seizure, she resided in one of three apartments at the Englewood address. The remaining apartments were occupied by her mother and her brother, Albert Hillaire, respectively.

While her brother resided in the same building, he was never authorized to use the vehicle. He had never requested use of it nor was he ever permitted by her to use the vehicle. There was, however, an extra set of keys to the car in her apartment for emergency purposes. She had no knowledge that he was engaged in any unlawful activity nor had she, at any time, seen any evidence of illicit alcoholic beverages in or about the premises.

While she was aware that he was on parole, on the date of seizure it was her understanding that he was employed as a wig salesman and was also employed as the manager of a musical group.

On the date of the seizure, she was engaged in her present employment as a seamstress at Bayside, New York and first learned of the seizure when Albert telephoned her from police headquarters, shortly after her return home from Bayside at 1:30 A.M.

The alcoholic beverages are illicit because the amount being transported was clearly in excess of the statutory limit provided in N.J.S.A. 33:1-2 and further because the containers bore no indicia of payment of any Federal or State Tax. N.J.S.A. 33:1-1(i). The vehicle herein is, therefore, unlawful property, subject to seizure and forfeiture. N.J.S.A. 33:1-1(y); N.J.S.A. 33:1-66.

An application may be made for the return of seized property on the grounds that the claimant has acted in good faith and did not know or have reason to believe that her property was taken without her authority and used in illegal activity. N.J.S.A. 33:1-66(e), Rule 3(b) of State Regulation No. 28.

The claimant's testimony was forthright and credible and I am persuaded that she has truthfully presented her unfortunate and innocent involvement in this matter. While she was aware that her brother was presently on parole from a criminal conviction, that conviction was not related to unlawful alcoholic beverages activity, and there is no reason to infer that such knowledge should have made her aware that he was engaged in such activity.

I, therefore, find that Miss Hillaire has satisfactorily established her good faith and innocence, and recommend that an Order be entered returning the vehicle to her upon payment of reasonable costs of seizure and storage. N.J.S.A. 33:1-66 and Rule 3(b) of State Regulation No. 28. Cf. Seizure Case No. 11,307, Bulletin 1594, Item 4.

It is, further, recommended that an Order be entered forfeiting the 118 containers of alcoholic beverages and 19 keys.

Conclusions and Order

No exceptions to the Hearer's Report were filed within the time permitted by Rule 4 of State Regulation No. 28.

Having carefully considered the entire matter herein, including the transcript of testimony, the exhibits and the Hearer's Report, I concur in the recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is on this 28th day of July, 1972

DETERMINED and ORDERED that if, on or before the 15th day of August, 1972, Delthimar Hillaire pays the costs of seizure and storage of the 1971 Oldsmobile sedan, such motor vehicle will be returned to her; and it is further

DETERMINED and ORDERED that the balance of the seized property, including the illicit alcoholic beverages, as more fully set forth in Schedule "A" attached hereto, constitute unlawful property and the same be and is hereby forfeited in accordance with the provisions of N.J.S.A. 33:1-66 and shall be retained for the use of hospitals or State, county or municipal institutions,

or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

Robert E. Bower,
Director

SCHEDULE "A"

- 118 - containers of alcoholic beverages
- 19 - keys
- 1 - 1971 Oldsmobile, two-door sedan, Serial No. 364571E108640, N.J. License KNO 323.

8. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against
 Black Bart's, Inc.
 West Side Route 206
 Montgomery Township
 PO Skillman, N. J.,) . AMENDED ORDER

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

Edward A. Costigan, Esq., Attorney for Licensee
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

On June 13, 1972 I entered Conclusions and Order herein suspending the subject license for the balance of its term, i.e., midnight June 30, 1972, commencing June 26, 1972, upon licensee's plea of non vult to charges set forth therein with leave to the licensee or any bona fide transferee of the license to apply to the Director by verified petition for lifting of the suspension of said license or any renewal thereof that may be granted whenever the unlawful situation has been corrected but in no event sooner than thirty-six days from the commencement of the suspension herein. Re Black Bart's, Inc., Bulletin , Item .

The attorney for the licensee has now requested that the commencement of the suspension be deferred until July 6 because of commitments made for additional help and because of an economic hardship which it would suffer during the July 4th week-end. Good cause appearing, I shall grant the request.

Accordingly, it is, on this 27th day of June 1972,

ORDERED that the order dated June 13, 1972 be and the same is hereby amended as follows:

ORDERED that any renewal of Plenary Retail Consumption License C-2 that may be granted by the Township Committee of the Township of Montgomery to Black Bart's, Inc., for premises West Side Route 206, Montgomery, be and the same is hereby suspended for the balance of its term, i.e., June 30, 1973, commencing at 1:30 a.m. Thursday, July 6, 1972, with leave to the licensee or

any bona fide transferee of the license to apply to the Director by verified petition for lifting of the suspension of said license whenever the unlawful situation has been corrected but in no event sooner than thirty-six (36) days from the commencement of the suspension herein.

Robert E. Bower,
Director.

9. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER.

In the Matter of Disciplinary Proceedings against)
 Ted Mil, Inc.)
 t/a Ted Du Bois Liquor Store and Gaslight Restaurant)
 411 White Horse Pike) SUPPLEMENTAL ORDER
 Lindenwold, N. J.,)
 Holder of Plenary Retail Consumption License C-3 (for 1972-73 license period), issued by the Mayor and Council of the Borough of Lindenwold.)

Tencza, Feinstein & Manfre, Esqs., by Miles Feinstein, Esq.,
Attorneys for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On April 29, 1971, Conclusions and Order were entered herein suspending the license for sixty days commencing May 17, 1971, and further suspending any renewal license until July 16, 1971, after licensee was adjudged guilty of a charge alleging lewdness and immoral activity, in violation of Rule 5 of State Regulation No. 20. Re Ted Mil, Inc., Bulletin 1983, Item 4.

Prior to the effectuation of said suspension, on appeal filed the Appellate Division of the Superior Court, by order dated May 13, 1971, stayed the operation of the suspension until the determination of the appeal. The court affirmed the Director's action on May 8, 1972. Re Ted Mil, Inc. v. McDonough etc., (App. Div. 1970), not officially reported, recorded in Bulletin 2049, Item 1.

On June 30, 1972, the Supreme Court of New Jersey denied licensee's petition for certification. Re Ted Mil, Inc. v. McDonough etc. (Sup.Ct. C-525 Sept. Term 1971). The suspension may, therefore, now be reimposed.

Accordingly, it is, on this 1st day of August 1972,

ORDERED that Plenary Retail Consumption License C-3, issued by the Mayor and Council of the Borough of Lindenwold to Ted Mil, Inc., t/a Ted Du Bois Liquor Store and Gaslight Restaurant, for premises 411 White Horse Pike, Lindenwold, be and the same is hereby suspended for sixty (60) days, commencing at 3 a.m. Tuesday, August 15, 1972, and terminating at 3 a.m. Saturday, October 14, 1972.

Robert E. Bower
Director

10. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER.

In the Matter of Disciplinary Proceedings against)

R. Honesty, Inc.)
t/a Ray's Lounge)
439-441 South Broad Street)
Trenton, N. J.,)

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-48 (for 1972-73 license period), issued by the City Council of the City of Trenton.)
-----)

Ivan C. Bash, Esq., Attorney for Licensee
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

On May 22, 1972, Conclusions and Order were entered herein suspending the license for the balance of its term, viz., until midnight June 30, 1972, effective June 5, 1972, with leave to the licensee or any bona fide transferee of the license to apply to the Director by verified petition for lifting of the suspension of said license or any renewal thereof that may be granted whenever the unlawful situation set forth in the said order has been corrected, but in no event sooner than fifteen days from the commencement of the suspension therein. Re R. Honesty, Inc., Bulletin 2053, Item 15.

It appearing from the petition submitted by the licensee that the unlawful situation has been corrected, I shall grant the petition requesting the termination of the suspension effective immediately.

Accordingly, it is, on this 4th day of August 1972,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective immediately.

Robert E. Bower,
Director.

11. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER.

In the Matter of Disciplinary)
 Proceedings against)
 S. Edward Hausner)
 t/a Skyline Lounge)
 789 Dowd Avenue)
 Elizabeth, New Jersey,)

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption)
 License C-111 (for 1972-73 license)
 period), issued by the City Council)
 of the City of Elizabeth.)
 -----)

Theodore Cohen, Esq., Attorney for Licensee
 Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On October 7, 1971, a Supplemental Order was entered herein reimposing a fifty-days suspension after affirmance of the Director's action by the Appellate Division of the Superior Court on September 27, 1971. In re Hausner, Bulletin 2011, Item 4. However, the said order of suspension was stayed by the New Jersey Supreme Court which granted the licensee's petition for certification. On June 22, 1972, the New Jersey Supreme Court reversed the action of the Appellate Division and directed that the suspension of the license be vacated. In re Hausner, A-121, Sept. Term 1971, recorded in Bulletin 2056, Item 1.

Accordingly, it is, on this 4th day of August 1972,

ORDERED that my order dated October 7, 1971, suspending the said license for fifty (50) days be and the same is hereby vacated, effective immediately.

Robert E. Bower
 Robert E. Bower,
 Director.