

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

BULLETIN 1507

April 25, 1963

TABLE OF CONTENTSITEM

1. DISCIPLINARY PROCEEDINGS (Clementon) - SALE TO A MINOR - FOUL LANGUAGE - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 35 DAYS.
2. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOLIC BEVERAGES - APPLICATION OF CLAIMANT FOR RETURN OF MOTOR VEHICLE DENIED FOR FAILURE TO ESTABLISH TRUE OWNERSHIP AND GOOD FAITH - CLAIM OF INNOCENT LIENOR TO SAID MOTOR VEHICLE ESTABLISHED.
3. SEIZURE - FORFEITURE PROCEEDINGS - UNLAWFUL TRANSPORTATION OF ALCOHOLIC BEVERAGES - MOTOR VEHICLE AND ALCOHOLIC BEVERAGES ORDERED FORFEITED - CLAIM OF INNOCENT LIENOR AGAINST MOTOR VEHICLE RECOGNIZED.
4. DISQUALIFICATION REMOVAL PROCEEDINGS - WILFUL EVASION OF INCOME TAXES - ORDER REMOVING DISQUALIFICATION.
5. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
6. STATUTORY AUTOMATIC SUSPENSION (Hackensack) - ORDER TEMPORARILY STAYING SUSPENSION.
7. STATE LICENSES - NEW APPLICATION FILED.

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1. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - FOUL LANGUAGE -  
HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 35 DAYS.

In the Matter of Disciplinary Proceedings against )  
HELEN C. SNYDER )  
t/a SNYDER'S BAR ) CONCLUSIONS  
197 Berlin Road ) AND ORDER  
Clementon, N. J. )  
Holder of Plenary Retail Consumption License C-8, issued by the Borough Council of the Borough of Clementon. )

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Cahill, Wilinski, Uliase & Mohrfeld, Esqs., by Robert Wilinski, Esq., Attorneys for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"The licensee pleaded not guilty to the following charges:

- '1. On Saturday night October 6, 1962, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Patricia ---, age 19, and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.
- '2. On Saturday night October 6 and early Sunday morning October 7, 1962, you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.
- '3. On Saturday night October 6 and early Sunday morning October 7, 1962, you and agents, servants, employees and other persons in your behalf failed to facilitate and hindered and delayed and caused the hindrance and delay of an investigation, inspection and examination of and concerning your licensed business and premises being made and conducted by Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey; in violation of R.S. 33:1-35.'

"To substantiate the charges, the Division produced Patricia ---, ABC agents C and S who participated in the investigation of the licensee's business, and the Division chemist.

"Patricia was called to establish her age and testified that she was born on August 2, 1943.

"Agent C then testified in full and, after being cross examined, it was stipulated by the attorneys for the parties hereto that, if Agent S were to testify, his direct testimony would be the same as the direct testimony of Agent C.

"The evidence adduced by the Division is substantially as follows: At about 10:15 p.m. October 6, 1962, the agents entered the licensee's barroom through a door having a clear glass panel in a 6 x 10 feet vestibule and seated themselves at the bar approximately three stools to the left of the entrance. There were approximately twenty patrons at the bar, one of whom recognized Agent C, waved his hand, said 'Hi' and went to the rear end of the bar where he conversed with Mr. Snyder (husband of the licensee) and Charles Hahn (the bartender), both of whom then looked in the direction of the agents. Patricia and her husband were seated three stools to the right of the agents and at the time she had in front of her a partially filled glass of what appeared to be beer. When she consumed some of the beverage, Hahn quickly removed her glass and replaced it with a glass of 7-Up. At 11 p.m. the agents left and, as they were driving out of the parking lot, they observed several patrons 'leering' at them from the window. At approximately 11:45 the agents returned to the licensed premises and reentered the vestibule where they remained for approximately five to eight minutes. Viewing a section of the bar through the glass door, the agents saw Patricia lift a glass of amber colored fluid to her lips, consume a portion of it and put the glass on the bar. At that point, the agents entered the barroom, produced their credentials for Patricia's inspection, told her they were ABC agents and asked for some identification as to her age. When she said she wasn't drinking anything, Agent C seized her glass containing the remaining portion of her beverage from in front of her husband, who had reached over and placed it alongside his glass. Agent C then poured the contents into a sample bottle which he retained throughout the investigation. While the agent was decanting the beverage, five or six men who had been shooting darts belligerently approached the bar. Among them were Louis Blackman, a patron, and Charles G. Yersak, the mayor of the municipality (hereafter the Mayor), the latter demanding that the glass of beer be put back on the bar. Mr. Snyder (manager of the establishment) put in his appearance and both agents again presented their credentials. The Mayor kept shouting at Agent C to put the glass of beer back on the bar and demanded that the agents' credentials be shown to him. Due to the interruptions, the agents were unable to question Patricia and her husband. Mr. Snyder did nothing to quell the disturbance but stood by saying 'Don't mind them, they're all right.' At the agents' insistence, Mr. Snyder took them, Patricia and her husband to a table in a rear room where they were followed by a large group, including Helen Snyder, the licensee. The Mayor, without invitation, sat at the table and for 45 minutes continually interrupted the agents and told them that he was going to see their bosses and have their jobs. When the agents sought to question the licensee, they could not because of the interruptions

and because she heeded the advice of the Mayor who told her not to answer any questions. The agents then asked Mr. Snyder to disperse the crowd and again he said 'Don't mind them, they're all right.' On one occasion, Blackman threatened Agent C with his fists, saying 'I don't care who he is. I will punch that "F'n" Dago in the mouth.' When the agents sought to question the bartender, he, on the advice of the Mayor, refused to answer all of the questions propounded by Agent C. Later, when the agents were leaving the premises, Blackman reached out and spun Agent C around, calling him foul and filthy names. Before departing, the agents informed Mr. and Mrs. Snyder that their inaction and the actions and conduct of the patrons would be reported and that, in all probability, the licensee would be charged with hindering and failing to facilitate the investigation.

"The Division chemist testified in substance that the sample bottle (heretofore marked Exhibit S-1 for identification) was given to him on October 24, 1962 by Agent J (custodian of the Division's warehouse); that when he received the bottle, it contained about 3 1/2 ounces of liquid and was sealed with red wax; that he made an analysis of a few ounces of the contents and found that the beverage 'was three percent of alcohol by volume, 6 proof and cloudy amber. It's a malt alcoholic beverage'; that he then sealed with a white seal the bottle containing the remaining portion of the beverage and put the State emblem on the seal. The sample bottle with its contents and the certified report of the chemist's analysis dated November 7, 1962 were received in evidence and marked Exhibits S-1 and S-2, respectively.

"Appearing on behalf of the licensee were Andrew and Helen Snyder, Patricia (the minor), Charles Hahn (the bartender), Louis Blackman, John Christy and Mayor Charles G. Yersak.

"Andrew Snyder testified substantially as follows: On the night of the date alleged, he was in the licensed premises seated at the end of the bar watching television when he heard a commotion and thought it was a fight. He immediately went to where the rumpus was and, when the agents identified themselves, he got between them and Blackman, who was shouting 'This is my beer.' Words were being flung back and forth and he heard Blackman say 'You are taking my beer and you shoved me' and he thought Blackman was going to have a fight with them. The agents then asked him to take them to some place where they could talk and he took them to a room in the rear where the agents attempted to question Patricia. Mr. Snyder further testified that Patricia and her husband had been in the establishment for about two hours and that he did not observe her drinking any alcoholic beverages; that just before the agents entered the premises the second time, the dart players, including Blackman, Patricia's husband and the Mayor, were standing around the bar alongside Patricia and that there were six, seven or eight glasses of beer on the bar in their immediate vicinity; that there were at least thirty patrons in the barroom milling around and that he tried to keep them from coming into the back room and tried to chase them into the barroom; that no profanity was used; that when the agents told him to keep the Mayor quiet because he was hurting him, he said 'Well, he's the mayor. What can I do with the mayor? What can I say to him?'

"Three photographs of the licensed premises were received in evidence and marked Exhibits L-1, L-2 and L-3.

"Helen Snyder testified in substance that she is the licensee and that on the night in question, she was seated at the bar about three stools from Patricia and saw the agents walk

in, grab the beer and shove Blackman; that there were six or seven glasses of beer on the bar near Patricia and a glass of soda directly in front of her; that when the agents shoved Blackman, he got excited and three or four men came over thinking it was a fight; that she was stunned, not knowing what it was all about; that her husband came right over and asked who the men were and was shown their credentials; that at the agents' request, her husband 'ushered' them to the back of the barroom; that all the patrons followed them and her husband tried to quiet them; that the Mayor tried to be Patricia's attorney, telling her what to say and what not to say; that she did not quiet the Mayor because 'I was always told to have respect for your superiors'; that she did not hear any foul language used except that someone called one of the agents a rat.

"Patricia testified that on the night in question, she and her husband arrived at the licensed premises about 9:15 p.m.; that she did not know what time they left; that during their stay on the premises, she drank 7-Up and her husband drank beer; that Blackman, the Mayor and her husband were playing darts before the agents came in and from time to time would come to the bar and drink their beer from glasses which were on the bar to her right; that one of the agents grabbed one of the glasses of beer; that Mr. Snyder came over and she, the agents, Mr. Snyder and the Mayor went into a back room; that the Mayor gave her advice although she did not ask for it and did not know him; that Mr. Snyder tried to quiet the patrons and that she did not hear any foul language used during her stay on the premises.

"Charles Hahn testified in substance that he was employed by the licensee as a bartender for about six months and worked the night shift on October 6, 1962; that around 11 p.m. there were approximately twenty-five or thirty patrons in the barroom; that Patricia arrived at about 9:15 and during her stay she was served 7-Up in the same type glass he used for serving beer; that the dart players had glasses of beer on the bar, four or five to the right of Patricia and a couple to her left but none in front of her; that one of the agents rushed in and, as Blackman reached for his beer, the agent knocked his arm, in the air and grabbed the beer off the bar; that he heard no profanity; that he saw the Mayor come over and heard him tell the agent to put the glass of beer back on the bar; that Mr. Snyder came down and tried to separate Blackman and the agents; that the agents asked Mr. Snyder to take them some place to 'make the investigation, and he did'; and that there were about four or five patrons milling around in the rear room.

"Louis Blackman testified in substance that he and his wife arrived in the licensed premises a little after 10 p.m. and that Mayor Yersak came in shortly thereafter; that eventually he, the Mayor and Patricia's husband got into a dart game; that around 11 p.m. when the agents came in, the dart players had five or six glasses of beer grouped together on the bar; that Agent C came to the bar and 'I go to reach for the beer and he pushed me back'; that he said 'What do you think you're doing?' and went toward the agent; that he said nothing more to Agent C and Mr. Snyder came down and got between him and Agent C who had not identified himself to him; that Mr. Snyder 'brushed things off' and they walked to the back room; that he did not use any foul language to the agents; that 'I may have called him a Dago'; that Patricia may have had a soda in front of her and that he never saw her take a drink of beer; that when the agents were leaving, 'I may have grabbed him (Agent C) by the shoulder but I

didn't put my fist--' up to him; and that he did not go into the back room, 'I just stayed at the bar to try to calm myself down a little bit.'

"John Christy testified in substance that on the night in question, he had just entered the barroom and ordered a beer when 'The next thing I know, the two agents come rushing in the door, pushed Lou's arm back and grabbed the beer and all the fight started'; that 'there was a bunch of them (glasses of beer) on her (Patricia's) right-hand side and to the side of her'; and that 'I hear Mr. Blackman say it was his beer. That was about all.'

"Charles Yersak testified in substance that he was in Snyder's Bar on the night of October 6, 1962 playing darts with Blackman and Patricia's husband; that Patricia was there and 'I reached over her shoulder and picked up a glass of beer'; that 'an arm came out and grabbed the beer off the bar... Mr. Blackman had said something like "Who do you think you are?... Stop pushing me"... I said, "What's going on?... Who are you?"; that 'there was quite a bit of excitement, groups of people coming down... and Mr. Snyder had come down and the gentlemen identified himself as an ABC agent'; that he had a couple of beers sitting at the bar 'scattered around the bar there'; that 'I thought the way the individual who later identified himself as an ABC agent had burst in, disregarding anyone around and grabbed the beer and held it in his hand without even any identification at that point', that later he went to the back room and 'talked to the young lady... She was frightened and I said, "Don't be afraid. You have nothing to fear... If you want me to advise you, I will be very happy to"; that he did that 'because I happen to be mayor of the Borough of Clementon and I feel, as chief law enforcer of that community, anything that occurs concerns me'; that he did not hear any foul language directed to the agents; that 'there was some noise and some racket and some confusion and Mr. Snyder came in amongst the group, quieted them down and said, "All right, now, take it easy. Everybody quiet down and get back to your seats. Don't worry about it. It will be taken care of".'

"Agent C testified in rebuttal that at no time did he strike Blackman's hand and push him out of the way or that he took the glass of beer out of his hand; that Blackman did not say 'Why are you taking my beer?'; that no one specifically claimed ownership of the glass of beer seized; that Blackman stood behind Mr. Snyder when they were in the back room and that the only contact he had with Blackman was when he was leaving, at which time Blackman spun him around; that glasses of beer were not clustered together at any place on the bar and that the partially filled glass of beverage he seized had been in front of Patricia and another glass of beer was in front of her husband.

"Having had the opportunity to judge the credibility of the witnesses and recognizing the sharp dispute of facts, I find that the testimony of the agents is highly credible and convincingly depicts what actually occurred when the agents twice visited the licensed premises on the date alleged. On the contrary, I find that little, if any, credence can be given to the licensee's witnesses, all of whom seemed more inclined to exculpate the licensee than to truthfully recount what they observed and heard and two of whom sought to palliate their obvious contempt for the Division and its investigators which the agents disclosed. I conclude, therefore, that the Division has established the truth

of the charges by a fair preponderance of the believable evidence and I recommend that the licensee be found guilty as charged.

"Considering the licensee's prior good record and the mitigating circumstances respecting her failure to facilitate the agents in their investigation, I further recommend that an order be entered suspending her license for fifteen days on Charge 1 (Re Elia and Lee, Bulletin 1492, Item 7), ten days on Charge 2 (Re Subar, Inc., Bulletin 1481, Item 5), and ten days on Charge 3 (Re Sawdust Trail Enterprizes, Bulletin 1494, Item 10), making a total suspension of thirty-five days."

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, the brief submitted by the licensee's attorney in lieu of summation, and the Hearer's Report, I concur in the findings and conclusion of the Hearer and adopt his recommendations.

Accordingly, it is, on this 13th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-8, issued by the Borough Council of the Borough of Clementon to Helen C. Snyder, t/a Snyder's Bar, for premises 197 Berlin Road, Clementon, be and the same is hereby suspended for thirty-five (35) days, commencing at 3:00 a.m. Wednesday, March 20, 1963, and terminating at 3:00 a.m. Wednesday, April 24, 1963.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

2. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOLIC BEVERAGES - APPLICATION OF CLAIMANT FOR RETURN OF MOTOR VEHICLE DENIED FOR FAILURE TO ESTABLISH TRUE OWNERSHIP AND GOOD FAITH - CLAIM OF INNOCENT LIENOR TO SAID MOTOR VEHICLE ESTABLISHED.

In the Matter of the Seizure on September 20, 1962 of 76 bottles of alcoholic beverages and a Cadillac sedan on the Garden State Parkway, Milepost 133, in the Township of Woodbridge, County of Middlesex and State of New Jersey. ) Case No. 10,913 ) ON HEARING ) CONCLUSIONS ) AND ORDER )

-----)  
Samuel D. Bozza, Esq., appearing for Rosa Campisi.  
Peoples National Bank and Trust Company by Edward K. Albretsen,  
Assistant Cashier.

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

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"This matter came on for hearing pursuant to R.S. 33:1-66 and State Regulation No. 28, to determine whether 76 bottles (some partially filled) of assorted sizes and brands of alcoholic beverages and a Cadillac sedan, described in a schedule attached hereto, made part hereof, and marked Schedule 'A', seized on September 20, 1962, on the Garden State Parkway, Milepost 133, Woodbridge Township, New Jersey, constitute unlawful property and should be forfeited.

"An appearance was entered at the hearing by Rosa Campisi, the registered owner of the Cadillac sedan, who sought its return. An appearance was also entered on behalf of the Peoples National Bank and Trust Company, of Belleville, New Jersey, which sought recognition of its alleged lien on such vehicle.

"At the initial hearing herein, the representative of the claimant, Peoples National Bank and Trust Company, failed to appear and this matter was continued in order to enable the claimant to prove its claim. At the hearing, counsel for Rosa Campisi stipulated to the admission into evidence of the file, which included the statutory affidavit of mailing, affidavit of publication, the analysis of the Division chemist, the inventory of the seized liquor, and the inventory of the motor vehicle.

"The Division's file reflects the following: On Thursday, September 20, 1962 at about 3:00 a.m. a New Jersey State trooper, responding to instructions to be on the alert for a 1960 Cadillac, bearing a specific New Jersey license plate, stopped the motor vehicle in question on the Garden State Parkway aforesaid. This car was registered under the name of Rosa Campisi, of 125 Tuxedo Parkway, Newark, and was being operated by one Salvatore Campisi, who was accompanied by one Nicholas Gallichio.

"The trooper undertook to question Campisi and Campisi became very abusive, engaged in vile and obscene language and was thereupon placed under arrest by the trooper on a Disorderly Persons charge. While the said trooper and two other undertook to search the car to ascertain evidence of its ownership, they detected a strong odor of alcohol in the vehicle and its trunk disclosed the aforesaid bottles of alcoholic beverages, most of which were opened and equipped with pourers.

"Neither Campisi nor Gallichio held a transportation license or permit authorizing the transportation of alcoholic beverages, nor did they possess an invoice pursuant to the Rules and Regulations of this Division. The trooper took possession of the alcoholic beverages and the motor vehicle, all of which were later turned over to agents of this Division.

"Campisi was arrested, charged with transportation of alcoholic beverages without a license, contrary to R.S. 33:1-2 and R.S. 33:1-50, was arraigned in the Municipal Court on these charges, in addition to the charge of being a disorderly person; thereafter he was held in bail for action by the Middlesex County Grand Jury. Counsel has advised this Hearer that Campisi is presently a fugitive from justice, and his whereabouts are unknown.

"He also stated that Mrs. Campisi does not know whether her husband is dead or alive. She has not seen him since October 7, 1962, when he left home. In a preliminary statement prior to producing Rosa Campisi to support her claim, counsel asserted that her claim will be based on the fact that she is the owner of the motor vehicle in question and had no knowledge concerning Campisi's activities on that particular night, or his involvement in any alleged violation of the ABC laws.

"Rosa Campisi testified that she is the wife of Salvatore Campisi; that she purchased this Cadillac motor vehicle for \$3800.00. She made a down payment of \$1300.00, and had the balance financed by the Peoples National Bank and Trust Company of Belleville, making thereon monthly payments in the sum of \$116.97.

"There is a present balance due of \$2100.00. She claims that while she is not employed nor has she been employed, that the \$1300.00 was accumulated through savings from regular allowances given to her by her husband, and she had no knowledge of her husband's activities on the date of the seizure.

"On cross examination, she admitted that payments were made by check or money order made by her husband, and drawn on his bank account; and usually the payments were made by him to the bank. She had no bank account. In further answer to question of counsel, she insisted that the money that she had came from rents of the two apartments in the home in which she lived.

"A breakdown of her receipts indicated that she received a total of \$250.00 from rents per month and made mortgage payments of \$326.00 a month. This did not include expenditures for gas and electricity, oil, maintenance expenses, and her usual household expenses. She stated that her husband was in partnership with his brother in a pizzeria in West Orange and that he contributes to the purchase of food for her household. She further admitted that at least three of the six payments made to the finance company were made by money orders which her husband purchased.

"When pressed to explain how she was able to save the \$1300.00 with which to make a down payment, she stated that her husband gave her money for clothes for the children, and instead of buying clothes, she saved this money and used the total savings for this down payment. Further examination brought out the fact that the business was put in her name:

'Q Aren't you in business under the name of Chez Gino's?

A This is something new. I might sign the paper but I don't know what it is all about.

and further:

Q What about this business? A The only thing I know, I signed that paper. I can't explain.

Q For whom did you sign the paper? A My husband made me sign the paper.

Q Your husband? A Yes.

Q You had no connection with the business at all?

A No. It is no business; it is only a piece of paper; no business at all.

Q Do you understand why you filed this trade name certificate? A He must have registered it: I don't know.'

"The witness further explained that she does not, and is unable to operate an automobile; and the motor vehicle was used exclusively by her husband; nor did she ever inquire of him regarding the purpose for which the said vehicle was used.

"Frank Fiore, called as a witness on behalf of the claimant, Rosa Campisi, testified that he is her brother, and is a fifty percent owner with her husband in a pizzeria business in West Orange. He further stated that Campisi draws an average of \$75.00 per week from the said partnership.

"At the continued hearing herein, Edward K. Albretsen, assistant cashier in charge of the Loan Department of the Peoples National Bank and Trust Company of Belleville, testified that he is familiar with and supervised Campisi's account. When the application was submitted by Mrs. Campisi, a check was made through their usual source, namely the Garden State Credit Bureau. They ascertained through this inquiry that the property on Tuxedo Parkway in Newark, was in her name and that she had a satisfactory credit reference at the Sears Roebuck Company. Thereupon this loan was approved.

"Upon cross examination, it was developed that Campisi was a co-maker of the note and the witness admitted that this loan would not have been granted without reliance upon his financial responsibility. He was unable to state whether Mrs. Campisi or her husband made the actual payments because these payments were received by mail. It is clear, however, that a number of payments were made by check, including the payments for September and October 1962.

"This witness testified that there is presently due on account of the loan a balance of \$1988.61.

"The witness, on further examination, testified that the information received indicates that Campisi represented that he had a weekly income of \$150.00. The following question was asked,

'Q So it was really a loan made to him, wasn't it?

A In effect, sir, yes.'

"Finally, claimant's representative stated that it would be willing to accept the return of the car in full satisfaction of its lien claim. He asked for and was given permission to obtain full authority for that stipulation; a letter to this Division from the lien claimant dated December 18, 1962 is authority for the following statement therein, The Peoples National Bank and Trust Company, as lien holder of the 1960 Cadillac, would be willing to accept the automobile in connection with the open unpaid loan balance.

"Where the Director is satisfied that a person whose property has been seized, pursuant to R.S. 33:1-66 has acted in good faith and has unknowingly violated the provisions thereof, he may order that such property be returned upon payment of costs incurred with such seizure. R.S. 33:1-66(e). However, it must be proved to his satisfaction that the claimant is actually the true and beneficial owner of the said property.

"My evaluation of the testimony of the claimant, which I have purposely set forth in great detail, suggests that her claim to be the true and equitable owner of the motor vehicle is contradicted among other things, by the simple laws of mathematics, as mentioned hereinabove. The claimant, Mrs. Campisi, testified that this motor vehicle was purchased by her from funds which she derived from (a) the rents of her home and (b) money she

received from contributions made to her by her husband for the purpose of buying clothes for the children. With respect to the \$1300.00 which she claims represented practically all of her assets at the time that she made the down payment on the motor vehicle, I cannot conceive that, with three children, besides herself, to clothe, that she was able to save this money, and would use this entire fund as a down payment on a Cadillac sedan. This is particularly incredible because she could neither drive nor did she have a driver's license; and, in fact, the evidence indicates clearly that she had never seriously undertaken to exercise any control over this vehicle.

"With respect to the payments on the car which Mrs. Campisi said were made from the rents received by her, the mathematics argue convincingly to the contrary. She received a total of \$250.00 a month in rents. From this she would have us believe that she made a mortgage payment of \$326.00, exclusive of the amount that she had to spend for the expenses incidental to the maintenance of a building. That would include gas and electricity, oil, insurance, supplies, and general repairs, just to mention a few.

"She states that her husband purchased the food for the household. There were, of course, other expenses, including clothing, medical expenses, and the upkeep of the automobile. It would be contrary to logic and human experience to accept her story that the purchase of the car and the payments thereon were made by her.

"The fact is that she admits that her husband accompanied her at the time of the purchase of the car and at the time that the loan application was made with the finance company. The representative of the finance company stated very definitely that the actual credit was really extended to Campisi and not to this claimant. It is also quite clear that checks in payment of the monthly installment were issued by Campisi on his own account. (Mrs. Campisi had no bank account.)

"I am persuaded from the testimony in this case that Campisi is actually the true and beneficial owner of this Cadillac. I believe that he used his wife as a cover for his activity and put the car in her name as an accommodation to himself, and as a subterfuge. This is characteristic of his business behavior because Mrs. Campisi testified that the business partnership was put in her name, although she had no connection with it, knew nothing about the business and acted solely at the direction of her husband.

"I must, therefore, conclude that this claimant was merely the nominal, rather than the actual, true, or equitable owner thereof. Where claimant has not truly established that she is the true and beneficial owner of the vehicle, it may not be returned to her. Seizure Case No. 10,205, Bulletin 1355, Item 7.

"It is equally clear that Campisi manifested an absence of good faith and a careless indifference to what use his car was put by the transportation of these alcoholic beverages. It is unfortunate that this claimant must also be considered a party to such action and activity. I cannot conceive that she is without knowledge, although she may have been unknowing or unable to do anything affirmatively with respect thereto. The actions of Campisi indicate that he acted without regard to this claimant; but the reports also indicate that Mrs. Campisi informed the ABC agents that she thought that he was mentally

disturbed, and that he had been acting rather strangely for the past four or five months. Her failure to do anything about her husband is perhaps best expressed by the prophet Jeremiah who summed it up in the following language:

'The human heart is devious above all things, who can know it?'

"In the absence of good faith and the careless indifference to what use this car was put by the transportation of alcoholic beverages, the Acting Director has no authority to relieve the claimant of forfeiture. R.S. 33:1-66(e); Seizure Case No. 10,695, Bulletin 1444, Item 6; Seizure Case No. 9899, Bulletin 1276, Item 8; Seizure Case No. 10,608, Bulletin 1421, Item 3; Seizure Case No. 10,535, Bulletin 1412, Item 6. I therefore recommend that the claim of Rosa Campisi for the return of the said motor vehicle be denied and an order be entered directing the forfeiture of the said Cadillac automobile, and the alcoholic beverages.

"With respect to the claim of the Peoples National Bank and Trust Company of Belleville I am satisfied that, on the evidence presented, the finance company appears to have made a reasonable investigation. It did not have any reason to suspect that the Campisis were engaged in illicit alcoholic beverage activity or that the motor vehicle might have been used in connection therewith.

"Accordingly, I recommend that the lien claim of the Peoples National Bank and Trust Company against such motor vehicle should be recognized to the extent of the present outstanding balance in the sum of \$1988.61.

"It appears likely that the amount realized at public sale of the motor vehicle will not exceed the cost of seizure and the amount of the lien. Since this lien claimant has set forth its willingness to accept the return of the car upon payment of the costs of seizure and storage in full satisfaction of its claim, I would, therefore, recommend that the said motor vehicle be returned to it upon the payment of such costs."

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, including the transcript and the exhibits, I concur in the recommended conclusions in the Hearer's Report, and adopt them as my Conclusions herein.

Accordingly, it is on this 13th day of March, 1963,

DETERMINED and ORDERED that if on or before the 25th day of March, 1963, the Peoples National Bank and Trust Company pays the costs of seizure and storage of the said 1960 Cadillac sedan, more particularly described in the annexed schedule, said Cadillac sedan will be returned to it; and it is further

DETERMINED and ORDERED that the balance of the seized property, more particularly described in Schedule "A", attached hereto, constitutes unlawful property, and the same be and is hereby 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 Acting Director of the Division of Alcoholic Beverage Control.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

SCHEDULE "A"

- 76 - bottles of alcoholic beverages  
1 - 1960 Cadillac sedan, Serial No. 60MO47510,  
N.J. Registration BXH-750.

3. SEIZURE - FORFEITURE PROCEEDINGS - UNLAWFUL TRANSPORTATION OF ALCOHOLIC BEVERAGES - MOTOR VEHICLE AND ALCOHOLIC BEVERAGES ORDERED FORFEITED - CLAIM OF INNOCENT LIENOR AGAINST MOTOR VEHICLE RECOGNIZED.

In the Matter of the Seizure on	)	
January 2, 1963 of a quantity	)	Case No. 10,975
of alcoholic beverages and a	)	
Chevrolet station wagon on the	)	ON HEARING
southbound lane of U.S. Route	)	CONCLUSIONS
30, in the Borough of Somerdale,	)	AND ORDER
County of Camden and State of	)	
New Jersey.	)	

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General Motors Acceptance Corporation, by Louis Chivian, Esq.  
David S. Piltzer, Esq., appearing for the Division of Alcoholic  
Beverage Control.

BY THE ACTING DIRECTOR:

This matter came on for hearing pursuant to the provisions of Title 33, Chapter 1 and State Regulation No. 28, to determine whether 57 bottles of alcoholic beverages and a Chevrolet station wagon described in an inventory hereinafter referred to, seized on January 2, 1963 on the southbound lane of U.S. Route 30, in the Borough of Somerdale, County of Camden and State of New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R.S. 33:1-66, no appearances were entered to oppose the forfeiture of the said property. However, after the date of the said hearing, this Division was notified by the lienor of the said motor vehicle that it had learned of these proceedings after the date of the said hearing, and requested an opportunity to be heard.

Said request was granted, and at an adjourned hearing on February 27, 1963, an appearance on behalf of the General Motors Acceptance Corporation which sought recognition of its lien upon the said motor vehicle, was entered.

The facts as they appear from the reports of ABC agents and other documents in the file reflect the following: On January 1, 1963 at approximately 12:15 a.m., a motor vehicle inspector stopped the 1963 station wagon bearing New York license plates, on Route 30, Somerdale, Camden County, N.J. because the car was being driven erratically. He ascertained that the driver, later identified as one Herbert Lutz, was intoxicated, and Lutz was thereupon arrested on a charge of drunken driving.

An inspection of the vehicle disclosed that it contained a quantity of alcoholic beverages. He thereupon notified agents

of this Division, who seized and took into their possession the said alcoholic beverages. The motor vehicle inspector charged the said Lutz with transportation and possession of taxpaid alcoholic beverages with intent to sell same, contrary to R.S. 33:1-2 and R.S. 33:1-50. Lutz was thereupon arraigned on these charges in the Camden Municipal Court.

The said station wagon was registered in the name of Finley Trading Co., 25 West 13th Street, New York City. Neither it nor Lutz were the holder of any transportation license or permit.

When apprehended, Lutz stated that he had met a Mr. Lyons at a garage in New York and was engaged by the said Mr. Lyons to drive the said motor vehicle to Florida. He denied that he knew the contents of the station wagon, did not know who purchased the said alcoholic beverages, nor where it was purchased.

Since transported unlawfully, the seized alcoholic beverages are illicit and the said beverages and personal property as well as the motor vehicle in which they were transported constitute unlawful property and should be forfeited. R.S. 33:1-1 (x and y); R.S. 33:1-2; R.S. 33:1-66.

Peter W. Replogle, credit supervisor of the General Motors Acceptance Corporation, testified that, before this lienor purchased the account of the Finley Trading Co., the registered owner of the said motor vehicle, it received from the original seller, Curry Chevrolet, a credit investigation report which indicated that the said Finley Trading Co. was located at 25 West 13th Street, New York and was in actual business at that time.

The witness stated that, also prior to its purchase of this account, it had ordered and received from the Knickerbocker Co. a credit and character report which established to its satisfaction that the owner had a good credit background, and had recently purchased a Cadillac automobile from another dealer. When the purchaser defaulted in its payment, this lienor made a subsequent investigation, which disclosed that the purchaser was no longer in business, and had vacated its premises; its present whereabouts are unknown.

I am satisfied, from the evidence presented, that the claimant acted in good faith, and did not know or have any reason to suspect that the Finley Trading Co. would be involved in the unlawful possession or transportation of the illicit alcoholic beverages, for which this motor vehicle would be used. Seizure Case No. 10,448, Bulletin 1383, Item 5.

I shall, therefore, recognize the lien of the General Motors Acceptance Corporation upon the motor vehicle in question, to the extent of the balance due on its conditional sales contract, on a balance due of \$2516.27. It appears that the appraised retail value of the said Chevrolet station wagon would not exceed the amount of the lien claim and costs of seizure and storage. Therefore, such motor vehicle shall be returned to the General Motors Acceptance Corporation upon payment by claimant of costs of seizure and storage.

Accordingly, it is DETERMINED and ORDERED that if, on or before the 25th day of March, 1963, General Motors Acceptance Corporation, a corporation pays the costs of the seizure and storage of the Chevrolet station wagon, more fully described in Schedule "A" annexed hereto, such motor vehicle will be returned to it; and it is further

DETERMINED and ORDERED that the balance of the seized property 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 Acting Director of the Division of Alcoholic Beverage Control.

Dated: March 13, 1963

EMERSON A. TSCHUPP  
ACTING DIRECTOR

SCHEDULE "A"

- 57 - bottles of alcoholic beverages
- 1 - Chevrolet station wagon, Serial No. 30435G104681, New York Registration WX-6798.

4. DISQUALIFICATION REMOVAL PROCEEDINGS - WILFUL EVASION OF INCOME TAXES - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application to Remove Disqualification because of a Conviction, Pursuant to R.S. 33:1-31.2.	)	CONCLUSIONS AND ORDER
Case No. 1737	)	

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BY THE ACTING DIRECTOR:

In 1953 petitioner pleaded guilty in the United States District Court to knowingly and wilfully attempting to defeat and evade income taxes, in violation of Title 26, U.S. Code, sec. 145(b). As a result, he was sentenced to six months in a federal penitentiary, \$5,000 fine and three years probation. Prior thereto, in 1940, petitioner was charged with being an inmate of a disorderly house (gaming) and fined \$25.

A conviction of the crime of evasion of income taxes may or may not involve the element of moral turpitude. Re Case No. 1380, Bulletin 1225, Item 7. In the instant case, the charge included the element of wilfullness and, in considering this together with the severe sentence imposed, I am of the opinion that the conviction involved the element of moral turpitude. The petitioner was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State (R.S. 33:1-25, 26) and the other offense of which he was convicted need not be considered.

At the hearing herein, petitioner testified that at present he is unemployed but shortly prior to the hearing had been employed as a salesman in a retail liquor store for approximately eighteen months. Prior thereto, he was employed for five years as a steward upon the premises of a retail consumption licensee. He further testified that he is seeking relief in this matter so that he might return to his position as salesman.

The police department of the municipality wherein petitioner resides has advised that no complaint or investigation is pending involving the petitioner.

Three witnesses (the owner of a transportation company, a shoe clerk and the owner of a shoe store) testified that they

have known petitioner for over five years last past and he now bears a reputation for being a law-abiding citizen.

It appears from the evidence that petitioner, although disqualified by statute, has been employed in the alcoholic beverage industry in this State. However, he has testified, under oath, that only shortly before these proceedings did he become aware of his disqualified status. Inasmuch as knowledge of the law is not an essential prerequisite in these proceedings (Re Case No. 996, Bulletin 943, Item 8) and considering that petitioner has conducted himself in a law-abiding manner for almost ten years last past, I conclude that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 18th day of March, 1963,

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

EMERSON A. TSCHUPP  
ACTING DIRECTOR

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

GENEROSO LANNO  
t/a THE 97 CLUB  
97 New Street & 186 Plane St.  
Newark 2, N. J.

)  
)  
) CONCLUSIONS  
AND ORDER  
)

Holder of Plenary Retail Consumption License C-394, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

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Jacob T. Shoenholz, Esq., Attorney for Licensee.  
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 14, 1962, he possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Rosamilia, Bulletin 1495, Item 4.

Accordingly, it is, on this 18th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-394, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Generoso Lanno, t/a The 97 Club, for premises 97 New Street and 186 Plane Street, Newark, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday,

March 25, 1963, and terminating at 2:00 a.m. Saturday, March 30, 1963.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

6. STATUTORY AUTOMATIC SUSPENSION - ORDER TEMPORARILY STAYING SUSPENSION.

Auto.Susp. #224 )  
In the Matter of a Petition to Lift )  
the Automatic Suspension of Plenary )  
Retail Distribution License D-13, )  
issued by the City Council of the )  
City of Hackensack to )  
  
PARADISE LIQUORS, INC. )  
75 Main Street )  
Hackensack, N. J. )

ON PETITION  
ORDER

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Samuel Moskowitz, Esq., Attorney for Petitioner.

BY THE ACTING DIRECTOR:

It appears from the petition filed herein and the records of this Division that on March 7, 1963, Bernard Linden, secretary-treasurer of petitioner herein, was fined \$50 and \$5 costs in the Hackensack Municipal Court after being found guilty of sale of alcoholic beverages to a minor on January 18, 1963, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioner's license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that disciplinary proceedings are in contemplation but have not yet been instituted by the municipal issuing authority against the licensee because of said sale of alcoholic beverages to the minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioner after such disciplinary proceedings have been concluded. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Sansone, Bulletin 1447, Item 10.

Accordingly, it is, on this 20th day of March 1963,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

7. STATE LICENSES - NEW APPLICATION FILED.

Spring-Bruen Associates, Inc., t/a Irvington Beverage Company  
27 Wilson Place, Irvington, New Jersey  
Application filed April 22, 1963 for person-to-person transfer of State Beverage Distributor's License SBD-6 from Thomas J. & Clara K. Pezzuto, t/a Irvington Beverage Co.

  
Emerson A. Tschupp  
Acting Director