

A Re-Organization Meeting of the ABC Board was held on January 16, 2020 at 4:15 P.M. in the City Council Chambers in Passaic City Hall.

Amada D. Curling, City Clerk read the following notice into the record:

IN ACCORDANCE WITH CHAPTER 231, PUBLIC LAWS OF 1975, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED BY RESOLUTION OF THE MUNICIPAL BOARD ADOPTED ON DECEMBER 12, 2019 SETTING FORTH THE MEETING DATES FOR THE YEAR 2020 WHICH WAS PLACED ON THE CITY HALL BULLETIN BOARD BY THE OFFICE OF THE CITY CLERK

On call of the roll the following Commissioners responded:

**Present:** Commissioner Garcia and Commissioner Sanchez

**Also present:** William Maslo, Esq. ABC Attorney

**Absent:** Dominick Stampone, Esq. ABC Prosecutor

**PLEDGE OF ALLEGIANCE**

**NOMINATIONS AND SEATING OF CHAIRMAN:**

Nominations for the Chairperson of the Board of Alcoholic Beverage Control for The term commencing on January 1, 2020 and terminating on December 31, 2020

Commissioner Sanchez nominated Commissioner Edwin Garcia no other name on the floor. On a motion made by Commissioner Sanchez and seconded by Commissioner Garcia, the following RESOLUTION was adopted. All members voting "AYE" as the roll was called.

**RESOLUTION No. 001-20**

**RESOLUTION APPOINTING CHAIRMAN TO THE ALCOHOLIC BEVERAGE CONTROL OF THE CITY PASSAIC FOR THE CALENDAR YEAR 2020**

**BE IT RESOLVED**, by the Board of Alcoholic Beverage Control of the City of Passaic that Commissioner **Edwin Garcia** is hereby designated Chairman of the Board of Alcoholic Beverage Control of the City of Passaic for a one (1) year term to commence on January 1, 2020 and terminate on December 31, 2020.

**COMMUNICATIONS AND PETITIONS**

On motion by Chairman Garcia and second by Commissioner Sanchez, the following communications were ordered, received, and place on file, all members voting "Aye" as the roll was called:

Police Officer Herwing Morales, Licensing Officer, submitting the following:

- Police Reports as of December 23, 2019
- Police Report Mandala Night Club (December 29, 2019)

Amada Curling, City Clerk submitting applications for renewal of Entertainment License for the year 2020: **(For Board Recommendations)**

- BLP Investors, LLC Bar El Anochecer, 154 Passaic Street
- The Guest List, LLC, 829 Main Street

- D 'Bar, Liquors, LLC, 898 Main Avenue
- Jaguar Nite Club, 165 Passaic Street
- Sports Bar Inn, 161 8<sup>th</sup> Street

Joseph L. Garrubbo, Esq. on behalf of Krishi Beverages, LLC, License No. 1607-44-015-005 submitting request to adjourn their hearing scheduled for January 16, 2020.

#### CONSENT AGENDA

ALL MATTERS LISTED HEREUNDER ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE RECEIVED AND FILED BY ONE MOTION. ANY COMMISSIONER MAY REQUEST THAT AN ITEM BE REMOVED FOR SEPARATE CONSIDERATION.

On motion by Commissioner Sanchez and seconded by Chairperson Garcia, the following communications were ordered, received, and placed on file, all members voting "Aye" as the roll was called:

State of New Jersey, Licensing Bureau, submitting correspondence re: ABC License renewal - In Loop enterprises, Ltd. License No. 1607-33-046

William P. Schey, Esq., submitting corresponded re: petition to State of NJ Div. of ABC to convert suspension to monetary penalty - Simon Quintana, LLC t/a Club SQ, License No. 1607-081-009

State of New Jersey Division of ABC, submitting the following:

- Order Affirming Action- Acceptance of Monetary Penalty - De Puebla A Vera Cruz, License no. 1607-33-142-005
- Order Affirming Action- Acceptance of Monetary Penalty -Elegante Lounge, License No. 1607-33-135-016
- Order Affirming Action- Acceptance of Monetary Penalty- Zuniga Entertainment, LLC License No. 1607-33-109-010

#### RESOLUTIONS :

On motion by Commissioner Sanchez and second by Chairperson Garcia, the following **RESOLUTION WAS ADOPTED**, all members voting "Aye" as the roll was called:

#### RESOLUTION NO. 002-20

**RESOLUTION OF THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE CITY OF PASSAIC MEMORIALIZING A SETTLEMENT AGREEMENT WITH SIMON QUINTANA, LLC T/A CLUB SQ, LICENSE NO. 1607-33-081-009, 40 THIRD STREET, HEARLING HELD DECEMBER 12, 2019**

**WHEREAS** pursuant to the laws of the State of New Jersey, set forth in the Division of Alcohol Control Act N.J.S.A. 33:1-1 et seq. and regulations promulgated thereto, and the laws of the City of Passaic, the Alcohol Beverage Control Board for the City of Passaic (hereinafter "ABC Board") filed certain Notice of Charges seeking to suspend the Plenary Retail Consumption License 1607-33-081-009, held by Simon Quintana, LLC t/a, 40-42 Third Street, Passaic, New Jersey for violation(s) of the aforementioned statutes and/or regulations; and

WHEREAS, the Licensee was served with two Notice of Charges with respect to multiple incident dates referred to herein as the "October" and "November" Notice of Charges; and

**WHEREAS**, specifically, the October Notice of Charges alleged that on or about Sept 14, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises illegal activity, namely a large, disorderly group loitering in front of the establishment in violation of NJAC 13:2-23.5 (c) ACTIV (See Passaic Police Report No 19-62111 and 19-62111A). A first violation carries a penalty of thirty (30) days license suspension; a second violation carries a penalty of sixty (60) days license suspension; a third violation carries a penalty of ninety (90) days license suspension; and a fourth or subsequent violation carries a penalty of revocation as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, specifically, the October Notice of Charges alleged that on or about Sept 14, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises a nuisance involving public safety or rights being violated requiring Passaic Police intervention namely a large, disorderly group loitering in front of the establishment in violation of NJAC 13:2-23.6 (b) NUIS2 (See Passaic Police Report No. 19-62111 and 19-62111A). A first violation carries a penalty of thirty (30) days license suspension; a second violation carries a penalty of sixty (60) days license suspension; a third violation carries a penalty of ninety (90) days license suspension; a fourth or subsequent violation carries a penalty of license revocation as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, specifically, the October Notice of Charges alleged that on or about Sept 14, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises a violation of Passaic Ordinance 207-4 Disruption of a Commercial Establishment namely a large, disorderly group loitering in front of the establishment in violation of NJSA 33:1-31(h) ORDIN (See Passaic Police Report No. 19-62111 and 19-62111A). A first violation carries a penalty of ten (10) days license suspension; a second violation carries a penalty of twenty (20) days license suspension; a third violation carries a penalty of thirty (30) days license suspension; as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, specifically, the October Notice of Charges alleged that on or about Sept 14, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises illegal activity, namely two patrons assaulting each other and a third patron threatening to assault another party resulting in three arrests in violation of NJAC 13:2-23.5 (c) ACTIV (See Passaic Police Report No 19-62111 and 19-62111A). A first violation carries a penalty of thirty (30) days license suspension; a second violation carries a penalty of sixty (60) days license suspension; a third violation carries a penalty of ninety (90) days license suspension; and a fourth or subsequent violation carries a penalty of revocation as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, specifically, the October Notice of Charges alleged that on or about Sept 14, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises illegal activity, namely two patrons assaulting each other and a third patron threatening to assault another party resulting in three arrests in violation of NJAC 13:2-23.6(b) NUIS2 (See Passaic Police Report No. 19-62111 and 19-62111A). A first violation carries a penalty of ten (10) days license suspension; a second violation carries a penalty of twenty (20) days license suspension; a third violation carries a penalty of thirty (30) days license suspension; as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, specifically, the October Notice of Charges alleged that on or about Sept 14, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises illegal activity, namely two patrons assaulting each other and a third patron threatening to assault another party resulting in three arrests, a violation of Passaic Ordinance 207-4 Disruption of a Commercial Establishment in violation of NJSA 33:1-31(h) ORDIN (See Passaic Police Report No. 19-62111 and 19-62111A). A first violation carries a penalty of thirty (30) days license suspension; a second violation carries a penalty of sixty (60) days license suspension; a third violation carries a penalty of ninety (90) days license suspension; a fourth or subsequent violation carries a penalty of license revocation as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, specifically, the November Notice of Charges alleged that on or about Sept 2, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises illegal activity, namely an aggravated assault inside the establishment wherein a patron struck another patron with a glass bottle causing injuries which required medical attention in violation of NJAC 13:2-23.5 (c) ACTIV (See Passaic Police Report No 19-59290). A first violation carries a penalty of thirty (30) days license suspension; a second violation carries a penalty of sixty (60) days license suspension; a third violation carries a penalty of ninety (90) days license suspension; and a fourth or subsequent violation carries a penalty of revocation as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, specifically, the November Notice of Charges alleged that on or about Sept 2, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises a nuisance involving public safety or rights being violated requiring Passaic Police intervention namely an aggravated assault inside the establishment wherein a patron struck another patron with a glass bottle causing injuries which required medical attention in violation of NJAC 13:2-23.6 (b) NUIS2 (See Passaic Police Report No. 19-59290). A first violation carries a penalty of thirty (30) days license suspension; a second violation carries a penalty of sixty (60) days license suspension; a third violation carries a penalty of ninety (90) days license suspension; a fourth or subsequent violation carries a penalty of license revocation as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, specifically, the November Notice of Charges alleged that on or about Sept 2, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises a violation of Passaic Ordinance 207-4 Disruption of a Commercial Establishment namely an aggravated assault inside the establishment wherein a patron struck another patron with a glass bottle causing injuries which required medical attention in violation of NJSA 33:1-31(h) ORDIN (See Passaic Police Report No. 19-59290). A first violation carries a penalty of ten (10) days license suspension; a second violation carries a penalty of twenty (20) days license suspension; a third violation carries a penalty of thirty (30) days license suspension; as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, specifically, the November Notice of Charges alleged that on or about Oct. 21, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises illegal activity, namely an aggravated assault inside the establishment wherein patrons were involved in a domestic dispute resulting in an aggravated assault with a glass bottle causing injuries in violation of NJAC 13:2-23.5 (c) ACTIV (See Passaic Police Report No 19-70901). A first

violation carries a penalty of thirty (30) days license suspension; a second violation carries a penalty of sixty (60) days license suspension; a third violation carries a penalty of ninety (90) days license suspension; and a fourth or subsequent violation carries a penalty of revocation as set forth in N.J.A.C. 13:2-19.11; and

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**WHEREAS**, specifically, the November Notice of Charges alleged that on about Oct. 21, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises illegal activity, namely an aggravated assault inside the establishment wherein patrons were involved in a domestic dispute resulting in an aggravated assault with a glass bottle causing injuries, a violation of Passaic Ordinance 207-4 Disruption of a Commercial Establishment in violation of NJSA 33:1-31(h) ORDIN (See Passaic Police Report No. 19-70901). A first violation carries a penalty of thirty (30) days license suspension; a second violation carries a penalty of sixty (60) days license suspension; a third violation carries a penalty of ninety (90) days license suspension; a fourth or subsequent violation carries a penalty of license revocation as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, a hearing was scheduled before the City of Passaic ABC Board on December 12, 2019 at which time the Licensee appeared and was represented by counsel William Schey, Esq.; and

**WHEREAS**, prior to the commencement of the hearing, the parties came to an agreement to resolve this matter without the need for a plenary hearing; and

**NOW, THEREFORE, BE IT RESOLVED** by the Alcoholic Beverage Control Board of the City of Passaic that the License Holder pleads NON VULT to Count 3 of the November Notice of Charges NJSA 33:1-31(h) ORDIN, in violation of a municipal ordinance, to wit, Passaic Code 207-4 Disruption of a Commercial Establishment. This is considered a first (1<sup>st</sup>) offense of this violation; and it is

**FURTHER RESOLVED** that the License Holder agrees that its premises shall be subject to a nine (9) day suspension; and be it

**FURTHER RESOLVED** that the ABC Board does not object to the License Holder requesting a STAY of the nine (9) day suspension; and be it

**FURTHER RESOLVED** that the License Holder's request for a thirty (30)-day stay of the nine (9) day suspension is GRANTED by the Alcohol Beverage Control Board of the City of Passaic to allow the License Holder to seek to convert this suspension into a monetary penalty through the Director, and be it

**FURTHER RESOLVED** that the Licensee has thirty (30) days from Dec 12, 2019 to apply for a STAY of the suspension with the Director and failure to do so will automatically commence a nine (9) day suspension on January 11, 2020; and be it

**FURTHER RESOLVED** that Counts 1, 2, 4, 5 and 6 of the November Notice of Charges are hereby DISMISSED and the October Notice of Charges are hereby DISMISSED in their entirety as part of this Resolution; and be it

**FURTHER RESOLVED** that failure to adhere to the conditions of this Resolution shall be deemed to be a violation of this Resolution and the ABC Board shall forthwith reinstate these charges and conduct a plenary hearing; and

**PLEASE TAKE FURTHER NOTICE** that the License Holder shall be provided a copy of this Resolution for its records.

**WHEREAS** pursuant to the laws of the State of New Jersey, set forth in the Division of Alcohol Control Act N.J.S.A. 33:1-1 et seq. and regulations promulgated thereto, and the laws of the City of Passaic, the Alcohol Beverage Control Board for the City of Passaic (hereinafter "ABC Board") filed certain Notice of Charges seeking to suspend the Plenary Retail Consumption License 1607-33-081-009, held by Simon Quintana, LLC t/a, 40-42 Third Street, Passaic, New Jersey for violation(s) of the aforementioned statutes and/or regulations; and

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struck another patron with a glass bottle causing injuries which required medical attention in violation of NJAC 13:2-23.6 (b) NUIS2 (See Passaic Police Report No. 19-59290). A first violation carries a penalty of thirty (30) days license suspension; a second violation carries a penalty of sixty (60) days license suspension; a third violation carries a penalty of ninety (90) days license suspension; a fourth or subsequent violation carries a penalty of license revocation as set forth in N.J.A.C. 13:2-19.11; and

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**WHEREAS,** a hearing was scheduled before the City of Passaic ABC Board on December 12, 2019 at which time the Licensee appeared and was represented by counsel William Schey, Esq.; and

**WHEREAS,** prior to the commencement of the hearing, the parties came to an agreement to resolve this matter without the need for a plenary hearing; and

**NOW, THEREFORE, BE IT RESOLVED** by the Alcoholic Beverage Control Board of the City of Passaic that the License Holder pleads NON VULT to Count 3 of the November Notice of Charges NJSA 33:1-31(h) ORDIN, in violation of a municipal ordinance, to wit, Passaic Code 207-4 Disruption of a Commercial Establishment. This is considered a first (1<sup>st</sup>) offense of this violation; and it is

**FURTHER RESOLVED** that the License Holder agrees that its premises shall be subject to a nine (9) day suspension; and be it

**FURTHER RESOLVED** that the ABC Board does not object to the License Holder requesting a STAY of the nine (9) day suspension; and be it

**FURTHER RESOLVED** that the License Holder's request for a thirty (30)-day stay of the nine (9) day suspension is GRANTED by the Alcohol Beverage Control Board of the City of Passaic to allow the License Holder to seek to convert this suspension into a monetary penalty through the Director, and be it

**FURTHER RESOLVED** that the Licensee has thirty (30) days from Dec 12, 2019 to apply for a STAY of the suspension with the Director and failure to do so will automatically commence a nine (9) day suspension on January 11, 2020; and be it

**FURTHER RESOLVED** that Counts 1, 2, 4, 5 and 6 of the November Notice of Charges are hereby DISMISSED and the October Notice of Charges are hereby DISMISSED in their entirety as part of this Resolution; and be it

**FURTHER RESOLVED** that failure to adhere to the conditions of this Resolution shall be deemed to be a violation of this Resolution and the ABC Board shall forthwith reinstate these charges and conduct a plenary hearing; and

**PLEASE TAKE FURTHER NOTICE** that the License Holder shall be provided a copy of this Resolution for its records.

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**HEARING:**

**A motion was made by Commissioner Sanchez and seconded by Chairperson Garcia to grant an adjournment to the February 20, 2020 ABC meeting for the following licensees all members voting "Aye" as the roll was called:**

Krishi Beverages, LLC, 126 Passaic Street, License No1607-44-015 (Notice of Charges) **Request for an adjournment**

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Mr. Nicolas J. Palma, Esq., on behalf of:

La Rancherita Inc., 22 Jackson Street, License No. 1607-33-139-003 (Notice of Charges)

A motion was made by Commissioner Sanchez and seconded by Chairperson Garcia to accept a settlement resolution between the ABC Board and La Rancherita Inc., 22 Jackson Street, License No. 1607-33-139-003; to be memorialized at the February 20, 2020 meeting. All members voting "AYE" as the roll was called.

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**Continued RESOLUTIONS:**

On motion by Commissioner Sanchez and seconded by Chairperson Garcia, the following **RESOLUTION WAS REMOVED** from the agenda, all members voting "Aye" as the roll was called:

**RESOLUTION AUTHORIZING THE BOARD OF ALCOHOLIC BEVERAGE CONTROL TO MEET IN CLOSED SESSION ON JANUARY 16, 2020 TO DISCUSS PENDING LITIGATIONS, CLIENT/ATTORNEY MATTERS AND DELIBERATIONS AS TO MATTERS BEFORE THE BOARD (N.J.S.A. 10:4-12. B (6), (7) AND (9)**

There being no further business to come before the Board on motion by Commissioner Sanchez and seconded by Chairperson Garcia voting "AYE" as the roll was called the meeting was adjourned.

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Amanda Rivera, Commissioner

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Judith Sanchez, Commissioner

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Edwin Garcia, Chairperson

Dated: February 20, 2020