

## REGULAR MEETING

OF THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, HELD IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, 630 AVENUE C, ON THURSDAY, AUGUST 26, 2010.

The Board met at 1:17 P.M.

The Board Secretary called the roll.

Present were: Board Member Patrick Colasurdo, Board Member Donna Marie James, and Chairman H. Mickey McCabe

The Chairman announced, "I would like to advise all those present that notice of this Regular Meeting of the Alcoholic Beverage Control Board of the City of Bayonne of August 26, 2010 has been provided to the public in accordance with the provisions of the Open Public Meetings Act of the State of New Jersey. Notice of time and place of the meeting has been included in the annual notice of meetings, which was posted and filed with the City Clerk, and with the Jersey Journal and the Star Ledger. an additional notice of time and place was posted and filed with the City Clerk and was forwarded the Jersey Journal and the Star Ledger by fax and regular mail on August 20, 2010."

The board secretary led the Pledge of Allegiance to the Flag.

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**01.** The Board Secretary announced that this was the time and place for the hearing of disciplinary charges filed by the Chief of Police against Plenary Retail Consumption License No. 0901-33-151-003, issued to Kileen, Inc. t/a DiGiorgio's for premises located at 990 Broadway.

Susan Ferraro, Assistant City Attorney, appeared on behalf of the Chief of Police. Dominick DiGiorgio, president of the licensee, appeared on behalf of the licensee.

A guilty plea was entered as to a violation of NJSA 33:1-31(h) as it pertains to the charge of a municipal ordinance violation of section 6-5.1, Serving After Hours.

Board Member Colasurdo moved that the following Resolution and Order be adopted, seconded by Board Member James, which motion was adopted.

### ALCOHOLIC BEVERAGE CONTROL BOARD

OF THE CITY OF BAYONNE

**10-08-26-001**

In the matter of the proceedings to  
discipline Plenary Retail Consumption  
License No. 0901-33-151-003, issued to

)  
)  
) RESOLUTION AND ORDER

Kileen, Inc. t/a DiGiorgio's for premises )  
located at 990 Broadway, Bayonne, New )  
Jersey )

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Notice having been duly served upon Kileen Inc. t/a DiGiorgio's, holder of Plenary Retail Consumption License No. 0901- 33-151-003 that certain charges therein set forth had been preferred against it and that a hearing thereon would be held at the time and place specified in the notice, and the said Kileen Inc. t/a DiGiorgio's, having entered a plea of guilty to the charge of a violation of NJSA 33:1-31(h), on the specific condition that the licensee waives it right to an appeal and will not appeal, and further waives it right to apply for a monetary penalty in lieu of closure;

IT IS THEREFORE, on this 26th day of August, 2010, on motion duly made and seconded

RESOLVED AND ORDERED, that the said Plenary Retail Consumption License No. 0901-33-151-003, held by Kileen Inc. t/a DiGiorgio's, be and is hereby determined to be found guilty of the charges of a violation of:

NJSA 33:1-31h – Violation of City Ordinances; and be it further

RESOLVED AND ORDERED, that the license of the said Kileen Inc. t/a DiGiorgio's, heretofore issued by the Municipal Council of the City of Bayonne be suspended for twenty (20) days, with six (6) days remitted in consideration of the plea of guilty, for a total suspension of fourteen (14) days, to be served two days per week for seven (7) successive weeks, effective as follows:

- from 2:00 A.M. Monday, the 30<sup>th</sup> day of August, 2010, to 6:00 A.M. to Wednesday, the 1<sup>st</sup> day of September, 2010, both dates inclusive;
- from 2:00 A.M. Monday, the 6<sup>th</sup> day of September, 2010, to 6:00 A.M. to Wednesday, the 8<sup>th</sup> day of September, 2010, both dates inclusive;
- from 2:00 A.M. Monday, the 13<sup>th</sup> day of September, 2010, to 6:00 A.M. to Wednesday, the 15<sup>th</sup> day of September, 2010, both dates inclusive;
- from 2:00 A.M. Monday, the 20<sup>th</sup> day of September, 2010, to 6:00 A.M. to Wednesday, the 22<sup>nd</sup> day of September, 2010, both dates inclusive;
- from 2:00 A.M. Monday, the 27<sup>th</sup> day of September, 2010, to 6:00 A.M. to Wednesday, the 29<sup>th</sup> day of September, 2010, both dates inclusive;
- from 2:00 A.M. Monday, the 4<sup>th</sup> day of October, 2010, to 6:00 A.M. to Wednesday, the 6<sup>th</sup> day of October, 2010, both dates inclusive;
- from 2:00 A.M. Monday, the 11<sup>th</sup> day of October, 2010, to 6:00 A.M. to Wednesday, the 13<sup>th</sup> day of October, 2010, both dates inclusive.

Ayes - Board Members Colasurdo, James, and Chairman McCabe.

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**02.** Board Member Colasurdo moved that the following resolution be adopted, seconded by Board Member James, which motion was adopted.

RESOLVED, that the renewal Plenary Retail Consumption License for the period commencing July 1, 2010 through June 30, 2011, be granted to the following licensee whose Tax Clearance Certificate has been received:

| <u>LICENSEE</u>                              | <u>LICENSED PREMISES</u> | <u>LICENSE NO.</u> |
|----------------------------------------------|--------------------------|--------------------|
| Churchill's Inn, Inc. t/a<br>Churchill's Inn | 879 Broadway             | 0901-33-029-004    |

Ayes - Board Members Colasurdo, James, and Chairman McCabe.

\* \* \* \* \*

**03.** Board Member Colasurdo moved that the following resolution be adopted, seconded by Board Member James, which motion was adopted.

RESOLVED, that the renewal Plenary Retail Distribution License for the period commencing July 1, 2010 through June 30, 2011, be granted to the following licensee whose Tax Clearance Certificate has been received:

| <u>LICENSEE</u>                            | <u>LICENSED PREMISES</u> | <u>LICENSE NO.</u> |
|--------------------------------------------|--------------------------|--------------------|
| A Horlick Inc. t/a Harry's<br>Liquor Store | 295 Broadway             | 0901-44-067-004    |

Ayes - Board Members Colasurdo, James, and Chairman McCabe.

\* \* \* \* \*

**04.** Board Member Colasurdo moved that the following resolution be adopted, seconded by Board Member James, which motion was adopted.

WHEREAS, by resolution adopted July 29, 2010, this board accepted a guilty from Plenary Retail Consumption License No. 0901-33-117-011, issued to San Kan LLC t/a Thai O'Brien's for premises located at 57 East 32<sup>nd</sup> Street, Bayonne, New Jersey plea to certain disciplinary charges filed by the Chief of Police, and imposed a total closing of 5 days, effective from 2:00 A.M. Wednesday the 1<sup>st</sup> day of September,

2010 to 6:00 A.M., Monday, the 6<sup>th</sup> day of September, 2010, both dates inclusive; and

WHEREAS, the licensee, through its attorney, William J. Finnerty, advised the Board Chairman by letter dated August 3, 2010 that it had contracted for a party on Thursday, September 2, 1010, and requested that the closing imposed be amended to commence on Friday, September 3, 2010 instead of Wednesday, September 1, 2010; now, therefore, be it

RESOLVED, that the Resolution and Order heretofore entered on July 29, 2010, be and is hereby amended to impose a total closing of 5 days, effective from 2:00 A.M. Friday, the 3<sup>rd</sup> day of September, 2010 to 6:00 A.M., Wednesday, the 8<sup>th</sup> day of September, 2010, both dates inclusive; and be it further

RESOLVED, that the following Resolution and Order shall replace the Resolution and Order adopted July 29, 2010.

**10-08-25-004**

ALCOHOLIC BEVERAGE CONTROL BOARD  
OF THE CITY OF BAYONNE

|                                                      |   |                      |
|------------------------------------------------------|---|----------------------|
| In the matter of the proceedings to                  | } | RESOLUTION AND ORDER |
| discipline Plenary Retail Consumption                |   |                      |
| License No. 0901-33-117-011, issued to               |   |                      |
| San Kan LLC t/a Thai O'Brien's for                   |   |                      |
| premises located at 57 East 32 <sup>nd</sup> Street, |   |                      |
| Bayonne, New Jersey.                                 | } |                      |

Notice having been duly served upon San Kan LLC t/a Thai O'Brien's, holder of Plenary Retail Consumption License No. 0901-33-117-011 that certain charges therein set forth had been preferred against it and that a hearing thereon would be held at the time and place specified in the notice, and the said San Kan LLC t/a Thai O'Brien's, through its attorney, William Finnerty, Esq., having entered a plea of guilty to charges of two violations of NJAC 33:1-31(h) based on a recommendation of the prosecutor with the licensee's consent that the original charges of two ordinance violations be amended to charge violations of NJAC 33:1-31(h), which plea was entered on the specific condition that the licensee waives its right to an appeal and will not appeal, and further waives its right to apply to the Director of Alcoholic Beverage Control for conversion to a monetary penalty;

IT IS THEREFORE, on this 26<sup>th</sup> day of August, 2010, on motion duly made and seconded

RESOLVED AND ORDERED, that the said San Kan LLC t/a Thai O'Brien's, be and is hereby determined to be found guilty of the charges of two violations of:

NJAC 33:1-31(h) based on violations of section 6-5.1 – Serving after hours, and section 6-3.3 – license required, of the Revised General Ordinances of the City of Bayonne; and be it further

RESOLVED AND ORDERED, that the license of the said San Kan LLC t/a Thai O'Brien's, heretofore issued by the Municipal Council of the City of Bayonne be suspended for 10 days for each violation to run concurrently, with 5 days remitted in consideration of the plea of guilty for a total closing of 5 days, effective from 2:00 A.M. Friday the 3<sup>rd</sup> day of September, 2010 to 6:00 A.M., Wednesday, the 8<sup>th</sup> day of September, 2010, both dates inclusive.

Ayes - Board Members Colasurdo, James, and Chairman McCabe.

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**05.** Board Member Colasurdo moved that the following disciplinary charges be received and filed and that the resolution following them be adopted, seconded by Board Member James, which motion was adopted.

July 8, 2010

Alcoholic Beverage Control Board  
Municipal Building  
630 Avenue C  
Bayonne, NJ

Dear Commissioners,

Attached hereto is a synopsis of a case against Liquid Lounge located at 269 Broadway, Bayonne, N.J., and holder of Plenary Retail Consumption Liquor License Number 0901-33-054-004.

As Chief of Police of the City Of Bayonne, I recommend that disciplinary proceedings be brought against said license for the following violations:

**6-6.2 – Work permit Required for Employment**  
**33:1-31h – Violation of City Ordinances**

Upon receipt of your notification as to time and place of hearing, the necessary witnesses from this department will be instructed to appear for this case.

Very truly yours

/s/ Robert Kubert  
Chief of Police  
City of Bayonne

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**Synopsis of Case**

**License:** Plenary Retail Consumption License  
**Number:** 0901-33-054-004  
**Owners:** Batory Corporation  
**T/A:** Liquid Lounge  
**Location:** 269 Broadway, Bayonne, NJ

**Registered agent:** Robert Bator  
32 west 3<sup>rd</sup> Street  
Bayonne, NJ 07002

**Persons Involved:**

**Police:** Detective Timothy Donaway #236  
Detective Carmen Cutro #38  
Detective John Caroselli #88

**Employee:** Corey t. Coble (unlicensed)

**Manager:** Charles Carangelo

**Complaining Officer:** Detective Timothy Donaway #236

**A.B.C. Supervisor:** Detective Kevin Gallagher #S31

**Violations:** **6-6.2 Work Permit Required for Employment**

All persons employed by any Retail Consumption, Club or Retail Distribution licensee shall obtain a work permit issued by the Department of Law Enforcement before commencing employment. Application for such work permit shall be made in

person to the A.B.C. Bureau of the Police Department. Licensee and their employees shall be bound by the following rules and regulations.

- a. Every licensee, agent, bartender, waiter, waitress or other employee shall make full and complete answers on prescribed forms furnished by the Department of Law Enforcement.
- b. Every licensee, agent or any other employee, connected with or employed by the licensee shall submit to the taking by the Department of Law Enforcement of impressions of the thumb and fingertips of both hands and the taking of a photographs, and shall authorize a criminal record check to be made. The applicant shall pay a fee of twenty-five dollars (\$25.00) to the City of Bayonne by check or money order for the work permit. The applicant shall also pay by money order payable to the "Division of State Police-S.B.I.," a fee for the processing of fingerprinting and a criminal record check which shall be the current fee established by the State Police at the time of the application.

### **33:1-31h – Violation of City Ordinances**

- h. Any violation of any ordinance, resolution or regulation of any other issuing authority or governing board or body.

### **Synopsis of incident:**

### **07/03/2010 Bayonne Police File #2010-45593**

At approximately 23:40 on July 2, 2010 Detectives Donaway, Cutro and Caroselli were in the area of the Liquid Lounge. While in the area, a male later identified as Corey T. Coble, was observed standing in the doorway of Liquid Lounge selling wristbands to bar patrons prior to them entering Liquid Lounge. The Detectives parked their unmarked vehicle and continued to observe Mr. Coble exchange the wristbands for paper currency. A short time later Detective Donaway advised Liquid Lounge personnel, Kevin Rankin, that Mr. Coble was not permitted to work at the liquor license establishment until he obtained a work permit to work from the Bayonne Police Alcoholic Beverage Control Bureau. The Detectives then left the area after issuing verbal warning.

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July 14, 2010

Alcoholic Beverage Control Board

Municipal Building  
630 Avenue C  
Bayonne, NJ

Dear Commissioners,

Attached hereto is a synopsis of a case against Liquid Lounge located at 269 Broadway, Bayonne, N.J., and holder of Plenary Retail Consumption Liquor License Number 0901-33-054-004.

As Chief of Police of the City Of Bayonne, I recommend that disciplinary proceedings be brought against said license for the following violations:

|                                   |                                                        |
|-----------------------------------|--------------------------------------------------------|
| <b><u>N.J.A.C. 13:2-23.6</u></b>  | <b>Prohibition against Immoral Activities;</b>         |
|                                   | <b>Distrubance; Nuisance on Premise</b>                |
| <b><u>N.J.A.C. 13:2-23.13</u></b> | <b>Maintaining a List of Employees on the Licensed</b> |
|                                   | <b>Premises</b>                                        |
| <b><u>33:1-31 h</u></b>           | <b>Violation of City Ordinances</b>                    |

Upon receipt of your notification as to time and place of hearing, the necessary witnesses from this department will be instructed to appear for this case.

Very truly yours

/s/ Robert Kubert  
Chief of Police  
City of Bayonne

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**Synopsis of Case**

|                  |                                    |
|------------------|------------------------------------|
| <b>License:</b>  | Plenary Retail Consumption License |
| <b>Number:</b>   | 0901-33-054-004                    |
| <b>Owners:</b>   | Batory Corporation                 |
| <b>T/A:</b>      | Liquid Lounge                      |
| <b>Location:</b> | 269 Broadway, Bayonne, NJ          |

|                          |                                |
|--------------------------|--------------------------------|
| <b>Registered agent:</b> | Robert Bator                   |
|                          | 32 west 3 <sup>rd</sup> Street |
|                          | Bayonne, NJ 07002              |

**Persons Involved:**

**Police:** Captain Robert Schork  
Detective Timothy Donaway #236  
Detective Carmen Cutro #38  
Detective Richard Fifer #53

**Complaining Officer:** Detective Timothy Donaway #236

**A.B.C. Supervisor:** Detective Kevin Gallagher #S31

**Violations:**

13:2-23.6 – Prohibition against immoral activities; disbursement; nuisance on premises

(a) No licensee shall engage in or allow, permit or suffer on or about the licensed premises:

2. Any brawl, act of violence, disturbance, or unnecessary noise

13:2-23.13 – Maintaining copies of current list of employees on the licensed premises

(a) No licensee holding a Class C license shall conduct the licensed business unless:

3. A list, on a form prescribed by the Director, containing the names and addresses of, and required information with respect to, all persons currently employed on retail licensed premises, is kept on the licensed premises. A licensee shall be deemed to have complied with this requirement if this information is contained in a computer systems, accessible from the licensed premises, and the information can be immediately produced.

(b) Such application copy and such list shall be available for inspection by the Director, the directors' deputies, inspectors and investigators, and by any officer defined by N.J.S.A. 33:1-1(p)

**33:1-31h – Violation of City Ordinances**

h. Any violation of any ordinance, resolution or regulation of any other issuing authority or governing board or body.

**Synopsis of incident:**

**07/10/2010 Bayonne Police File #2010-47120**

On 7-10-2010 Detectives Caroselli and Fifer were parked in an unmarked unite at 12<sup>th</sup> Street and Broadway when they observed several individuals exit Liquid Bar, pushing and shoving each other. The Detectives contacted headquarters and advised them of a fight outside the tavern that was quickly moving towards 11<sup>th</sup> Street and Broadway. Detectives Caroselli and Fifer exited their unmarked vehicle with their badges displayed and identified themselves as police officers. They then ordered a large group of people consisting of twenty to thirty people to leave the area. A male, later identified as Michael Glover, appeared to be an agitator to the fight that was taking place in this group. Detective Glover ordered Glover to cease his actions and leave the area. At this time another fight broke out on 11<sup>th</sup> Street between Broadway and Avenue C. Detective Donaway arrive at the scene of the fight but was unable to proceed in his vehicle due to the large hostile group that had just left the bar. Detective Donaway abandoned his vehicle in an attempt to aid the other detectives that were attempting to quell the disturbance. As Detective Donaway negotiated his way through the crowd they began shouting "Fuck the police" and physically prevented him from getting to Detectives Caroselli and Fifer. Detective Donaway was unable to apprehend any of the disorderly persons due to the large number of people, volatility of the situation and potential danger that the other detectives were in. Several other fights and verbal arguments broke out and had to be handled by the detectives. While attempting to calm the raucous groups, Detective Caroselli observed Michael Glover run towards a fight and began pushing and throwing punches at an unidentified male. Glover refused to cease his actions and was place under arrest for Disorderly conduct and whisked away from the scene. At this time all available police unites began arriving on the scene again attempting to bring order to the out of control scene.

Another fight broke out on Avenue C, between 11<sup>th</sup> and 12<sup>th</sup> Streets. Captain Schork, who was in uniform, approached this group and ordered them to stop fighting and leave the area. Captain Schork then observed a male, later identified ad Dameon Bates, appearing to the most vociferous agitator of this altercation. Bates was ordered to leave the area but refused and continued to advance toward an unidentified male in that group, while throwing punches. Captain Schork advised Bates that he was under arrest and ordered him to place his hands behind his back. Bates refused and was brought to the ground by Captain Schork in order to gain control of and handcuff him. While on the ground, Bates continued to resist arrest by refusing to place his hands behind his back in order to be handcuffed. Captain Schork used compliance holds in order to force Bates's hands behind his back eventually handcuffing him. Then handcuffing Bates, the group involved in the altercation fled the area on foot. Throughout the various altercations Kevin Rankin, security personnel from Liquid, walked through groups and began shouting at several of the patrons "See I told you to knock this shit off, this was gonna happen" and "Can't you just come out and have a good time".

As stated above, all available police units responded to this incident due to the large number of people and potential for a riot to occur.

It should be noted that previous to this incident, Sergeant Kevin Gallagher contacted Mr. Charles Carangelo and advised him of the potential of a large fight and unrest occurring at liquid due to the different gang factions, "Blood and Crypts" that were expected to arrive at the establishment. Mr. Carangelo was further advised to contact Bayonne Police Headquarters if he observed the potential of a fight or a dispute occurring. A review of the Bayonne Police phone log showed that there were no calls made to Police Headquarters from Mr. Carangelo or from Liquid.

While at the scene, several officers stated that various people informed that that the fight started because members of the "Crypts" spotted several "Bloods" and decided to attack them before being attacked. Mr Glover, who stated he was a "Crypt" and that after the "Bloods" had left the bar and returned, his group feared that they were now armed and attacked them before being attacked. One of the individuals that were arrested was just recently paroled from prison and had an extensive record consisting of aggravated assault, weapons offenses, possession of hollow point bullets, kidnapping and attempted murder. This individual is an admitted member of the "Bloods" gang.

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July 22, 2010

Alcoholic Beverage Control Board  
Municipal Building  
630 Avenue C  
Bayonne, NJ

Dear Commissioners,

Attached hereto is a synopsis of a case against Liquid Lounge located at 269 Broadway, Bayonne, N.J., and holder of Plenary Retail Consumption Liquor License Number 0901-33-054-004.

As Chief of Police of the City Of Bayonne, I recommend that disciplinary proceedings be brought against said license for the following violations:

**N.J.A.C. 13:2-23.13 – Maintaining copies of current license certificate; application; list of employees on the licensed premises**

**N.J.A.C. 13:2-23.32 – Records to be maintained on the licensed premises;  
other required records**

**N.J.S.A 33:1-129a – Posting of notice required.**

**33:1-31 h – Violation of City Ordinances**

Upon receipt of your notification as to time and place of hearing, the necessary witnesses from this department will be instructed to appear for this case.

Very truly yours

/s/ Robert Kubert  
Chief of Police  
City of Bayonne

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**Synopsis of Case**

**License:** Plenary Retail Consumption License  
**Number:** 0901-33-054-004  
**Owners:** Batory Corporation  
**T/A:** Liquid Lounge  
**Location:** 269 Broadway, Bayonne, NJ

**Registered agent:** Robert Bator  
32 west 3<sup>rd</sup> Street  
Bayonne, NJ 07002

**Persons Involved:**

**Police:** Lt. Geisler  
Sgt. Wilgus  
Detective Eric Schaefer #91  
Detective Timothy Donaway #236

**Complaining Officer:** Detective Timothy Donaway #236

**A.B.C. Supervisor:** Detective Kevin Gallagher #S31

**Violations:**

**N.J.A.C. 13:2-23.13 – Maintaining copies of current license certificate; application; list of employees on the licensed premises**

3 Counts: No Long Form, No Short Form, No Employee List (E-141-A)

- (a) No licensee holding a Class C license shall conduct the licensed business unless:
  - 2. A photostatic or other true copy of the application for the current license as well as the last filed long-form application (if current application is the short form), is kept on the licensed premises; and
  - 3. A list, on a form prescribed by the Director, containing the names and addresses of, and required information with respect to, all persons currently employed on retail licensed premises, is kept on the licensed premises. A licensee shall be deemed to have complied with this requirement if this information is contained in a computer system, accessible from the licensed premises, and the information can be immediately produced.

**N.J.A.C. 13:2-23.32 – Records to be maintained on the licensed premises; other required records**

- (a) Unless a licensee has obtained a permit for the off-premises storage of certain records, pursuant to N.J.A.C. 13:2-29.4, each licensee holding a Class C license must keep and maintain the following documents and records on its licensed premises:
  - 5. Copies of all delivery slips, invoices or similar documents for such transactions made within the past year;
  - 6. New Jersey Sales Tax Certificate of Authority
- (b) All licensees shall maintain, for a period of five years, a record of all money or any other thing of value received in the ordinary course of business or received outside the ordinary course of business, including, but not limited to, alcoholic beverage control sales, food sales, rebates, including payments from any Retail Incentive Program “RIPs,” and miscellaneous income.
- (c) All licensees shall maintain, for a period of five years, records, which show the payment of all expenses. The records shall indicate the name of the person or entity receiving such payment, the amount of the payment and the reason that the payment was made. Payment records shall include payments made for:
  - 1. The purchase of alcoholic beverages;
  - 2. The purchase of food items;

3. The purchase of supplies and use of utilities;
4. The purchase or lease of equipment;
5. The payment of employees' compensation, including all required withholding;
6. The payment of all local, state and Federal Taxes and license fees;
7. The payment of rents, mortgage, loans and/or a reduction of an owner's equity, and;
8. All other disbursements.

**N.J.S.A. 33:1-129a – Posting of notice required**

A person who holds a Class C license, except a plenary retail transit license, or a club license shall ensure that a warning notice prepared by the Department of Health is posted prominently in any service area as well as on a wall, towel dispense or other appropriate location in any public rest room for women patrons on the licensed premises. The notice shall warn patrons that alcohol consumption during pregnancy has been determined to be harmful to the fetus and can cause birth defects, low birth weight and Fetal Alcohol Syndrome, which is one of the leading causes of mental retardation.

**33:1-31h – Violation of City Ordinances**

- h. Any violation of any ordinance, resolution or regulation of any other issuing authority or governing board or body.

**Synopsis of incident:**

At 02:23 hours on 7-17-2010 Lt. Geisler, Sgt Wilgus, Detective's Schaefer and Donaway performed an alcoholic beverage control check at Liquid Bar. As the detectives enter the bar Charles Carangelo, who identified himself as the manager of the Bar, met them. Mr. Caranelo was advised that an inspection was being conducted and the he was required to produce certain paperwork. As a result of this check numerous violations were revealed which resulted in the filing of the aforementioned charges.

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BE IT RESOLVED, that the Alcoholic Beverage Control Board hereby receives and files disciplinary charges preferred by the Chief of Police against Batory Corporation t/a Liquid, holder of Plenary Retail Consumption License No. 0901- 33-054-004, for premises located at 269 Broadway, Bayonne, NJ; and be it further

RESOLVED, that the board hereby fixes Thursday, September 30, 2010, at 7:00 P.M. and the Council Chambers, or the Municipal Court Room, Municipal Building,

630 Avenue C, Bayonne, NJ, as the time and place when and where the Board will meet to hear and consider such charges; and be it further

RESOLVED, that the Board Secretary be and is hereby directed to notify the licensee to show cause why the license should not be suspended or revoked.

Ayes - Board Members Colasurdo, James, and Chairman McCabe.

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**06** Board Member Colasurdo moved that the following disciplinary charges be received and filed and that the resolution following them be adopted, seconded by Board Member James, which motion was adopted.

August 13, 2010

Alcoholic Beverage Control Board  
Municipal Building  
630 Avenue C  
Bayonne, NJ

Dear Commissioners,

Attached hereto is a synopsis of a case against The Rock located at 206 Broadway, Bayonne, N.J., and holder of Plenary Retail Consumption Liquor License Number 0901-33-055-005.

As Chief of Police of the City Of Bayonne, I recommend that disciplinary proceedings be brought against said license for the following violations:

**N.J.A.C. 13:2-23.6(a)2(b) – Prohibition against immoral activities; disturbance; Nuisance on Premises**

Upon receipt of your notification as to time and place of hearing, the necessary witnesses from this department will be instructed to appear for this case.

Very truly yours

/s/ Robert Kubert  
Chief of Police  
City of Bayonne

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**Synopsis of Case**

**License:** Plenary Retail Consumption License  
**Number:** 0901-33-055-005  
**Owners:** Double B Food Services, Inc..  
**T/A:** The Rock  
**Location:** 206 Broadway, Bayonne, NJ

**Registered agent:** Brian Borouch  
74 West 8<sup>th</sup> Street  
Bayonne, NJ 07002

**Persons Involved:**

**Police:** Sergeant Kevin Gallagher #31  
Sergeant James Kuklinski #37  
Detective Richard Fifer #53  
Detective John Caroselli #88  
P.O. Keith Young #250  
P.O. Stephen Salot 351

**Patron/Victim:** Jonathan Rucando  
362 Kennedy Blvd.  
Bayonne, NJ 07002

**Bartender/Manager:** Stephanie Tych  
691 Kennedy Blvd.  
Bayonne, NJ 07002

**Complaining Officer:** Sergeant Kevin Gallagher #31

**A.B.C. Supervisor:** Lieutenant Jeremy Sullivan

**Violations:** **N.J.A.C. 13:2-23.6(a)2(b) – Prohibition against immoral Activities; disturbance; nuisance on premises.**

- (a) No licensee shall engage in or allow, permit or suffer in or upon the licensed premises
  - 2. Any brawl, act of violence, disturbance, or unnecessary noise.
- (b) Every licensee shall operate its business in an orderly and lawful fashion, so as to constitute a nuisance. A licensee's responsibility under this subsection includes

the conduct of the licensee, its employees and patrons, if such conduct is contrary to the public health, safety and welfare.

**Synopsis of incident:**

**07-31-2010 02:51 hours**

On July 31, 2010 at 02:51 hours Mr. Jonathan Rucando reported that he was the victim of an aggravated assault while he was a patron at The Rock. The actor has struck the victim and fled the bar. The victim sustained a laceration of the left side of his face and swelling around his left eye. The victim also complained of blurred vision from his left eye. Mr. Rucando was removed by ambulance and taken to Bayonne Medical Center Emergency Room where he was treated by Dr. Schimiler.

Ms. Stephanie Tych a bartender at the Rock, stated that she witnessed the assault. The victim and Ms. Tych stated that actor has attempted to pick numerous fights with other patrons throughout the night.

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BE IT RESOLVED, that the Alcoholic Beverage Control Board hereby receives and files disciplinary charges preferred by the Chief of Police against Double B Food Services, Inc. t/a The Rock, holder of Plenary Retail Consumption License No. 0901-33-55-005, for premises located at 206 Broadway, Bayonne, NJ; and be it further

RESOLVED, that the board hereby fixes Thursday, September 30, 2010, at 7:00 P.M. and the Council Chambers, or the Municipal Court Room, Municipal Building, 630 Avenue C, Bayonne, NJ, as the time and place when and where the Board will meet to hear and consider such charges; and be it further

RESOLVED, that the Board Secretary be and is hereby directed to notify the licensee to show cause why the license should not be suspended or revoked.

Ayes - Board Members Colasurdo, James, and Chairman McCabe.

\* \* \* \* \*

**07.** Board Member Colasurdo moved that the following resolution be adopted, seconded by Board Member James, which motion was adopted.

WHEREAS, Rare Hospitality International Inc. t/a Longhorn Steakhouse, holder of Plenary Retail Consumption License No. 0901-33-078-004, which has been inactive

for more than two years has made application to and received from the Director of the Division of Alcoholic Beverage Control, a SPECIAL RULING TO PERMIT THE FILING OF RENEWAL APPLICATION OF AN INACTIVE LICENSE FOR THE 2010-2011 LICENSE TERMS PURSUANT TO N.J.S.A. 33:1-12.39; and

WHEREAS, the said Rare Hospitality International Inc. t/a Longhorn Steakhouse, has made application for the renewal of the aforesaid license for the 2010-2011 license term, and has paid the appropriate fees and satisfied all other requirements for renewal; now therefore, be it

RESOLVED, that the renewal of Plenary Retail Consumption License No. 0901-33-078-004 for the period commencing July 1, 2010 through June 30, 2011, be granted.

Ayes - Board Members Colasurdo, James, and Chairman McCabe.

\* \* \* \* \*

**08.** Board Member Colasurdo moved that the following resolution be adopted, seconded by Board Member James, which motion was adopted.

BE IT RESOLVED, that the official minutes of the regular meeting of the Alcoholic Beverage Control Board of the City of Bayonne held Thursday, July 29, 2010, be and the same are hereby approved.

Ayes - Board Members Colasurdo, James, and Chairman McCabe.

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At 1:27 P.M., Board Member James moved to adjourn, seconded by Board Member Colasurdo, which motion was adopted.

Ayes - Board Members Colasurdo, James, and Chairman McCabe.

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H. Mickey McCabe, Chairman

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Robert F. Sloan, Secretary