CITY OF JERSEY CITY
Steven M. Fulop, Mayor

Maynard Woodson
Division Director

Board of Alcoholic Beverage Control

Darrell Laval, Chairman
Mary McDonald, Commissioner
Phil Rivo, Commissioner

Amy Forman, Esq., Board Attorney
Sergeant Robert Vogt, ABC Enforcement
Rachael Riccio, Board Secretary

Division of Commerce
382 Martin Luther King Drive
Jersey City, New Jersey 07305
Telephone # 201-547-5139

VIRTUAL AGENDA

Meeting of the Municipal Board of Alcoholic Beverage Control of the City of Jersey City held, virtually using Microsoft Teams Tuesday, January 19, 2021 at 5 p.m., in accordance with the Open Public Meetings Act known as the SUNSHINE BILL.

The following matters are filed with the board:

Special Ruling to permit renewal of an inactive license pursuant to N.J.S.A. 33:1-12:39 for the 2020 - 2021 license term:

License Number:	**Name:**	**Date Granted by the State ABC:**
#0906-33-207-012	JC Committed Pig LLC	November 13, 2020
#0906-33-493-007	Jersey City Buy Rite LLC	December 23, 2020
#0906-44-069-011	Wine & Beyond LLC	December 15, 2020

Approved ☐
Denied ☐

Resolution

Name:
#0906-33-162-003
Diamond Tech Group, LLC
t/a 512 Quantum Sound
512 Paterson Plank Road
William E. Martinez, Owner 100%

Settlement Agreement Resolution
(see attached)

Approved ☐
Denied ☐

Disciplinary Hearing

Name:		**Penalty:**
#0906-33-025-008 **Factory Restaurant & Lounge, LLC** **t/a The Factory** **451 Communipaw Avenue** **Robert Paulino, Owner 100%**	Count 1 – Acts of Violence June 27, 2020	60 Days
	Count 2 – Acts of Violence June 28, 2020	60 Days
	Total	120 Days

RESOLUTION
OF THE JERSEY CITY
BOARD OF ALCOHOLIC BEVERAGE CONTROL

SETTLEMENT AGREEMENT

THE ALCOHOLIC BEVERAGE CONTROL BOARD
Offered and moved for adoption the following Resolution:

TITLE:

RESOLUTION OF THE CITY OF JERSEY CITY BOARD OF ALCOHOLIC BEVERAGE CONTROL REGARDING THE DISCIPLINARY CHARGE FILED AGAINST DIAMOND TECH GROUP, LLC (A/K/A 512 QUANTUM SOUND), LICENSE NUMBER 0906-33-162-003

WHEREAS, Diamond Tech Group, LLC a/k/a 512 Quantum Sound, License No. 0906-33-371-002 (the Licensee) operates a bar/night club located at 512 Paterson Plank Road in Jersey City, 07306 (the Licensed Premises); and

WHEREAS, on November 13, 2020, the Licensee was charged with the following Alcoholic Beverage Control (ABC) violations:

Count 1: **August 2, 2020**
Violation of N.J.A.C. 13:2-23.6(b) (*Every licensee shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance. A licensee's responsibility under this subsection includes the conduct of the licensee, its employees and patrons, if such conduct is contrary to the public health, safety and welfare*) (Failure to comply with COVID-19 curfew and indoor dining restrictions, pursuant to Executive Order No. 150 and Jersey City Municipal Code Section 296-82)

Count 2: **August 2, 2020**
Violation of N.J.A.C. 13:2-23.6(b) (*Every licensee shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance. A licensee's responsibility under this subsection includes the conduct of the licensee, its employees and patrons, if such conduct is contrary to the public health, safety and welfare*) (Failure to comply with police investigation)

Count 3: **October 4, 2020**
Violation of N.J.A.C. 13:2-23.6(b) (*Every licensee shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance. A licensee's responsibility under this subsection includes the conduct of the licensee, its employees and patrons, if such conduct is contrary to the public health, safety and welfare*) (Failure to comply with COVID-19 mask/face covering requirement and capacity limits, pursuant to Executive Order No. 183)
(Aggravated penalty pursuant to N.J.A.C. 13:2-19.11(e))

Count 4: **October 4, 2020**
Violation of N.J.A.C. 13:2-23.6(a)(2) (*No licensee shall engage in or allow, permit or suffer on or about the licensed premises any brawl, act of violence, disturbance, or unnecessary noise*) (Engaged in, allowed, permitted, suffered, failed to prevent, and/or failed to mitigate patrons fighting, screaming, and yelling outside Licensed premises)

Count 5: **October 23, 2020**

Violation of N.J.A.C. 13:2-23.6(b) (*Every licensee shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance. A licensee's responsibility under this subsection includes the conduct of the licensee, its employees and patrons, if such conduct is contrary to the public health, safety and welfare*) (Failure to comply with COVID-19 capacity, social distancing, and mask/face covering restrictions, pursuant to Executive Order No. 193)

(Mitigated penalty pursuant to N.J.A.C. 13:2-19.11(e) due to no observed injuries)

Count 6: **November 12, 2020**
Violation of N.J.A.C. 13:2-23.6(b) (*Every licensee shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance. A licensee's responsibility under this subsection includes the conduct of the licensee, its employees and patrons, if such conduct is contrary to the public health, safety and welfare*) (Obstruction and prohibited use of public space/right of way, reserved for outdoor dining, to display large holiday decorations)

Count 7: **March 4, 2020 – October 7, 2020**
Violation of N.J.A.C. 13:2-23.6(b) (*Every licensee shall operate its business in an orderly and lawful fashion, so as not to constitute a nuisance. A licensee's responsibility under this subsection includes the conduct of the licensee, its employees and patrons, if such conduct is contrary to the public health, safety and welfare*) (Over 70 calls for police service to License's premises for issues including, but not limited to, noise, assaults and disputes)

WHEREAS, the Licensee entered a plea of **NOT GUILTY** to the above ABC charges; and

WHEREAS, the subject charges carry a total suspension of 105 days; and

WHEREAS, after reviewing all available discovery and meeting with the Licensee, the Prosecutor is willing to accept resolution of the charges identified herein based upon the following terms and conditions:

1. Enter a Plea of Non-Vult to the above charges and accept a 24-day suspension to be served as follows:

December 24, 2020	(nunc pro tunc)
December 25, 2020	(nunc pro tunc)
December 26, 2020	(nunc pro tunc)
December 31, 2020	(nunc pro tunc)
January 1, 2021	(nunc pro tunc)
January 2, 2021	(nunc pro tunc)
January 8, 2021	(nunc pro tunc)
January 15, 2021	(nunc pro tunc)
January 16, 2021	(nunc pro tunc)
January 22, 2021	
January 23, 2021	
January 29, 2021	
January 30, 2021	
February 5, 2021	
February 6, 2021	
February 12, 2021	
April 2, 2021	
April 3, 2021	
November 26, 2021	
November 27, 2021	
December 24, 2021	
December 25, 2021	

2. The Licensee waives its right to appeal this suspension.

3. The Jersey City Board of Alcoholic Beverage Control will object to the Licensee's appeal to the State seeking to pay a fine in lieu of the 24-day suspension.

WHEREAS, in consideration of Licensee's plea of non-vult and the Licensee's voluntary cooperation, the Board considers this to be a fair and reasonable resolution of this matter.

IT IS THEREFORE on this **19th day** of **JANUARY 2021**, after a motion was duly made and seconded;

RESOLVED AND ORDERED that the Board approves of the settlement agreement as put forth on the record.

BE IT FURTHER RESOLVED AND ORDERED that the penalty for the violation of this charge is a license suspension of 24 days, to be served as follows:

December 24, 2020	(nunc pro tunc)
December 25, 2020	(nunc pro tunc)
December 26, 2020	(nunc pro tunc)
December 31, 2020	(nunc pro tunc)
January 1, 2021	(nunc pro tunc)
January 2, 2021	(nunc pro tunc)
January 8, 2021	(nunc pro tunc)
January 15, 2021	(nunc pro tunc)
January 16, 2021	(nunc pro tunc)
January 22, 2021	
January 23, 2021	
January 29, 2021	
January 30, 2021	
February 5, 2021	
February 6, 2021	
February 12, 2021	
April 2, 2021	
April 3, 2021	
November 26, 2021	
November 27, 2021	
December 24, 2021	
December 25, 2021	

BE IT FURTHER RESOLVED AND ORDERED, as part of this settlement, the Licensee has agreed to waive its right to appeal this suspension and therefore, the Board will object to the Licensee seeking a CASH OPTION from the State Division of Alcoholic Beverage Control

_____
Amy Forman, Esq.
Attorney for the Alcoholic Beverage Control Board
Dated: January _____, 2021

_____
James R. Lisa, Esq.
Attorney for the Licensee
Dated January _____, 2021

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Darrell Laval
Chairman, Board of Alcoholic Beverage Control Board
Dated January _____, 2021