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, APRIL 28, 2011.

The Board met at 5:30 P.M.

The Board Secretary called the roll.

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

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 April 28, 2011 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 April21, 2011."

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

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01. Board Member Colasurdo moved that the following disciplinary charges be received and filed and that the resolution following them be adopted, seconded by Board Chairman McCabe, which motion was adopted.

April 6, 2011

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. 13:2-23.7(a) 1 – Prohibited Activities during Suspension
N.J.A.C. 13:2-23.7(a)2 – Prohibited Activities during Suspension'

6-5.1(a) – Hours of Operation
6-5.1(b) – Hours of Operation
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 3rd Street Bayonne, NJ 07002
Persons Involved:	**Police:** Sergeant William Nide Detective Timothy Donaway #236 Police Officer Steven Salot Police Officer Richard Cotter
	Civilian: Charles Carangelo (Manager) Melissa Fundora (Bartender) Steven Barber (Patron) Cynthia Liberman (Patron) Alan J. Halsey (Patron)

**Civilian addresses and D.O.B's are listed in Police Investigation Report*

Complaining Officer: Detective Timothy Donaway #236

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

Violations:

13:2-23.7(a) 1 – Prohibited Activities during Suspension (2 Counts)

(a) No licensee, during the suspension of license shall:
1. Allow, permit, or suffer the sale, service, delivery or consumption of any alcoholic beverages, or any other alcoholic beverage activity in or upon the licensed premises, except the storage of alcoholic beverages on hand or 9with the permission of the Director) the return of alcoholic beverages to wholesales or manufacturers; or
2. Deliver any alcoholic beverage to any consumer.

6-5.1(a) – Hours of Operation (2 Counts)

(a) No alcoholic beverages shall be sold, served or delivered by licensees of any class nor shall any such licensee suffer or permit the sale, service or delivery of any alcoholic beverages directly or indirectly upon the license premises on the following days, between the hours set forth opposite such days:

Weekdays, except Saturdays, Sundays and legal holidays, 2:00 a.m. to 6:00 a.m. Saturday and legal holidays, except holidays falling on Sunday, 3:00 a.m. to 6:00 a.m.

(b) All licensed premises shall be securely closed, locked and made inaccessible to any person except the licensee or his employees on the following days between the hours set forth opposite such days:

Weekdays, except Saturdays, Sundays and legal holidays, 2:00 a.m. to 6:00 a.m. Saturday and legal holidays, except holidays falling on Sunday, 3:00 a.m. to 6:00 a.m.
Sundays, 3:00 a.m. to 9:00 a.m.

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:

02/16/2011 Bayonne Police File #2011-12850

On January 27, 2011 The Liquid Lounge entered a plea of guilty to the Alcoholic Beverage Control Board of the City of Bayonne for disciplinary charges. Resolved and Ordered under resolution #11-01-27-003. The Liquid Lounge received a fifteen (15)

day suspension beginning Tuesday at 2:00 a.m. on February 1st until Wednesday at 6:00 a.m. on February 16th.

On 2-16-2011 at 02:07 hrs. Detective Donaway conducted an Alcoholic Beverage Control check on the Liquid Lounge to ensure that they were closed in accordance with the above listed suspension order. Detective Donaway arrived and observed that the exterior lights of the establishment were not illuminated. He was able to look through the blinds where were partially drawn and observed a female tending bar to three patrons which were sitting at the bar. Detective Donaway observed these individuals consuming drinks.

Detective Donaway then entered the bar through the front door which was unlocked and verbally identified himself as a police officer with his badge displayed. Mr. Carangelo approached Detective Donaway and stated "shit, speaking of the devil", he then continued to explain that he was not open to the public and stated that he was only serving drinks to his friends.

The following patrons were identified by Detective Donaway and observed consuming alcohol:

Steven Barber was observed consuming a bottle of "Coor's Light" beer.
Cynthia Liberman was observed consuming a bottle of "Coor's Light" beer.
Alan J. Halsey was observed consuming a can of "Michelob Ultra" beer.

Melissa Fundora is a licensed bartender with the Bayonne Police Alcoholic Beverage Control Bureau for Liquid Lounge.

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BE IT RESOLVED, that the Alcoholic Beverage Control Board hereby fixes Thursday, May 19, 2011 , at 7:00 P.M. and the Dorothy E. Harrington 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 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 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 and Chairman McCabe.
Absent – Board Member James

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

BE IT RESOLVED, the annual schedule of meetings be amended to change the meeting times to 6:00 P.M.

Ayes - Board Members Colasurdo and Chairman McCabe.
Absent – Board Member James

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At 5:39 P.M., Board Member Colasurdo moved to adjourn, seconded by Chairman McCabe, which motion was adopted.

Ayes - Board Members Colasurdo and Chairman McCabe.
Absent – Board Member James

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H. Mickey McCabe, Chairman

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Robert F. Sloan, Secretary