

26 Rose Avenue,  
Madison,  
~~Morris County, New Jersey~~  
STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark 2, N. J.

BULLETIN 1013

APRIL 30, 1954.

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

BULLETIN 1013

APRIL 30, 1954.

1. DISCIPLINARY PROCEEDINGS - CHARGES ALLEGING THAT LICENSEES PERMITTED LEWDNESS AND IMMORAL ACTIVITIES AND OBSCENE LANGUAGE ON LICENSED PREMISES DISMISSED - LICENSEES FOUND GUILTY OF PERMITTING LOTTERY AND CONDUCTING PLACE OF BUSINESS AS A NUISANCE - PRIOR RECORD - LICENSE SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary  
Proceedings against

IRVING J. GOLDFINGER AND ALLEN COHEN  
376 Plane Street  
Newark 2, New Jersey

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consumption  
License C-416, issued by the Municipal  
Board of Alcoholic Beverage Control of  
the City of Newark.

Meehan Brothers, Esqs., by John J. Meehan, Esq., Attorneys for  
Defendant-licensees.

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

BY THE DIRECTOR:

Defendants pleaded not guilty to the following charges:

"1. On September 9 and 23 and October 2, 16 and 23, 1953, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises viz., solicitation for prostitution and the making of arrangements for illicit sexual intercourse; in violation of Rule 5 of State Regulations No. 20.

"2. On September 9 and 23 and October 2, 16 and 23, 1953, you allowed, permitted and suffered foul, filthy and obscene language and conduct in and upon your licensed premises; in violation of Rule 5 of State Regulations No. 20.

"3. On October 23, 1953, you allowed, permitted and suffered a lottery, commonly known as a 'football pool' to be conducted and tickets and participation rights therein to be sold and offered for sale, in and upon your licensed premises; in violation of Rule 6 of State Regulations No. 20.

"4. On September 9 and 23 and October 2, 16 and 23, 1953, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, in that you permitted unescorted females frequenting your licensed premises to solicit male patrons to purchase numerous drinks of alcoholic beverages for consumption by them and by others and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20."

Four ABC agents, hereinafter designated as C.M., G, J.M. and C participated in the investigation in this case.

As to charges 1, 2 and 4, the evidence presented at the hearing herein may be summarized as follows:

On September 9, 1953, agent C.M. entered defendants' premises about 2:15 p.m. and remained on the premises until 4:30 p.m. Allen Cohen, one of the licensees, was tending bar. Agent C.M. testified that, when he entered, two colored females were in the premises and that three other unescorted colored females thereafter entered. The agent testified that, as white men entered, a colored female would walk to the bar with the male patron; that the bartender would pour drinks and that the male patron would pay for the drinks. The agent testified that he played shuffleboard with one of the colored females named Ann, and that he thereafter bought her drinks served by Allen Cohen. On behalf of defendants, Allen Cohen admitted that he had seen agent C.M. playing shuffleboard with a girl and that he had served drinks to them. He denied, however, that he had heard any conversation between the agent and the girl in which she is alleged to have said she would like to have sexual intercourse with a prominent actor whose picture appeared in a newspaper on the licensed premises.

On September 23, 1953, agents G and J.M. entered defendants' licensed premises about 12:15 p.m. and remained there until about 2 p.m. Fred Parks was tending bar. Agent G testified that a colored female, known to him as Cookie, was seated near to him at the bar and asked him for a cigarette; that he asked her if she wasn't drinking; that she said she was if he would buy and that thereafter he bought her four drinks served by Parks. Agent G further testified that he had a conversation with Cookie during which she agreed to get a room elsewhere where they could engage in illicit sexual intercourse, and further agreed that the witness would pay her \$8 and \$1.50 for the room, and that Cookie then left the premises alone. Agent G testified that, after she left, he said to the bartender, "She has gone to get a room. We are going to get laid"; and that the bartender replied, "Man, don't bother me with that; I don't know nothing about that stuff." Agent G further testified that Cookie returned and said she "got a room;" that she left the premises, and that the agent followed her but did not enter premises on William Street after Cookie had entered those premises. Agent J.M. substantially corroborated the foregoing testimony. On behalf of defendants, Fred Parks admitted that he had served one drink to the agent and Cookie but denied that he had heard any of their conversation and denied that the agent had spoken to him about the girl.

On October 2, 1953, agent C.M. entered defendants' premises about 9:10 p.m. and remained on the premises until about 10:30 p.m. Fred Parks was tending bar. Agent C.M. testified that, as white men entered, they were approached by colored females. The same girl (Ann) for whom he had purchased drinks on his previous visit was on the premises. The agent testified that Ann asked him if he wished to engage in sexual intercourse "for eight dollars;" that the agent said to the bartender, "Is she kidding; eight dollars to get laid?" and that the bartender kept pouring his drinks as if he didn't hear. The agent further testified that Ann left with another man and returned in about thirty minutes with bills in her hand; that she said to the agent, "See, he isn't cheap like you." The agent said he was broke but would return. On behalf of defendants, Fred Parks testified that he remembered the agent coming into the premises on that date, but denied that he heard any conversation between the agent and any colored girl.

On October 16, 1953, agents G & C entered defendants' premises about 1:45 p.m. and remained on the premises until about 3:30 p.m. Irving J. Goldfinger, one of the licensees, was tending bar. There were three colored females in the premises -- one known as "Cookie" (whom agent G had met on his first visit) and the others known as "Peaches" and "Boots." "Cookie" asked the agent where he had gone on the previous day, and the agent replied that he was broke. Agent G testified that "Peaches" sat next to him at the bar

and requested him to buy her a drink, which he did; that "Peaches" then asked him if he "wanted to go out for a lay" and told him that she would charge \$5 and \$3 for a room; that "Peaches" went to the juke box to play a record and that, when she was returning to the bar, she put her arms around the agent from the rear, moved her body back and forth, and said to him, "Let us go, boy;" that Goldfinger smiled. Agent G further testified that "Peaches" obtained from him two dollars for something to eat; that "Boots" obtained two dollars from agent C for the same purpose, and that both girls then left the premises. Agent G further testified that he then said to Goldfinger, "What is the score with these broads" and that Goldfinger replied, "I don't know anything about it" and further said, "That is bad business. I can't afford to fool around with these people in my business" after the agent told him that he was going out with "Peaches" for a lay. Agent C substantially corroborated the aforesaid testimony; further testified that "Boots" had asked him to go to her place for eight dollars, and that he had told her, when he gave her two dollars for something to eat, that "I only owe you six dollars for a lay." Both agents admitted that Goldfinger may not have heard their conversation with the girls. Irving J. Goldfinger testified that "Peaches" had two drinks with agent G, but denied that he had heard any of the conversation between them or that he had seen the girl put her arms around the agent. He testified that agent G had asked "What is the score here. How about a couple of girls" and that he replied, "That is bad business on licensed premises." Goldfinger admitted that he knew "Boots" who, he said, lived across the street, but denied hearing any of the conversation between her and agent C.

On October 23, 1953, agents G and C entered defendants' premises about 2 p.m. Fred Parks was tending bar. Agent C testified that a colored female, known as Cora, entered the premises and that agent G asked her to sit with them at the bar; that Cora reached for some money on the bar, whereupon agent G said to her, "I don't mind spending money but I want to get my money's worth"; that thereafter Cora asked them if they wanted to get laid for seven dollars, and discussed having intercourse with both agents. Apparently while this conversation was taking place, Allen Cohen entered the premises, went behind the bar, and began to check some records. Agent C testified that Cohen turned to them and said, "That is bad business, that kind of talk;" that Cora temporarily left the bar, and that, when agent G said to Cohen, "What is the score on these girls", he replied, "It is bad business. I don't bother with those kind of people;" that, when Cora returned to the bar and continued the conversation, Cohen turned to her and said, "That is nice language, Cora. I am surprised at you;" that the agents then identified themselves to Mr. Cohen. Agent G substantially corroborated the aforesaid testimony. On behalf of defendants, Fred Parks denied that he heard any of the conversation between the agents and the girl. Allen Cohen testified that he has known Cora a few years and that, when he heard the conversation between the girl and the agents, he told them what he thought of them.

As to charge 3: Agent C testified that, while he was on the licensed premises on October 23, 1953, he noticed a male patron handing a slip of paper to Fred Parks, the bartender; that he observed that the patron had football pool slips and obtained one of the slips upon payment of one dollar to the patron; that, after obtaining a pencil from Parks, he (the agent) wrote a fictitious name on the slip, gave it to the patron, and received half of the slip as his record. After the agents identified themselves, the portion of the slip bearing the fictitious name was found in possession of the patron. Two similar slips (one bearing the name "F. Parks" and the amount \$2.00) were also found in the possession of the patron. Parks then admitted that the slip referred to represented a play that he had made with the patron that morning. On behalf of defendants, Fred Parks denied

at the hearing that the signature was his, and that he had played two dollars on a football number.

I have carefully considered all the evidence as to charges 1 and 2. There is no doubt in my mind that five females told ABC agents on the licensed premises that they would be willing to have illicit sexual intercourse with them elsewhere; that some of the females used obscene language, and that at least one of them conducted herself in an indecent manner. However, under the facts of this case it is difficult to determine whether the evidence supports the charges that defendants or their employee allowed, permitted and suffered such conduct. For the most part, the evidence to support these charges consists of conversations between the females and the agents which the licensees and their bartender deny they heard. Each time an agent attempted to ascertain from the licensees or the bartender whether they had any knowledge of the character of these females, they received, in effect, a negative answer. Of course, licensees may not avoid their responsibility for the conduct of their licensed premises by merely closing their eyes and ears. Bilowith v. Passaic, Bulletin 527, Item 3. They may not plead ignorance of conditions that are openly and notoriously improper. Re One-Thirty-Five Mulberry St. Corp., Bulletin 892, Item 2. They will be held strictly responsible where the evidence indicates that they, or their employees, have knowledge of the character of their patrons. Re 17 Club, Inc., Bulletin 949, Item 2, affirmed 26 N.J. Super. 43; Re Tulipano, Bulletin 978, Item 1; Re Arlington Inn, Bulletin 982, Item 1. In this case there is a serious doubt as to whether the Division has established the guilt of the licensees as to charges 1 and 2 and, hence, I shall resolve that doubt in favor of the licensees and dismiss charges 1 and 2.

As to charge 4: As was said in Re Arlington Inn, supra:

\*\*\*\* The charge alleges that the licensee allowed, permitted and suffered the licensed place to be conducted in such a manner as to become a nuisance, in that the licensee permitted unescorted females to frequent the licensed premises and to solicit male patrons to purchase numerous drinks of alcoholic beverages for consumption by such females and otherwise conducted the licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20. The evidence discloses a well developed practice whereby unescorted females attached themselves to various male patrons as soon as the latter entered the licensed premises and that such females were served drinks of alcoholic beverages at the expense of these male patrons, many of whom were not even consulted before the drinks were served. While there is no evidence that these females were 'hostesses' within the meaning of the rulings in Re Cosfair Corporation, Bulletin 875, Item 9, and Re Washington Cafe (A corp.), Bulletin 896, Item 2, nevertheless it is clear that the licensee allowed, permitted and suffered these 'bar flies' to prey upon male patrons.\*\*\*\*

The evidence herein amply supports a finding of guilt as to charge 4 herein. I so find.

As to charge 3: It is apparent from the testimony herein that the bartender employed by defendants allowed, permitted and suffered participation rights in a lottery to be sold on licensed premises and, in fact, participated in the violation. I find defendants guilty as to charge 3.

Defendants have a prior record. Effective January 10, 1949, the local issuing authority suspended their license for a period of ten days after they had been found guilty of permitting gambling (lottery) on their licensed premises.

Under all the circumstances of this case I shall suspend defendants' license for a period of sixty days.

Accordingly, it is, on this 12th day of April, 1954,

ORDERED that plenary retail consumption license C-416, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Irving J. Goldfinger and Allen Cohen, for premises 376 Plane Street, Newark, be and the same is hereby suspended for sixty (60) days, commencing at 2 a.m. April 19, 1954, and terminating at 2 a.m. June 18, 1954.

WILLIAM HOWE DAVIS  
Director

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT DANCE) - HOSTESSES - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

CLUB HI-DE-HO, INC.

Baldwin Ave. & Rt. 46

Lodi, New Jersey

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-33, issued by the Mayor and Council of the Borough of Lodi.

DiMaria & DiMaria, Esqs., by Anthony P. DiMaria, Esq.,  
Attorneys for Respondent-licensee.

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

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Wednesday night, February 24 and early Thursday morning, February 25, 1954, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises in that female entertainers performed in a lewd, indecent and immoral manner; in violation of Rule 5 of State Regulations No. 20.

"2. On Wednesday night, February 24 and early Thursday morning, February 25, 1954, you allowed, permitted and suffered females employed on your licensed premises to accept beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulations No. 20."

The file herein discloses that at 10:10 p.m. on February 24, 1954, two ABC agents visited defendant's licensed premises. The agents observed a male bartender, subsequently identified as Joseph Infozino, on duty behind the bar and four male patrons and a female entertainer seated at the bar. A short time thereafter three female entertainers entered the barroom from a dressing room and took seats at the bar. Two of the said entertainers sat next to two male patrons and each was served a drink of whiskey by the bartender who took the payment for the drinks from a sum of money on the bar in front of the male patrons. At about 11 p.m. a female entertainer took a seat next to a male patron and was immediately served a drink of whiskey. The bartender took the payment for this drink from the money on the bar in front of the male patron.

Mabel Albert, a singer, employed by defendant accepted a whiskey highball during the evening from and at the expense of each of the two ABC agents, respectively.

At 11:10 p.m. a three piece orchestra played and, following two unobjectionable performances, a dancer, introduced as Watina came upon the stage. She was attired in brief sequin panties and a sequin bra. She started to dance and her performance was replete with movements known as "bumps and grinds" and she rolled the muscles of her stomach in a rippling fashion. She then bent her knees slightly and moved her hips spasmodically in a forward and backward motion in unison with the beat of the drums and at times turned her back to the audience and in a suggestive manner rotated her torso in a grinding motion.

It has consistently been held that such a performance consisting as it does of an indecent dance accompanied by "bumps and grinds" has no place on licensed premises. Re Philal Corporation, Bulletin 964, Item 9; Re DiAngelo, Bulletin 753, Item 4. Entertainment, if presented on licensed premises, must be of such character as not to be inimical to the public welfare and morals or to the best interests of the industry. Re DiAngelo, supra.

The licensee has no prior adjudicated record. Under the circumstances I shall suspend the license for thirty days on charge (1), (Re Philal Corporation, supra) and I shall suspend the license for twenty days on charge (2), (Re Goldberg, Bulletin 962, Item 4), making a total suspension of fifty days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty-five days.

Accordingly, it is, on this 19th day of April, 1954,

ORDERED that Plenary Retail Consumption License C-33, issued by the Mayor and Council of the Borough of Lodi to Club Hi-De-Ho, Inc., for premises at Baldwin Ave. & Rt. 46, Lodi, be and the same is hereby suspended for forty-five (45) days, commencing at 4:00 a.m. April 26, 1954, and terminating at 4:00 a.m. June 10, 1954.

WILLIAM HOWE DAVIS  
Director

3. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOLIC BEVERAGES - ALCOHOLIC BEVERAGES ORDERED FORFEITED - ONE MOTOR VEHICLE RETURNED TO INNOCENT OWNER - ANOTHER MOTOR VEHICLE TURNED OVER TO INNOCENT LIENOR.

Case No. 8508

In the Matter of the Seizure on January 24, )  
1954, of a 5-gallon can of alcohol and a )  
Chevrolet sedan, on Washington Street, in )  
Toms River, in the Township of Dover, County )  
of Ocean and State of New Jersey. )

..... ON HEARING )  
Case No. 8509 ) CONCLUSIONS AND ORDER

In the Matter of the Seizure on January 24, )  
1954 of 1-gallon jug of alcohol and a )  
Cadillac sedan, at 122-126 Sumner Avenue in )  
the Borough of Seaside Heights, County of )  
Ocean and State of New Jersey )

William T. Hirling, Esq., Attorney for Lacie Belle Banks and )  
Carmela LaFerrera. )  
Sutton & Yoder, Esqs., by Francis J. Ward, Esq., Attorney for First )  
National Bank of Toms River )  
Philip Barbash, Esq., Attorney for Lincoln National Bank. )  
Harry Castelbaum, Esq., appearing for the Division of Alcoholic )  
Beverage Control. )



BY THE DIRECTOR:

These related matters have been consolidated for hearing.

Such matters come before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether a 5-gallon can of alcohol and a Chevrolet sedan seized on January 24, 1954 on Washington Street, Toms River, Dover Township, and a one-gallon jug of alcohol and a Cadillac sedan, seized the same day at 122-126 Sumner Avenue, Seaside Heights, both in New Jersey, constitute unlawful property and should be forfeited.

When the matters came on for hearing, pursuant to R. S. 33:1-66 Lacie Belle Banks, the registered owner of the Chevrolet sedan appeared and sought its return; an appearance was entered on behalf of First National Bank of Toms River, which sought recognition of its alleged lien on the Chevrolet sedan; Carmela Laferrera, the registered owner of the Cadillac sedan appeared and sought its return; and an appearance was entered on behalf of Lincoln National Bank, which sought recognition of its alleged lien on the Cadillac sedan.

It appears that one John B. Longo transported a number of five gallon cans of bootleg alcohol from Newark and stored them in a dwelling owned by Carmela Laferrera located in Ortley Beach, New Jersey. He transported one of these cans of alcohol in the Cadillac sedan to the Sumner Avenue location, and there turned it over to one Willie Covert, who placed it in the Chevrolet sedan for delivery on behalf of Longo. While so engaged, Covert met with an accident, resulting in the seizure of the alcohol and motor vehicle by Dover Township police officers. ABC agents were notified, and the investigation that followed led to the seizure of the Cadillac sedan, in which there was a gallon jug of bootleg alcoholic beverages, and the seizure of a number of five gallon cans of alcohol at the Ortley Beach dwelling.

The Division chemist analyzed a sample of the alcohol in the five gallon can and a similar sample of the alcohol in the gallon jug and reports that in both instances it is alcohol and water fit for beverage purposes with an alcoholic content by volume of 41 per cent.

The bootleg alcohol was not, of course, in a can with any label or stamp indicating the payment of tax on alcoholic beverages, and similarly there was no label or stamp on the one gallon jug of alcohol in the Cadillac sedan. Such alcohol is therefore illicit. R. S. 33:1-88, R. S. 33:1-1(i). Such illicit alcohol and the motor vehicles in which it was transported or found constitute unlawful property and are subject to forfeiture. R. S. 33:1-1(y), R. S. 33:1-2, R. S. 33:1-66.

Lacie Belle Banks asserts that her car was used by Covert without her knowledge or consent, and that she had no reason to anticipate that it would be used to transport illicit alcoholic beverages. If such is the fact, I have the discretionary authority to return the car to her. R. S. 33:1-66(f).

It appears that Mrs. Banks has been employed as a domestic for many years. She purchased the car for transportation to and from her work. She is on a friendly basis with Covert. Covert was employed at times as a delivery man, and does not appear to have any previous criminal record. She states that on the evening of the day in question she was about to drive to church when she received an unexpected visit from her sister and a friend. She left her car parked and unlocked, and went into her home with her guests. While there, Covert entered her home, spoke briefly with one of her guests, and left without talking to Mrs. Banks. Shortly thereafter, when her

guests were about to leave, she discovered that her car was missing. Her guests corroborate these facts. Mrs. Banks then ascertained that Covert had probably taken the car. She went to a tavern where she had reason to believe he could be found, and while inquiring there for his whereabouts, police officers came and told her about Covert's accident while driving her car.

It appears to be an honest and logical explanation. In any event, under the circumstances disclosed, it seems improbable that Mrs. Banks had any reason to suspect that Covert would transport bootleg alcoholic beverages in her car. The Chevrolet sedan will be returned to Mrs. Banks upon payment of the costs of its seizure and storage.

This motor vehicle, when returned, will be available to any person who has a lien thereon for such proceedings as he may care to pursue. Therefore it is not necessary to decide in these proceedings whether First National Bank of Toms River has a valid lien on the Chevrolet sedan.

The Lincoln National Bank presented evidence of its lien on the Cadillac sedan. During the course thereof, it developed that the original application for credit submitted by the used car dealer to the bank designated John Longo as purchaser, that when Longo's application was rejected, Carmela Laferrera's name was submitted, and accepted, and both Longo and Laferrera signed the conditional sales contract for the car. Thereupon Carmela Laferrera withdrew her application for return of the Cadillac sedan.

The bank presented the conditional sales contract dated September 15, 1953, assigned to such bank, evidencing the sale of the Cadillac sedan with an unpaid balance of \$1,449.18. The present balance due thereon, after allowance for prepayment is the sum of \$931.54.

John Longo has a criminal record for violating the Alcoholic Beverage Law. It is possible that the dealer who sold the car knew of this record, and when Longo's application was rejected, instigated or assisted in circumventing this obstacle to the sale by substituting Carmela Laferrera as the purchaser. However, the bank does not seem to have had any knowledge thereof, or to have participated in the scheme.

The official of the bank who approved the credit to Laferrera testified that when Longo's name and pertinent information was submitted, the bank rejected the application because of a similar rejection in 1952, both based upon the conclusion that he was a poor financial risk, without any knowledge of his criminal record. The information submitted in Laferrera's application was that she owned real estate and was self-employed as the owner of a restaurant. Upon the basis of her ownership of the real estate, which was confirmed by the bank's investigation, credit was extended to her. This witness did not consider it to be an unusual transaction, in that it frequently is the practice of a used car dealer whose proposed purchaser is rejected, to substitute some member of such purchaser's family, or some other person who can qualify for credit.

I am satisfied that the bank acted in good faith and did not know that the Cadillac sedan would be used to transport bootleg alcohol, or had knowledge of such facts as would have led a person of ordinary prudence to discover such use. R. S. 33:1-66(f). I shall therefore recognize the lien of the Lincoln National Bank to the extent of \$931.54.

I am advised that it is not desirable to retain the Cadillac sedan for the use of the State, conditioned upon the payment of the lien of \$931.54, and that the retail value of such vehicle does not exceed the amount of such lien and the costs of its seizure and storage.

Accordingly, it is DETERMINED and ORDERED that if on or before the 19th day of April, 1954 Lincoln National Bank pays the costs incurred in the seizure and storage of the Cadillac sedan, described in Schedule "A" attached hereto, such motor vehicle will be turned over to such bank, and it is further

DETERMINED and ORDERED that if on or before the 19th day April, 1954 Lacie Belle Banks pays the costs incurred in the seizure and storage of the Chevrolet sedan, described in the aforesaid Schedule "A", such motor vehicle will be returned to her, and it is further

DETERMINED and ORDERED that the alcoholic beverages listed in the aforesaid Schedule "A" constitutes unlawful property, and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and that it be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS  
Director

Dated: April 8, 1954

SCHEDULE "A"

Case No. 8508

- 1 - 5 gallon can of alcohol
- 1 - Chevrolet sedan, Serial No. 14JJG 24086, 1953 New Jersey  
Registration LVD29

Case No. 8509

- 1 - one gallon jug of alcohol
- 1 - Cadillac sedan, Serial No. 486208258, 1953 New Jersey  
Registration EPP 26

4. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

GEORGE GOETZ  
564-566 West Side Ave.  
Jersey City 4, N. J.

Holder of Plenary Retail Distribution  
License D-111, issued by the Municipal  
Board of Alcoholic Beverage Control of  
the City of Jersey City.

CONCLUSIONS  
AND ORDER

George Goetz, Defendant-licensee, Pro Se.  
David S. Piltzer, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold at retail an alcoholic beverage at less than the price thereof listed in the then currently effective Minimum Consumer Resale Price list; in violation of Rule 5 of State Regulations No. 30.

The file herein discloses that, on January 12, 1954, defendant sold to an ABC agent a half-gallon bottle of William Penn Blended whiskey for \$8.90, whereas the listed minimum resale price, effective January 1, 1954, was \$8.98. Defendant declined to give a written statement but verbally admitted the sale, claiming that, since the item had previously sold for \$8.90, he "must have forgotten" to check the new Minimum Consumer Resale Price list which increased the price to \$8.98.

Defendant appeared before me on oral argument as to the question of penalty and, in alleged mitigation, claimed that this was the only item on his shelves that was mispriced; that his good faith and honest error is demonstrated by the fact that he advertised the improper price in a newspaper; and that his record is clear of even any warning for the past twenty years. However, these matters (assuming the truth of the claimed isolated mispricing, admitting the fact of the price advertisement, and pointing out that our records indicate that defendant has been warned four times between 1946 and 1951 with respect to his newspaper advertising) at best go merely to the question of the quantum of penalty to be imposed, and whether the admitted violation is so unaggravated as to warrant the imposition of the established minimum penalty. That mere failure to observe a price change with respect to a single item in the minimum price listing constitutes no defense to the charge, nor warrants imposition of less than the minimum penalty, see Re Taylor, Bulletin 784, Item 7.

Defendant has no prior adjudicated record. I shall suspend the license for ten days, the minimum penalty for an unaggravated offense of this kind. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Johnson, Bulletin 997, Item 12.

Accordingly, it is, on this 9th day of April 1954,

ORDERED that Plenary Retail Distribution License D-111, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to George Goetz, 564-566 West Side Avenue, Jersey City, be and the same is hereby suspended for a period of five (5) days, commencing at 9 a.m., April 19, 1954, and terminating at 9 a.m., April 24, 1954.

WILLIAM HOWE DAVIS  
Director

5. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

FEENEY & MURPHY, INC.  
184 Broadway  
Bayonne, New Jersey

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-93, issued by the Board of  
Commissioners of the City of Bayonne.

Cornelius E. Gallagher, Esq., Attorney for Defendant-licensee.  
David S. Piltzer, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

- "1. On Wednesday, January 6, 1954, at about 10:30 P.M., you sold and delivered and allowed; permitted and suffered the sale and delivery of alcoholic beverages, viz., 24 cans of Rheingold beer, at retail in their original containers for consumption off your licensed premises; in violation of Rule 1 of State Regulations No. 38.
- "2. On January 6, 1954, while two investigators of the Division of Alcoholic Beverage Control were conducting an investigation at your licensed premises, you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation; in violation of R.S. 33:1-35."

The file herein discloses that two ABC agents were in defendant's licensed premises on the evening of Wednesday, January 6, 1954. George Murphy was tending bar. At about 10:25 p.m. a male patron spoke to the bartender who placed 24 cans of beer in a beer case, accepted money from the patron and rang up \$4.20 on the cash register. After he received a phone call the patron picked up the case of beer and walked to the door which he opened. The agents stopped the patron and identified themselves to the patron and to the bartender. The bartender admitted the sale.

Shortly after the above sale James Murphy, President of defendant corporation, asked the agents, who had identified themselves to him, if the sale was rung up on the cash register. One of the agents produced the tape which the bartender had given to him, and James Murphy, after observing the marks on the tape, told the agents that they had no right to take it and refused to give it to the agents.

Defendant has no prior record. I shall suspend defendant's license for a period of fifteen days because of the violation set forth in charge 1. Re Fleming's Wine & Liquor Inc., Bulletin 984, Item 6. Under the circumstances of this case I shall suspend defendant's license for an additional period of ten days for the violation set forth in charge 2. Re Sadofski, Bulletin 909, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 13th day of April, 1954,

WILLIAM HOWE DAVIS  
Director

## CONCLUSIONS AND ORDER

WILLIAM HOWE DAVIS  
Director

## 7. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1953 THROUGH MARCH 31, 1954

	1st Quarter July, Aug., Sept.	2d Quarter Oct., Nov., Dec.	3d Quarter Jan., Feb., Mar.	Total
<b>ARRESTS:</b>				
Total number of persons arrested	78	60	110	248
Licenses and employees	20	13	47	80
Bootleggers	58	47	63	168
<b>SEIZURES:</b>				
Motor vehicles - cars	7	6	19	32
- trucks	2	0	2	4
Stillis - over 50 gallons	4	4	2	10
- 50 gallons or under	7	5	5	17
Alcohol - gallons	4.67	.50	56.00	61.17
Mash - gallons	25,250.00	1,400.00	9,045.00	35,695.00
Distilled alcoholic beverages - gallons	181.00	97.90	514.50	793.40
Wine - gallons	202.79	262.58	12.04	478.21
Brewed malt alcoholic beverages - gallons	81.10	51.21	28.41	160.72
<b>RETAIL LICENSEES:</b>				
Premises inspected	3,396	3,079	3,352	9,737
Premises where alcoholic beverages were gauged	1,830	2,055	1,919	5,804
Bottles gauged	36,310	39,377	35,281	110,968
Premises where violations were found	295	239	305	839
Violations found	441	490	441	1,372
Type of violations found:				
Unqualified employees	237	308	168	713
Reg. #38 sign not posted	19	20	28	67
Disposal permit necessary	15	18	10	43
Prohibited signs	9	8	15	32
Other mercantile business	15	10	6	31
Gambling devices	3	4	4	11
Improper beer taps	2	4	1	7
Probable fronts	1	0	0	1
Other violations	140	118	209	467
<b>STATE LICENSEES:</b>				
Premises inspected	29	44	19	92
License applications investigated	50	36	37	123
<b>COMPLAINTS:</b>				
Complaints assigned for investigation	1,324	1,071	1,347	3,742
Investigations completed	1,192	1,093	1,221	3,506
Investigations pending	(167)	(93)	161	161
<b>LABORATORY:</b>				
Analyses made	311	347	401	1,059
Refills (from licensed premises) - bottles	3	2	0	5
Bottles from unlicensed premises	72	92	80	244
<b>IDENTIFICATION BUREAU:</b>				
Criminal fingerprint identifications made	66	66	89	221
Persons fingerprinted for non-criminal purposes	765	540	535	1,840
Ident. contacts made w/other enforcement agencies	701	484	457	1,642
Motor vehicle ident. via N.J. State Police teletype	12	11	16	39
<b>DISCIPLINARY PROCEEDINGS:</b>				
Cases transmitted to municipalities	33	31	41	105
Violations involved:				
Sale during prohibited hours	12	15	16	43
Sale to minors	13	10	19	42
Permitting hostesses on premises	5	1	2	8
Sale to intoxicated persons	2	2	1	5
Failure to afford view into premises during prohibited hours	1	3	1	5
Permitting bookmaking on premises	2	2	0	4
Serving women at a bar (local reg.)	1	1	2	4
Permitting brawls on premises	0	2	2	4
Possessing chilled beer (DL licensees)	1	0	0	1
Storage off licensed premises	1	0	0	1
Sale to non-members by club	1	0	0	1
Permitting lottery activity (pool)	0	1	0	1
Bottling alcoholic beverages for sale	0	1	0	1
Possessing contraceptives on premises	0	0	1	1
Music on licensed premises (local reg.)	0	0	1	1
Cases instituted at Division	48	44*	51	143
Violations involved:				
Sale to minors	16	8 ✓ 3	8	32
Sale during prohibited hours	9	11	9	29
Permitting immoral activity on premises	4	5	8	17
Fraud and front	5	2	9	16
Sale below minimum resale price	2	5	5	12
Permitting hostesses on premises	3	3	5	11
Permitting foul language on premises	3	3	3	9
Mislabeling beer taps	2	4	1	7
Possessing illicit liquor	4	1	1	6

\*Includes two cancellation proceedings - licenses improvidently issued to clubs not bona fide.

	1st Quarter July, Aug., Sept.			2d Quarter Oct., Nov., Dec.			3d Quarter Jan., Feb., Mar.			Total
DISCIPLINARY PROCEEDINGS (Cont'd):										
Cases instituted at Division (Cont'd)										
Violations involved:										
Sale outside scope of license	2			2			1			5
Permitting gambling (cards, dice) on premises	2			2			0			4
Unauthorized transportation	1			0			4			5
Serving women at a bar (local reg.)	3			0			2			5
Hindering investigation	1			2			3			6
Conducting business as a nuisance	0			2			2			4
Permitting lottery activity (numbers, punch boards, pools)	1			2			1			4
Sale to non-members by clubs	1			2			0			3
Permitting bookmaking on premises	1			1			1			3
Employing unqualified persons	1			0			2			3
Sale to intoxicated persons	2			0			0			2
Permitting slot machines on premises	1			1			0			2
Permitting brawls on premises	1			0			1			2
Act or happening	1			0			0			1
Permitting prostitutes on premises	1			0			0			1
Sale on election day	0			1			0			1
Improper advertising	0			1			0			1
Sol'r-permittee employed by retailer	0			1			0			1
Employing female bartender (local reg.)	0			0			1			1
Failure to file notice of change in application	0			0			2			2
Possessing contraceptives on premises	0			0			1			1
Failure to close premises during prohibited hours	0			0			1			1
Sol'r furnishing prohibited equipment and gifts to retailer	0			0			1			1
Sale by a minor	0			0			1			1
Employing minor to sell al. bevs.	0			0			1			1
Cases brought by municipalities on own initiative and reported to Division	25			40			37			102
Violations involved:										
Sale to minors	12			18			18			48
Permitting brawls on premises	5			13			7			25
Sale during prohibited hours	6			3			7			16
Permitting lottery activity on premises	3			1			1			5
Permitting bookmaking on premises	1			2			2			5
Permitting immoral activity on premises	0			2			1			3
Conducting business as a nuisance	2			0			0			2
Permitting gambling (cards) on premises	0			1			0			1
Violation of special condition	0			1			0			1
Serving women at a bar (local reg.)	0			0			1			1
Unqualified employees	0			0			1			1
Sale to intoxicated persons	0			0			1			1
Sale to non-members by club	0			0			1			1
Permitting persons of ill repute on premises	0			0			1			1
Permitting foul language on premises	0			0			1			1
CANCELLATION PROCEEDINGS instituted at Division										
Violations involved:	2			0			0			2
Licensee non-resident	1			0			0			1
License issued in excess of DL limitation	1			0			0			1
HEARINGS HELD AT DIVISION:										
Total number of hearings held	96			110			133			339
Appeals	16			12			27			55
Disciplinary proceedings	43			51			58			152
Eligibility	19			28			25			72
Seizures	13			13			16			42
Tax revocations	3			5			3			11
Order to show cause	1			0			0			1
Application for license	1			1			4			6
PERMITS ISSUED:										
Total number of permits issued	5,790			3,786			2,101			11,677
Employment	734			393			340			1,467
Solicitors	2,761			242			222			3,225
Disposal of alcoholic beverages	376			259			248			883
Social affairs	1,069			1,099			903			3,071
Special wine	116			1,292			22			1,430
Miscellaneous	534			501			366			1,401

Dated: April 15, 1954

WILLIAM HOWE DAVIS  
DIRECTOR



8. DISCIPLINARY PROCEEDINGS - TRANSPORTATION WITHOUT REQUISITE INVOICE IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 - TRANSPORTATION IN VEHICLE NOT BEARING INSIGNIA IN VIOLATION OF RULE 2 OF STATE REGULATIONS NO. 17 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

LIQUOR FAIR, INC.

Marlton Pike and Hampton Road

Delaware Township (Camden County)

PO Merchantville, New Jersey

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution )  
License D-3, issued by the Board of )  
Commissioners of Delaware Township )  
(Camden County).

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Leo J. Berg, 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 the following charges:

"1. On December 8, 1953 you transported alcoholic beverages from your licensed premises in Delaware Township, New Jersey into the State of Pennsylvania in a vehicle without the driver thereof 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 quantity of each item of alcoholic beverages being transported; in violation of Rule 3 of State Regulations No. 17.

"2. On December 8, 1953 you transported alcoholic beverages from your licensed premises in Delaware Township, New Jersey into the State of Pennsylvania in a vehicle having no transportation insignia affixed to it; in violation of Rule 2 of State Regulations No. 17."

The file discloses that on December 8, 1953, agents of the Pennsylvania Liquor Control Board found forty-eight 4/5 quart bottles of whiskey in an automobile which stopped at Water and Chestnut Streets, Philadelphia, Pa. The automobile was driven by Joseph Ostrov, President of defendant corporation, who admitted he was delivering the alcoholic beverages from defendant's licensed premises to a customer in Philadelphia. The driver did not have in his possession an invoice or manifest containing the information required by Rule 3 of State Regulations No. 17. Furthermore, the motor vehicle in which the alcoholic beverages were transported bore no transit insignia required by Rule 2 of State Regulations No. 17.

Defendant has no previous adjudicated record. I shall suspend defendant's license for fifteen days (Re Red Circle Liquor, Inc., Bulletin 1005, Item 10). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 13th day of April, 1954,

ORDERED that plenary retail distribution license D-3, issued by the Board of Commissioners of Delaware Township (Camden County), to Liquor Fair, Inc., for premises at Marlton Pike and Hampton Road, Delaware Township (Camden County), be and the same is hereby suspended for ten (10) days, commencing at 9 a.m. April 19, 1954, and terminating at 9 a.m. April 29, 1954.

WILLIAM HOWE DAVIS  
Director

9. STATE LICENSES - NEW APPLICATION FILED

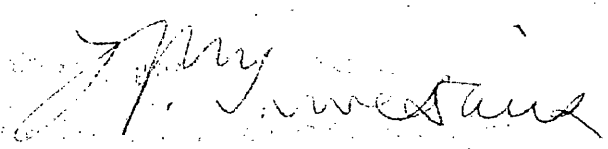
Barry J. Livingston

"Walfrid"

N. J. State Yacht Basin

Forked River, New Jersey

Application filed 4/29/54 for Plenary Retail  
Transit License.

  
WILLIAM HOWE DAVIS  
Director.