

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 June 8, 2017 Alcoholic Beverage Control Board Meeting

The meeting was called to order at 6:11p.m.

The Open Public Meeting Act statement was read by Suzanne Hetman, Board Secretary.

ROLL CALL:

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

Also Present: Suzanne Hetman, board secretary, Ben Choi, Esq., attorney for the board; Alyssa Bongiovanni, Esq. and Scott DeRosa, Esq., attorneys from Corporation Counsel's office as prosecutors for board; and Daisy Amado, recording secretary.

Approval of the Minutes of the May 25, 2017 meeting

Motion to approve the minutes.

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

2016-2017 Liquor License Renewal: Liquor License #0905-33-085-006, Three Plus Two, Inc., d/b/a Dino & Harry's, 163 14th Street

Board secretary advised this licensee just received tax clearance on May 11th and they have been working on ad interim license since July 2016. Board had a quick discussion regarding no issues with Dino & Harry's.

Motion to approve renewal.

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

2017-2018 Liquor License Renewals – Exhibit B

Board reviewed Exhibit B. Board secretary advised there is a typo on license number 0905-33-115-006, should read: 320 Sinatra Drive HOQ, LLC.

Motion to approve Exhibit B with correction of 320 Sinatra Drive.

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

Liquor License #0905-33-005-008, 1 Republik Rest. Corp., d/b/a 1 Republik, 221 Washington Street

Board attorney asked the board if this matter could be heard at the end as there are four cases involving same license on the agenda.

Agenda taken out of order

HEARINGS

Liquor License number 0905-33-080-009, East LA Inc., d/b/a East LA, 508 Washington Street, Case number 16-38

Scott DeRosa, Esq., prosecutor for board, advised that a plea of non vult was entered in connection to an incident occurring on December 22, 2016 with the following special conditions: the licensee shall install a security camera system on the licensed premises, which shall be operated and maintained 24 hours a day, 7 days a week. All recordings from said cameras shall be available for a period of 30 days from the date of recording with no write over and shall be accessible to the Hoboken Police Department immediately upon request at any time within the 30 day period, in addition to two days held in abeyance. Frank Marciano, Esq. appeared before the board on behalf of the licensee along with Ryan McInerney. Mr. Marciano asked the board for guidance on what the Hoboken Police Department recommends as far as placement of cameras, etc. Board attorney advised Mr. Marciano to speak with Detective Caruso who may make recommendations. Ryan, Manager at East LA also appeared before the board and discussed industry standard is four cameras with 18 day retention period. Board attorney stated the 18 days retention period may be a problem as sometimes the board does not get to it within that time. Discussion ensued. Two days in abeyance is in case there is a violation of the special conditions. It was agreed that cameras will be installed within a sixty day period. Two days held in abeyance shall also be used should an altercation occur prior to camera installation. The special conditions are subject to the recommendations of Detective Caruso and Ben Choi will prepare the resolution.

Motion to accept plea agreement.

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

Liquor License number 0905-33-155-013, Hazel Rock, Inc., d/b/a Green Rock Bar & Grill, 70 Hudson Street, Case number 17-06

Frank Marciano, Esq., attorney for licensee and Catherine Larkin, Manager/Part-Owner both appeared before the board. Scott DeRosa, Esq., prosecutor for board, advised this case is regarding a two count complaint stemming from an incident that occurred on January 22, 2017 where a fight took place inside the establishment. Mr. DeRosa further advised, a plea of non vult has been entered with the following special conditions: the licensee shall install a security camera system on the licensed premises, which shall be operated and maintained 24 hours a day, 7 days a week. All recordings from said cameras shall be available for a period of 30 days from the date of recording with no write over and shall be accessible to the Hoboken Police Department immediately upon request at any time within the 30 day period, in addition to five days held in abeyance. It was further agreed upon that attorney for license holder would discuss with Detective Caruso for recommendations on camera locations, etc. Should another altercation occur, days held in abeyance shall be put in place. Currently there are no cameras at this establishment.

Motion to accept plea.

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

Liquor License number 0905-33-150-007, Rex Pep, Inc., d/b/a Madison Bar & Grill, 1316 Washington Street, Case number 17-02

Frank Marciano, Esq., attorney for licensee and David Carney on behalf of license both appeared before the board. Scott DeRosa, Esq., prosecutor for board, advised this matter involves a two count complaint occurring on January 8, 2017 wherein a fight occurred inside the establishment. Parties have agreed to a two day suspension and five days held in abeyance. There are already 32 cameras at this establishment. Licensee asked for July 2 and 3, 2017 as the two days to serve the suspension.

Motion to accept the plea agreement with July 2, and July 3, 2017 suspension days.

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

Liquor License #0905-33-005-008, 1 Republik Rest. Corp., d/b/a 1 Republik, 221 Washington Street

Liquor License #0905-33-005-008, 1 Republik Rest. Corp., d/b/a 1 Republik, 221 Washington Street, Case No. 16-31 and Case No. 16-33

Liquor License #0905-33-005-008, 1 Republik Rest. Corp., d/b/a 1 Republik, 221 Washington Street, Case No. 16-35 and Case No. 17-05

Alyssa Bongiovanni, Esq., prosecutor for board, gave board a draft plea agreement for case numbers 16-31; 16-33; 16-35; and 17-05. Board aware of all pending charges involving: assaults, violence and one overcrowding charge. Parties have entered a plea of non-vult for case number 16-35, count 4 when on December 4, 2016/December 5, 2016 an employee assaulted a patron

outside of the establishment. It has been agreed to serve a 30 day suspension with 10 days held in abeyance with the following conditions on the license: on or before June 30, 2017 licensee must have qualified security personnel, either a police officer active or retired or trained and uniformed private security officer stationed outside the establishment from 10pm until close of business every Friday and Saturday night and on any day or night when there is a special event or holiday (such as SantaCon, LepreCon, etc.). Also, all employees shall participate in a security training course. Lastly, on Friday night into Saturday morning and Saturday night into Sunday morning, the licensee shall close the establishment to new patrons at 2am – one hour prior to 3am closing.

Robert C. Williams, Esq., attorney for the license holder and Oliver Caulfield, licensee, both appeared before the board. Mr. Williams stated we reached a fair resolution as the penalty is severe.

Board asked that special conditions be part of renewal of license. Board also inquired whether qualified security personnel will abate the problem. Mr. Williams mentioned if patrons see someone in uniform outside the establishment they will act differently. Board inquired who will follow up on security training? Mr. Williams advised they will receive certifications. There are already cameras at the establishment. Mr. Williams further advised that the employee involved in this incident is no longer an employee and that there are lawsuits. Mr. Williams further stated he wanted to thank Alyssa Bongiovanni who put a lot of time into this matter and worked with Paul Casteleiro, Esq. and himself.

Motion to accept the plea agreement.

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

NEW BUSINESS

No new business.

Motion to close the meeting was made by Commissioner Bauman and both members present unanimously agreed to adjourn the meeting.

The meeting was adjourned at 6:47p.m.