

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, NOVEMBER 29, 2012.

The Board met at 5:05 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 ** 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 November 21, 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, which motion was adopted.

WHEREAS, pursuant to N.J.S.A. 10:4-6, et seq., known as the Open Public Meetings Act, all meetings of all public bodies wherein formal action, decisions or discussion relating to the public business of said bodies may take place, are required to be publicly announced and schedules posted of regular meetings for the calendar year; now, therefore be it

RESOLVED, that the Alcoholic Beverage Control Board of the City of Bayonne shall meet for the calendar year 2013 according to the following schedule in the Council Chambers, the Municipal Court Room, or such other room as may be available in the Municipal Building, 630 Avenue C, Bayonne, New Jersey, on the dates and at the times listed:

January 24	- 5:00 P.M.-Thursday
February 21	- 5:00 P.M.-Thursday
March 21	- 5:00 P.M.-Thursday
April 25	- 5:00 P.M.-Thursday
May 30	- 5:00 P.M.-Thursday
June 27	- 5:00 P.M.-Thursday
July 25	- 5:00 P.M.-Thursday
August 22	- 5:00 P.M.-Thursday

September 26 - 5:00 P.M.-Thursday
October 24 - 5:00 P.M.-Thursday
November 21 - 5:00 P.M.-Thursday; and be it further

RESOLVED, that the Board may adjourn any regular or adjourned meeting to a future date and may schedule such other meetings during the calendar year as its business may require, with proper notice to the public to be given by the Secretary; and be it further

RESOLVED, that the Secretary is hereby directed to insure that proper notice of Board meetings of all types is provided to the public as follows:

- a) Posting a copy of the Annual Schedule and appropriate notices of meetings on the bulletin board in the lobby of the Municipal Building.
- b) Filing a copy of said notices in the City Clerk's Office.
- c) Mailing, faxing, or otherwise delivering copies of said notices to the Jersey Journal and the Star Ledger within the time prescribed by the Open Public Meetings Act.
- d) Complying with any additional statutory requirements not specified herein.

Ayes - Board Members 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 them be adopted, which motion was adopted.

October 23, 2012

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

Dear Commissioners,

Attached hereto is a synopsis of a case against Nuovo Venezie located at 392 Broadway, Bayonne, N.J., and holder of Plenary Retail Consumption License Number 0901-33-111-007.

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

APP1	Maintaining copies of court application; list of employees
APP2	Issuance of license, application, qualifications; criminal record check
APP4-N	Issuance of license, application qualifications; criminal record check
APP6-N	License, term, transfer
BOOKS 1	Records to be maintained on the licensed premises; other required records
BOOKS 2	Records to be maintained on the licensed premises; other required records
DISQ 1	Restriction upon employing criminally disqualified persons
E141	Maintaining copies of current list of employees
FETAL	Posting of notice required
INV 1	Records to be maintained on the licensed premises; other records required
INV 2	Records to be maintained on the licensed premises; other records required
ORDIN	Violation of any municipal ordinance
PROHP	Receiving alcoholic beverages from a prohibited source
TOX2	Intoxicated workers prohibited
U11	Issuance of license, applications, qualifications; criminal record check
6-5.1a	Hours of operation
6-5.1b	Hours of operation
6-6.2	Work permit required for employment
6-5.3	Access of light
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

Ralph Scianni
A/Chief of Police
City of Bayonne

Synopsis of Case

License:	Plenary Retail Consumption License
Number:	0901-33-111-001
Owners:	Piccola Venezia Ristorante LLC
T/A:	Nuovo Venezia
Location:	392 Broadway, Bayonne, NJ
Registered agent:	Miquel K. Urgiles

Persons Involved:

Police:	Captain Davis
	Sergeant A. Gonzales #S67

Sergeant W. Nide
Sergeant J. Betancourth
Detective Timothy Donaway #236
Detective Eric Schaefer #91
P.O. Hogan
P.O. Nadrowski
P.O. Popowski
P.O. Bilotta
P.O. Klillmer
P.O. Young

Employees: George Rivas
Julian Lewis Wilson
Jhoffer R. Rivas-Leon
Manuel Rivas
Mary Drakar
Wendelyn Perez

Non- Employee: Omar Marrero

Complaining Officer: Detective Timothy Donaway #236

A.B.C. Supervisor: Sergeant Anthony Gonzalez #S67

Violations:

APP1

On 9/28/2012, you conducted your licensed business without keeping and having on your licensed premises available for inspection a true copy of the application for your current license or a true copy of the last-filed long form application or amendment thereto (if the current application is a short-form application) for your then current license, in violation of **N.J.A.C. 13:2.23.13(A)2.**

APP2

You failed to file with the municipal issuing authority or the Division of Alcoholic Beverage Control, as required, a notice in writing of a charge which occurred in the facts as set forth in your last-filed license application within (10) days after the occurrence, thereof, in violation of **N.J.S.A. 33:1-24.**

APP4-N

In your license renewal application, corporate structure change application, transfer application or amendment to the foregoing filed on or about June of 2012, you failed to show or disclose certain material facts, or falsely or inaccurately responded to questions thereon, in violation of **N.J.S.A. 33:1-25.**

APP6-N

In your license application or amendment thereto filed on or about June of 2012, you failed to show or fully disclose that you had agreed to permit Luis Rivas, Blanca M. Leon and Claudio a. Rivas to retain all or part of the profits or income for your licensed business in violations of **N.J.S.A. 33:1-26.**

BOOKS 1

On 09/28/2012 you failed to keep or maintain books of account which were true, complete and accurate in all respects on your licensed premises or failed to produce same for inspection upon demand in violations of **N.J.A.C. 13:2-23.32.**

BOOKS 2

On 09/28/12 you failed to keep or maintain books of account which were true, complete and accurate in all respects on your licensed premises or failed to produce same for inspection upon demand and did not produce same within seven (7) days thereof, in violation of **N.J.A.C. 13:2-23.22.**

DISQ 1

On the dates of 9/15/2012, 9/21/2012, 9/22/2012 and 10/06/2012, you knowingly employed or has connected in a business capacity with you, Julian Lewis Wilson, a person who had been convicted of a crime involving moral turpitude, without said person first having has statutory disqualification resulting from said conviction removed or without first having been issued a Rehabilitation Employment Permit by the Director, Division of Alcoholic Beverage Control, in violation of **N.J.S.A. 33:1-26,-31.2 OR N.J.A.C. 13:2-14.4.** (4 Counts)

E141

On 09/28/2012 and 10/06/2012, you conducted your licensed premises without keeping on your licensed premises or having available for inspection upon demand an employee list compete in all respects in violation of **N.J.A.C. 13:2-23.13(a)3.** (2 Counts)

FETAL

On 9/28/2012, you the holder of a retail license failed to prominently post a warning notice prepared by the Department of Health in any service area as well as on a wall, towel dispenser or other appropriate location in any public rest room for women patrons on the licensed premises warning that alcohol consumption during pregnancy has been determined to be harmful to the fetus in violation of **N.J.S.A. 33:1-12a.** (2 Counts)

INV 2

On 9/28/2012, you failed to produce upon demand, and did not produce same within seven (7) days thereof, original or true, complete and accurate copies of deliver slips, invoices, manifests, waybills or similar documents at your licensed premises for a period of one (1) year from the date of delivery of alcoholic beverages to you in violation of **N.J.A.C. 13:2-2.4(b) OR 23.32.**

ORDIN

On or about 9/15/2012, 9/21/2012, 9/28/2012, 9/29/2012 and 10/6/2012 you engaged in, allowed, permitted or suffered the violation of a municipal ordinance or regulation of the issued authority or municipal governing body, in violation of **N.J.S.A. 33:1-3h.** (18 counts)

PROHP

Between the dates of 6/25/2012 thru 9/28/2012, you purchased or obtained alcoholic beverages from a prohibited source, Massarelli Liquors and Bridgeview Liquors in violation of **N.J.A.C. 13:2-23.12(a) or (b).** (105 Counts)

TOX2

On 9/28/2012 and 10/6/2012, you the holder of a plenary retail license or an employee thereof, worked on the licensed premises while actually or apparently intoxicated, George Rivas, in violation of **N.J.A.C. 13:2-23.20.** (2 Counts)

U11

In your license application or amendment to a license application filed on or about June of 2012, you failed to show or disclose that Luis Rivas, Blanca M Leon and Claudio a. Rivas, persons not otherwise disqualified from having an interest in a liquor license or license business, has an interest, directly or indirectly, in the license applied for or in the business to be conducted under said license in violation of **N.J.S.A. 33:1-25.**

6-6.2 Work Permit Required for Employment (12 Counts)

On the dates of 9/15/2012, 9/21/2012, 9/22/2012, 9/28/2012 and 10/6/2012 you knowingly employed or had connected in a business capacity with you, Julian Lewis Wilson, George Rivas, Manuel Rivas, Jhoffer Rivas-Leon without first obtaining a valid City of Bayonne A.B.C. Work permit.

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 employees shall Make full and complete answers on prescribed forms furnished by the Department of Law Enforcement.

(b) Every licensee, agent, or any other employees, 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 take of 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 application 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 application.

6-5.1 Hours of Operations (4 Counts)

On 9/29/2012, at approximately 03:14 hrs. and on 10/6/2012 at approximately 03:16 hrs, you sold or delivered alcoholic beverages before or after the legal hour of sale as set forth in a municipal ordinance and also failed to securely close, lock and make inaccessible to any person except the licensee or his employees.

- (a) No alcoholic beverages shall be sold, serviced 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 licensed 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.
Saturdays 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.
Saturdays and legal holidays, except those holidays falling on Sunday, 3:00 a.m. to 6:00 a.m.
Sundays, 3:00 a.m. to 9:00 a.m.*

6-5.3

On 9/28/2012 and 10/6/2012 you failed to have a reasonable access of light specifically by having heavy drapery on every exterior window preventing a view of the interior.

All premises in which alcoholic beverages shall be sold or dispensed, except those for which club licenses are issued, shall have reasonable access of light from the public highway, and such premises shall be deemed to have reasonable access of light when a normal size adult can, on inspection from the exterior, view the interior of the licensed premises, provided that this subsection shall not apply to the second floor or basement floor of licensed premises which include the ground or street floor. (1972 Code §8-6.3)

Synopsis of incident:

09/15/2012 Bayonne Police File #2012-56788

On 9/15/2012 Sergeant Betancourth responded to a noise complaint at Nuova Venezia. Upon his arrival he observed Julian Wilson D.O.B. 7-9-1982 wearing a black T-shirt with the word "Security" imprinted in white lettering and carrying a flashlight and standing at the front door. Sgt. Betancourth than asked Wilson if he was the bouncer and he responded "Yes". Mr. Wilson was unable to produce an A.B.C. work permit and admitted that he hadn't stated the application process. Sergeant Betancourth advised Mr. Wilson that he was not permitted to work at any licensed establishment until he was issued a valid A.B.C. work permit. Sergeant Betancourth also advised George Rivas, the manager of the restaurant, of this requirement.

On 9/21/2012 Sergeant Betancourth again observed Wilson working the door and checking the identification of patrons, but not wearing the security shirt. He again was issued a verbal warning and advised him that he was not permitted to continue working without first obtaining a work permit.

On 9/22/2012 Sergeant Betancourth again observed Wilson standing outside of the establishment blocking the front door and not allowing patrons to enter the premises.

09/28/2012 Bayonne Police A.B.C. Supplemental Investigation File #2012-56788

On 9/28/2012, Sergeant Gonzalez, Detective Schaefer and Detective Donaway conducted an A.B.C. inspection of Nuovo Venezia, a licensed premises located at 392 Broadway operating as a restaurant. Also present during this inspection were P.O.'S Hogan, Nadrowski, Popowski, Bilotta. Prior to entering the restaurant they attempted to look through the windows to view the interior of the premise. They were unable to view the interior of the premises due to the fact that every exterior window was completely covered in heavy drapery, a direct violation of Ordinance #6-6.3 "Access of Light".

Upon entering the restaurant they encountered George Rivas, who identified himself as the restaurant manager. Mr. G. Rivas was advised that they were conducting an A.B.C. inspection of the restaurant, he was then asked to identify all of his employees and produce their Bayonne Police A.B.C. Work Permits. Mary Drakar was identified as the bartender and did produce a valid work permit. Mr. G. Rivas failed to produce a "Work Permit" for himself as well as the following employees of the restaurant: Jhoffer Rivas-Leon (chef) and Manuel Rivas (dishwasher) in violation of Ordinance #6-6.2. "Work Permit required".

They then spoke to Mr. G. Rivas in reference to another unlicensed employee, specifically a male identified as Julian Wilson (D.O.B. 7/29/92) of 151 West 2nd St. apt. #521 Bayonne, N.J.) Mr. G. Rivas acknowledged hiring Mr. Wilson and employing him as a security guard. Mr. G. Rivas was advised that he was employing a criminally disqualified person in violation of 13:2-14.5 "Restrictions upon employing criminally disqualified person". It should be noted that Julian Wilson is a convicted felon with an extensive criminal history that includes a 3rd degree felony conviction for possession of a handgun and 3rd degree felony conviction for distribution of Heroin and Cocaine.

While speaking with Mr. G. Rivas he appeared to be intoxicated. Sgt. Gonzalez and Detective Donaway detected a strong odor of an alcoholic Beverage emanating from his breath. Mr. Rivas exhibited bloodshot watery eyes and was slurring his speech and stuttering words. Detective Donaway then asked Mr. Rivas if he had been consuming alcohol, he replied by stating "I had one drink but when I seen you guys coming in I had another drink". He was unsteady standing and attempted to grab onto Detective Donaway's arm to prevent himself from swaying. He was extremely nervous and continually asked "is this normal? What is going on?" This behavior is a violation of 13:2-23.20 "Intoxiated workers prohibited".

Mr. Rivas was then asked to produce the necessary paperwork which is to be kept on the premises and readily available for inspection. Mr. Rivas stated all of his paperwork is at his accountant's office. He was then asked to produce his "Permit for Off-Premises Storage of Business Records" sticker, Mr. Rivas failed to do so in violation of 13:2-23.13(a)1. Failing to produce these documents for inspection is a violation of 13:2-23.13 "Maintaining copies of current license certificate; application; list of employees of the licensed premises; and a violation of 13:2-23.32 "Records to be maintained on the licensed premises; other required records".

The detectives then spoke to Mr. G. Rivas and Ms. Drakar and asked them to produce receipts and invoices for their liquor purchases. Ms. Drakar responded that she purchased two bottles of "Patron 1800" from Buy Rite Liquors in Jersey City, NJ the previous day and offered to

provide detectives with these specific receipts at a later date. Detective Donaway was then provided with a large manila envelope which contained various documents and receipts. While inspecting the contents he discovered numerous liquor store receipts. This envelope contained fourteen (14) receipts from "Mazzarelli Wine and Liquors" (located at 403 Broadway, Bayonne, NJ), one (1) from "High Spirits of Bayonne" (located at 816-818 Broadway, Bayonne, NJ) and one (1) receipt from "Bridgeview Liquors" (located at 300 Route 440 Bayonne, NJ). These sixteen 9160 receipts contained dates varying from 8/21/2012 thru 9/28/2012. These receipts were retained for evidentiary purpose.

The aforementioned liquor stores hold a retail distribution license, purchasing alcohol from these liquor stores is a violation of 13:2-23.12 "Receiving alcoholic beverages from a prohibited source".

Further inspection of the premises revealed that a Fetal Alcohol Syndrome warning notice was not prominently posted in either the service area or the women's restroom in violation of 33:1-12a "Posting of notice required", two (2) counts.

Upon completion of our inspection Detective Donaway completed an A.B.C. "Notice of Inspection" form and provided Mr. G. Rivas with a copy. He also served him with "Notice to Produce Records within Seven days" form which he acknowledged receipt of and signed. An A.B.C. "Retail Inspection Worksheet" was also complete.

The following Special Complaint Summonses were issued as a result of this inspection:

- | | |
|----------------------|---|
| 1) George Rivas | 6-6.2 Work Permit Required, Summons #SC035119 |
| 2) Nuevo Venetia | 6-6.2 Work Permit Required, Summons #SC035113 |
| 3) Manuel Rivas | 6-6.2 Work Permit Required, Summons #SC033721 |
| 4) Nuevo Venetia | 6-6.2 Work Permit Required, Summons #SC035112 |
| 5) Joffre Rivas-Leon | 6-6.2 Work Permit Required, Summons #SC034690 |
| 6) Nuevo Venetia | 6-6.2 Work Permit Required, Summons #SC033722 |

09/29/2012 Bayonne Police File #2012-57745

On 9/29/2012 at 3:14 hrs., Captain Davis and Sergeant Nide observed several patrons leaving Nuovo Venezia. Bayonne Ordinance #6-5.1(a) and #6-5.1(b) specifically states that no alcoholic beverages shall be sold, served or delivered and that all licensed premises shall be securely closed, locked and made inaccessible to any person except licensee and employees.

Captain Davis and Sergeant Nide entered the establishment and observed 12-15 patrons still in the bar area of the restaurant consuming alcohol. They spoke with the bartender Mary Drakar to advise her of the aforementioned violations.

10/5/2012 Bayonne Police A.B.C Supplemental Investigation File #2012-56788

On 10/5/2012 Detective Schaefer accepted documents and records from a representative from Nuovo Venezia. These records were produced in response to a "Notice to Produce Records within 7 days Form" which was ordered during an inspection.

Detective Donaway began examining these documents and found numerous violations and deficiencies with the record keeping. The following records failed to be produced:

- (a) the purchase of alcoholic beverages;
- (b) the purchase of food items;
- (c) the purchase of supplies and use of utilities;
- (d) the purchase of lease of equipment;
- (e) the payment of all employees' compensation, including all required withholding taxes;
- (f) the payment of all local, state, and federal taxes and license fees;
- (g) the payment of rents, mortgages, loans and/or a reduction of an owner's equity and;
- (h) all other disbursements.

During the review of these documents eighty nine (89) receipts were discovered which indicated liquor being purchased from various prohibited sources. Specifically Masserelli Wine and Liquors and Bridgeview Liquors. These receipts were dated from 6/25/2010 thru 9/28/2012. These receipts totaled to the dollar amount of two thousand seven hundred fifty six dollars and thirty four cents (\$2,756.34).

Further inspection of these documents revealed a "Contract of Sale" of the liquor license. A review of this contract indicated that the actual owner of the liquor license, Miguel K. Urgiles has resigned as a Member/manager of Piccolo Venezia Restaurant, LLC since February 22, 2011. This contract also disclosed the names of the following newly elected members, Walter Rivas, Blanca M. Leon and Claudio A. Rivas.

10/6/2012 Bayonne Police A.B.C. Inspection File #2012-59712

On 10/6/2012 at 03:15 hrs. Sgt. Gonzalez and Detective Donaway conducted an A.B.C. check of Nuovo Venezia. The purpose of their inspection was to ensure that the restaurant was properly closed in accordance with municipal ordinance #6-5.1a "Hours of Operation". They exited their vehicle and attempted to look inside the restaurant but were unable to view the interior of the premises due to the fact that every exterior window was completely covered in heavy drapery, a direct violation of Ordinance #6-5.3 "Access of Light". While standing outside they heard loud voices and laughing emanating from the inside of the premises. Sergeant Gonzalez then requested the backup officers respond to the scene to assist with their inspection.

P.O.'s Young and Kilmer arrived on the scene and covered the exterior perimeter doors while Sergeant Gonzalez and Detective Donaway knocked and announced their presence. An unknown male peered out of the window, he was then ordered to open the door. Several minutes later Mary Drakar (bartender) opened the front door. Sergeant Gonzalez and Detective Donaway then entered the restaurant and observed several individuals attempting to leave through the rear kitchen door.

These individuals were ordered to the front of the restaurant to produce identification. The following people were identified: George Rivas (Unlicensed manager), Jhoffer Rivas-Leon (unlicensed chef), Mary Drakar (licensed bartender), Gwendolyn Perez (licensed server) and Omar Marrero (friend of Ms. Perez).

Sergeant Gonzalez and Detective Donoway then spoke to Mr. G. Rivas in reference to unlicensed employees and a patron on the premises after hours and advised him that the licensee was in violation of Ordinance #6-5.2 "Work Permit Required" and 6-5.1a "Hours of Operation". They then asked Mr. Rivas to produce the E-141A Employee List which he was unable to do in violation of 13:2-23.12 "Maintaining list of employees on the licensed premises". While speaking with Mr. G. Rivas it was apparent that he was extremely intoxicated in violation of 13:2-23.20 "Intoxicated workers prohibited".

The following Special Complaints Summonses were issued as a result of their inspection:

- | | |
|-----------------------|---|
| 1) Nuovo Venetia | 6-6.2 Work Permit Required, Summons #SC034971 |
| 2) George Rivas | 6-6.2 Work Permit Required, Summons #SC034972 |
| 3) Jhoffer Rivas-Leon | 6-6.2 Work Permit Required, Summons #SC034973 |
| 4) Nuevo Venetia | 6-6.2 Work Permit Required, Summons #SC034974 |
| 5) Nuevo Venetia | 6-5.3 Access of Light, Summons #SC034975 |
| 6) Nuevo Venetia | 6-5.1a Hours of Operation, Summons #SC034976 |

10/11/2012 Bayonne Police A.B.C. Supplemental Investigation File #2012-56788

On 10/11/2012, Sergeant Gonzalez along with Detectives Schaefer and Donaway met with Walter Rivas to inquire the status of the liquor license and restaurant. Mr. Rivas advised them that the contract was completed for the purchase price of ninety thousand dollars (\$90,000.00) during the year 2011, he also stated that he currently paid approximately sixty thousand dollars (\$60,000.00) of the ninety thousand dollar (\$90,000.00) purchase price. Mr. Rivas could not provide them with further documentation and this time but was advised to do so when he obtains the documents from his accountant.

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BE IT RESOLVED, that the Alcoholic Beverage Control Board hereby fixes Thursday, December 20, 2012, at 10:00 A.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 Piccolo Venezia Ristorante, LLC t/a Nuovo Venezia, holder of Plenary Retail Consumption License No. 0901- 33-111-007, for premises located at 392 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.

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

WHEREAS, an application has been filed by Lisa Horan, Guardian of Katy Marie Foley for the Estate of Thomas Foley, deceased, for the extension of Plenary Retail Consumption License No. 0901-33-030--003 held by the decedent; and

WHEREAS, the submitted application form is complete in all respects including proof of appointment to act as Guardian; now, therefore, be it

RESOLVED, that the Alcoholic Beverage Control Board of the City of Bayonne does hereby approve, effective November 29, 2012, the extension of the aforesaid Plenary Retail Consumption License No. 0901-33-030-003, to Lisa Horan to conduct business under the privileges, terms and conditions of said license as Guardian of Katy Marie Foley for the Estate of Thomas Foley, deceased, for the benefit of the estate until such time as the estate is probated and the license may be transferred in compliance herewith and directs the Board Secretary to endorse the license certificate as follows: "This license is hereby extended, subject to all its terms and conditions to "Lisa Horan, Guardian of Katy Marie Foley of the Estate of Thomas Foley"

Ayes - Board Members Colasurdo and Chairman McCabe.

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

WHEREAS, Najib Aboubakr, holder of Plenary Retail Consumption License No. 0901-33-123-011, currently inactive, failed to timely file for renewal of its license for the license term commencing July 1, 2011 through June 30, 2012; and

WHEREAS, Najib Aboubakr filed the short-form renewal application with the Alcoholic Beverage Control Board on August 3, 2011 and paid the appropriate renewal fees, and filed a petition with the Director of the Division of Alcoholic Beverage Control on September 10, 2012, requesting the issuance of a "new" license pursuant to N.J.S.A. 33:1-12.18 and renewal pursuant to N.J.S.A. 33:1-12.39, AND

WHEREAS, the Director of the Division, in Agency No. 08-12-7796, on October 26, 2012, issued a Special Ruling approving the issuance of a "new" license for the 2011-2012 license term and renewal for the 2012-2013 license term to Najib Aboubakr, and the licensee has complied with the advertising requirements of N.J.A.C. 13:2-2.5; now, therefore be it

RESOLVED, that a “new” Plenary Retail Consumption Licenses for the period commencing July 1, 2011 through June 30, 2012, and the renewal for the license term commencing July 1, 2012 through June 30, 2013 be issued to the following licensee:

<u>LICENSE NO.</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0901-33-123-011	Najib Aboubakr	Inactive

Ayes - Board Members Colasurdo and Chairman McCabe.

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05. Board Member Colasurdo moved that the following resolution be adopted, 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 Thursday, October 25, 2012, be and the same are hereby approved.

Ayes - Board Members Colasurdo and Chairman McCabe.

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06. Board Member Colasurdo moved that the following resolution be adopted, which motion was adopted.

RESOLVED, that the Board hereby adjourns to Thursday, December 20, 2012 at 10:00 A.M.

Ayes - Board Members Colasurdo and Chairman McCabe.

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At 5:14 P.M., Board Member Colasurdo moved to adjourn, seconded by Chairman McCabe, which motion was adopted.

Ayes - Board Members Colasurdo and Chairman McCabe.

H. Mickey McCabe, Chairman

Robert F. Sloan, Secretary