

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 FRIDAY, MARCH 16, 2012.

The Board met at 12:06 P.M.

The Board Secretary called the roll.

Present were: Board Member Patrick Colasurdo 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 March 16, 2012 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 March 12, 2012."

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

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

WHEREAS, by Resolution No. 12-01-26-004 this board approved the renewal of Plenary Retail Consumption License No. 0901-33-123-011, held by Aboubakr Najib currently inactive; and

WHEREAS, the board has been advised by the State of New Jersey, Division of Alcoholic Beverage Control that said renewal be rescinded under the provision of N.J.S.A. 33:1-12.18; now, therefore, be it

RESOLVED, Resolution No. 12-01-26-004, adopted January 26, 2012 granted the renewal of Plenary Retail Consumption License No. 0901-33-123-004 held by Aboubakr Najib, currently inactive, be and the same is hereby rescinded; and be it further

RESOLVED, that the effective date of this resolution is March 16, 2012, nunc pro tunc.

Ayes - Board Member Colasurdo and Chairman McCabe.

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

February 25, 2012

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

Dear Commissioners,

Attached hereto is a synopsis of a case against Wine Warehouse located at 1 LeFante Way, Bayonne, N.J., and holder of Plenary Retail Consumption Liquor License Number 0901-33-151-003.

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

- (7 Counts) 6-6.2 – Work Permit Required for Employment
- (7 Counts) 33:1-31h – Violation of City Ordinances
- (1 Count) 13:2-23.13- Maintaining Current List of Employees on Premise

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

Synopsis of Case

License: Plenary Retail Distribution License
Number: 0901-44-131-006
Owners: South Cove Entertainment LLC
T/A: Wine Warehouse
Location: 1 LeFante Way, Bayonne, NJ

Registered agent: Paresh Patel

Persons Involved:

Police: Sergeant A. Gonzales #S67
Detective Timothy Donaway #236

Employees: Venkatat M Prathivada
Chirag J. Patel
Gouse Mohiddinsk
Gopinath Rongala

Manager: Tushar R> Patel

Complaining Officer: Detective Timothy Donaway #236

A.B.C. Supervisor: Sergeant Kevin Gallagher #S31
Sergeant Anthony Gonzalez #S67

Violations:

6-6.2 Work Permit Required for Employment (7 counts)

All persons employed by any Retail Consumption, Club or Retail Distribution license shall obtain a work permit issued by the Department of Law Enforcement before commencing employment. Application for such work permit 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 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 photographs, and shall authorized 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 "Division of State Police-S.B.I.," a fee for the processing of fingerprints 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 (7 counts)

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

13:2-23.13 – Maintaining Current List of Employees on Premises (1 count)

(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 system, 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 Director's deputies, inspectors and investigators, and by any officer defined by N.J.S.A. 33:1-1 (p).

Synopsis of incident one:

02/23/2012 Bayonne Police File #20120-11386

On 02/23/2012 Sergeant Gonzalez and Detective Donaway of the Bayonne Police Alcoholic Beverage Control Bureau conducted an inspection of the Wine Warehouse, located at 1 LeFante Way. Upon entering the licensed premise they observed two employees standing behind the counter actively engaging in the sale of alcohol to two customers. Sergeant Gonzalez and Detective Donaway identified themselves as police officers and advised the employees that they were conducting an inspection. Mr. Patel then identified himself as the manger of the liquor store, he also identified Mr. Prathivada as the cashier.

During the course of this inspection both employees admitted to working without registering with the Bayonne Police Alcoholic Beverage Control Bureau. The detectives also verified that Mr. Patel has been employed by the Wine Warehouse since December of 2006. Mr. Patel has never applied for, or held, an Alcoholic Beverage Control work permit. The Wine Warehouse also failed to produce a complete E-141 for inspection. Specifically, Date Employment Terminated", "ABC Permit No." and "Convicted of Crime" were left blank.

*The below listed summons were issued as a result of this inspection:

Licensee

Wine Warehouse Summons #SC03379, Ordinance 6-6.2, Work Permit Required

Unlicensed Employees

Tushar R. Patel Summons #SC033800, Ordinance 6-6.2, Work Permit Required

Venkata M. Prathivada Summons #SC033891, Ordinance 6-6.2 Work Permit Required

Synopsis of incident:

02/25/2012 Bayonne Police Supplemental Investigation

On 02/25/2012 Detective Donaway conducted a follow up inspection of the Wine Warehouse. Upon entering the store he observed three employees standing behind the counter. Detective Donaway then spoke to Tushar Patel, the store manager. Mr. Patel confirmed that each person was indeed an employee working without an A.B.C. work permit. He further stated "they only worked here part time". The Wine Warehouse failed to produce a complete E-141 Form.

Specifically, Date Employment Terminated", "ABC Permit No." and "Convicted of Crime" were left blank.

Licensee

Wine Warehouse Summons #SC033896, Ordinance 6-6.2, Work Permit Required

Unlicensed Employees

Chirag J. Patel Summons #SC033893, Ordinance 6-6.2, Work Permit Required

Gouse Mohiddinsk Summons #SC033891, Ordinance 6-6.2 Work Permit Required

Gopinath Rongala Summons #SC033895, Ordinance 6-6.2 Work Permit Required

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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 South Cover Entertainment, LLC t/a Wine Warehouse, holder of Plenary Retail Distribution License No. 0901- 44-131-006 , for premises located at 1 LeFante Way, Bayonne, NJ; and be it further

RESOLVED, that the board hereby fixes Thursday, April 26, 2012 , at 5:00 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 Member Colasurdo and Chairman McCabe.

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

RESOLVED, that the renewal of Plenary Retail Consumption Licenses for the period commencing July 1, 2011 through June 30, 2012, be granted to the following licensees, whose Tax Clearance Certificate have now been received:

LICENSE NO.

LICENSEE

LICENSED PREMISES

0901-33-107-002	Melanie's at Prospect Avenue	24 Prospect Avenue
0901-33-150-005	Happy 24 Hour Inc.	147 Avenue E & 50 East 17 th Street

Ayes - Board Member Colasurdo and Chairman McCabe.

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04. Board Member Colasurdo moved that the following resolution be adopted, seconded by Chairman McCabe, 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, January 26, 2012, be and the same are hereby approved.

Ayes - Board Member Colasurdo and Chairman McCabe.

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

BE IT RESOLVED, that the official minutes of the special meeting of the Alcoholic Beverage Control Board of the City of Bayonne held Friday, March 2, 2012, be and the same are hereby approved.

Ayes - Board Member Colasurdo and Chairman McCabe.

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At 12:10 P.M., Board Member Colasurdo moved to adjourn, seconded by Chairman McCabe, which motion was adopted.

Ayes - Board Member Colasurdo and Chairman McCabe.

H. Mickey McCabe, Chairman

Robert F. Sloan, Secretary