

SPECIAL ALCOHOLIC BEVERAGE CONTROL BOARD MEETING
MAY 23, 2018

Council Chamber, Municipal Building
Irvington, N.J. – Wednesday Evening
May 23, 2018 - 6:00 P.M.

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call

Present: Commissioners Renee C. Burgess, Charnette Frederic, October Hudley, Paul Inman, Sandra R. Jones, David Lyons, Vernal Cox, Chair

Absent: Commissioners Burgess, Inman (excused)

Chairman Cox read the Statement of Proper Notice pursuant to the Sunshine Law.

4. New Business

A. Disciplinary Proceedings Against:

Franklin Hayden, Inc.
Trading as Pacemaker Lounge
781 – 783 Lyons Avenue
License # 0709-33-045-004

NOTICE TO LICENSEE OF CHARGES AND HEARING
Township of Irvington Township

TO: Franklin Hayden Inc.
Authorized Agent: Ronald Hayden
94 Elm Street
West Orange, NJ 07052

License Name: Franklin Hayden Inc.
License Number 0709-33-045-004
Trade Name: Pacemaker Lounge

TAKE NOTICE, that the following charges are preferred against you:

1. On or about April 2, 2017 you caused or allowed narcotics activity to take place on the licensed premises in violation of N.J.A.C. 13-23-5(b). The penalty for this violation is forty-five (45) days liquor license suspension; and

**MINUTES – SPECIAL ALCOHOLIC BEVERAGE CONTROL BOARD
MEETING – MAY 23, 2018 – PAGE 2**

2. On or about April 2, 2017, you caused or allowed narcotic paraphernalia on the licensed premises in violation of N.J.A.C. 13-2-23.5(b). The penalty for this violation is forty-five (45) days liquor license suspension; and
3. On or about April 9, 2017 you caused or allowed narcotics activity to take place on the licensed premises in violation of N.J.A.C. 13-23-5(b). The penalty for this violation is ninety (90) days liquor license suspension; and
4. On or about April 9, 2017, you caused or allowed narcotic paraphernalia on the licensed premises in violation of N.J.A.C. 13-2-23.5(b). The penalty for this violation is ninety (90) days liquor license suspension; and
5. On or about April 29, 2017 you caused or allowed narcotics activity to take place on the licensed premises in violation of N.J.A.C. 13-23-5(b). The penalty for this violation is revocation of liquor license after the second offense; and
6. On or about April 29, 2017, you caused or allowed narcotic paraphernalia on the licensed premises in violation of N.J.A.C. 13-2-23.5(b). The penalty for this violation is revocation of liquor license after the second offense.

TAKE FURTHER NOTICE, that a hearing will be held pursuant to N.J.S.A. 33:1-31 at the Irvington Municipal Building, Civic Square, Irvington, New Jersey 07111 on Wednesday, May 23, 2018 at 6:00 P.M., or as soon thereafter as the matter may be reached, at which time and place you will be afforded full opportunity to be heard on the foregoing charge(s) and to show cause why Pacemaker Lounge License Number 0709-33-045-004 issued to you by the Township of Irvington should not be suspended or revoked.

You must enter a plea of guilty or non vult or not guilty not later than May 15, 2018 at 9:30 A.M., or at any time before that date. The plea may be submitted by letter, provided that it reaches us not later than that date.

Township of Irvington

By: Harold Wiener
ABC Secretary

This will serve to acknowledge receipt of a true copy of the foregoing charges, this day of _____, 2018

WITNESS

Dated:

Authorized Agent: Ronald Hayden
94 Elm Street

**MINUTES – SPECIAL ALCOHOLIC BEVERAGE CONTROL BOARD
MEETING – MAY 23, 2018 – PAGE 3**

West Orange, NJ 07052

Evelyn Onyeani, Esq., Assistant Township Attorney, represented the Township of Irvington as the Prosecuting Attorney and indicated that despite several attempts at service, as described below, service could not be made.

On May 14, 2018 Irvington Detective Labron attempted to personally serve the notice of charges on the licensee's authorized agent, Ronald Hayden at 94 Elm Street, West Orange, New Jersey. This attempt at service was unsuccessful.

On May 18, 2018 attempts at service of the charges on the licensee's authorized agent were made via email to two email addresses which, to date, have not been responded to.

On May 21, 2018 the notice of charges was sent via regular mail and certified mail to Post Office Box 141, Orange New Jersey, as provided by Irvington Detective Lebron which, to date, has not been responded to.

At this point it was noted for the record that the authorized agent for the license holder was not in attendance at this meeting.

It was also noted for the record that four Irvington Police Officers were in attendance and that said officers had been subpoenaed by Attorney Onyeani as witnesses in the disciplinary matter, the names of which are available in the Office of the Township Attorney.

Attorney Onyeani indicated she would again attempt service of the charges on the authorized agent for the license holder with a new date of hearing to be determined by the Alcoholic Beverage Control Board.

Chairman Cox moved to adjourn this matter until June 27, 2018 at 6:00 P.M. in the Council Chambers to allow Attorney Onyeani to attempt to serve the charges and new hearing date on the authorized agenda for the licensee, seconded by Commissioner Lyons and adopted by the following vote:

Yes: Commissioners Frederic, Hudley, Jones, Lyons, Chairman Cox

No: None

Absent: Commissioners Burgess, Inman

There being no further business the hearing adjourned at 6:18 P.M.

Vern Cox, Chairman
Alcoholic Beverage Control Board

Harold E. Wiener, Secretary to the
Alcoholic Beverage Control Board