

# 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 December 14, 2017 Alcoholic Beverage Control Board Meeting

The meeting was called to order at 6:15 p.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	X
Commissioner Steven Bauman	ABSENT AT ROLL CALL

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

### Approval of the Minutes of the July 13 meeting

*Tabled (This item was voted-on later in the meeting).*

### Approval of the Minutes of the August 24 meeting

*Tabled (This item was voted-on later in the meeting).*

### Approval of the Minutes of the November 9 meeting

*Move to approve the minutes.*

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

### Person to Person Transfer 'Pocket'

**Liquor License #0905-33-185-007, McGrimm, Inc. TO Teddy Bear Investments, LLC, c/o Joseph Ferrara, Esq., 111 Paterson Avenue, Hoboken, New Jersey 07030**

Robert C. Williams, Esq. appeared on behalf of McGrimm and Joseph Ferrara, Esq. appeared on behalf of applicant, Teddy Bear Investments, LLC. Board secretary advised this is the old pizza license at Clinton and Second Streets and was a pocket license. She further advised this is a Retail

Consumption License, number 33. Board asked if applicant owns any other licenses; Mr. Ferrara advised no other licenses owned in Hoboken or anywhere in the state and they are looking for a property location. Board secretary confirmed Detective Caruso of the Hoboken Police Department, Alcoholic Beverage Control Unit has completed the background check.

*Move to approve the transfer.*

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

**HEARINGS:**

**(1) Liquor License #0905-33-075-005, Maxven, LLC, d/b/a Maxwells Tavern, 1039 Washington Street, Hoboken, New Jersey, Case Number 16-30**

Scott DeRosa, prosecutor for the board, advised this is a one count charge, alleging a nuisance of an employee being sexually harassed; owner inappropriate touching of employee behind the bar. Criminal charges were filed against the owner by the Hoboken Police Department. Scott stated that Mr. Williams, attorney for the license holder, provided CD video and numerous discovery of the court case including statement of victim and witnesses. This was heard in both Hoboken and Jersey City municipal courts. License holder was found not guilty. Mr. DeRosa reviewed all the video and transcripts provided and based on his review and the judicial determination of not guilty, he is seeking to dismiss the complaint.

Robert C. Williams, Esq. appeared before the board on behalf of the license holder and accused. Mr. Williams asked the board to accept Mr. DeRosa’s recommendation and also thanked Mr. DeRosa for going through voluminous documents. Benjamin Choi asked the board to approve the dismissal.

*Move to approve dismissal of charges.*

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

**(2) Liquor License #0905-33-150-007, Rex Pep, Inc., d/b/a Madison Bar and Grill, 1316 Washington Street, Hoboken, New Jersey, Case Number 17-15**

Frank Marciano, Esq. appeared before the board (“without a tie”). Scott DeRosa, prosecutor for the board, advised this is a two count complaint of several small bar fights. Mr. DeRosa advised that an agreement was reached of a (7) seven day suspension with (3) three days held in abeyance. This is the second offense this year that is why there is a seven day suspension. It was also agreed to drop the first charge. The days proposed to be served are January 8 through January 14, 2018. Board inquired whether there are any other pending charges. Board further expressed concern over seeing a pattern. Discussion ensued.

*Move to approve resolution (agreement) presented.*

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

**NEW BUSINESS**

- Board Secretary advised the meeting scheduled for December 28<sup>th</sup> has nothing on the agenda. The next board meeting will be in January 2018.

**Commissioner Steve Bauman arrived at 6:26pm**

**AGENDA OUT OF ORDER** - Board went back to approve the minutes for July 13 and August 24, 2017

**Approval of the Minutes of the July 13 meeting**

*Motion to approve the minutes.*

<b>BOARD MEMBER</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>No Vote</b>
Chairman Phillips		<b>X</b>	<b>X</b>			
Vice Chairman Blumenfeld					<b>X</b>	
Commissioner Bauman	<b>X</b>		<b>X</b>			

**Approval of the Minutes of the August 24 meeting**

*Move to approve the minutes.*

<b>BOARD MEMBER</b>	<b>Move</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>No Vote</b>
Chairman Phillips					<b>X</b>	
Vice Chairman Blumenfeld	<b>X</b>		<b>X</b>			
Commissioner Bauman		<b>X</b>	<b>X</b>			

*Commissioner Bauman moved to close the meeting and Chairman Phillips seconded with all members unanimously agreeing to adjourn the meeting.*

**The meeting adjourned at 6:30 p.m.**