

A Regular Meeting of the ABC Board was held on June 17, 2020 at 4:00 P.M. in the City Council Chambers in Passaic City Hall.

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

PURSUANT TO THE OPEN PUBLIC MEETING ACT, BE ADVISED THAT THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE CITY OF PASSAIC HAS RESCHEDULED THEIR REGULAR MEETING THAT WAS TO BE HELD ON JUNE 18, 2020 AT 4:15 P.M. TO WEDNESDAY, JUNE 17, 2020 AT 4:00 P.M. VIA ZOOM

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MEMBERS OF THE PUBLIC, WHO WOULD LIKE TO PARTICIPATE, CAN CALL-IN AT 929 436 2866 US (New York) AND ENTER THE MEETING ID # 837 7389 7570 For residents dialing in please be advised to Press \*6 to mute or unmute your phone Press \*9 to raise your hand and indicate you would like to speak

On call of the roll the following Commissioners responded:

Present: Commissioner Rivera, Commissioner Sanchez, and Chairman Garcia Sanchez

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

**PLEDGE OF ALLEGIANCE**

**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:

Amada D. Curling, City Clerk, submitting the following:  
➤ Corporate Structure Change application for Plenary Retail Distribution License # 1607-44-118-006, Shanik Liquors, Inc., 952 Main Avenue

Amada D. Curling, City Clerk, submitting ABC Resolution 002-20A entitled "Resolution extending suspension for Rosa's Sports Bar, LLC License No. 1607-33-107-005 for an additional 6 days."

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

- Zuniga Entertainment LLC, Fiesta Night Club

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

**RESOLUTIONS:**

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

**ALCOHOLIC BEVERAGE CONTROL OF THE CITY OF PASSAIC  
RESOLUTION NO. 007-20**

**RESOLUTION OF THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE  
CITY OF PASSAIC MEMORIALIZING A SETTLEMENT AGREEMENT WITH  
KRISHI BEVERAGES, LLC T/A EAGLE LIQUORS, LICENSE NO. 1607-44-015-007,  
HEARLING HELD FEBRUARY 20, 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 1607-44-015-007, held by Krishi Beverages d/b/a Eagles Liquor, 126 Passaic 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 October 11, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises the sale of alcoholic beverages to a person under the age of 18 (N.J. 15 y.o.a) in violation of NJAC 13:2-23.1(a) PULA/M (See Passaic Police Reports No 19-68841). 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 violation carries a revocation of your license as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, specifically, the Notice of Charges alleged that on or about October 11, 2019, you, as licensee, allowed, permitted and/or suffered in or upon the licensed premises the sale of alcoholic beverages to a person under the age of 18 (K.C. 16 y.o.a) in violation of NJAC 13:2-23.1(a) PULA/M (See Passaic Police Reports No 19-68841). 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 violation carries a revocation of your license as set forth in N.J.A.C. 13:2-19.11; and

**WHEREAS**, a hearing was scheduled before the ABC Board on February 20, 2020 at which time the Licensee appeared and was represented by counsel Joseph Garrubbo, 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 1 in violation of NJAC 13:2-23.1(a) PULA/M (See Passaic Police Reports No 19-68841). 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 twenty-seven (27) day suspension; and be it

**FURTHER RESOLVED** that Count 2 is hereby DISMISSED as part of this Resolution; and be it

**FURTHER RESOLVED** that the Licensee shall surrender License 1607-44-015-007 to the City of Passaic either during business hours or to the care of the Passaic Police prior to the effective suspension period beginning February 24, 2020 at 12 am through and including March 21, 2020 at 12 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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**ALCOHOLIC BEVERAGE CONTROL OF THE CITY OF PASSAIC  
RESOLUTION NO. 008-20**

**RESOLUTION FOR A PERSON TO PERSON TRANSFER OF LICENSE NO. 1607-33-022-003 FROM: ROBERTS BAR AND GRILL, INC., POCKET LICENSE MAILING ADDRESS: 141 FAIRVIEW DRIVE, NESHANIC STATION, NJ 08853 TO: JRT, LLC, POCKET LICENSE, MAILING ADDRESS: 523 12<sup>TH</sup> STREET APT. 1, UNION CITY, NJ 07087**

**WHEREAS**, an application has been filed for a person-to-person transfer of plenary retail consumption license number **1607-33-022-003**, heretofore issued to **ROBERTS BAR AND GRILL, INC., POCKET LICENSE, MAILING ADDRESS: 141 FAIRVIEW DRIVE, NESHANIC STATION, NJ 08853**

**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 JUNE 17, 2020** THE transfer of the aforesaid Plenary Retail Consumption License **1607-33-022-003** and does hereby direct the City Clerk of Passaic to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to **JRT, LLC, POCKET LICENSE, MAILING ADDRESS: POCKET LICENSE, MAILING ADDRESS: 523 12<sup>TH</sup> STREET APT. 1, UNION CITY, NJ 07087**; on **June 17, 2020**."

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**ALCOHOLIC BEVERAGE CONTROL OF THE CITY OF PASSAIC  
RESOLUTION NO. 009-20**

**RESOLUTION FOR A PERSON TO PERSON TRANSFER OF LICENSE NO. 1607-33-039-008 FROM: DAVID’S PLACE CORPORATION T/A DAVID’S PLACE TO: IDALI INEZ COLON T/A DAVID’S PLACE, 361 MONROE STREET, PASSAIC, NEW JERSEY**

**WHEREAS**, an application has been filed for a person to person transfer of Plenary Retail Consumption License **1607-33-039-008** heretofore issued to **DAVID’S PLACE CORPORATION T/A DAVID’S PLACE, 361 MONROE STREET, PASSAIC, NEW JERSEY**

**WHEREAS**, the submitted application form is complete in all respects, 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;

**NOW, THEREFORE BE IT RESOLVED** that the Passaic Board of Alcoholic Beverage Control does hereby approve, the transfer of the aforesaid Plenary Retail Consumption License 1607-33-039-008 to **IDALI INEZ COLON T/A DAVID'S PLACE, 361 MONROE STREET, PASSAIC, NEW JERSEY AND** does hereby direct the City Clerk of the City of Passaic to endorse the license certificate, effective June 17, 2020

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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 OF THE CITY OF PASSAIC  
RESOLUTION NO. 010-10**

**RESOLUTION AUTHORIZING THE AND BOARD OF ALCOHOLIC BEVERAGE CONTROL TO MEET IN CLOSED SESSION, JUNE 17, 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**

**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 June 17, 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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On motion by Chairperson Garcia and second by Commissioner Rivera, the meeting was reconvened, all members voting "Aye" as the roll was called.

**HEARING:**

William Schey, Esq. on behalf of:

Hamlet, Inc. t/a Mama Sushi, 663 Main Avenue, License No. 1607-33-140-009 (Notice of Charges)

**A motion was made by Chairperson Garcia and seconded by Commissioner Sanchez accept a settlement resolution between the ABC Board and Hamlet, Inc. t/a Mama Sushi, 663 Main**

**Avenue, License No. 1607-33-140-009; to be memorialized at the September 17, 2020 meeting. All members voting "AYE" as the roll was called.**

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Norberto Yacono, Esq. on behalf of:

Cazadores, LLC t/a Mandala Night Club, License No. 1607-33-124-004, 246 Third Street,  
(Notice of Charges)

A motion was made by Commissioner Sanchez and seconded by Chairperson Garcia accept a settlement resolution between the ABC Board and Cazadores, LLC t/a Mandala Night Club, License No. 1607-33-124-004; to be memorialized at the September 17, 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 Rivera 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