

SPECIAL ALCOHOLIC BEVERAGE CONTROL BOARD MEETING

DECEMBER 17, 2018

Council Chamber, Municipal Building
Irvington, N.J. – Monday Evening
December 17, 2018 - 8:00 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: None

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 # 0709-33-045-005

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 0709-33-045-005
Trade Name: Pacemaker Lounge

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

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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

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, June 27, 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 0709-33-045-005 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

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
West Orange, NJ 07052

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

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.

The license holder, Ronald Hayden, reiterated the guilty pleas for the record.

At 8:28 P.M. following the adoption of the below listed resolution, the ABC Board went into executive session.

Moved: Cox

Second: Lyons

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 to determine if the guilty pleas are to be accepted by the ABC Board and, if so, to determine a penalty if one is warranted.
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

At 8:42 P.M. the special ABC meeting resumed.

Chairman Cox moved that the guilty pleas to charges 1, 2, 3, 4 5, and 6 made by Franklin Hayden Inc., Trade Name: Pacemaker Lounge, License Number 0709-33-045-005 be accepted by the ABC Board and that the penalty imposed be the permanent revocation of

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the License Number 0709-33-045-005, held by Franklin Hayden Inc., Trade Name: Pacemaker Lounge, effective immediately, seconded by Commissioner Lyons.

Adopted

There being no further business the hearing adjourned at 8:44 P.M.

Vern Cox, Chairman
Alcoholic Beverage Control Board

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