

SPECIAL ALCOHOLIC BEVERAGE CONTROL BOARD MEETING  
OCTOBER 2, 2018

Council Chamber, Municipal Building  
Irvington, N.J. – Tuesday Evening  
October 2, 2018 - 6:00 P.M.

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

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

Absent: Commissioner Frederic (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: Fanklin 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

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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 Tuesday, October 2, 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 June 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

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By: Harold Wiener  
ABC Secretary

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

WITNESS

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Dated:

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Authorized Agent: Ronald Hayden  
94 Elm Street  
West Orange, NJ 07052

Evelyn Onyeani, Esq., Assistant Township Attorney, represented the Township of Irvington as the Prosecuting Attorney in this matter.

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Dwight H. Simon Day, Esq. represented the license holder Franklin Hayden, Inc. in this matter and entered the following plea to the charges:

Guilty to counts 1, 2, 3, 4, 5 and 6.

Ms. Onyeani recommended a penalty of 400 days suspension, to be held in abeyance until the license becomes active, in consideration of the guilty plea to all charges.

At 6:28 P.M. following the adoption of the below listed resolution, the ABC Board went into executive session.

Moved: Cox

Second: Burgess

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances;

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows quasi-judicial deliberations.
3. It is anticipated at this time that the above stated subject matter will be made public when the need for private deliberations no longer exist or upon the adoption of a resolution and order of the local Alcoholic Beverage Control Board.
4. This resolution shall take effect immediately.

Adopted

Absent: Frederic

At 6:40 P.M. the special ABC meeting resumed and Chairman Cox announced publicly that the consensus of the ABC Board was to reject the penalty of 400 days suspension, to be held in abeyance until the license becomes active in consideration of the guilty plea to all charges, and that as a result, the matter would be tried at a date to be determined in the future.

There being no further business the hearing adjourned at 6:43 P.M.

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Vern Cox, Chairman  
Alcoholic Beverage Control Board

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