

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

BULLETIN 1262

FEBRUARY 5, 1959

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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.

BULLETIN 1262

FEBRUARY 5, 1959

1. DISCIPLINARY PROCEEDINGS - PLENARY WHOLESALE LICENSEE -
SELLING FOR OTHER THAN CASH TO RETAILER ON DEFAULT LIST -
FAILURE TO FILE NOTICE OF DEFAULT - FURNISHING GIFT OR
REBATE TO RETAILER - LICENSE SUSPENDED FOR 20 DAYS, LESS
5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

GARDEN STATE LIQUOR WHOLESALERS, INC.)
1080 Garden State Road)
Union, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Wholesale License)
W-78, issued by the Director of the)
Division of Alcoholic Beverage)
Control.)

-----)
William Furst, 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 June 6, 1957, you sold and delivered alco-
holic beverages, other than for payment in cash on
delivery, to a retail licensee, Irma Louise Restaurant
and Bar, Inc., E. Colony Road and Highway #35, Dover
Township, PO Normandy Beach, New Jersey, which licensee
at the time of such delivery was on the Default List
published by the Director of the Division of Alcoholic
Beverage Control; in violation of Rule 4(a) of State
Regulation No. 39.

"2. On July 10, 1957, you failed to file with the
Director of the Division of Alcoholic Beverage Control
a notice of default that a retail licensee, Irma Louise
Restaurant and Bar, Inc., E. Colony Road and Highway #35,
Dover Township, PO Normandy Beach, New Jersey, had become
in default to you under Rules 1 and 2 of State Regulation
No. 39 in that it had failed to make payment to you for
alcoholic beverages delivered to it by you on June 6,
1957; in violation of Rule 5(b) of State Regulation No.
39.

"3. On June 7, 1957, you furnished and offered to
furnish, directly or indirectly, to a retailer, Irma
Louise Restaurant and Bar, Inc., E. Colony Road and
Highway #35, Dover Township, PO Normandy Beach, New
Jersey, a gift, rebate and allowance of money and thing
of value (whether by sale, loan, gift or otherwise) and
other discount and inducement in that you permitted your
employee, William M. Kennelly, to execute to you a promis-
sory note securing a debt of such retail licensee and you
accepted such note; in violation of Rule 11 of State
Regulation No. 34."

The file herein discloses that on June 6, 1957, the
defendant-licensee delivered on credit to the retail licensee

named in the above charges an order consisting of more than forty-four cases of assorted alcoholic beverages. At the time of delivery this retail licensee was listed on the Default List published by this Division and had been so listed continuously since January 3, 1955, therefore requiring under Division regulations that all sales of alcoholic beverages to it by any wholesaler or manufacturer be made not on credit but for payment in cash on delivery.

However, payment to the defendant for this order was not made by the retailer until the latter part of August 1958, more than a year after the date of delivery. It also appears that the required notice of default was not filed with this Division advising that the retail licensee had failed to make payment within the time required by Rule 1 of State Regulation No. 39 (in this case July 8, 1957). Moreover, inspection of the defendant's records by an agent of this Division disclosed that the invoice of the order in question had been stamped "Paid June 6, 1957" by the defendant and that the retailer's account had been credited with payment as of the same date.

At the same time it was found that the defendant had in its possession a promissory note in the sum of \$3,000.00, the approximate amount of the order in question, dated June 7, 1957, made out to the defendant as payee and signed by the defendant's then solicitor, William M. Kennelly, who had taken the order from the retail licensee knowing full well that the retailer was on default. (Kennelly is no longer employed by the defendant.) Concerning this note defendant's General Office Manager, Philip Brafman, admits that he requested Kennelly to execute the note to secure the amount of the aforementioned sale and that he credited the account of the retail licensee with full payment solely upon the basis of the note and the concomitant transfer of \$3,000.00 "from the company's cash box", presumably to the company's general collections. The reason advanced for having Kennelly execute the note is that Kennelly had intentionally turned in the order as prepaid, although he had not received payment from the retail licensee, in order to earn a large commission.

It thus is clear that the defendant wholesaler, through its solicitor and its manager, not only violated State Regulation No. 39 by making the hereinbefore described credit sale and by failing to report the subsequent payment default, but also furnished the retail licensee with a prohibited thing of value, namely, the credit of its own solicitor. It is also significant that the latter action, wrongful in itself, additionally resulted in the defendant's records failing to reflect the credit violations.

I find defendant guilty of each of the three charges in question.

By way of mitigation defendant's counsel has submitted certain written matter, including an affidavit, setting forth that the president and secretary-treasurer of the corporate licensee were, at the time of the commission of the violation, unaware of the actions of their employees, neither of whom are officers or stockholders of the corporation. However, all licensees are responsible for the acts of their agents, servants and employees regardless of whether or not they participate therein, or even if the act of the agent, servant or employee is contrary to specific instructions. Rule 33 of

State Regulation No. 20. See also Beckanstin v. Liquor Control Commission, 140 Conn. 185; 99 A. 2nd 119. (Supreme Court of Errors, 1953), holding wholesale licensees to a similar standard of responsibility. To hold otherwise would place a premium upon the lack of active supervision and control by the licensee and would result in the inability of this Division to place proper responsibility on the licensee for the observance of the Alcoholic Beverage Law and regulations and to deter future violations thereof.

Defendant also states that this is the first time that charges have ever been preferred against it for this type of violation. While it is true that defendant has no adjudicated prior record, it has, however, on several occasions been required to obtain special permits from this Division for violation of the rules cited in Charges 1 and 2 herein.

The regulations so flagrantly violated by defendant were promulgated as part of a program designed to eliminate various practices which tend to disrupt an orderly market. Disregard for and violation of these regulations by one wholesaler could easily lead to similar violations by others seeking to compete on equal terms and, ultimately, must result in a disorderly market to the great detriment of all.

On March 15, 1955, I issued a release (Bulletin 1056, Item 8) dealing with some harmful practices by wholesalers and indicated that violations of the applicable regulations would be deemed cause for the institution of disciplinary proceedings directed to the suspension or revocation of license. In addition, under release of February 1, 1958 (Bulletin 1207, Item 1), I indicated a more stringent future policy in dealing with violations of Regulations Nos. 34 and 39 by licensees and permittees.

I have given careful consideration to the penalty to be imposed in this case. Under all the circumstances, including the large size of the prohibited order in question and the nature of the violations committed by defendant's agents, I will suspend defendant's license for a period of twenty (20) days. Five days will be remitted for entry of the confessional plea in advance of hearing, leaving a net suspension of fifteen (15) days.

Accordingly, it is, on this 13th day of January, 1959,

ORDERED that Plenary Wholesale License W-78, issued by the Director of the Division of Alcoholic Beverage Control to Garden State Liquor Wholesalers, Inc., for premises 1080 Garden State Road, Union, be and the same is hereby suspended for fifteen (15) days, commencing at 12:01 a.m. January 16, 1959, and terminating at 12:01 a.m. January 31, 1959.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - SOLICITOR ENGAGING IN CONDUCT PROHIBITED TO HIS EMPLOYER - FURNISHING GIFT OR INDUCEMENT TO RETAILER - PERMIT SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against WILLIAM M. KENNELLY 422 Lincoln Avenue Avon, N. J.,

CONCLUSIONS AND ORDER

Holder of Solicitor's Permit No. 3698, issued by the Director of the Division of Alcoholic Beverage Control.

William M. Kennelly, Defendant-permittee, Pro se. 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 or about May 27, 1957, you, the holder of a solicitor's permit, engaged in conduct prohibited to your employer, Garden State Liquor Wholesalers, Inc., 1080 Garden State Road, Union, New Jersey, holder of a New Jersey plenary wholesale license, by Rule 4(a) of State Regulation No. 39 in that you sold alcoholic beverages, other than for payment in cash on delivery, to a retail licensee, Irma Louise Restaurant and Bar, Inc., E. Colony Road and Highway #35, Dover Township, PO Normandy Beach, New Jersey, which licensee at the time of such sale was on the Default List published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 12 of State Regulation No. 14.

"2. On June 7, 1957, you, the holder of a solicitor's permit, employed by a wholesaler of alcoholic beverages other than malt alcoholic beverages, Garden State Liquor Wholesalers, Inc., furnished and offered to furnish, directly or indirectly, to a retail licensee, Irma Louise Restaurant and Bar, Inc., E. Colony Road and Highway #35, Dover Township, PO Normandy Beach, New Jersey, a gift, thing of value and inducement in that you executed to your said employer a promissory note securing the debt of such retail licensee; in violation of Rule 3 of State Regulation No. 35."

The facts giving rise to both of these charges are more fully set forth in my Conclusions and Order entered in disciplinary proceedings against the defendant's former employer, Garden State Liquor Wholesalers, Inc., decided simultaneously herewith, and thus need not be repeated here.

The flagrant type of violations involved herein indicates a disregard by the defendant of his obligations as a permittee and, therefore, warrants a severe penalty. Such practices cannot be tolerated. Even though this is a single occurrence, such practices could become epidemic, in which event a complete breakdown in the orderly marketing of alcoholic beverages would surely result. Moreover, under release of February 1, 1958 (Bulletin 1207, Item 1), I indicated a

more stringent future policy in dealing with violations of Regulations Nos. 34 and 39 by licensees and permittees.

Considering all the circumstances of this case, I will suspend the defendant's permit for a period of thirty-five days. Cf. Re Millar, Bulletin 1227, Item 8. Five days will be remitted for entry of plea in advance of hearing, leaving a net suspension of thirty days. The fact that the defendant's prior permit has expired and that he is no longer employed by the wholesale licensee by whom he was employed at the time of the violations in question has no effect on this proceeding. The penalty will apply to the defendant's current permit. See Rule 2 of State Regulation No. 16.

Accordingly, it is, on this 13th day of January, 1959,

ORDERED that Solicitor's Permit No. 3698, issued by the Director of the Division of Alcoholic Beverage Control to William M. Kennelly, 422 Lincoln Avenue, Avon, be and the same is hereby suspended for thirty (30) days, commencing at 12:01 a.m. Monday, January 19, 1959, and terminating at 12:01 a.m. Wednesday, February 18, 1959.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - PLENARY WHOLESALER LICENSEE - FURNISHING MONEY AND INDUCEMENTS TO RETAILERS - FAILURE TO FILE NOTICE OF DEFAULT - SELLING FOR OTHER THAN CASH TO RETAILERS ON DEFAULT LIST - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

JERSEY NATIONAL LIQUOR COMPANY
209 McLean Blvd.
Paterson, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Wholesale License W-37, issued by the Director of the Division of Alcoholic Beverage Control.

Gilhooly, Yauch & Fagan, Esqs., by John H. Yauch, Jr., Esq.,
Attorneys for Defendant-licensee.

William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On various occasions during 1957 and 1958 you furnished directly or indirectly to retailers allowances of money and other prohibited things of value and inducements, in that you (through your president, George E. Wenz, and various other agents and employees) made loans, advanced money and/or furnished check-cashing services and unlawful credit directly or indirectly to the following retailers to facilitate payment of your alcoholic beverage bills and for other purposes: (a) Cayard, Inc. of 820 Main Street, Dover Township, (b) T-Bowl Liquors Inc. of Hamburg Turnpike, Wayne Township, (c) The Steak Pit Inc. of E. 153 State Highway Route 4,

Paramus; (d) Ace Beverage Store, Inc. of 623 Calhoun Street, Trenton, (e) Anna Siegel and/or her manager, Samuel Siegel, of 118 1/2-120-122 Mulberry Street, Newark, (f) Casa Lido Bar and Grill, Inc. of 120 S. Warren Street, Trenton, (g) Steve's 71 Club of 800 State Highway, Spring Lake Heights, (h) Irma Louise Restaurant and Bar, Inc. of E. Colony Road and Highway 35, Dover Township, (i) Joseph Barrett, t/a Delavue Grill of River Road, Ewing Township and (j) Castaldo's Liquors, Inc. of 508 Broadway, Bayonne, five of said retailers (viz., Ace Beverage Store, Inc., Casa Lido Bar and Grill, Inc., Steve's 71 Club, Irma Louise Restaurant and Bar, Inc. and Castaldo's Liquors, Inc.) being on default under Rules 1 and 2 of State Regulation No. 39 at the time or at some of the times when such allowances were furnished to them; your said conduct being in violation of Rule 11 of State Regulation No. 34.

"2. You failed to file with the Director of the Division of Alcoholic Beverage Control, within three days after a retail licensee became in default to you under Rules 1 and 2 of State Regulation No. 39, notice of such default, in that you failed to notify the Director that the aforesaid Casa Lido Bar and Grill, Inc. did not make payment within the time specified in those Rules for alcoholic beverages delivered to it on December 20, 1957 and May 27, June 10 and June 20, 1958; in violation of Rule 5(b) of State Regulation No. 39.

"3. On numerous occasions during 1958 you sold and delivered alcoholic beverages other than for payment in cash on delivery to retail licensees who were at the time of delivery listed on the Default List, viz., the aforesaid Ace Beverage Store, Inc. and Casa Lido Bar and Grill, Inc.; in violation of Rule 4(a) of State Regulation No. 39."

The following is a brief statement of the facts pertaining to the loans, advances of money, services and unlawful credit furnished by the defendant, through its officers, agents and employees, to the various retail licensees mentioned in Charge 1. Loans in the amounts of \$5,700.00, \$6,000.00 and \$5,000.00, respectively, were made to Cayard, Inc., T-Bowl Liquors Inc. and The Steak Pit Inc. to enable them to pay for orders of alcoholic beverages from the defendant in approximately the same amounts. Ace Beverage Store, Inc., received two loans, in the amount of \$3,000.00 and \$2,700.00, respectively, the first to pay for alcoholic beverages and the second allegedly for general expenses. In the case of retailer Anna Siegel and her manager, Samuel Siegel, a loan of \$1,200.00 was made, allegedly to the manager for his personal expenses. In each of the above cases the borrowers made known their desires for the loans to defendant's solicitor who serviced the retailer's account (Charles J. Wasekanes being the solicitor for the accounts of retailers Cayard, Inc., and Ace Beverage Store, Inc., Milton Goldstein for the account of T-Bowl Liquors, Inc., Joseph Nydick for the account of The Steak Pit Inc., and Jonathan J. Schlosser for the account of Anna Siegel) and the solicitor passed the information on to defendant's president, George E. Wenz. The latter, either personally or through a corporation controlled by him, furnished the money to a business associate (not connected with the liquor industry) and the associate, in turn, issued checks to the retailers for the same amounts received from Mr. Wenz. In some instances, but

apparently not in all, interest was charged for the loans, such interest allegedly being retained by the associate for his services. In the case of Casa Lido Bar and Grill, Inc., defendant's president advanced the sum of \$1,116.42 to defendant's office manager for the purpose of paying a bill of this retailer for alcoholic beverages and in three instances the office manager used defendant's funds in the amounts of \$1,906.12, \$1,283.63 and \$731.63, respectively, for the same purposes, thereby preventing the retailer from being shown in default on defendant's records. These four payments were made at the suggestion of solicitor Wasekanes, who did not collect from the retailer until several weeks after the payments were noted on defendant's records. On still another occasion, Wasekanes himself advanced \$634.65 to pay for alcoholic beverages for this retailer. The same solicitor loaned the sum of \$305.00 to retailer Irma Louise Restaurant and Bar, Inc. He also made a practice of cashing checks, many of them post-dated, for various retailers, including Steve's 71 Club, Ace Beverage Store, Inc., and Joseph Barrett, to enable them to pay their alcoholic beverage and other bills. In the case of retailer Castaldo's Liquors, Inc., solicitor Anthony V. Scocca advanced cash on three occasions to enable this retailer to pay for shipments of alcoholic beverages from the defendant; and on nine other occasions this solicitor cashed checks for the retailer in order to supply the latter with cash to pay alcoholic beverage and other bills. Five of the above retailers, namely, Ace Beverage Store, Inc., Casa Lido Bar and Grill, Inc., Steve's 71 Club, Irma Louise Restaurant and Bar, Inc., and Castaldo's Liquors, Inc., were on default under Rules 1 and 2 of State Regulation No. 39 at the time of at least some of the transactions with them.

Charge 2 is based upon the above mentioned payments of alcoholic beverage bills for Casa Lido Bar and Grill, Inc., by defendant and/or its president and office manager. In each instance, although the retailer itself did not make payment until after the time specified in Rule 1 of State Regulation No. 39, defendant did not file any notice with this Division of such late payment as required by Rule 5(b) of that regulation.

Charge 3 arises out of the facts that solicitor Wasekanes advanced money to retailer Casa Lido Bar & Grill, Inc., to pay for a "C.O.D." delivery of alcoholic beverages and that on at least twenty occasions Ace Beverage Store, Inc., paid for such deliveries by ordinary checks, most of which bore dates subsequent to the dates of delivery. Both of these retailers were listed on the Default List at the times in question.

Defendant has filed a memorandum with me wherein it argues, among other things, that the loans here involved are not the kind prohibited by Rule 11 of State Regulation No. 34. The argument is not well founded. The term "loan" is used in that Rule with its usual and commonly understood meaning. Furthermore, there can be no doubt that these loans were an "inducement" to purchase defendant's products, such inducement being likewise prohibited by the Rule. It is immaterial that the loans to the first five retailers named in Charge 1 were made through an intermediary rather than directly by the wholesaler. Nor can defendant at this late date be heard to claim that the loans were made under a justifiable misunderstanding of the Rule. As long ago as March 15, 1955, by

Notice to all manufacturers and wholesalers of alcoholic beverages other than malt alcoholic beverages (reprinted in Bulletin 1056, Item 8), I pointed out that, since the enactment of P. L. 1939, ch. 87, now R. S. 33:1-89 through 93, and the promulgation in 1940 of State Regulation No. 34, even the guaranteeing of a loan made by third parties (using their own moneys) is an unlawful inducement. I stated, with respect to such a guarantee, that "its automatic and inevitable effect is to induce the retailer to favor the guaranteeing wholesaler over others, and may well prove a hold so strong as to create a tied-house situation interdicted by R. S. 33:1-43 and generally recognized as one of the principal causes of the enactment of Prohibition." Defendant's action, even as to the loans made through an intermediary, amounted to more than a guarantee since defendant, or its principal officer, actually furnished the money for the loans. The intermediary took no risk at all and was, in substance, nothing more than the alter ego or the agent of the defendant. In the above Notice I specifically advised that, after June 1955, "participation in a retailer's financial transactions, whether by direct loan to the retailer, guarantee or endorsement of his loan, or any other involvement directly or indirectly, personally or through the instrumentality of intermediaries, will be deemed cause for the institution of disciplinary proceedings directed to suspension or revocation of license."

Defendant also points out in its memorandum (with apparent accuracy) that the allegations in Charge 1, subdivisions (g) through (j) are based on acts committed by its solicitors without any authority or knowledge on the part of its president; and, for that reason, defendant argues that it should not be penalized therefor. Apparently defendant has been laboring under the illusion that, under Division policy, it is immune from responsibility for acts of its solicitors and other employees. No such immunity has ever existed, at least since the promulgation of Rule 33 (formerly 26 and 31) of State Regulation No. 20 nearly fifteen years ago. That Rule provides:

"In disciplinary proceedings brought pursuant to the Alcoholic Beverage Law, it shall be sufficient, in order to establish the guilt of the licensee, to show that the violation was committed by an agent, servant or employee of the licensee. The fact that the licensee did not participate in the violation or that his agent, servant or employee acted contrary to instructions given to him by the licensee or that the violation did not occur in the licensee's presence shall constitute no defense to the charges preferred in such disciplinary proceedings."

All licensees are accountable for the acts of all of their agents and employees from the highest to the lowest, not (as defendant seems to argue) just for the acts of their chief corporate or administrative officers. To hold otherwise would render many provisions of the Alcoholic Beverage Law and Division regulations practically unenforceable. To the same effect see Beckanstin v. Liquor Control Commission, 140 Conn. 185, 99 A. 2d 119 (Supreme Court of Errors 1953), which involved a wholesale licensee.

Finally, by way of mitigation of penalty, defendant states, among other things, that its many innocent employees (i.e., those not involved in the violations) will be made to

suffer by any suspension of its license. Representations to the same effect have been made on behalf of such employees themselves.

As I said in Re Garden State Liquor Wholesalers, Inc., decided simultaneously herewith:

"The regulations so flagrantly violated by defendant were promulgated as part of a program designed to eliminate various practices which tend to disrupt an orderly market. Disregard for and violation of these regulations by one wholesaler could easily lead to similar violations by others seeking to compete on equal terms and, ultimately, must result in a disorderly market to the great detriment of all."

I have given careful consideration to the question of proper penalty in this case. The violations were serious and extensive, warranting a substantial penalty. In this connection it is well to point out that, nearly a year ago, by Release dated February 1, 1958 to all distillers, wholesalers and solicitors (reprinted in Bulletin 1207, Item 1), I indicated a change in attitude even with respect to so-called "technical" violations of Regulations Nos. 34 and 39 and expressly stated that "aggravated violations of this kind, normally the subject of warning letter or permit action, will be the subject of disciplinary proceedings resulting in suspension or revocation of license or solicitor's permit where guilt is found."

Under all the circumstances, I have determined to impose suspension of defendant's license for thirty days, from which five days will be deducted for the confessional plea, leaving a net of twenty-five days.

Licensees and permittees are warned, however, that even more severe penalties may be imposed against those who, in the future, continue to disregard the law or regulations.

Accordingly, it is, on this 13th day of January, 1959,

ORDERED that Plenary Wholesale License W-37, issued by the Director of the Division of Alcoholic Beverage Control to Jersey National Liquor Company, for premises 209 McLean Blvd., Paterson, be and the same is hereby suspended for twenty-five (25) days, commencing at 12:01 a.m. January 15, 1959, and terminating at 12:01 a.m. February 9, 1959.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - SOLICITOR ENGAGING IN CONDUCT PROHIBITED TO HIS EMPLOYER - PERMIT SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

MILTON GOLDSTEIN)
450 E. 42nd Street)
Paterson, N. J.,)

CONCLUSIONS)
AND ORDER)

Holder of Unlimited Solicitor's)
Permit No. 2875, issued by the)
Director of the Division of)
Alcoholic Beverage Control.)
-----)

Gilhooly, Yauch & Fagan, Esqs., by John H. Yauch, Jr., Esq.,)
Attorneys for Defendant-Solicitor.)

William F. Wood, Esq., appearing for Division of Alcoholic)
Beverage Control.)

BY THE DIRECTOR:

Defendant, solicitor for Jersey National Liquor)
Company, wholesaler, has pleaded non vult to the following)
charge:)

"On or about April 30, 1958, you engaged in conduct)
which is prohibited to your employer, Jersey National)
Liquor Company, by Rule 11 of State Regulation No. 34,)
in that you initiated or arranged for the furnishing)
by such employer of a loan or advance of money directly)
or indirectly to T-Bowl Liquors Inc. of Hamburg Turn-)
pike, Wayne Township, New Jersey, a retailer; in)
violation of Rule 12 of State Regulation No. 14."

By Conclusion and Order in a case decided simultane-)
ously herewith, I have suspended the license of the above)
wholesaler for various violations, including the making of a)
loan in the amount of \$6,000.00 to retailer T-Bowl Liquors)
Inc. of Hamburg Turnpike, Wayne Township. That loan was)
arranged or initiated by this solicitor. One of the)
retailer's officers asked the solicitor for assistance in)
obtaining the loan to pay for an order of alcoholic bever-)
ages. The solicitor, in turn, advised the wholesaler's)
president, George E. Wenz, of the retailer's desire for the)
loan and the latter made the loan in the manner described in)
my decision in the case against the wholesaler.

Solicitors as well as wholesalers must be made to)
realize that the Alcoholic Beverage Law and regulations must)
be obeyed. Nearly a year ago, by Release dated February 1,)
1958 to all distillers, wholesalers and solicitors (reprinted)
in Bulletin 1207, Item 1), I indicated a change in attitude)
even with respect to so-called "technical" violations of)
Regulations Nos. 34 and 39 and expressly stated that "aggra-)
vated violations of this kind, normally the subject of warning)
letter or permit action, will be the subject of disciplinary)
proceedings resulting in suspension or revocation of license)
or solicitor's permit where guilt is found."

Under all the circumstances, I shall suspend the)
solicitor's permit for a period of fifty days, less five days)
for the plea, or a net of forty-five days.

Accordingly, it is, on this 14th day of January, 1959,

ORDERED that Unlimited Solicitor's Permit No. 2875, issued by the Director of the Division of Alcoholic Beverage Control, be and the same is hereby suspended for forty-five (45) days, commencing at 12:01 a.m. Thursday, January 15, 1959, and terminating at 12:01 a.m. Sunday, March 1, 1959.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SOLICITOR ENGAGING IN CONDUCT PROHIBITED TO HIS EMPLOYER - PERMIT SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
JOSEPH NYDICK)
295 Hayes Drive)
Saddle Brook Township)
PO Rochelle Park, N. J.,)
Holder of Unlimited Solicitor's Permit No. 2878, issued by the Director of the Division of Alcoholic Beverage Control.)

CONCLUSIONS AND ORDER

Gilhooly, Yauch & Fagan, Esqs., by John H. Yauch, Jr., Esq., Attorneys for Defendant-Solicitor.
William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant, solicitor for Jersey National Liquor Company, wholesaler, has pleaded non vult to the following charge:

"On or about April 30, 1958, you engaged in conduct which is prohibited to your employer, Jersey National Liquor Company, by Rule 11 of State Regulation No. 34, in that you initiated or arranged for the furnishing by such employer of a loan or advance of money directly or indirectly to the Steak Pit Inc. of E. 153 State Highway Route 4, Paramus, New Jersey, a retailer; in violation of Rule 12 of State Regulation No. 14."

By Conclusion and Order in a case decided simultaneously herewith, I have suspended the license of the above wholesaler for various violations, including the making of a loan in the amount of \$5,000.00 to The Steak Pit Inc., a retail licensee of E. 153 State Highway #4, Paramus. That loan was arranged or initiated by this solicitor. One of the retailer's officers asked the defendant to arrange for the loan and suggested that, if successful, the defendant would receive an alcoholic beverage order in approximately the same amount. The solicitor, in turn, advised the wholesaler's president, George E. Wenz, of the retailer's desire for the loan and the latter made the loan in the manner described in my decision in the case against the wholesaler.

Solicitors as well as wholesalers must be made to realize that the Alcoholic Beverage Law and regulations must

be obeyed. Nearly a year ago, by Release dated February 1, 1958 to all distillers, wholesalers and solicitors (reprinted in Bulletin 1207, Item 1), I indicated a change in attitude even with respect to so-called "technical" violations of Regulations Nos. 34 and 39 and expressly stated that "aggravated violations of this kind, normally the subject of warning letter or permit action, will be the subject of disciplinary proceedings resulting in suspension or revocation of license or solicitor's permit where guilt is found."

Under all the circumstances, I shall suspend the solicitor's permit for a period of fifty days, less five days for the plea, or a net of forty-five days.

Accordingly, it is, on this 14th day of January, 1959,

ORDERED that Unlimited Solicitor's Permit No. 2878, issued by the Director of the Division of Alcoholic Beverage Control, be and the same is hereby suspended for forty-five (45) days, commencing at 12:01 a.m. Thursday, January 15, 1959, and terminating at 12:01 a.m. Sunday, March 1, 1959.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - SOLICITOR SELLING AND OFFERING ALCOHOLIC BEVERAGES FOR SALE TO OTHER THAN RETAILER OR WHOLESALER - ENGAGING IN CONDUCT PROHIBITED TO HIS EMPLOYER - UNLAWFUL TRANSPORTATION - PERMIT SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

KARL JOHN WIESSMANN
Box 72 Ratzler Road
Packanack Lake
Wayne, N. J.,

CONCLUSIONS
AND ORDER

Holder of Unlimited Solicitor's Permit No. 3798, issued by the Director of the Division of Alcoholic Beverage Control.

Karl John Wiessmann, Defendant-Solicitor, Pro se.
William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant, solicitor for Jersey National Liquor Company, wholesaler, has pleaded non vult to the following charges:

"1. On or about December 10, 1957 you, the holder of a solicitor's permit, offered for sale and solicited orders for the purchase or sale of alcoholic beverages otherwise than to the extent duly allowed and permitted by law and by the New Jersey license of your employer, Jersey National Liquor Company, as defined by R. S. 33:1-11(1), in that you offered for sale and solicited orders for sale of approximately 3 cases of assorted brands of alcoholic beverages to Edmund J. Thimme, 376 No. Fullerton Avenue, Montclair, N. J., who was not a licensed retailer or wholesaler; in violation of Rule 5 of State Regulation No. 14.

"2. On the aforesaid occasion you engaged in conduct which is prohibited to your employer, Jersey National Liquor Company, by the Alcoholic Beverage Law and regulations adopted thereunder, in that you sold approximately 3 cases of assorted brands of alcoholic beverages to the aforesaid Edmund J. Thimme, who was not a licensed retailer or wholesaler; in violation of Rule 12 of State Regulation No. 14.

"3. On the aforesaid occasion you sold alcoholic beverages not pursuant to and within the terms of a license in that, without any license being held by yourself or your employer, Jersey National Liquor Company, to authorize such action, you sold approximately 3 cases of assorted brands of alcoholic beverages to the aforesaid Edmund J. Thimme, who was not a licensed retailer or wholesaler, contrary to R. S. 33:1-2; in violation of R. S. 33:1-50.

"4. On the aforesaid occasion you transported alcoholic beverages not pursuant to and within the terms of a license or as otherwise expressly authorized under the Alcoholic Beverage Law, in that you transported 3 cases of assorted brands of alcoholic beverages to the residence of the aforesaid Edmund J. Thimme, 376 No. Fullerton Avenue, Montclair, N. J., in a vehicle for which a transportation insignia had been issued to Jersey National Liquor Company, such transportation not being authorized by that insignia or by any other license or permit or by any provision of the Alcoholic Beverage Law, contrary to R. S. 33:1-2; in violation of R. S. 33:1-50."

All of the charges arose out of a retail sale by defendant of approximately three cases of alcoholic beverages to, and the transportation of such beverages by him to the home of, the individual named in the charges. The license of defendant's wholesaler-employer authorizes sale of alcoholic beverages only to licensed retailers and wholesalers; and, of course, under Rule 5 of State Regulation No. 14, defendant is authorized by his solicitor's permit to sell alcoholic beverages only to the extent allowed by his employer's license. The sale and transportation were allegedly made merely as a favor to a friend. Defendant claimed that he obtained the beverages from a licensed retailer. Although the vehicle used for the transportation bore a transportation insignia issued by this Division, the insignia authorized transportation only on behalf of the above wholesaler, to whom it was issued.

The violations are serious, warranting severe penalty. To allow solicitors to make such unauthorized sales and deliveries would open the door to the distribution of alcoholic beverages to speakeasy operators and other improper persons.

Under all the circumstances, I shall suspend the solicitor's permit for a period of fifty days, less five days for the plea, or a net of forty-five days.

Accordingly, it is, on this 14th day of January, 1959,

ORDERED that Unlimited Solicitor's permit No. 3798, issued by the Director of the Division of Alcoholic Beverage Control, be and the same is hereby suspended for forty-five (45) days, commencing at 12:01 a.m. Thursday, January 15, 1959, and terminating at 12:01 a.m. Sunday, March 1, 1959.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - SOLICITOR ENGAGING IN CONDUCT PROHIBITED TO HIS EMPLOYER - ARRANGING FURNISHING OF LOAN BY EMPLOYER TO RETAILER - PERMIT SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JONATHAN J. SCHLOSSER)
251 S. Harrison Street)
East Orange, N. J.,)

CONCLUSIONS AND ORDER

Holder of Unlimited Solicitor's Permit No. 2879, issued by the Director of the Division of Alcoholic Beverage Control.)
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Gilhooly, Yauch & Fagan, Esqs., by John H. Yauch, Jr., Esq., Attorneys for Defendant-Solicitor.

William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant, solicitor for Jersey National Liquor Company, wholesaler, has pleaded non vult to the following charge:

"On or about June 13, 1958, you engaged in conduct which is prohibited to your employer, Jersey National Liquor Company, by Rule 11 of State Regulation No. 34, in that you initiated or arranged for the furnishing by such employer of a loan or advance of money directly or indirectly to Anna Siegel and/or her manager, Samuel Siegel, of 118 1/2-120-122 Mulberry Street, Newark, New Jersey, a retailer; in violation of Rule 12 of State Regulation No. 14."

By Conclusion and Order in a case decided simultaneously herewith, I have suspended the license of the above wholesaler for various violations, including the making of a loan in the amount of \$1,200.00 to retailer Anna Siegel and/or her manager, Samuel Siegel, of 118 1/2-120-122 Mulberry Street, Newark. That loan was arranged or initiated by this solicitor. It appears that Samuel Siegel asked this defendant for a personal loan of \$1,200.00; and defendant, being unable to make the loan himself or to obtain the money from "friends", asked the wholesaler's president, George E. Wenz, if he knew of anyone who would lend Siegel the money. The latter made the loan in the manner described in my decision in the case against the wholesaler.

Solicitors as well as wholesalers must be made to realize that the Alcoholic Beverage Law and regulations must be obeyed. Nearly a year ago, by Release dated February 1, 1958 to all distillers, wholesalers and solicitors (reprinted in Bulletin 1207, Item 1), I indicated a change in attitude even with respect to so-called "technical" violations of Regulations Nos. 34 and 39 and expressly stated that "aggravated violations of this kind, normally the subject of warning letter or permit action, will be the subject of disciplinary proceedings resulting in suspension or revocation of license or solicitor's permit where guilt is found."

Under all the circumstances, I shall suspend the solicitor's permit for a period of fifty days, less five days for the plea, or a net of forty-five days.

Accordingly, it is, on this 14th day of January, 1959,

ORDERED that Unlimited Solicitor's Permit No. 2879, issued by the Director of the Division of Alcoholic Beverage Control, be and the same is hereby suspended for forty-five (45) days, commencing at 12:01 a.m. Thursday, January 15, 1959 and terminating at 12:01 a.m. Sunday, March 1, 1959.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - SOLICITOR ENGAGING IN CONDUCT PROHIBITED TO HIS EMPLOYER - ADVANCING MONEY AND OTHER THINGS OF VALUE TO RETAILER - PERMIT SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ANTHONY V. SCOCCA
37 W. 26th Street
Bayonne, N. J.,

CONCLUSIONS
AND ORDER

Holder of Unlimited Solicitor's Permit No. 2862, issued by the Director of the Division of Alcoholic Beverage Control.

Gilhooly, Yauch & Fagan, Esqs., by John H. Yauch, Jr., Esq., Attorneys for Defendant-Solicitor.
William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant, solicitor for Jersey National Liquor Company, wholesaler, has pleaded non vult to the following charges:

"1. On various occasions during 1958 you engaged in conduct which is prohibited to your employer, Jersey National Liquor Company, by Rule 11 of State Regulation No. 34, in that you advanced money and furnished check-cashing service and unlawful credit directly or indirectly to Castaldo's Liquors, Inc. of 508 Broadway, Bayonne, a retailer, to facilitate payment of alcoholic beverage bills and for other purposes, said retailer being then on default; in violation of Rule 12 of State Regulation No. 14.

"2. On various occasions during 1958 you, the holder of a solicitor's permit and employed by Jersey National Liquor Company, wholesaler of alcoholic beverages other than malt alcoholic beverages, furnished directly or indirectly to the aforesaid Castaldo's Liquors, Inc., a retailer, allowances of money and other prohibited things of value and inducements, viz., advances of money, check-cashing service and unlawful credit; in violation of Rule 3 of State Regulation No. 35."

By Conclusions and Order in a case decided simultaneously herewith, I have suspended the license of the above wholesaler for various violations, including the advance of

money on three occasions to Castaldo's Liquors, Inc., a retail licensee who was listed on the Default List, to enable the latter to pay for alcoholic beverages and also including the cashing of checks for the same retailer on nine occasions in order to supply it with cash to pay alcoholic beverage and other bills. These violations were committed by this defendant. The monies advanced were in the amounts of \$55.25, \$91.59 and \$157.33 and the checks cashed ranged in amount from \$45.00 to \$217.49.

While the monies and services furnished by this defendant do not appear to have been as substantial as the loans and/or services involved in the other solicitors' cases decided simultaneously herewith, defendant's violations are nevertheless serious enough to warrant a heavy penalty.

Solicitors as well as wholesalers must be made to realize that the Alcoholic Beverage Law and regulations must be obeyed. Nearly a year ago, by Release dated February 1, 1958 to all distillers, wholesalers and solicitors (reprinted in Bulletin 1207, Item 1), I indicated a change in attitude even with respect to so-called "technical" violations of Regulations Nos. 34 and 39 and expressly stated that "aggravated violations of this kind, normally the subject of warning letter or permit action, will be the subject of disciplinary proceedings resulting in suspension or revocation of license or solicitor's permit where guilt is found." Rule 3 of Regulation No. 35, cited in Charge 2, is the solicitors' counterpart of Rule 11 of Regulation No. 34 applicable to wholesalers; and, consequently, the policy announced in that release is equally applicable to violations by solicitors of Regulation No. 35.

Under all the circumstances, I shall suspend the solicitor's permit for a period of forty days, less five days for the plea, or a net of thirty-five days.

Accordingly, it is, on this 14th day of January, 1959,

ORDERED that Unlimited Solicitor's Permit No. 2862, issued by the Director of the Division of Alcoholic Beverage Control, be and the same is hereby suspended for thirty-five (35) days, commencing at 12:01 a.m. Thursday, January 15, 1959 and terminating at 12:01 a.m. Thursday, February 19, 1959.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - SOLICITOR SELLING AND OFFERING ALCOHOLIC BEVERAGES FOR SALE TO OTHER THAN RETAILER OR WHOLESALER - ENGAGING IN CONDUCT PROHIBITED TO HIS EMPLOYER - PERMIT SUSPENDED FOR 80 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against RALPH PISACANE 38 Coolidge Place Hackensack, N. J.,

CONCLUSIONS AND ORDER

Holder of Unlimited Solicitor's Permit No. 2877, issued by the Director of the Division of Alcoholic Beverage Control.

Ralph Pisacane, Defendant-Solicitor, Pro se. William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant, solicitor for Jersey National Liquor Company, wholesaler, has pleaded non vult to the following charges:

"1. On numerous occasions during 1958 and prior thereto you, the holder of a solicitor's permit, offered for sale and solicited orders for the purchase or sale of alcoholic beverages otherwise than to the extent duly allowed and permitted by law and by the New Jersey license of your employer, Jersey National Liquor Company, as defined in R. S. 33:1-11(1), in that you offered for sale and solicited orders for the purchase or sale of alcoholic beverages to numerous persons who were not licensed retailers or wholesalers; in violation of Rule 5 of State Regulation No. 14.

"2. On the aforesaid occasions you engaged in conduct which is prohibited to your employer, Jersey National Liquor Company, by the Alcoholic Beverage Law and regulations adopted thereunder, in that you sold alcoholic beverages to numerous persons who were not licensed retailers or wholesalers; in violation of Rule 12 of State Regulation No. 14.

"3. On the aforesaid occasions you sold alcoholic beverages not pursuant to and within the terms of a license in that, without any license being held by yourself or your employer, Jersey National Liquor Company, to authorize such action, you sold alcoholic beverages to numerous persons who were not licensed retailers or wholesalers, contrary to R. S. 33:1-2; in violation of R. S. 33:1-50."

The investigation in this case was started when municipal police, while investigating bookmaking activities at a service station (which was not covered by any alcoholic beverage license), found therein a quantity of alcoholic beverages which (according to the service station operator) had been obtained from the defendant. The investigation disclosed that the beverages, which were covered by a recently dated invoice from defendant's wholesaler-employer to a retail licensee, had been picked up at the wholesaler's warehouse by the defendant and delivered by him directly to the service

station. It further appeared that defendant had made a practice of selling alcoholic beverages to the service station operator, and to numerous other non-licensees, for a period of approximately two years. All of the sales were "washed" by the defendant through the account of the same retailer. In other words, defendant placed orders with the wholesaler, in the name of the retailer, for the quantity of alcoholic beverages desired and then picked up such beverages either at the wholesaler's warehouse or in the retailer's premises and delivered them to the purchaser, allegedly charging the latter the wholesale price. Two hundred twenty-five such sales, amounting to a total of \$27,041.26, were made between January and October 1958, the period covered by the investigation.

Defendant's activities, which amount to a circumvention of our licensing system, show a callous disregard by him of the requirements of the Alcoholic Beverage Law. Such circumvention could easily lead to the widespread distribution of alcoholic beverages to speakeasy operators or other improper persons. Considering the extent of defendant's unlawful activities, and the serious nature thereof, I shall suspend his permit for eighty days, less five for the confessional plea, or a net of seventy-five days. Fair warning is hereby given that any future violations of this type by defendant might well lead to outright revocation of his permit.

Accordingly, it is, on this 14th day of January, 1959,

ORDERED that Unlimited Solicitor's Permit No. 2877, issued by the Director of the Division of Alcoholic Beverage Control, be and the same is hereby suspended for seventy-five (75) days, commencing at 12:01 a.m. Thursday, January 15, 1959, and terminating at 12:01 a.m. Tuesday, March 31, 1959.

WILLIAM HOWE DAVIS
Director.

10. DISCIPLINARY PROCEEDINGS - SOLICITOR ADVANCING MONEY AND UNLAWFUL CREDIT TO RETAILERS - FAILURE TO FILE NOTICE OF CHANGE OF ADDRESS - PERMIT SUSPENDED FOR 80 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CHARLES J. WASEKANES)
812 Brookside Drive)
Toms River, N. J.,)

CONCLUSIONS AND ORDER

Holder of Unlimited Solicitor's Permit No. 3788, issued by the Director of the Division of Alcoholic Beverage Control.)

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Gilhooly, Yauch & Fagan, Esqs., by John H. Yauch, Jr., Esq., Attorneys for Defendant-Solicitor.

William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant, solicitor for Jersey National Liquor Company, wholesaler, has pleaded non vult to the following charges:

"1. On various occasions during 1957 and 1958 you engaged in conduct which is prohibited to your employer, Jersey National Liquor Company, by Rule 11 of State Regulation No. 34, in that you initiated or arranged for the furnishing by such employer of loans or advances of money, and/or yourself advanced money and furnished check-cashing services and unlawful credit, directly or indirectly to the following retailers to facilitate the payment of alcoholic beverage bills and for other purposes: (a) Cayard, Inc. of 820 Main Street, Dover Township, (b) Ace Beverage Store, Inc. of 623 Calhoun Street, Trenton, (c) Casa Lido Bar and Grill, Inc. of 120 S. Warren Street, Trenton, (d) Steve's 71 Club of 800 State Highway, Spring Lake Heights, (e) Irma Louise Restaurant and Bar, Inc. of E. Colony Road and Highway 35, Dover Township and (f) Joseph Barrett, t/a Delavue Grill, of River Road, Ewing Township, four of said retailers (viz., Ace Beverage Store, Inc., Casa Lido Bar and Grill, Inc., Steve's 71 Club and Irma Louise Restaurant and Bar, Inc.) being on default at the times or at some of the times such loans, advances of money, check-cashing services and unlawful credit were furnished to them; in violation of Rule 12 of State Regulation No. 14.

"2. On various occasions during 1957 and 1958 you, the holder of a solicitor's permit and employed by Jersey National Liquor Company, wholesaler of alcoholic beverages other than malt alcoholic beverages, furnished directly or indirectly to the aforesaid Ace Beverage Store, Inc., Casa Lido Bar and Grill, Inc., Steve's 71 Club, Irma Louise Restaurant and Bar, Inc. and Joseph Barrett, retailers, allowances of money and other prohibited things of value and inducements, viz., advances of money, check-cashing services and unlawful credit; in violation of Rule 3 of State Regulation No. 35.

"3. You failed to file with the Director of the Division of Alcoholic Beverage Control, within ten days after the occurrence thereof, written notice of change in fact set forth in answer to Question 2 of your application dated May 23, 1958; upon which you obtained your current solicitor's permit, such change being that since filing such application you changed your residence from 11 Valor Lane - Vermillion Sec., Levittown, Pennsylvania (the address stated in the application), to 812 Brookside Drive, Toms River, New Jersey; your failure to file such notice being in violation of Rule 10 of State Regulation No. 14."

By Conclusion and Order in a case decided simultaneously herewith, I have suspended the license of the above wholesaler for various violations, including (1) the making of one loan in the amount of \$5,700.00 to retailer Cayard, Inc., two loans in the amounts of \$3,000.00 and \$2,700.00, respectively, to retailer Ace Beverage Store, Inc., and one loan in the amount of \$305.00 to retailer Irma Louise Restaurant and Bar, Inc.; (2) the advancing of money on five occasions, in amounts ranging from \$634.65 to \$1,906.12, to pay alcoholic beverage bills of retailer Casa Lido Bar and Grill, Inc.; and (3) the cashing of checks for retailers Steve's 71 Club, Ace Beverage Store, Inc., Joseph Barrett and others to enable them to pay alcoholic beverage and other

bills. The loans to Cayard, Inc., and Ace Beverage Store, Inc., and four of the five money advances to Casa Lido Bar and Grill, Inc., were arranged or initiated by this defendant; and all of the other loans, money advances and check-cashing services mentioned herein were furnished by defendant personally. Charges 1 and 2 are based on these activities.

Charge 3 arises out of defendant's failure to file with this Division requisite written notice of his change of residence since filing application for his solicitor's permit.

Solicitors as well as wholesalers must be made to realize that the Alcoholic Beverage Law and regulations must be obeyed. Nearly a year ago, by Release dated February 1, 1958 to all distillers, wholesalers and solicitors (reprinted in Bulletin 1207, Item 1), I indicated a change in attitude even with respect to so-called "technical" violations of Regulations Nos. 34 and 39 and expressly stated that "aggravated violations of this kind, normally the subject of warning letter or permit action, will be the subject of disciplinary proceedings resulting in suspension or revocation of license or solicitor's permit where guilt is found." Rule 3 of Regulation No. 35, cited in Charge 2, is the solicitor's counterpart to Rule 11 of Regulation No. 34 applicable to wholesalers; and, consequently, the policy announced in that Release is equally applicable to violations by solicitors of Regulation No. 35.

Defendant's unlawful activities were much more extensive than those of the other solicitors mentioned in the decision in the wholesaler's case; and, hence, such activities warrant a more severe penalty. Furthermore, defendant has a prior record. His solicitor's permit was suspended by me for five days, effective January 6, 1958, for being employed by a retail licensee, in violation of Rule 7 of State Regulation No. 14. Re Wasekanes, Bulletin 1207, Item 9.

Under all the circumstances, I shall suspend defendant's permit for a period of eighty days, less five days for the plea, or a net of seventy-five days.

Accordingly, it is, on this 14th day of January, 1959,

ORDERED that Unlimited Solicitor's Permit No. 3788, issued by the Director of the Division of Alcoholic Beverage Control, be and the same is hereby suspended for seventy-five (75) days, commencing at 12:01 a.m. Thursday, January 15, 1959, and terminating at 12:01 a.m. Tuesday, March 31, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

11. STATE LICENSES - NEW APPLICATIONS FILED.

Standard Corporation, t/a Standard Distributing Company and Prestige Brands
1309-1311-1313-1315 Baltic Avenue, Atlantic City, N. J.
Application filed February 2, 1959 for person-to-person transfer of Plenary Wholesale License W-9 from Sidney Frankel, t/a Standard Distributing Company, Prestige Brands and Franchise

Canada Dry Corporation, 100 Park Avenue, New York, 17, N.Y.
Application filed February 2, 1959 for place-to-place transfer of Salesroom on Plenary Wholesale License W-32 from Room 1127, 744 Broad St., Newark, N. J. to Room 620, 744 Broad St., Newark, New Jersey.