

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1320

January 28, 1960

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STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 2, N. J.

January 28, 1960

BULLETIN 1920

1. STATE REGULATIONS - RULE 7 OF STATE REGULATION NO. 17 AMENDED -  
CHANGE IN FEE TO CORRESPOND TO STATUTORY CHANGE.

NOTICE TO ALL LICENSEES:

In view of the recent amendment of the Alcoholic Beverage Law which has increased the statutory fee for transit insignia (P. L. 1959, ch. 174), it is necessary similarly to amend Rule 7 of State Regulation No. 17, which refers to the old fee.

The statutory fee for transit insignia having been raised by the amendment to the law from \$4.00 to \$8.00, Rule 7 of State Regulation No. 17 is hereby amended, effective immediately, to read as follows:

"Rule 7. Applications for transit insignia shall be filed upon a prescribed form with the Director accompanied by the full fee of Eight Dollars (\$8.00) for each insignia, in cash, money order or certified check to the order of the Division of Alcoholic Beverage Control."

The foregoing amendment to the rule effects no change therein other than replacing the new for the old fee.

WILLIAM HOWE DAVIS  
DIRECTOR

Promulgated Thursday, January 7, 1960

Effective Thursday, January 7, 1960

Filed with the Secretary of State (N. J.) Thursday, January 7, 1960

## 2. APPELLATE DECISIONS - TONY MART, INC. v. SOMERS POINT.

TONY MART, INC., t/a "TONY MART", )

Appellant, )

v. )

COMMON COUNCIL OF THE CITY OF )  
SOMERS POINT, )

Respondent.

ON APPEAL  
CONCLUSIONS  
AND ORDER-----  
Ernest M. Curtis, Esq., Attorney for Appellant.  
Elias G. Naame, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from respondent's action whereby it suspended appellant's license C-9 for five days, effective at 9 a.m. August 26, 1959. The suspension was imposed after respondent heard testimony in disciplinary proceedings as a result of which it found appellant guilty of a charge alleging that on May 8, 1959, it permitted the sales of alcoholic beverages to a minor and permitted the minor to consume such beverages on its licensed premises, in violation of Rule 1 of State Regulation No. 20. Appellant's premises are located at 939 Bay Avenue, Somers Point.

"Upon the filing of the appeal an order was entered by the Director on August 25, 1959, staying respondent's order of suspension until entry of a further order herein. R.S. 33:1-31.

"At the hearing held herein Ronald --- testified that he is 18 years of age. He further testified that on the evening of May 8, 1959, he entered appellant's premises and 'had a couple of beers' and 'had a couple of vodkas and orange juice' which were purchased from and served by a bartender who did not question him as to his age. On cross-examination he stated that on the evening in question he did not previously drink any alcoholic beverages; that after he left the premises he was arrested by a State Trooper after he had an accident and that, as a result of a statement made to the Trooper, an ABC agent accompanied him, a few days later, to appellant's premises where he identified the premises but was unable to identify the bartender who made the sales. He admitted that on the evening in question he was 'sporting a goatee.'

"On behalf of appellant, Henry Swiderski (a bartender) testified that he was present when Ronald --- visited appellant's premises with an ABC agent and identified his station as the station at which the drinks were served on May 8; that he and five other bartenders were on duty on the evening of May 8, 1959; that there were between 150 and 200 patrons in the premises at one time on that evening and that he has no recollection of serving Ronald --- during that evening. He further testified that appellant employs two doormen every night and six doormen on weekends; that the doormen have been instructed to request identification from everybody who looks young and to deny admittance to anyone who is under 21 years of age.

"The principal contentions of the attorney for appellant are that the minor was unable to identify the person who made the sales and that the evidence of the minor is uncorroborated. It is well established that the failure to identify the particular employee

who made the sale is not fatal in disciplinary proceedings. Re Cutillo, Bulletin 1133, Item 3, and cases cited therein. Moreover, the mere fact that there may not be corroboration of a minor's testimony is not fatal in disciplinary proceedings. Re Chizun, Bulletin 1274, Item 7. It is true that in such cases all the evidence presented must be carefully considered. Chase v. Washington, Bulletin 1272, Item 4. However, in this case there appears to be absolutely no reason why the minor should testify falsely. The minor may have appeared to be of full age to the doormen when he entered but that does not excuse the violation. The place was crowded. The bartender at the station where the minor said he was seated testified merely that he did not remember serving him. After reviewing all the evidence and considering the oral arguments made at the hearing, I conclude that appellant has failed to sustain the burden of proof in establishing that the action of respondent was erroneous. Rule 6 of State Regulation No. 15. The premises are now closed for the season. It is recommended that an order be entered affirming the action of respondent and providing therein that a subsequent order will be entered vacating the stay granted herein and fixing the effective dates for the five-day suspension after appellant resumes operation for the 1960 season."

No exceptions were taken to the Hearer's Report within the time limited by Rule 14 of State Regulation No. 15.

After carefully considering the evidence and the oral argument made at the hearing, I concur in the conclusions of the Hearer and adopt them as my conclusions herein. It appears from the transcript of the evidence that the licensed premises are now closed and, hence, no effective penalty can be imposed at the present time.

Accordingly, it is, on this 10th day of December 1959,

ORDERED that the action of respondent be and the same is hereby affirmed. The effective dates for the five-day suspension will be fixed by a further order which I shall enter after I am satisfied that the premises have re-opened for the 1960 season.

WILLIAM HOWE DAVIS  
DIRECTOR

## 3. APPELLATE DECISIONS - BIRDSALL v. MULLICA.

CLYDE R. BIRDSALL AND CONCETTA R.  
BIRDSALL,

Appellants,

v.

TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF MULLICA,

Respondent.

ON APPEAL  
CONCLUSIONS  
AND ORDER

-----  
John A. Miller, Esq., Attorney for Appellants.

Glen & Glenn, Esqs., by Benjamin A. Rimm, Esq., Attorneys for  
Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the denial on July 1, 1959 of appellant application for a plenary retail distribution license for premises located at Iammonton-Sweetwater Roads, in Mullica Township.

"Appellants' petition of appeal sets forth that their application was denied by the respondent for the following reason: 'that there were now too many tap rooms in the Township of Mullica'.

"Respondent, in its answer filed herein, sets forth additional grounds for its aforesaid action, to wit:

- '1. The municipality in which the license is sought is already adequately and amply serviced by existing licensed establishments and the public convenience and necessity does not require the additional license in this area.
2. The public interest will not be served by adding another licensed establishment in the area in which the license is requested.
3. The Township of Mullica Township has a population of approximately 1800 persons and there are presently eleven plenary retail consumption licenses issued.
4. Application for similar licenses has been made on prior occasions and Mullica Township has denied the application on prior occasions because of community objection, sufficient licensed premises to serve the community, and other reasons.
5. The application of Appellant is for premises approximately one mile distant from a present holder of a plenary retail consumption license. Mullica Township is a rural area and the location of the license within this proximity with the Appellant's location is unreasonable because the area is adequately serviced.
6. The licenses now issued by Mullica Township are sufficient and amply serving the public and public interest will not be serviced by adding and additional license in the municipality.'

"Appellants, in their petition of appeal, contend that the action of respondent was erroneous 'in that appellants did not make application for a plenary retail distribution license for the purpose of operating a tap room, in that the said application specifically provided for the operation of a liquor store of which there are none in the Township of Mullica, compelling persons who desire to purchase package goods to purchase the same from taverns'.

"The appellants further allege that on June 2, 1959, they applied to respondent for aforesaid license and that the Notice of Application for the same was properly advertised.

"Clyde R. Birdsall, one of the appellants, testified that his wife and he own and operate a grocery store in Sweetwater, Mullica Township; that the proposed site set forth in their application refers to a building adjacent to the grocery store, a separate and distinct building with a separate entrance.

"On cross-examination, Mr. Birdsall stated that his grocery store consists of one building; that it was not his intention to conduct his proposed liquor business in this building; that he intended to erect a new building for that purpose and that those were his intentions at the time aforesaid application was filed.

"Where, as here, an application is for a license for premises not yet constructed, plans and specifications of the proposed building must accompany the application and the Notices of Application must contain a statement that 'Plans and specifications of building to be constructed may be examined at the office of the Municipal Clerk'. Rules 1 and 2 of State Regulation No. 2.

"The records herein show that appellants filed no plans and specifications with their application filed on June 2, 1959 and that appellants' published Notices of Application in connection therewith contained no mention of plans and specifications. Since these definitely essential requirements were not followed, respondent did not have jurisdiction to grant said application. Sussex Bar & Grill (Corp.) v. Wood-Ridge, Bulletin 1154, Item 3, and cases cited therein.

"In view of the fact that I have no alternative other than to recommend dismissal on legal grounds, it will be unnecessary to discuss the merits of the case now under consideration. Under the circumstances, I recommend that the action of the respondent be affirmed and that the appeal herein be dismissed without prejudice."

No exceptions to the Hearer's Report were filed within the time limited by Rule 14 of State Regulation No. 15.

Having carefully considered the facts and circumstances herein, I concur in the Hearer's findings and conclusions and adopt his recommendations.

Accordingly, it is, on this 15th day of December, 1959,

ORDERED that the action of respondent Township Committee of the Township of Mullica be and the same is hereby affirmed and the appeal be and the same is hereby dismissed without prejudice.

WILLIAM HOWE DAVIS  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

BERNARD GANNON  
t/a GANNON'S TAVERN & PACKAGE STORE  
100 Pearl Street  
Camden, New Jersey

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-20, issued by the Municipal  
Board of Alcoholic Beverage Control  
of the City of Camden.

-----  
Defendant-licensee, Pro se.

Dora P. Rothschild, Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold during prohibited hours an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Wednesday, September 30, 1959 at about 8:30 a.m., an ABC agent while in defendant's licensed premises, observed the licensee accept some money from a patron for the sale of a bottle of an alcoholic beverage for off-premises consumption. The agent followed the patron into the street, learned that he had purchased a pint bottle of wine for 50 cents and immediately returned with him and another agent to the licensed premises. The agents identified themselves to the licensee, who verbally admitted the violation.

Defendant has no prior adjudicated record. I shall suspend his license for the minimum period of fifteen days. Re Bartoszak, Bulletin 1307, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 16th day of December 1959,

ORDERED that Plenary Retail Consumption License C-20, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Bernard Gannon, t/a Gannon's Tavern & Package Store, for premises 100 Pearl Street, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, January 4, 1960, and terminating at 2:00 a.m., Thursday, January 14, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

5. MORAL TURPITUDE - CONVICTIONS FOR COMMERCIALIZED GAMBLING HELD TO INVOLVE MORAL TURPITUDE UNDER FACTS.

December 11, 1959

Re: Eligibility No. 688

Applicant seeks a determination as to whether or not he is eligible to be employed on licensed premises in this State because of his convictions of crime.

Applicant's fingerprint returns disclose that on May 27, 1938 he was convicted in a municipal court of possessing lottery slips and was fined \$50; that on May 27, 1938 he was convicted of being a disorderly person and fined \$25; that on October 10, 1938 he was convicted in a county court of possessing obscene literature and was placed on probation for three years and fined \$25; that on December 16, 1947 he was convicted in the municipal court of possessing lottery material and was fined \$100; that on September 1, 1948 he was convicted in a municipal court of gambling at cards and fined \$25; that on June 24, 1955 he was convicted in a family court of deserting his children and was placed on probation for one year; that on May 4, 1959 he entered a plea of non vult to an indictment charging him with the possession of lottery slips and on May 27, 1959 he was sentenced to twelve months in a county penitentiary, the operation of which was suspended and he was placed on probation for three years and fined \$200.

In an affidavit executed by applicant on November 23, 1959, he states that he is 46 years of age, divorced and has two minor children, one of whom resides with his former wife, the other with an adult daughter. He states further that he was convicted of the aforesaid gambling offenses and of being a disorderly person.

In an interview with the undersigned on December 2, 1959, applicant stated that he desires to have his eligibility determined so that he may work on licensed premises in the process of being transferred to a woman whom he intends to marry.

Convictions and offenses involving commercialized gambling may or may not involve moral turpitude, depending upon the circumstances. Re Case No. 1018, Bulletin 956, Item 7. Where it appears that the person convicted was connected with the gambling enterprise only as a minor employee, under ordinary circumstances, no moral turpitude is involved. Re Case No. 296, Bulletin 353, Item 12.

It appears that in 1957 the Division, basing its conclusion on the fact that applicant was a minor employee in the gambling enterprises with which he was connected, determined that he was not ineligible to engage in the alcoholic beverage industry in this State. However, since that determination was entered, applicant has again been convicted of the same offense.

The background of applicant's convictions shows that he is utterly lacking in regard for law and order and that he has little conception of the ethics which should govern the action of those seeking to engage in the liquor business. He has been convicted of an offense involving commercialized gambling not once or twice, but on three separate occasions.

In view of applicant's multiple convictions for the same gambling offense, it is my considered opinion that the offense which led to that third conviction involved moral turpitude. See Re Case No. 345, Bulletin 427, Item 4, and cases cited therein.



It is recommended that applicant be advised that he is ineligible to hold a liquor license or to be employed in any capacity by a liquor licensee in this State.

Joseph A. Burns  
Attorney

APPROVED:

William Howe Davis  
Director

6. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOL - ALCOHOL ORDERED FORFEITED - MOTOR VEHICLE RETURNED TO INNOCENT OWNER.

In the Matter of the Seizure on	)	Case No. 10,128
October 30, 1959 of 96 two-quart	)	
"Mason" jars of alcohol and a	)	ON HEARING
Pontiac sedan on the New Jersey	)	CONCLUSIONS
Turnpike at the 34 Mile Post in	)	AND ORDER
the Township of Mount Laurel,	)	
County of Burlington and State	)	
of New Jersey.	)	

-----  
Harvey A. Lieb, Esq., Attorney for Willie Foy.  
I. Edward Amada, Esq., appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether 96 two-quart "Mason" jars of alcohol, and a Pontiac sedan, described in a schedule attached hereto, seized on October 30, 1959 on the New Jersey Turnpike, at the 34 Mile Post, in Mount Laurel, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R.S. 33:1-66, an appearance was entered by Willie Foy, the registered owner of the Pontiac sedan, who sought its return. No one opposed forfeiture of the alcohol.

Reports of ABC agents and other documents in the file, presented in evidence with consent of counsel for Willie Foy, disclose the following facts:

A New Jersey State trooper halted the motor vehicle in question on the above date and location during his routine patrol of traffic on the highway. The trooper ascertained that Edgar B. Frida was operating the vehicle, and discovered the 96 jars of alcohol in the car. None of the jars had affixed thereto any stamp indicating the payment of tax on alcoholic beverages. Therefore the trooper took possession of the alcohol and car and arrested Frida. Later, the alcohol and motor vehicle were turned over to ABC agents.

A sample of the contents of one of the jars was analyzed by the Division chemist, who reports that it is alcohol and water fit for beverage purposes with an alcoholic content by volume of 49.5 percent.

At the time of the seizure Edgar B. Frida, in a signed statement, asserted that he borrowed the car from his brother-in-law, Willie Foy, for the purpose of visiting his family in Winston Salem, North Carolina, left New York Monday night and purchased the alcohol at a

lumber yard in North Carolina; and that he intended to sell the alcohol in New York.

The seized alcohol is illicit because of the absence of a tax stamp on any of the jars, and further because of the circumstances under which it was purchased. R.S. 33:1-1(i), R.S. 33:1-88. Such illicit alcohol and the motor vehicle in which it was transported and 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.

Willie Foy testified that he has resided in New York City for ten or eleven years, has been employed for nine years as a receiving clerk of a retail store located in that city; that he purchased the Pontiac sedan in question in February 1957; that on the Sunday previous to the seizure Frida, employed as the driver of a taxicab, requested the loan of the car for a week to visit his family in the south; that Frida agreed to pay \$20.00 for the use of the car, and that he had no knowledge that Frida would transport alcoholic beverages in violation of the law.

Foy further testified that he earns \$60.00 a week, resides with his wife and two children, and has never been charged with any criminal offense; that he used the car on weekends for pleasure, but did not use the car for transportation to his place of employment; that to aid in paying for the car, until the spring of 1959 he rented the car for \$12.00 a week, to a person who used it to transport himself and fellow employees to work; that Frida is married, resides with his family, does not own a car, and to his knowledge has never been charged with any criminal offense.

Frida testified that he decided to purchase the alcohol on Wednesday after being told by friends that there was a ready market for it in New York, purchased it on Thursday in North Carolina enroute to New York; that he has been employed as a cab driver for fourteen years, earning an average of about \$70.00 a week and tips, and purchased the alcoholic beverages because he thought he could earn an "easy buck" for Christmas.

I am satisfied from the evidence presented that Willie Foy acted in good faith and did not know, or have any reason to suspect, that his car would be used by Frida for the transportation of illicit alcoholic beverages. Hence, the car will be returned to him upon payment of the costs of its seizure and storage.

Accordingly, it is DETERMINED and ORDERED that if on or before the 28th day of December, 1959, Willie Foy pays the costs of the seizure and storage of his Pontiac sedan, more fully described in Schedule "A" attached hereto, it will be returned to him; and it is further

DETERMINED and ORDERED that the alcoholic beverages, as listed in Schedule "A", constitute unlawful property and that the same be and hereby are forfeited, in accordance with the provisions of R.S. 33:1-66, and that they 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: December 16, 1959

SCHEDULE "A"

- 96 - two-quart "Mason" jars of alcohol
- 1 - Pontiac sedan, Serial No. L756H5282, New York  
Registration 7C-5985.

7. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN MOTEL - STOCK OF ALCOHOLIC BEVERAGES, CASH IN REGISTER AND FIXTURES AND EQUIPMENT IN ESTABLISHMENT ORDERED FORFEITED.

In the Matter of the Seizure on August 2, 1959 of a quantity of alcoholic beverages, various fixtures, furnishings, equipment, and \$338.78 in cash at a motel operated by Walter Moody, located on Florence Road, Winslow Township, County of Camden and State of New Jersey.	)	Case No. 10,060
	)	ON HEARING
	)	CONCLUSIONS
	)	AND ORDER

-----  
Walter Moody, Pro Se.

I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This matter came on for hearing pursuant to R.S. 33:1-66 to determine whether a quantity of alcoholic beverages, \$338.78 in cash and various fixtures, furnishings, and equipment, described in a schedule attached hereto, seized on August 2, 1959 at a motel operated by Walter Moody, located on Florence Road, Winslow Township, New Jersey, constitute unlawful property and should be forfeited.

"Walter Moody appeared at such hearing and sought return of the seized property.

"An ABC agent testified that he was at the premises in question on August 2, 1959, at which time there were about 400 persons present; that he observed a number of these persons standing in line to obtain drinks of draught beer without charge, and he joined the line and received a drink of beer; that observing other persons enter a room in the motel, he likewise entered, and observed persons eating corn on the cob, drinking beer and dancing; that the room was equipped with a music machine, a television, a table, chairs, a counter, a cash register and a refrigerator; that four women were behind the counter, and one of the women, later identified as Druciller Dixon, was selling alcoholic beverages to such persons; that he purchased a number of cans of beer from her, and noted that she deposited in the cash register the money he gave her; that Moody came in the premises while these sales were being made; that the agent left the premises about 4:15 P.M. and returned at about 5:30 P.M., at which time sales of beer continued to be made, and he purchased four cans of beer from Miss Dixon; that shortly thereafter Mr. Moody entered and one of the women behind the counter told him they did not have any beer left and he replied, 'That's what we had the beer for, to sell.' At about 6:00 P.M., by prearrangement, other officers entered, all disclosed their identity, and the agent, in the presence of Mr. Moody, accused Miss Dixon of the sale of beer to him; that the agent asked Mr. Moody whether Miss Dixon was selling alcoholic beverages for him and he replied that Miss Dixon is his sister and was just helping him; that it was the first day of a picnic which he was giving to advertise and familiarize the people with his motel.

"Walter Moody and Druciller Dixon did not hold any license authorizing either of them to sell alcoholic beverages, and the premises were not licensed for that purpose. Accordingly, the agent seized the stock of alcoholic beverages, consisting of six cans of beer, five bottles of whiskey openly displayed behind the counter and the

furnishings and equipment in the room, and \$338.78 which was in the cash register.

"Walter Moody testified that he was selling food at the picnic but was supposed to furnish the alcoholic beverages without charge, a truck load of beer having been furnished to him without charge by a distributor, with whom he had previously not had any business relations; that the 'girls' were trying to get 'a dime or two extra'; that he could not watch them all; that 'if he (the agent) need to buy - I didn't say he didn't'; that he did not doubt the agent at all. Walter Moody also offered in evidence a printed circular, the purport of which is that a 'Beer Distributor' picnic would be held at his premises with free beer, soda, pretzels and potato chips 'bring your own pitcher.'

"Even if Moody's explanation were to be accepted at face value, it would constitute a sale of alcoholic beverages, because it must be considered either the service of alcoholic beverages without charge in connection with the sale of food, or the stimulation of trade by a merchant in serving alcoholic beverages without charge. Both are unlawful and subject to the forfeiture penalty provided for by R.S. 33:1-66. For a full discussion of these principles see Bulletin 728, Item 8, Seizure Case No. 8709, Bulletin 1046, Item 8. However, it appears absolutely clear from the evidence that alcoholic beverages were actually sold to the agent and others, and hence the seized property is subject to forfeiture on that score. R.S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66. What apparently occurred was that the free beer and the beer for sale became hopelessly intermingled. No cause has been shown why forfeiture of the seized property should not follow in due course. I so recommend."

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

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's Report and I adopt them as my conclusions herein.

Accordingly, it is on this 21st day of December, 1959,

DETERMINED and ORDERED that the seized property, more fully described in Schedule "A" attached hereto, constitutes unlawful property, and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66 and shall 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

SCHEDULE "A"

- 5 - bottles of whiskey
- 6 - cans of beer
- 24 - bottles of coca cola
- 1 - Norge refrigerator
- 1 - music machine and currency therein
- 1 - television set
- 1 - radio
- 1 - record player
- 1 - electric fan
- 1 - table
- 4 - chairs
- 1 - cash register
- \$338.78 in cash

## 8. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1959 THROUGH DECEMBER 31, 1959

	1st Quarter July, Aug., Sept.	2d Quarter Oct., Nov., Dec.	Total
<b>ARRESTS:</b>			
Total number of persons arrested	98	99	197
Licensees and employees	49	39	88
Bootleggers	48	59	107
ABC agent impersonators	1	1	2
<b>SEIZURES:</b>			
Motor vehicles - cars	7	4	11
- trucks	1	1	2
- trailers	1	-	1
Still - over 50 gallons	1	-	1
- 50 gallons or under	2	2	4
Mash - gallons	1,800.00	-	1,800.00
Distilled alcoholic beverages - gallons	299.21	315.95	615.16
Wine- gallons	52.95	134.46	187.41
Brewed malt alcoholic beverages - gallons	134.98	45.66	180.64
<b>RETAIL LICENSEES:</b>			
Premises inspected	1,308	1,697	3,005
Premises where alcoholic beverages were gauged	1,480	1,521	3,001
Bottles gauged	26,620	26,177	52,797
Premises where violations were found	141	128	269
Violations found	223	178	401
Unqualified employees	146	70	216
Application copy not available	45	46	91
Reg. #38 sign not posted	9	20	29
Prohibited signs	6	9	15
Other mercantile business	5	7	12
Disposal permit necessary	1	6	7
Improper beer taps	1	1	2
Other violations	10	19	29
<b>STATE LICENSEES:</b>			
Premises inspected	107	99	206
License applications investigated	34	21	55
<b>COMPLAINTS:</b>			
Complaints assigned for investigation	1,389	1,257	2,646
Investigations completed	1,330	1,248	2,578
Investigations pending	(195)	190	190
<b>LABORATORY:</b>			
Analyses made	1,176	843	2,019
Refills from licensed premises-bottles	252	100	352
Bottles from unlicensed premises	285	105	390
<b>IDENTIFICATION:</b>			
Criminal fingerprint identifications made	56	55	111
Persons fingerprinted for non-criminal purposes	885	631	1,516
Identification contacts made w/other enforcement agencies	707	441	1,148
Motor vehicle identifications via N.J. State Police teletype	21	7	28
<b>DISCIPLINARY PROCEEDINGS:</b>			
Cases transmitted to municipalities	43	43	86
Violations involved	48	44	92
Sale during prohibited hours	28	21	49
Sale to minors	11	15	26
Failure to close prem. during prohibited hours	4	1	5
Sale to non-members by club	3	1	4
Permitting brawl, etc. on premises	1	1	2
Possessing chilled beer (DL licensee)	-	2	2
Failure to afford view into prem. during prohibited hours	1	-	1
Sale of drinks on credit (local reg.)	-	1	1
Employing female bartender (local reg.)	-	1	1
Service to women at the bar (local reg.)	-	1	1
Cases instituted at Division	117	78*	195
Violations involved	177	107	284
Sale to minors	30	15	45
Possessing liquor not truly labeled	26	16	42
Sale during prohibited hours	16	19	35
Permitting lottery activity on premises	12	4	16
Permitting bookmaking on premises	9	2	11
Hindering investigation	8	3	11
Permitting immoral activity on premises	5	5	10
Sale below minimum resale price	6	3	9
Conducting business as a nuisance	4	5	9
Sale to intoxicated persons	4	5	9
Possessing contraceptives on premises	6	2	8
Possessing indecent matter	6	2	8
Fraud and front	2	5	7
Sale outside scope of license	3	3	6

\*Includes one cancellation proceeding against blanket employment permit--females who acted as hostesses.

	1st Quarter July, Aug., Sept.	2d Quarter Oct., Nov., Dec.	Total
DISCIPLINARY PROCEEDINGS (Continued)			
Cases instituted at Division (Continued)			
Violations involved:			
Purchase from improper source	5	-	5
Unauthorized transportation	5	-	5
Permitting gambling on premises	3	2	5
Permitting licensed premises to be used in connection with illegal activity	3	1	4
Delivery without bona fide invoice	3	-	3
Aiding and abetting unauthorized sale	2	1	3
Aiding and abetting unauthorized transportation	3	-	3
Permitting foul language on premises	2	1	3
Unqualified employees	1	2	3
Sale to non-members by club	1	2	3
Solicitor engaging in conduct prohibited to employer	2	-	2
Failure to file notice of change in application	1	1	2
Failure to close premises during prohibited hours	-	2	2
Permitting brawl, etc. on premises	-	2	2
Permitting hostesses on premises	-	2	2
Mislabeling beer taps	1	-	1
Failure to file tax reports	1	-	1
Retailer-to-retailer sales	1	-	1
Sale on credit to retailer in default	1	-	1
Unlicensed storage	1	-	1
Unlicensed sale by solicitor	1	-	1
Furnishing unlawful inducements to retailers	1	-	1
Accepting delivery on credit while in default	1	-	1
Substituting drink other than ordered	1	-	1
Service to women at the bar (local reg.)	-	1	1
Solicitor employed by retailer	-	1	1
Cases brought by municipalities on own initiative and reported to Division	49	66	115
Violations involved	62	81	143
Sale to minors	30	44	74
Permitting brawl on premises	7	6	13
Sale during prohibited hours	6	5	11
Permitting immoral activity on premises	4	2	6
Hindering investigation	3	3	6
Permitting bookmaking on premises	2	4	6
Failure to close prem. during prohibited hours	4	1	5
Permitting prostitutes on premises	3	1	4
Unqualified employees	-	4	4
Permitting lottery activity on premises	-	3	3
Sale to intoxicated persons	1	1	2
Failure to afford view into prem. during prohibited hours	1	-	1
Unauthorized transportation	-	1	1
Employee working while intoxicated	-	1	1
Sale to non-members by club	-	1	1
Allowing minor unaccompanied by parent in barroom (local reg.)	-	1	1
Conducting business as a nuisance	1	3	4
HEARINGS HELD AT DIVISION:			
Total number of hearings held	171	134	305
Appeals	24	15	39
Disciplinary proceedings	107	90	197
Eligibility	17	12	29
Seizures	14	11	25
Tax revocations	5	6	11
Applications for license	4	-	4
STATE LICENSES AND PERMITS ISSUED:			
Total number issued	4,851	4,472	9,323
Licenses	609	12	621
Solicitors' permits	186	156	342
Employment "	894	583	1,477
Disposal "	260	255	515
Social affair "	1,247	1,157	2,404
Wine permits	--	936	936
Miscellaneous "	605	538	1,143
Transit insignia	971	776	1,747
Transit certificates	79	59	138

Dated: January 11, 1960

WILLIAM HOWE DAVIS  
DIRECTOR

## FOR IMMEDIATE RELEASE

NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1959 TO DECEMBER 31, 1959 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

## CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club No. Issued	Limited Retail Distribution		Seasonal Retail Consumption		Number Surren- dered Expired	Number Licen- ses in Effect	Total Fees Paid	
	No. Issued	Fees Paid	No. Issued	Fees Paid		No. Issued	Fees Paid	No. Issued	Fees Paid				
Atlantic	487	\$ 208,460.00	72	\$ 27,625.00	25	\$ 2,353.77					584	\$ 238,438.77	
Bergen	811	308,592.50	301	88,167.00	117	10,983.93	52	\$ 2,446.50	5	\$ 1,361.66	5	1281	411,551.59
Burlington	186	82,150.00	41	12,885.00	48	6,750.00	1	50.00				276	101,835.00
Camden	453	221,970.00	82	35,165.00	75	7,363.48			1	375.00	1	610	264,875.48
Cape May	135	76,800.00	11	4,000.00	16	1,950.00						162	82,750.00
Cumberland	80	40,836.64	14	3,950.00	30	4,060.00						124	48,846.64
Essex	1343	758,610.00	350	209,892.00	105	14,373.23	28	1,400.00	2	1,500.00	1	1827	985,775.23
Gloucester	108	38,610.00	15	3,820.00	22	1,950.00						145	44,380.00
Hudson	1528	695,598.32	298	122,400.00	84	9,847.16	63	2,700.00			1	1972	828,545.48
Hunterdon	79	28,000.00	11	3,810.00	10	1,100.00						100	32,910.00
Mercer	421	259,491.25	51	21,500.00	57	8,150.00			1	106.92	1	529	289,248.17
Middlesex	631	311,826.78	80	25,721.58	101	8,906.21	4	200.00				816	346,654.57
Monmouth	552	289,323.75	122	43,070.00	46	5,500.00	10	435.00	27	12,489.96	28	729	350,618.71
Morris	357	134,165.58	100	33,850.00	57	5,159.76	18	895.96	4	1,087.50	5	531	175,158.80
Ocean	194	106,577.30	47	19,680.00	27	3,100.00						268	129,357.30
Passaic	867	356,355.00	167	51,430.00	43	5,225.00	8	375.00				1085	413,385.00
Salem	51	19,300.00	8	1,550.00	20	1,675.00						79	22,525.00
Somerset	188	85,200.00	41	12,595.00	28	3,250.00						257	101,045.00
Sussex	166	46,155.00	22	4,185.00	11	643.36	1	50.00	1	225.00	1	200	51,258.36
Union	549	306,410.00	144	66,940.00	74	8,475.00	29	1,425.00				796	383,250.00
Warren	148	44,310.00	21	5,320.00	28	3,100.00			2	337.74	2	197	53,067.74
Total	9334	\$4,416,742.12	1998	797,555.58	1024	\$113,715.90	214	\$9,977.46	43	\$17,483.78	45	12538	\$5,355,474.84

William Howe Davis  
Director

January 11, 1960.

10. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

MARGARET F. CAMPBELL  
t/a LAFAYETTE HOUSE  
Main Street  
Lafayette, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-1, issued by the Township  
Committee of the Township of Lafayette.

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Dolan and Dolan, Esqs., by Francis E. Bright, Esq., Attorneys for  
Defendant-licensee.

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

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she sold and permitted the sale and delivery of alcoholic beverages to a minor and permitted the consumption of such beverages by said minor in her licensed premises, in violation of Rule 1 of State Regulation No. 20.

On October 30, 1959, at about 10:10 p.m., ABC agents who were in defendant's premises observed the sale and service of a bottle of beer to Linn --- (age 17) by Roberta I. Smith, who was tending bar and who did not question Linn --- as to his age. As the minor was consuming the beer, the agents identified themselves to the bartender and to Alfred Campbell (husband of the licensee).

In alleged mitigation defendant has submitted an affidavit wherein she says that she was not on the premises when the violation occurred and that she had instructed her employees, including Roberta I. Smith, to avoid serving alcoholic beverages to minors. Nevertheless, defendant is liable for the violation which occurred on her premises. Rule 33 of State Regulation No. 20. Defendant has also submitted an affidavit of Roberta Smith wherein she says that the minor appeared to be twenty-one years of age and "accordingly I sold him the bottle of beer." She further states that she had not previously known the minor and thought that he was another individual who had signed a written representation that he was twenty-one years of age or over. However, it is not contended that Linn --- signed such a written representation, as required by R.S. 33:1-77(a).

Defendant has no prior adjudicated record. I shall suspend her license for twenty days (the minimum penalty for sale to a 17-year-old minor). Re Calvello, Bulletin 1294, Item 4. Five days will be remitted for the plea, leaving a net suspension of fifteen days.

Accordingly, it is, on this 28th day of December 1959,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Lafayette to Margaret F. Campbell, t/a Lafayette House, for premises on Main Street, Lafayette, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Monday, January 4, 1960, and terminating at 3 a.m. Tuesday, January 19, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR



11. DISCIPLINARY PROCEEDINGS - DATES FIXED FOR SUSPENSION PREVIOUSLY IMPOSED UPON TRANSFER OF LICENSE AND RESUMPTION OF BUSINESS.

In the Matter of Disciplinary  
Proceedings against

ENTERTAINMENT ENTERPRISES, INC.  
t/a NEW STAGE COACH INN  
Route #46 and Sprofera Street  
South Hackensack, N. J.,

Holder of Plenary Retail Consumption  
License C-4 (for the 1957-58 and  
1958-59 licensing years), issued by  
the Township Committee of the Township  
of South Hackensack; which license is  
now held by

MAVERICK'S STEAK HOUSE & LOUNGE, INC.  
430 Route #46  
South Hackensack, N. J.

ORDER

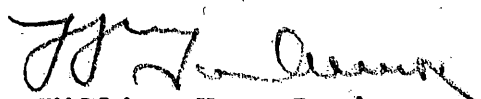
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BY THE DIRECTOR:

By order dated February 16, 1959, I suspended the license then held by Entertainment Enterprises, Inc. for twenty-five days. Because the licensed premises had been destroyed by fire, the order provided that the effective dates for said suspension would be fixed by subsequent order after the licensed premises reopened for business. See Bulletin 1269, Item 5.

It appears that thereafter License C-4 (for the 1958-59 licensing year) was duly transferred to Dante Petretti and that, by resolution of the Township Committee dated June 18, 1959 (as amended), a renewal of License C-4 (for the 1959-60 licensing year) was issued, effective immediately, to Dante Petretti for the sole purpose of permitting grant of application for place-to-place transfer thereof, subject to the aforesaid twenty-five-day suspension. It further appears that by resolution of the Township Committee dated October 15, 1959 (as amended), License C-4 (for the 1959-60 licensing year), then held by Dante Petretti, was transferred from Route #46 and Sprofera Street to 430 Route #46, South Hackensack, effective October 16, 1959, and that, by the same resolution, a person-to-person transfer of said license was granted to Maverick's Steak House & Lounge, Inc. effective October 16, 1959, subject to the aforesaid twenty-five-day suspension. Recent investigation of the premises at 430 Route #46 discloses that said premises have been completed and that the licensed business is now being conducted at said premises.

Accordingly, it is, on this 28th day of December 1959

ORDERED that the twenty-five-day suspension heretofore imposed on License C-4, issued by the Township Committee of the Township of South Hackensack and now held by Maverick's Steak House & Lounge, Inc. for premises 430 Route #46, South Hackensack, shall commence at 6 a.m. Monday, January 11, 1960, and terminate at 6 a.m. Friday, February 5, 1960.

  
William Howe Davis  
Director