

# **Town of West New York Hudson County, New Jersey**

## **Alcoholic Beverage Control Board**

Minutes of Regular Meeting  
(Regular Session)  
June 2, 2010

Rosendo Jimenez  
Rafael Martell  
Michael Parkes  
Board of Alcoholic Beverage Control

**Attest:**      **Cosmo A. Cirillo**  
                    **Board Secretary**

**Alcoholic Beverage Control Board**  
**June 2, 2010**  
***Regular Meeting***

Minutes of a regular stated meeting of the ABC Board of the Town of West New York, in the County of Hudson, State of New Jersey, held in the **Municipal Court Chambers, Municipal Building, WNY, NJ** on Wednesday, February 24, 2010 at 7:00 p.m.

Present: Chairman Michael Parkes, Board Member Jimenez, Board Attorney Frank Gioia, Sgt. Michael Clement, Board Prosecutor Marlene Caride and Board Secretary Cosmo A. Cirillo  
Absent: Vice-Chairman Martell

Meeting commenced at 7:10 p.m.

At the request of Board Attorney Frank Gioia, Chairman Parkes made the following announcement:

As presiding officer of this regularly scheduled meeting of the ABC Board of the Town of West New York, held Wednesday, June 2, 2010, at 7:00PM, I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting and that the notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given in Resolution dated and adopted by the ABC Board of the Town of West New York on June 25, 2009. Said Resolution was transmitted by the ABC Secretary to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall and filed with the Town Clerk.

Copies are available to the public in accordance with the law.

**Note:** Board Attorney Gioia suggested the Board begin with the discussions items and stated he had nothing new to report in regard to discussions items A, B and C; The Clam House, Coco's Café and El Fonseca, Inc. Board Attorney Gioia asked Board Secretary Cirillo if there was any correspondence he would like to make the Board aware of. Board Secretary Cirillo stated that two licenses had filed for special rulings in order to be renewed for the current license term. The recommendation the state has given to both licenses is to have them submit their applications and pay the requisite fees. Board Attorney Gioia suggested that the Board begin board action with Resolution R-1.

**RESOLUTION**  
**RE: APPROVAL OF MINUTES**

**BE IT RESOLVED** that the Board of Alcoholic Beverage Control of the Town of West New York approves the Minutes as recorded for the following meetings:

- March 24, 2010 – Regular Session

It was regularly moved by Chairman Parkes, seconded by Board Member Jimenez to accept this Resolution as adopted, which was carried by the following vote:

YEAS: Chairman Parkes and Board Member Jimenez  
NAYS: None  
ABSENT: Vice-Chairman Martell

**Alcoholic Beverage Control Board**  
**June 2, 2010**  
***Regular Meeting***

**Note: Board Attorney Gioia stated that the next item is Resolution R-2; he stated that the license renewal process is something that the Board Secretary deals with primarily during the months of April, May and June. He briefly described the renewal process for the Board. Sgt. Clement stated the Police Department had no objections to the renewal of any of the licenses listed on Resolution R-2.**

**RESOLUTION**  
**RE: RENEWAL OF LIQUOR LICENSES FOR LICENSE TERM 2010-2011**

Be It Resolved that the Alcoholic Beverage Control Board of the Town of West New York has no objections and does hereby consent to the granting of the following licenses, a list of which is attached hereto and made a part hereof:

Two (2) Club Licenses

One (1) Plenary Retail Consumption License with Broad Package Privilege

Eighteen (17) Plenary Retail Consumption Licenses  
(Includes Restaurant & Bar)

Two (2) Limited Retail Distribution Licenses

Ten (10) Plenary Retail Distribution Licenses  
(Includes Liquor Stores)

And

Be It Further Resolved that the Alcoholic Beverage Control Board is not aware of any circumstances or provisions of law or local ordinance, which prohibits the issuance of such licenses.

Be It Further Resolved that the foregoing licenses are hereby renewed.

**TOWN OF WEST NEW YORK**  
**RENEWAL OF ALCOHOLIC BEVERAGE LICENSES 2010-2011**

<b><u>License No.</u></b>	<b><u>Name</u></b>	<b><u>Address</u></b>
0912-31-096-001	Orden Familia De La Luz	6200 Monroe Place WNY, NJ 07093
0912-31-104-001	Our Lady of Libera Booster Club	5808 Kennedy Blvd WNY, NJ 07093
0912-32-073-006	Ma Jai Amba Corp. t/a Hudson Wine and Liquor	5600 Hudson Avenue WNY, NJ 07093
0912-33-003-004	Meson Espanol Inc. t/a Meson Espanol Inc.	5700 Kennedy Blvd WNY, NJ 07093
0912-33-009-006	Rodriguez Lourdes t/a Scherezada Night Club	229 – 61st Street WNY, NJ 07093
0912-33-016-008	Extra Super Restaurant Corp. t/a Extra Super Restaurant	5525 Palisade Avenue WNY, NJ 07093
0912-33-025-011	Luna Restaurant Inc. t/a Luna Restaurant	508-512 – 55th Street WNY, NJ 07093

**Alcoholic Beverage Control Board**  
**June 2, 2010**  
***Regular Meeting***

0912-33-029-011	Adriana Parra t/a Centro Sur Restaurant	5119 Bergenline Avenue WNY, NJ 07093
0912-33-036-005	El Rinconcito Colombiano Inc. t/a El Rinconcito Colombiano Inc.	6319 Bergenline Avenue WNY, NJ 07093
0912-33-040-004	PFCCB Edgewater LLC	10 Port Imperial Blvd WNY, NJ 07093
0912-33-054-006	Erikas LLC t/a Las Palmas Restaurant	6153 6155-6157 Bergenline Ave WNY, NJ 07093
0912-33-058-005	C A B Inc.	5910 Bergenline Avenue WNY, NJ 07093
0912-33-065-005	LRSF LLC t/a LRSF LLC t/a Dos de Oro Bar and Restaurant	5215 Palisade Avenue WNY, NJ 07093
0912-33-066-007	Enrobert Corp. t/a Enrobert Bar & Liquor	6315 Broadway WNY, NJ 07093
0912-33-077-003	Sal's of West New York LLC t/a Sal's Trattoria & Bar	6127-25 Rear Bergenline Ave WNY, NJ 07093
0912-33-085-003	Timmy's Tavern Inc. t/a Timmy's Tavern	67-01 Park Avenue WNY, NJ 07093
0912-33-086-006	Shawlene Inc. t/a Havana Restaurant	5118 Bergenline Avenue WNY, NJ 07093
0912-33-089-005	Sammy's Bar Corp. t/a Sammy's Bar Corp.	5400 Park Avenue WNY, NJ 07093
0912-33-091-009	Producciones JET LLC t/a La Rumba Paisa	5100 Bergenline Avenue WNY, NJ 07093
0912-33-093-003	Lucrecia Diaz t/a El Amanecer Restaurant	6200 Palisade Avenue WNY, NJ 07093
0912-43-019-009	5505 Meat Corp. t/a Extra Supermarket	5505 Palisade Avenue WNY, NJ 07093
0912-43-059-003	The J&A Group Associates LLC t/a Las Palmas Supermarket	6155-57 Bergenline Avenue WNY, NJ 07093
0912-44-002-005	Boulevard East Sales Inc. t/a Boulevard East Sales	6315 Boulevard East WNY, NJ 07093
0912-44-007-002	Star Liquor Corp. t/a Star Liquor Corp.	5200 Bergenline Avenue WNY, NJ 07093
0912-44-008-007	R & V Liquors & Wine Inc. t/a Discount Liquors	5109 Bergenline Avenue WNY, NJ 07093
0912-44-013-005	Mudra Gandhi Corporation t/a Everything Nice	6207 Bergenline Avenue WNY, NJ 07093
0912-44-018-006	Antonio J and Maria F. Cerqueira t/a Europa Café & Deli	5102 Park Avenue WNY, NJ 07093
0912-44-021-005	OM Liquor Star Inc. t/a Latino's Liquor	5115 Hudson Avenue WNY, NJ 07093
0912-44-068-003	Paven Liquor LLC t/a Pavan Liquor	6509 Park Avenue WNY, NJ 07093

**Alcoholic Beverage Control Board**  
**June 2, 2010**  
***Regular Meeting***

0912-44-071-006	Dee & Jay Corp. t/a Empire Liquors	6301 Park Avenue WNY, NJ 07093
0912-44-075-004	Los Padrinos Corp. t/a Los Padrinos	5915 Park Avenue WNY, NJ 07093
0912-44-080-008	J & L Liquors Inc. t/a J & L Liquors Inc.	64-04 Bergenline Avenue WNY, NJ 07093

It was regularly moved by Board Member Jimenez, seconded by Chairman Parkes to accept this Resolution as adopted, which was carried by the following vote:

YEAS: Chairman Parkes and Board Member Jimenez  
NAYS: None  
ABSENT: Vice-Chairman Martell

**Note: Board Attorney Gioia stated the next item of business is Resolution R-3; charges filed against El Balcon Bar/Restaurant. Attorney Adolfo Lopez was present and placed his appearance on the record on behalf of El Balcon Bar/Restaurant. Board Attorney Gioia stated that discussion has taken place between Attorney Lopez, Sgt. Clement and Board Prosecutor Caride and that a resolution has been reached on this matter to which Attorney Lopez responded “that’s correct Mr. Gioia”. Board Prosecutor Caride informed the Board that there were six charges currently pending against El Balcon. She continued by stating that after discussion, agreement has been reached where El Balcon will be pleading guilty to charges two (2) and six (6) with the remaining charges being dismissed. The premises will be closed for a total of ten (10) days beginning Wednesday, June 9, 2010 and ending June 18, 2010. Board Attorney Gioia asked Sgt. Clement if he was in agreement with this recommendation to which he responded “yes”.**

**RESOLUTION AND ORDER**  
**RE: CHARGES FILED AGAINST EL BALCON BAR AND RESTAURANT**  
**520 – 60TH STREET (0912-33-056-002)**

**In the Matter of Disciplinary Proceedings Against:**

**Licensee: El Balcon Bar and Restaurant**  
**Address: 520 – 60th Street**  
**est New York, NJ 07093**  
**Holder of Plenary Retail Consumption License 0912-33-056-002**  
**Licensee: AAS, Inc. T/A La Virgen del Camino**

**WHEREAS**, charges have been heretofore duly served upon the above-named licensee, charging that the licensee was found in violation as follows:

**Alcoholic Beverage Control Board**  
**June 2, 2010**  
***Regular Meeting***

<u>Charge</u>		<u>Statute/Ordinance/Regulation</u>
08/27/09	Allowed, permitted, or suffered the unlawful operation of the licensed premises without books of account on the licensed premises	N.J.A.C. 13:2-23.32
08/27/09	Allowed, permitted, or suffered the unlawful operation of the licensed premises by failing to maintain true books of account in the licensed premises	N.J.A.C. 13:2-23.32
08/27/09	Allowed, permitted, or suffered the unlawful operation of the licensed premises by failing to display fetal alcoholic syndrome warning poster	N.J.S.A. 33:1-12A
08/27/09	Allowed, permitted, or suffered the unlawful transportation of alcohol without a transit insignia permit	N.J.A.C. 13:2-20
08/27/09	Allowed, permitted, or suffered the unlawful operation of the licensed premises by failing to have invoices available	N.J.A.C. 13:2-20.4(B)
08/27/09	Allowed, permitted, or suffered the unlawful operation of the licensed premises by violating restrictions upon storage of Alcoholic beverages	N.J.A.C. 13:2-23.21

And that at a hearing duly held on: June 2, 2010

\_\_\_\_\_ by virtue of testimony/evidence adduced at hearing

  **X**   by virtue of voluntary guilty plea by licensee

That the truth of the charges set forth below has been established to the satisfaction of all parties

**Alcoholic Beverage Control Board  
June 2, 2010  
Regular Meeting**

<u>Charge</u>		<u>Statute/Ordinance/Regulation</u>
08/27/09	Allowed, permitted, or suffered the unlawful operation of the licensed premises by failing to maintain true books of account in the licensed premises	N.J.A.C. 13:2-23.32  <b><u>Suspension</u></b> Five (5) Days
08/27/09	Allowed, permitted, or suffered the unlawful operation of the licensed premises by violating restrictions upon storage of Alcoholic beverages	N.J.A.C. 13:2-23.21  <b><u>Suspension</u></b> Five (5) Days

**IT IS, THEREFORE,** on this 2<sup>nd</sup> day of June 2010, on motion duly made and seconded,

**BE IT RESOLVED AND ORDERED** that the Plenary Retail Consumption License, heretofore issued to the above named licensee is hereby found:

**Guilty** and said license shall be disciplined as follows:

Ten (10) day suspension, restaurant to be closed on the following dates:  
June 9, 2010 – June 18, 2010.

It was regularly moved by Chariman Parkes, seconded by Board Member Jimenez to accept this Resolution as adopted, which was carried by the following vote:

YEAS: Chairman Parkes and Board Member Jimenez  
NAYS: None  
ABSENT: Vice-Chairman Martell

**Note:** Board Attorney Gioia stated the next item of business is Resolution R-4; charges filed against Empire Liquors. Ms. Mijun Soh, Corporate President, was present and placed her appearance on the record. Board Prosecutor Caride stated that there are currently four charges pending against Empire Liquors. She stated that after consulting with Ms. Soh and Sgt. Clement, Empire Liquors will plead guilty to charge three (3) and have the remaining charges dismissed. A two day suspension will be imposed from June 13, 2010 thru June 14, 2010. Board Attorney Gioia asked Ms. Soh if she understood what has been said and you're in agreement, to which she replied "yes". Board Attorney Gioia stated to Ms. Soh that she has the right to have a hearing and be represented by an attorney and by pleading guilty she would be giving up those rights. Ms. Soh replied "yes".

**RESOLUTION AND ORDER  
RE: C HARGES FILED AGAINST EMPIRE LIQUORS  
6301 PARK AVENUE (0912-44-071-006)**

**In the Matter of Disciplinary Proceedings Against:**

**Licensee: Empire Liquors  
Address: 6301 Park Avenue  
West New York, NJ 07093  
Holder of Plenary Retail Distribution License 0912-44-071-006**

**WHEREAS,** charges have been heretofore duly served upon the above-named licensee, charging that the licensee was found in violation as follows:

**Alcoholic Beverage Control Board**  
**June 2, 2010**  
***Regular Meeting***

<b><u>Charge</u></b>	<b><u>Statute/Ordinance/Regulation</u></b>
08/27/09      Allowed, permitted, or suffered the unlawful possession of the licensed premises without the licensee being in possession of a completed copy of the application for current license at premises (12 pages)	N.J.A.C. 13:2-23.13(A)2
08/27/09      Allowed, permitted, or suffered the unlawful operation of the licensed premises without true books of account in the licensed premises	N.J.A.C. 13:2-23.32
08/27/09      Allowed, permitted, or suffered the unlawful operation of the licensed premises by failing to maintain true books of account in the licensed premises	N.J.A.C. 13:2-23.32
08/27/09      Allowed, permitted, or suffered the unlawful operation of the licensed premises without the list of names and addresses of all employees	N.J.A.C. 13:2-23.13(A)3

And that at a hearing duly held on: June 2, 2010

\_\_\_\_\_ by virtue of testimony/evidence adduced at hearing

  **X**   by virtue of voluntary guilty plea by licensee

That the truth of the charges set forth below has been established to the satisfaction of all parties

<b><u>Charge</u></b>	<b><u>Statute/Ordinance/Regulation</u></b>
08/27/09      Allowed, permitted, or suffered the unlawful operation of the licensed premises by failing to maintain true books of account in the licensed premises	N.J.A.C. 13:2-23.32  <b><u>Suspension</u></b> Two (2) Days

**Alcoholic Beverage Control Board**  
**June 2, 2010**  
***Regular Meeting***

**IT IS, THEREFORE,** on this 2<sup>nd</sup> day of June 2010, on motion duly made and seconded,

**BE IT RESOLVED AND ORDERED** that the Plenary Retail Distribution License, heretofore issued to the above named licensee is hereby found:

**Guilty** and said license shall be disciplined as follows:

Two (2) day suspension, store to be closed on the following dates:  
June 13, 2010 – June 14, 2010.

It was regularly moved by Board Member Jimenez, seconded by Chairman Parkes to accept this Resolution as adopted, which was carried by the following vote:

YEAS: Chairman Parkes and Board Member Jimenez  
NAYS: None  
ABSENT: Vice-Chairman Martell

**Note: Board Attorney Gioia stated the next item of business is Resolution R-5; charges against De Cache, Inc. He stated that no one from De Cache, Inc. is present and therefore this matter should be carried until the Board's next meeting.**

**RESOLUTION AND ORDER**  
**RE: CHARGES FILED AGAINST DE CACHE, INC.**  
**512 – 59<sup>TH</sup> STREET (0912-33-028-005)**

It was regularly moved by Board Member Jimenez, seconded by Chairman Parkes to table this Resolution until the Board's next meeting, which was carried by the following vote:

YEAS: Chairman Parkes and Board Member Jimenez  
NAYS: None  
ABSENT: Vice-Chairman Martell

**Public Portion**

**Note: Chairman Parkes called for the Public Portion.**

**No one wished to be heard.**

It was regularly moved by Chairman Parkes, seconded by Board Member Jimenez to close the Public Portion and adjourn the meeting at 7:25 p.m., which was carried by the following vote:

YEAS: Chairman Parkes and Board Member Jimenez  
NAYS: None  
ABSENT: Vice-Chairman Martell

\_\_\_\_\_  
Rosendo Jimenez, Member

**ABSENT**

\_\_\_\_\_  
Rafael Martell, Vice-Chairman

\_\_\_\_\_  
Michael Parkes, Chairman

Board of Alcoholic Beverage Control

Attest: \_\_\_\_\_  
Cosmo A. Cirillo  
Board Secretary