

A Regular Meeting of the ABC Board was held on February 20, 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 Rivera and Chairman Garcia Sanchez  
**Absent:** Commissioner Sanchez

**Also, present:** Christopher Harriot, ABC Attorney and Dominick Stampone, Esq. ABC Prosecutor

**PLEDGE OF ALLEGIANCE**

Commissioner Judith Sanchez took her seat on the dais at 4:17 p.m.

**MINUTES:**

On motion by Chairperson Garcia and second by Commissioner Rivera, all members voting "Aye" as the roll was called the minutes of December 12, 2019 and January 16, 2020 Alcohol Beverage Control Board meeting was accepted as engrossed.

**COMMUNICATIONS AND PETITIONS**

On motion by Commissioner Sanchez, and second by 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 January 27, 2020

Amada D. Curling, City Clerk, submitting the following:

- Resolution No. 20-01-032 entitled "Resolution Appointing Commissioner to the Passaic Alcohol Beverage Control Board" adopted by the City Council on January 21, 2020.
- Resolution No. 20-01-033 entitled "Resolution Approving The Application Of Hamlet Entertainment, LLC D/B/A Mama Sushi Restaurant And Lounge For Seasonal Outdoor Seating In Joe Buga Parque"

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

- Lajas Civic Social Club, 37 Market Street
- Rosa's Sports Bar, LLC t/a 317 Broadway
- Dona Maria Restaurant, 32 Bergen Street

ALL MATTERS LISTED HEREUNDER ARE CONSIDERED 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 Chairman Garcia and second by Commissioner Sanchez, the following communication was ordered, received, and place on file, all members voting "Aye" as the roll was called:**

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

- Order Affirming Action- Acceptance of Monetary Penalty - Simon Quintana, LLC t/a Club SQ, License No. 1607-33-081-009
- Order Affirming Action- Acceptance of Monetary Penalty - Anais Lounge, LLC License No. 1607-33-016-022
- Disciplinary Charges Proceedings/Final Notice and Determination/Offer in Lieu of Suspension for DMM, Inc. t/a New Foxes, 1607-33-061-009

**At this point in the meeting, Dominick Stampone, ABC Prosecutor, stated on record that the Agenda Item no. 4 Order Imposing Suspension to Rosa's Sport's Bar, LLC, License Number 1607-33-107-005, will be revised to add six days to the order of suspension extending the suspension to March 3, 2020. The additional six are imposed because the licensee neglected to close and submit her license to the City Clerk's Office or the Passaic Police Department in a timely matter. Requested the kindly consider and vote on the resolution extending the suspension.**

**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:

**Alcoholic Beverage Control Board  
Resolution No. 002-20A**

**RESOLUTION EXTENDING SUSPENSION IMPOSED BY THE STATE OF NEW JERSEY DIVISION OF ABC TO ROSA'S SPORTS BAR, LICENSE NO. 1607-33-107-005 FOR AN ADDITIONAL SIX DAYS**

**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 Alcoholic 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 33 107 005, held by ROSA'S SPORTS BAR LLC t/a Dottie's Pub, 317 Broadway, Passaic, New Jersey for violation(s) of the aforementioned statutes and/or regulations; and

**WHEREAS**, specifically, the Notice of Charges alleged that on or about July 20, 2018, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises the sale of alcoholic beverages to a person under the legal age, but over the age of 18 in violation of NJAC 13:2-23.1(a) PULA (See Passaic Police Reports No 18-53712). A first violation carries a penalty of fifteen (15) days license suspension; a second violation carries a penalty of thirty (30) days license suspension; a third violation carries a penalty of forty five (45) days license suspension 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 October 17, 2018 at which time the Licensee appeared and was represented by counsel William P. 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

**WHEREAS,** the License Holder plead NON VULT to Count 1 NJAC 13:2-23.1(a) PULA, sale of alcoholic beverages to a person under the legal age, but over the age of 18. This was considered a first (1<sup>st</sup>) offense of this violation; and

**WHEREAS,** the License Holder agreed that its premises shall be subject to a thirteen (13) day suspension; and

**WHEREAS,** the License Holder was granted a thirty (30)-day stay of the thirteen (13) day suspension in order to seek a conversion of this suspension into a monetary penalty through the Director, and

**WHEREAS,** the Director did, in fact, levy a monetary penalty in lieu of suspension, but the License Holder ultimately determined that the said monetary penalty was not in his best interest, and

**WHEREAS,** the Director then ORDERED on January 9, 2020, that License 1607 33 107 005 be suspended for thirteen (13) days commencing at 12 am on February 13 through and including February 26 at 12 am, and

**WHEREAS,** the Licensee failed to surrender ABC License 1607 33 107 005 to the City of Passaic either during regular business hours or to the care of the Passaic Police Department, and

**WHEREAS,** the Licensee did eventually surrender License 1607 33 107 005 to the City Clerk on February 19, 2020 at approximately 8:30 am.

**THEREFORE, NOW BE IT RESOLVED** that the 13-day Suspension Period on License 1607 33 107 005 shall commence on February 20, 2020 at 12 am through and including March 3, 2020 at 12:00 am, 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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On motion by Commissioner Sanchez and second by Chairperson Garcia, the following **RESOLUTION WAS ADOPTED**, all members voting "Aye" as the roll was called:

**Alcoholic Beverage Control Board  
Resolution No. 003-20**

**RESOLUTION OF THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE CITY OF PASSAIC MEMORIALIZING A SETTLEMENT AGREEMENT WITH LA**

**RANCHERITA INC., 22 JACKSON STREET, LICENSE NO. 1607-33-139-003, HEARING HELD JANUARY 16, 2020**

**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 33 139 003, held by La Rancherita, 22 Jackson Street, Passaic, New Jersey for violation(s) of the aforementioned statutes and/or regulations; and

**WHEREAS**, specifically the Notice of Charges alleged that on or about Nov. 3, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises illegal activity, namely a fight inside the establishment wherein a patron was struck by an unknown object causing injuries which required medical attention in violation of NJAC 13:2-23.5 (c) ACTIV (See Passaic Police Report No 19-74053). 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 Notice of Charges alleged that on or about Nov. 3, 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 fight inside the establishment wherein a patron was struck by an unknown object causing injuries which required medical attention in violation of NJAC 13:2-23.6 (b) NUIS2 (See Passaic Police Report No. 19-74053). 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 Notice of Charges alleged that on or about Nov. 3, 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 fight inside the establishment wherein a patron was struck by an unknown object causing injuries which required medical attention in violation of NJSA 33:1-31(h) ORDIN (See Passaic Police Report No. 19-74053). 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**, a hearing was scheduled before the City of Passaic ABC Board on January 16, 2020 at which time the Licensee appeared and was represented by counsel Nicholas DePalma, 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 NJSA 33:1-31(h) ORDIN, Passaic

Ordinance 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 nine (9) day suspension will be served on January 20, 21, 22, 23, 24 and Feb 3, 4, 5 and 6; and be it

**FURTHER RESOLVED** that Counts 1 and 2 are hereby DISMISSED 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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On motion by Chairperson Garcia and second by Commissioner Sanchez, the following **RESOLUTION WAS ADOPTED**, all members voting "Aye" as the roll was called:

**Alcoholic Beverage Control Board  
Resolution No. 004-20**

**RESOLUTION FOR A PERSON TO PERSON TRANSFER OF LICENSE NO. 1607-33-094-009 FROM: VELVAR, LLC T/A TULCINGO'S BAR, 159 MARKET STREET, PASSAIC, NJ TO: MOJITO BAR, LLC T/A MOJITO BAR, 159 MARKET STREET, PASSAIC, NEW JERSEY**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number **1607-33-094-009**, heretofore issued to **VELVAR, LLC T/A TULCINGO'S BAR, 159 MARKET STREET, PASSAIC, NJ**

**WHEREAS**, the submitted application form is complete in all respects and have been submitted, to the Municipal Clerk , the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local Ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

**NOW, THEREFORE BE IT RESOLVED**, that the Passaic Board of Alcoholic Beverage Control does hereby approve, effective **FEBRUARY 20, 2020** the transfer of the aforesaid Plenary Retail Consumption License **1607-33-094-009** and does hereby direct the City Clerk of Passaic to endorse the license certificate to the new ownership as follows: "This license,

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

**Alcoholic Beverage Control Board  
Resolution No. 005-20**

**RESOLUTION AUTHORIZING THE AND BOARD OF ALCOHOLIC BEVERAGE  
CONTROL TO MEET IN CLOSED SESSION, FEBRUARY 20, 2020 TO  
DISCUSS PENDING LITIGATIONS, CLIENT/ATTORNEY MATTERS  
DELIBERATIONS AS TO MATTERS BEFORE THE BOARD (N.J.S.A. 10:4-  
12. B (6), (7) AND (9).**

**Re: Pending Litigation Krishi Beverages, LLC t/a Eagle  
Liquors, License no. 1607-44-015-007**

**WHEREAS**, the Open Public Meetings Act permits the  
Board of Alcoholic Beverage Control to meet in closed  
session for certain purposes, among them the discussion  
of pending and anticipated litigation, Client/Attorney  
matters and deliberations as to matters before the  
Board; and

**WHEREAS**, the Board of Alcoholic Beverage control  
desires to meet in closed session on February 20, 2020  
for the purpose of discussing pending and anticipated  
litigation, client/attorney matters and deliberations as  
to matters before the Board;

**NOW, THEREFORE BE IT RESOLVED** by the Board of  
Alcoholic Beverage Control of the City of Passaic that  
the Board may meet thereafter as the Board chooses to  
meet for the purpose of discussing pending and  
anticipated litigation, client/attorney matters and  
deliberations as to matters before the Board;

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On motion by Chairperson Garcia and second by Commissioner Sanchez, the meeting was  
reconvened, all members voting "Aye" as the roll was called.

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**HEARING:**

Joseph L. Garrubbo Esq. on behalf of:

Krishi Beverages, LLC, 126 Passaic Street, License No.1607-  
44-015 (Notice of Charges)

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

**Alcoholic Beverage Control Board  
Resolution No. 006-20**

**RESOLUTION AUTHORIZING THE AND BOARD OF ALCOHOLIC BEVERAGE CONTROL TO MEET IN CLOSED SESSION, FEBRUARY 20, 2020 TO DISCUSS PENDING LITIGATIONS, CLIENT/ATTORNEY MATTERS DELIBERATIONS AS TO MATTERS BEFORE THE BOARD (N.J.S.A. 10:4-12. B (6), (7) AND (9) .**

**Re: Pending Litigation Krishi Beverages, LLC t/a Eagle Liquors, License no. 1607-44-015-007**

**WHEREAS,** the Open Public Meetings Act permits the Board of Alcoholic Beverage Control to meet in closed session for certain purposes, among them the discussion of pending and anticipated litigation, Client/Attorney matters and deliberations as to matters before the Board; and

**WHEREAS,** the Board of Alcoholic Beverage control desires to meet in closed session on February 20, 2020 for the purpose of discussing pending and anticipated litigation, client/attorney matters and deliberations as to matters before the Board;

**NOW, THEREFORE BE IT RESOLVED** by the Board of Alcoholic Beverage Control of the City of Passaic that the Board may meet thereafter as the Board chooses to meet for the purpose of discussing pending and anticipated litigation, client/attorney matters and deliberations as to matters before the Board;

**BE IT FURTHER RESOLVED** that the public shall be informed of the results of said closed session meeting at the next public meeting of the Board of Alcoholic Beverage Control, where applicable.

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**Continued HEARING:**

Joseph L. Garrubbo Esq. on behalf of:

Krishi Beverages, LLC, 126 Passaic Street, License No.1607-44-015 (Notice of Charges)

**A motion was made by Chairperson Garcia and seconded by Commissioner Sanchez accept a settlement resolution between the ABC Board and Krishi Beverages, LLC, 126 Passaic Street, License No. 1607-44-015; to be memorialized at the March 19, 2020 meeting. All members voting "AYE" as the roll was called.**

There being no further business to come before the Board on motion by Chairperson Garcia and seconded by Commissioner Sanchez 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: July 22, 2020