

**ALCOHOLIC BEVERAGE CONTROL BOARD**

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**DAWN ZIMMER**  
Mayor



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

**Minutes of the May 22, 2014  
Alcoholic Beverage Control Board Meeting**

The meeting was called to order at 6:05p.m.

Open Public Meeting Act Statement read by Suzanne Hetman, Board Secretary.

**ROLL CALL:** Chairman Robert Phillips – present  
Vice-Chairman Michael Blumenfeld – present  
Commissioner Steven Bauman – absent

Also Present: Suzanne Hetman, Board Secretary  
Alysia Proko, Attorney for the Board  
Jon Tooke, Director of Public Safety  
Daisy Amado (taking minutes)

**APPROVAL OF MINUTES:** (Approval of the minutes of the May 8<sup>th</sup>, 2014 meeting was moved to June 13, 2014 meeting.)

Board Attorney stated she has a conflict with the hearing on the agenda for: Liquor License 0905-33-021-006, Summerfield, Inc. d/b/a Havana Café & Lounge, 32-34 Newark Street, Case Number 14-8 and is requesting to carry this to the June 26, 2014 meeting.

**EXTENSION OF LICENSE TO EXECUTRIX**

LIQUOR LICENSE #0905-33-036-001,  
FATOVIC VJEKOSLAV  
TO  
VICTORIA FATOVIC AS  
EXECUTIRX OF ESTATE VJEKOSLAV FATOVIC  
301 PARK AVENUE

Board Secretary advised this license is held by the sole owner and Victor recently passed away. She also advised the Board: they can approve resolution to extend license to his wife. The wife is not present at the meeting because she is in a rehabilitation center. Once the husband's Will is protected, the license has to be transferred. We can give her the opportunity to sign renewal which will give her until June 30<sup>th</sup>.

**Move to approve extension of license** was made by Vice Chairman Blumenfeld and seconded by Chairman Phillips and approved by both members during roll call.

## HEARINGS

1. LIQUOR LICENSE #0905-32-028-005  
LOUNGE 11 BAR AND RESTAURANT, INC.  
d/b/a THE WEST FIVE SUPPER CLUB  
503-505 MADISON STREET  
CASE NO. 14-3

Board Attorney advised the West Five Supper Club license holder's attorney passed away and they have requested that this matter be moved to the June 26<sup>th</sup> meeting to give them time to obtain another attorney and she has consented to same.

**Motion to carry to the June 26<sup>th</sup> meeting** was made by Chairman Phillips and seconded by Vice Chairman Blumenfeld and approved by both members during roll call vote.

2. LIQUOR LICENSE #0905-33-034-004  
CRYDON CORP.  
d/b/a MCSWIGGANS PUB  
110 FIRST STREET  
CASE NO. 14-5

Attorney, Paul Casteleiro, appeared before the Board on behalf of license holder and requested the matter be carried until the June 26, 2014 meeting. Board Attorney advised the Board there has been some confusion as to the penalty schedule resulting in license holders not being prepared to plea since the schedule changed in March of this year. Board Attorney consented to this matter being carried to June 26.

**Motion to move case to June 26<sup>th</sup> Board meeting** was made by Chairman Phillips and seconded by Vice Chairman Blumenfeld and approved by both members during roll call vote.

3. LIQUOR LICENSE #0905-33-114-011  
WORLD FAMOUS ENTERTAINMENT, CO.  
d/b/a ROOM 84  
84 WASHINGTON STREET  
CASE NO. 13-22

Joseph Branco appeared before the Board representing World Famous Entertainment. Board Attorney advised this is a matter that occurred on December 27, 2013 as a license nuisance Sections 1 and 2. Extreme nuisance and multiple police agencies had to be called. Board Attorney is requesting a 30 day closure.

Joseph Branco was sworn in and represented himself. Mr. Branco asked Board if this is considered one charge. Board Attorney advised one count with multiple violations. Branco stated he has a video of the December 27<sup>th</sup> incident which "could not have been avoided." He further stated that his staff did everything to avoid and will show video as evidence.

Board Attorney called first witness, Police Officer Adam Colon and was sworn in. Police Officer Colon has been employed by the City of Hoboken for seven years. Asked if he recalled incident in question and he responded affirmatively. Also asked if he was on duty at the time of the incident and his response was yes. He was asked to give his description of events that evening and Officer Colon stated: 'Remembered physical altercation inside the bar and responded as backup. There were police officers trying to separate people fighting but there was too much going on. People were fighting in stairs of the bar and bottles being thrown. Officers were stuck in narrow hallway and stairs. Seven people were arrested and detained and there were a couple more after that.'

Board Attorney asked how many brawls have you seen in the City like this? PO Colon responded 'a few.' Asked specifically how many? Responded: five maybe. Asked how many have you been a part of where we had to call outside agencies? Response was three to five. Asked if Officers stuck inside the bar and was their safety endangered? Response: absolutely.

Joseph Branco questioned PO Colon and asked were there officers locked inside the club? PO Colon responded yes. Joseph Branco stated he has video showing officers were locked outside the club and the video shows 'everything.' Joseph Branco asked if outside agencies called to the club were in the area and if we normally call Jersey City or Port Authority. PO Colon responded it depends, we usually call Stephens and Transit first; 'whoever is closest.' Joseph Branco asked if he knew who called for mutual aid. PO Colon responded that he did not know.

Second witness called by Board Attorney was Police Officer Christopher Barral and was sworn in. Board Attorney asked what kind of police officer are you? Mr. Barral responded a Special Class II. Asked for how long and response was for about a year. Asked if he recalled the incident his response was affirmative. Asked if he wrote reports and response was 'I did.' Asked if he wrote the reports in ordinary course of business and response was yes. Asked if he believed reports to be accurate and he responded yes. Board Attorney entered C1 into Evidence. SPO was asked to explain the incident. SPO Barral said he was on 'foot patrol and heard yelling and screaming and looked down stairs and saw a bunch of people throwing bottles and garbage cans and bouncers trying to get the situation under control which they could not as the situation was grossly out of hand.' SPO Barral stated he 'broke up initial incident and then called for back up then two or three officers went inside and were trapped. Fight carried upstairs and outside Washington Street and he made two arrests.' Board Attorney asked how many brawls have you seen like this and SPO Barral responded none. Asked if he was stuck inside he replied no. Asked if he was aware Police Officers were stuck inside and he replied yes, we had no way of getting inside until someone opened the door. Asked if he felt that the officer's lives were in danger and he responded yes. Asked if this was a safety issue and he responded yes.

Joseph Branco cross examined Special Police Officer Barral and said to him 'thank you for being there and helping.' Also stated that the 'video will show nothing we could've done.'

Third Witness, Detective Collins was sworn in. Asked what is his rank and he responded Police Detective, Plain Clothes. Asked how long he replied twelve and half years. Asked to state his recollection of what occurred. Det. Collins said 'officers called for backup.' He works in Anti-Crime Unit and responded. Stated 'there were a lot of people outside both Newark and Washington Streets. Said Lt. Peck wanted bar to be checked. Officer Regina was in uniform. Door locked behind us it was not like anyone purposely locked door. There was blood on the floor. Clearing out room downstairs there are steps to the right and the melee going on.'" He and Officer

Regina 'tried to break up the fight and a woman fell or tripped upon us and we called for help. Our job is to stop the problem. We called for more people to help. The bouncers were trying to help. It was out of control. We made our way up to the top and a girl tried to hit me, she wacked at me a few times, I had to hit her with my nightstick and she was eventually arrested.' Board Attorney asked how often do you get called to bar fights he replied 'every so often, it happens not crazy often.' Asked if in his time with the Police Department how many times has he seen a brawl this escalated he responded that he worked midnights for seven years and has seen worse. Asked again if this bad and his response again was worse. Board Attorney asked due to the investigation on behalf of the Police Department is that why you have a copy of the CD and he responded 'I have not seen it retired Detective Perez has.'

Joseph Branco cross examined Detective Collins and stated to him 'thank you for responding.' Asked if door was not locked and Det. Collins responded it closed and locked from the outside. Joseph Branco said 'for the most part everything you testified is correct as you will see on video. Nothing else to add.'

Forth Witness, Lieutenant Peck was sworn in. Asked how long with the Hoboken Police Department and his response was sixteen years. Asked how long he has been a Lieutenant and he responded almost a year. Asked to state his recollection of what happened. Lt. Peck stated 'the Special Police Officer called for back up and he responded from Headquarters. When he got there it was chaotic and everyone was yelling and screaming. There was no order, no control.' Stated 'it was the hardest at the bottom where there was fighting.' He immediately called a 10-2 assistance which means every Police Officer in Hoboken has to respond. He asked Det. Collins and PO Regina to go inside. 'Shortly after that Det. Collins said he was getting hit with bottles. Doors were locked and he got inside after wrestling with it. A girl came tumbling forward she was arrested. Asked bouncer why the door was locked, the bouncer told him it was procedure.' Asked if he called for mutual aid and he responded yes. 'Once Det. Collins called for help it became clear to me that we did not have enough officers. There were small scuffles breaking out. Hudson County Sheriff and Stephens when they arrived is when we got it under control.' Asked if he was concerned for the safety of his officers and he responded absolutely. Also asked if this was a public safety issue and he responded absolutely. Asked how often have you seen a brawl like this and he replied never. Board Attorney said you called a 10-2, how often have you done this and Lt. Peck replied once every couple of years. Asked if he feels this bar was prepared and he responded yes I do.

Joseph Branco cross examined Lt. Peck and asked about the front door. Lt. Peck said 'I was on front door on Washington Street I was able to rip it open.' Joseph Branco stated 'we will see the video. Thank you for your service.'

Fifth Witness Jonathan Beniquez sworn in. Stated he was security for the bar. Asked how many of you were there and he replied three of us. Asked how many people were in the bar and he responded 'like sixty.' Asked if Security Guards could not help with what happened and he responded it was quiet until incident occurred. Asked if he called Police and he replied no. Asked if there was broken glass and he replied yes. Asked if he was injured and he replied shattered glass hit me in the hand. Asked if he still works for the club, does he still get a check and he responded yes.

Per Board Attorney, City rests.

Joseph Branco proceeded to show the Board his video. Joseph Branco stated after starting video and stopping 'those two individuals Taida Williams and Shalim Shabazz at 1:58am want to go have a cigarette and video shows them leave you are going to see them reverse. As they were told once you exit you cannot get back in. They both went into ladies bathroom and smoked in ladies room. A woman comes out and complains and Mr. Beniquez and Mr. Gonzalez go to ladies room. Lady walked out and Mr. Shabazz asks if he could go tell his friends he is being ejected from club. Altercation began and he threw bottle at Mr. Beniquez and my two security personnel pushed him out the door.'

Board Attorney objected. Video is shown to Board Members, Vice Chairman Blumenfeld asked if these are different videos and Branco responds different camera angles. Board Attorney asks if Mr. Branco is going to provide a copy of this video to the City and that the ABC Board needs a copy. Board watches a few more minutes of video then Board Attorney asks if he is going to show the whole video as some of her witnesses need to leave or go to work.

Joseph Branco cross examines Jonathan Beniquez. Asks how long are you a bouncer and he replies two and half years. Asked if he recalls that day and Mr. Beniques responds: 'approached by a female that guy was smoking marijuana.' He asks them to leave and the guy asks if he can tell his sister and he says yes. Branco asks him who was the manager on duty that night, he responds Dave Ramasus and Vanessa. 'We had three security personnel, two managers and one bar back.' Branco asks what time did incident take place and Beniquez responds 1:45. Branco asks when you came back inside you were talking to Vanessa and Beniquez replies 'I don't recall, I told the DJ to shut the music off the party was over.' Branco asks after lights came on where was Jeter and he replies in hallway. Branco says people were getting coats and everything was orderly and he responds yes. Branco asks then what happened and Beniquez states 'the guy I originally escorted out he came back in after he hit him with a bottle and started a riot.' Branco asks once cops on the scene, did you help and he responds yes I let them in. 'I didn't recall female falling on officer but I do recall her falling.' Branco asks do you believe everything you did was professional and Beniquez responded yes. Branco asks do you feel you could have done anything different to prevent what happened and Beniquez responded no.

Board Attorney asks Mr. Beniquez, you caught them smoking marijuana he responds yes. Asks where was the third security he replies 'Ben he's upstairs.' Asks who third person in bathroom was he replies bar back. Board Attorney asks when you let individual go back to bar no one followed him and he responded 'I did.' Were you behind him because the video does not show it. Once brawl started it started at front door? Beniquez replies no back door. He made his way through the coat check and came back. Board Attorney asks, do you think if you had more presence – Branco objects unfair question – Board Attorney withdraws question.

Redirect Branco – he asks how many incidents before? Beniquez replies not that many. Asks how many cops showed up and he responds ten to fifteen. Board Attorney states that Branco has been testifying the whole time and when will she be able to cross examine him. Also, she needs to let her officers go.

Five minute recess called at 7:14pm. Back on 7:15pm. Joseph Branco requests to go over video. More video is shown to Board by Mr. Branco

Board Attorney objects to video – says Branco just wants Board to see what he wants them to see not the whole video. Joseph Branco states “we have a sixteen camera system. I don’t know how to use it. It has a thirty day loop. Video taped from my computer. I videotaped everything.” Board Attorney asks if original video is from sixteen cameras? ‘You know next day you had an obligation. Unless you are going to provide the video today, I object.’ **Objection sustained** we cannot put video into evidence by Chairman Phillips and Vice Chairman Blumenfeld. Joseph Branco objects we are here to determine if I did everything. Discussion ensues between Branco and Board. Chairman Phillips states lets continue with the trial.

Five minute recess is requested by Mr. Branco and granted at 7:32pm. Back on the record at 7:34pm.

Joseph Branco requests ‘an adjournment to get legal counsel to represent me at this point.’ Board Attorney responds ‘you can appeal it. Not in the best interest of the City to adjourn and the fact was Mr. Branco was not prepared. You have to act the same as attorney would since you chose to represent yourself and strongly suggest to the Board that the matter continue.’ **Request for adjournment denied** by Vice Chairman Blumenfeld.

Joseph Branco calls Albert Gonzalez, Jr. and he was sworn in. Asks if he recalls events of evening and Mr. Gonzalez responds yes. Asks Mr. Gonzalez to describe events. Mr. Gonzalez states ‘customer went up to bar back and says someone is smoking in ladies room. We went in and asked gentleman to step out and told him that is not allowed. He asked if he can tell his friends he has to leave and we gave him the courtesy of allowing him to do so. Soon as guy gets in hallway he gets crazy; me and Mr. Beniquez throw him out of club and it turned into a big brawl.’ Mr. Branco asks after you ejected him out the back alleyway the lights came up was crowd orderly and Mr. Gonzalez replies ‘after lights came up the coat check was orderly for the most part.’ Mr. Branco asks it was disorderly once gentleman came back and he responds yes. Asked how long working there he responds year and a half.

Board Attorney cross examines Mr. Gonzalez and asks did you see John Beniquez slashed with glass and he responds ‘no he showed me afterwards.’ Asks did he continue to work after laceration and he responds ‘he wrapped it up and continued to work.’ Asked how long after kicked out and fight started he replied about five minutes.

No further witnesses for Joseph Branco. Board Attorney examines Joseph Branco. Asks where you there, he responds ‘no only know what I saw in video and told by staff.’ Board Attorney asks you found out next day he responds yes. Asks if this was the most severe brawl in one of your licensed establishments he replies possibly. Asks what is the maximum number of security guards at Room 84 he replies five. Board Attorney asks you said nothing could have been done to avoid this he replies correct. Asked if he was aware one of his security got hurt he responds yes. Also asked, you stated to one of our officers that things would have gotten worse if they didn’t show up he responds I stand by that statement, yes.

Closing arguments – Board Attorney states ‘this is a matter of nuisance per the administrative code and City having to provide Level 2 safety. We have clearly showed this was a significant brawl

and a significant disturbance. Police heard it themselves and ran to location. General public in danger. Blood on the ground. Officers inside needed help. Four different agencies had to be called. Fifteen officers on duty. Code Section for nuisances was created for this exact reason. Endangered lives of patrons. Mr. Branco stated it could not be avoided, it happened, officers there thankfully got out. It happened, thirty day closure on this.’

Joseph Branco stated he completely disagrees. ‘I don’t want it to happen again. Video not admitted into evidence and no one is disagreeing that a brawl did not happen. My security staff enforced 2am door at 1:59am, we enforced ordinance. In fifteen years on Washington Street and seven years on Garden Street never had 2am issue. Individual went into ladies room to smoke and he got caught. He was asked to leave. Female left with no issue. My security staff is calm and always in control. He threw bottle and security staff incurred injury. At 2:05/2:10am we turn the lights on and terminated the sale of business as a responsible licensee. My staff took it upon themselves to terminate everything for public safety. Lights came on there is nothing my staff did wrong. Enforced town ordinance of one way door. Establishment does not allow smoking. As far as police officer, there was no time he heard commotion in alleyway he did to not know everything was under control. Video was to show time. At no point in time was anyone deliberately locked out of establishment. Thirty to fifty people in bar that night. People go to pizzeria or CVS there were individual breakout of fights. That’s why I wanted the video.’

Board Attorney stated that the video is not in evidence. If he continues to refer to it she will 1) rebut and 2) cross examine him again.

Chairman Phillips advised Mr. Branco not to go outside the facts, stick to what witnesses said and not the video.

Joseph Branco stated ‘my whole preparation was with the video. That is why I asked for an adjournment.’ Chairman Phillips advised you had the right to bring counsel and you chose not to. We denied your adjournment. Branco went on to state ‘I am a responsible license holder of two in Hoboken one for fourteen years the other for seven years. I am fully versed on town ordinances. We followed and enforced town ordinances. We were professional.’ He is one ultimately responsible for fight that took place. ‘Everything police officer said is correct except for fact that no one was locked inside. 10-2 was because they did not know what was going on. We don’t have brawls. My staff is professional we try to dissolve it. My staff doesn’t hit anyone. Never been before the Board for my staff assaulting. This night there was two parties, two different groups at bar it was 15 against 15 and I don’t care if you have 30 cops nothing we did we didn’t encourage it, facilitate it, we tried everything we possibly could in a safe manner. No one could predict the unpredictable.’

No questions from the Board. Board Attorney advised the Board that they need to make a determination.

Vice Chairman Blumenfeld stated ‘there were intoxicated people. Law is the duty of care to patrons you said something exploded and alcohol contributed a severe brawl happened its black and white.’

Chairman Phillips advised Mr. Branco ‘you have been doing this awhile this is first time police were called in. Seems like you are a little understaffed.’ Vice Chairman Blumenfeld stated he finds him guilty and Chairman Phillips stated I find guilty also. Chairman Phillips stated that the violation is about a brawl. ‘You didn’t defend your case with what you were being charged with.’

Decision on penalty 30 day closure state standard.

**Move for 30 day suspension of license** made by Chairman Phillips and second by Vice Chairman Blumenfeld and approved by both members during roll call. Closure effective July 15th.

### **NEW BUSINESS**

License renewals coming up in July. Per Board Attorney, Board should review Tavern Sheets and send private email to Board Secretary. Per Board Secretary, June 12 and June 26 meetings.

Also Board Secretary distributed Financial Disclosure Statements information. Board attorney advised that anyone that fails to file and will be fined.

**A motion to close the meeting** was made by Vice Chairman Blumenfeld and seconded by Chairman Phillips and approved by both members during roll call vote.

The meeting was adjourned at 8:17p.m.