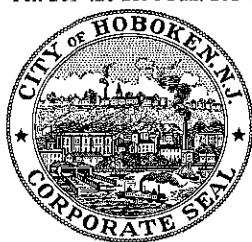


ALCOHOLIC BEVERAGE CONTROL BOARD

City Hall, 94 Washington Street
Hoboken, New Jersey 07030
Tel: 201-420-2396 Fax: 201-420-5644



DAWN ZIMMER
Mayor

Robert W. Phillips, Chairman
Michael Blumenfeld, Vice Chairman
Steven Bauman, Commissioner

Minutes of the April 28, 2016 Alcoholic Beverage Control Board Meeting

The meeting was called to order at 6:13p.m. The Open Public Meeting Act statement was read by Suzanne Hetman, Board Secretary.

ROLL CALL:

BOARD MEMBERS	
Chairman Robert W. Phillips	✓
Vice Chairman Michael Blumenfeld	✓
Commissioner Steven Bauman	✓

Also Present: Suzanne Hetman, board secretary; Benjamin Choi, attorney for the board, Detective Anthony Caruso of the Hoboken Police Department; and Daisy Amado, recording secretary.

APPROVAL OF THE MINUTES:

Move to approve the minutes of the April 14, 2016 meeting.

BOARD MEMBER	Move	Second	Yes	No	Abstain	No Vote
Chairman Phillips			✓			
Vice Chairman Blumenfeld	✓		✓			
Commissioner Bauman		✓	✓			

HEARINGS

(1) Liquor License #0905-33-164-010, Whiskey Bar LLC d/b/a Mills Tavern, 125 Washington Street Hoboken, New Jersey 07030, Case Number 15-22

Thomas Jannarone, Esq., representing the licensee, and David Jacey (sworn-in) appeared before the board. Board attorney advised this is one count simple assault – nuisance. Mr. Jannarone advised Mr. Jacey was out of town last time this matter was up before the board; asked the board to use “discretion” with the two days suspension with five held in abeyance penalty; not to impose suspension as his client took preventative measures; and has been in business for fifteen years with no offenses. Plea of non-vault entered by Mr. Jacey. Board attorney advised there was an assault upon a customer caused by an employee and the victim suffered a concussion and lacerations to his face. Mr. Choi further stated there is an allegation that the victim was escorted out by employee and left there with no medical attention. Mr. Jacey stated that the staff member and manager have since been terminated and he cooperated with the police which led to the arrest of his former employee. Mr. Jacey also mentioned he has taken various measures including: security training, employees are TAM certified, security given walkie-talkie radios, ‘strict on policy,’ this has never happened before, cooperated “110%” with police department and is asking board for discretion. Board asked how long did the person work for him, Mr. Jacey responded about three or four months. Board attorney advised the board that the victim did suffer and the board should consider and adopt two day suspension and five held in abeyance and the licensee has the option to pay penalty to State in lieu of suspension. Board attorney further stated there were two employees involved; one was assisting victim

outside when other employee assaulted victim. Employee outside was not quick to give name of the assaulter. Licensee cooperated fully and fired both employees. Board discussion as to penalty schedule being there for a reason and hearings should not be mixed up into trials. Mr. Jacey recommends owners meet with board and go over tavern sheets and procedures and Board advised they have same goals and welcome same. Mr. Jannarone asked if board opposes licensee going to State to buy out and board attorney advised he has no objection.

Motion to accept plea per the schedule of two days with five held in abeyance.

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips	✓		✓			
Vice Chairman Blumenfeld		✓	✓			
Commissioner Bauman			✓			

Board attorney asked if Case Number 15-24 could be considered at end of all hearings as he has a telephone call with the witness on this matter, therefore Agenda taken out of order.

(2) Liquor License #0905-33-166-007, Gerrino, Inc., d/b/a The Dubliner, 96 River Street, Hoboken New Jersey 07030, Case Number 16-01

Robert C. Williams, Esq. appeared before the board on behalf of licensee along with Mr. Shamus and Mr. Aidan Quinn (both sworn in). Board attorney advised this incident occurred on December 19, 2015 overcrowding count one nuisance, penalty is two days suspension with five held in abeyance. Mr. Williams advised this occurred on a Saturday afternoon someone opened kitchen door and everyone was unaware of this and board should consider this is their first offense. Mr. Shamus stated it was SantaCon and they were caught off guard and this happened through a back door next to the kitchen. Board attorney stated they were in excess of 200 occupants and the maximum is 177.

Motion to accept plea, keep plea as stands of two days with five held in abeyance.

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips	✓		✓			
Vice Chairman Blumenfeld			✓			
Commissioner Bauman		✓	✓			

(3) Liquor License #0905-33-130-007, 61 Paterson Avenue Associates, d/b/a Jack's Cabin, 9 Paterson Avenue, Hoboken, New Jersey 07030, Case Number 16-03

Board attorney advised there should be a motion to dismiss the charge as this was a noise complaint and he discussed with officer involved who advised it was addressed immediately. Board attorney went through history and there have been no similar charges only other charge for this license was a trade name error.

Motion to dismiss Case Number 16-03.

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips	✓		✓			
Vice Chairman Blumenfeld			✓			
Commissioner Bauman		✓	✓			

(4) Liquor License #0905-33-034-004, Crydon Corp., d/b/a McSwiggan's Pub, 110 First Street, Hoboken, New Jersey 07030, Case Number 16-04

Board attorney advised this is a two charge complaint: count one is noise violation, which he moves to dismiss and count 2 is employee bar card violation which the licensee will enter a plea of non-vault two days suspension with five held in abeyance. Robert C. Williams, Esq. appeared before the board on behalf of licensee and stated the employee did have bar card but did not have it on his person, left it at home, and that our penalty schedule is inconsistent. His client already paid \$155 in municipal court. Board attorney advised this is a New Jersey Administrative Code charge and there is no State requirement only a Hoboken Ordinance requirement and the list was generated by former ABC prosecutor. Does not believe administrative code is applicable in this case. Discussion ensued regarding schedule. Detective Caruso explained there are two different penalties: one is not having a bar card and the other is not displaying a bar

card. Only exception to employees not having a card in the establishment is the cook, everyone else has to get checked and make sure no offenses, etc. There are only seven municipalities in the State that have this requirement, Hoboken being one of them. Administrative Code is a state law and the Hoboken Ordinance is presence of bar card while employee working and this is the violation in this case.

Motion to accept plea of two days suspension and five held in abeyance.

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips	✓		✓			
Vice Chairman Blumenfeld			✓			
Commissioner Bauman		✓	✓			

Board attorney asked for a two minute recess to return witness' call on case number 15-24. Off the record at 6:56p.m. / Back on the record at 6:59p.m.

(5) Liquor License #0905-33-115-005, 340 Sinatra Drive HOQ, LLC d/b/a House of Que, 340 Sinatra Drive, Hoboken, New Jersey 07030, Case Number 15-24

Thomas Jannarone, Esq. appeared before the board representing the licensee along with Mr. Sean McGarr, owner (sworn-in). Board attorney advised two charges: count one is a noise violation from December 2015 and the complainant in the matter did not want to proceed, and count two is a noise violation and complainant appeared at the last session and tried calling board attorney today on the phone and believes he does not want to proceed. Chairman did advise that noise violations are a high priority for the board and are taken very seriously.

Motion to dismiss both charges.

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips	✓		✓			
Vice Chairman Blumenfeld		✓	✓			
Commissioner Bauman			✓			

NEW BUSINESS

Board secretary advised that renewals are coming up and any licenses we need to bring before the board should be brought to her attention.

Board attorney advised he will email dated log in Tavern Sheets to board members and board secretary.

Motion to close the meeting.

BOARD MEMBER	Motion	Second	Yes	No	Abstain	No Vote
Chairman Phillips	✓					
Vice Chairman Blumenfeld						
Commissioner Bauman		✓				

The meeting was adjourned at 7:01p.m.