

SPECIAL MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS

June 6, 2014
Commencing at 1:25 p.m.

BRIAN P. STACK, MAYOR
LUCIO P. FERNANDEZ, COMMISSIONER
MARYURY A. MARTINETTI, COMMISSIONER
CELIN J. VALDIVIA, COMMISSIONER

TILO E. RIVAS, COMMISSIONER

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Interpreter

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1 ACTING CITY CLERK: This is a Special
2 Public Meeting of the Union City Board of
3 Commissioners, being held on Friday, June 6,
4 2014, at one p.m., at the William V. Musto
5 Cultural Center, 420 15th Street, Union City, New
6 Jersey.

7 Will everybody please rise for the Pledge
8 of Allegiance?

9
10 (Whereupon, the Pledge of Allegiance was
11 said.)

12
13 ACTING CITY CLERK: This meeting has been
14 called in accordance with Chapter 231, Public Law
15 of 1975, the Open Public Meeting Act. Adequate
16 notice of this meeting has been provided as
17 follows:

18 Notice of this meeting setting forth the
19 time, the date, location, and the agenda, to the
20 extent known, was forwarded to The Jersey
21 Journal, The Record, and The Hudson Reporter, has
22 been posted on the bulletin board in City Hall
23 and has been made available to the public in the
24 office of the Municipal Clerk.

25

1 **ROLL CALL:**

2

3 ACTING CITY CLERK: Roll call.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Here.

6 ACTING CITY CLERK: Commissioner

7 Martinetti?

8 COMMISSIONER MARTINETTI: Here.

9 ACTING CITY CLERK: Commissioner Valdivia?

10 COMMISSIONER VALDIVIA: Here.

11 ACTING CITY CLERK: Mayor Stack?

12 MAYOR STACK: Here.

13

14 **REGULAR AGENDA:**

15

16 1. Resolution Authorizing the Execution of a
17 Settlement Agreement in a Matter Known as Leon B.
18 Piechta v. City of Union City

19

20 ACTING CITY CLERK: The first item on the
21 Regular Agenda is a Resolution Authorizing the
22 Execution of a Settlement Agreement in the Matter
23 Known as Leon B. Piechta v. -- against the City
24 of Union City.

25 Is there a motion to approve item one on

1 the agenda?

2 COMMISSIONER MARTINETTI: Motion.

3 ACTING CITY CLERK: Motion made by
4 Commissioner Martinetti.

5 COMMISSIONER VALDIVIA: Second.

6 ACTING CITY CLERK: Second by Commissioner
7 Valdivia.

8 Roll call.

9 ACTING CITY CLERK: Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: Yes.

11 ACTING CITY CLERK: Commissioner Valdivia?

12 COMMISSIONER VALDIVIA: Yes.

13 ACTING CITY CLERK: Commissioner
14 Martinetti?

15 COMMISSIONER MARTINETTI: Yes.

16 ACTING CITY CLERK: Mayor Stack?

17 MAYOR STACK: Yes.

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LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:

1. Mayem (sic) Corp. t/a El Trebol, 416-418
43rd Street, Liquor License Number 0910-33-190-008

2. La Jor Per Corp. t/a California Café, 2002
Bergenline Avenue, Liquor License Number
0910-33-021-008

3. R. G. Miranda Corp. t/a El Cuco, 516
Kennedy Boulevard, Liquor License Number
0910-33-041-005

4. S and R Akshar LLC t/a Good Time Liquors,
1314 New York Avenue, Liquor License Number
0910-33-045-007

ACTING CITY CLERK: The next item is the
Liquor License Disciplinary Proceeding.

* * *

**MAYEM (sic) CORP. t/a EL TREBOL, 416-418 43rd
Street
Liquor License Number 0910-33-190-008:**

ACTING CITY CLERK: The first one -- the
first item is the Mayen Corporation, also known
as El Trebol, 416-418 43rd Street.

1 Liquor License number is 0910-33-190-008.

2 Is there a motion to accept or reject the
3 item one on the agenda?

4 MAYOR STACK: Motion to approve.

5 MS. VANEK: Oh, this is El Trebol?

6 ACTING CITY CLERK: El Trebol.

7 MS. VANEK: We're gonna having a hearing.

8 MAYOR STACK: Hearing.

9 ACTING CITY CLERK: Oh, you're gonna have a
10 hearing?

11 MS. VANEK: Continued hearing.

12 MAYOR STACK: Hearing on that.

13 ACTING CITY CLERK: I'm sorry. Yeah.

14 MR. FARMER: If I might? If I could just
15 address my calendar.

16 Mr. Gonzalez is here with respect to the
17 trial of the first matter that's on your
18 calendar, which is the continuation of the
19 hearing before you.

20 With the Board's permission, because Mr.
21 Gonzalez says he's got a presentation that he'd
22 like to make in defense of his client, I've been
23 able to speak to the attorney who represents
24 California Café and I have a recommendation to
25 have that disposed of. And they're here and I'd

1 | like, if there could be at all possible, to take
2 | them first before having them wait an hour or so
3 | to be heard.

4 | MAYOR STACK: Sure.

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1 **LA JOR PER CORP. t/a CALIFORNIA CAFE, 2002**
2 **Bergenline Avenue**
3 **Liquor License Number 0910-33-021-008:**
4

5 MR. FARMER: Okay, Richard?

6 MR. CROSSIN: Thank you.

7 MR. FARMER: Your client's here?

8 This is a situation where there was a
9 skirmish at the California Café. And I want to
10 preference my remarks by the fact that they
11 really haven't had any episodes in the last five
12 or six years; I think the last one was '09.

13 This was an incident that occurred at
14 closing time when someone was asked to leave by
15 the barmaid. The man got upset about that and
16 kind of picked up a chair in a menacing manner
17 towards the barmaid, people intervened, it was
18 over, it was at closing time, everybody was gone.

19 Police investigated; it had some paper
20 violations. I think given the spontaneity of the
21 event and what we normally do on paper
22 violations, that a four day suspension would be
23 satisfactory and I would recommend that to the
24 Board. They seem to want to close on the 30th,
25 July 1st, 2nd and 3rd.

1 MAYOR STACK: You want to enter your
2 appearance, sir?

3 MR. CROSSIN: Good afternoon. Altamura and
4 Crossin by Richard Crossin, Union City, on behalf
5 of the defendant, California --

6 MR. DIAZ: Peter Diaz.

7 MR. CROSSIN: Members of the Board, in
8 fact, beside me stands Peter Diaz. He is the son
9 and manager of the -- son of the license holder
10 Lucrecia Diaz and the manager of that facility.

11 Mr. Farmer has accurately summarized the
12 situation and respondent tenders a plea of guilty
13 to specifications one and two, with the
14 understanding that the balance will be dismissed.
15 And we accept the recommended penalty of the four
16 day closure.

17 MR. FARMER: Just one thing as an aside.

18 I've spoken to Mr. Crossin concerning an
19 installation of cameras at the establishment and
20 he's indicated to me that his client is going to
21 be doing that and coordinating with Detective
22 Dunlay, as far as positions and that kind of
23 stuff as we have done in the past.

24 MR. CROSSIN: That's right.

25 We -- my client has had difficulty

1 | contacting the Detective but I understand he's
2 | present today and we're going to coordinate a
3 | visit by Detective Dunlay and the contractor that
4 | Mr. Diaz has called to provide an estimate,
5 | provide the installation services.

6 | MR. FARMER: Based on all that I would
7 | recommend a four day suspension being June 30th,
8 | July 1st, 2nd and 3rd.

9 | MAYOR STACK: I'll move it.

10 | ACTING CITY CLERK: Motion --

11 | COMMISSIONER MARTINETTI: Second.

12 | ACTING CITY CLERK: Motion made by Mayor
13 | Stack.

14 | Second by Commissioner Martinetti.

15 | Roll call.

16 | Commissioner Fernandez?

17 | COMMISSIONER FERNANDEZ: Yes.

18 | ACTING CITY CLERK: Commissioner Valdivia?

19 | COMMISSIONER VALDIVIA: Yes.

20 | ACTING CITY CLERK: Commissioner
21 | Martinetti?

22 | COMMISSIONER MARTINETTI: Yes.

23 | ACTING CITY CLERK: Mayor Stack?

24 | MAYOR STACK: Yes.

25 | Thank you very much.

1 MR. CROSSIN: Thank you.

2 MAYOR STACK: Thank you. Thank you.

3 MR. FARMER: Take care.

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1 **MAYEM (sic) CORP., t/a EL TREBOL, 416-418 43rd**
2 **Street**

3 **Liquor License Number 0910-33-190-008:**

4

5 ACTING CITY CLERK: Mayen Corp.?

6 MS. VANEK: I'm sorry?

7 ACTING CITY CLERK: Mayen -- is -- are we
8 gonna do the trial now?

9 MS. VANEK: Greg, you were going back to
10 El Trebol or --

11 MR. FARMER: Yes.

12 ACTING CITY CLERK: El Trebol.

13 MR. FARMER: Yes.

14 ACTING CITY CLERK: Okay.

15 (Whereupon, there was a pause in the
16 proceedings.)

17 MR. GONZALEZ: We're on the record, right?

18 MS. DILLON: You are.

19 MR. GONZALEZ: Okay.

20 For the record, Ramon Gonzalez, G-O-N-Z-A-
21 L-E-Z, firm Gonzalez and Caride, on behalf of the
22 accused bar, El Trebol.

23 MR. FARMER: Gregory Farmer on behalf of
24 the Union City ABC Board.

25 As I indicated before, this is a

1 continuation of a trial that was last before you
2 a few weeks ago.

3 All intents and purpose, I had finished my
4 case except that I would like to call Detective
5 Mendoza back to -- just to clear up some things
6 that have happened between then and now.

7 MR. GONZALEZ: Well, --

8 MR. FARMER: Okay?

9 MR. GONZALEZ: I have to object -- I have
10 to object because what happened between then and
11 now is not what's before the Board.

12 What's before the Board is what the
13 accusation is and, as Mr. Farmer said, he ended
14 his case, so I just don't understand. Unless he
15 gives a proffer as to what that has to do; his
16 case was closed and over with.

17 MR. FARMER: If I might?

18 I don't really want to keep debating about
19 it. Obviously if I put something in and it's
20 irrelevant, you'll disregard it. But if you want
21 a proffer, I will give you a proffer.

22 The proffer is that the juvenile records
23 from his credit card and bank statement show a
24 charge at client's -- at Mr. Gonzalez's client's
25 establishment. Detective Mendoza can do that

1 | because that was part of an investigation.

2 | Also, as far as a proffer of proof is
3 | concerned, this is extremely, extremely
4 | important. The last time we were here Mr.
5 | Gonzalez's client brought with him receipts --

6 | MR. GONZALEZ: I'm gonna object to Mr.
7 | Farmer --

8 | MR. FARMER: You wanted a proffer and
9 | I'm --

10 | MR. GONZALEZ: I'm --

11 | MR. FARMER: -- giving it to you and you
12 | object to it.

13 | MR. GONZALEZ: You're testifying, Mr.
14 | Farmer.

15 | A proffer is why you should put something
16 | on; not testifying as to what it is that you plan
17 | on putting on. You are now testifying tainting
18 | the individuals that are hearing the case.
19 | That's not a proffer.

20 | MR. FARMER: Well, look, Board, I don't
21 | really want to get back and forth on this. This
22 | is important because of the fact that that day
23 | there was produced by his client --

24 | MR. GONZALEZ: I'm gonna object again.
25 | This is exactly what --

1 MR. FARMER: -- proof --

2 MR. GONZALEZ: -- a proffer is not and
3 you're tainting the individuals that are hearing
4 the case.

5 MR. FARMER: Well let me ask Detective
6 Mendoza -- let me ask --

7 MR. GONZALEZ: The testimony that this
8 Board has already heard dealt with the receipt
9 that this gentleman produced that Mr. Farmer
10 presented that showed that somebody used a credit
11 card on the 16th at my client's establishment.
12 That's it.

13 I don't know what else you plan on proving
14 at this point but that's what's before the Board
15 and it's limited as to that.

16 MR. FARMER: Well, are you stipulating that
17 Mr. Hernandez's credit card was used on the day
18 of the incident to purchase two buckets of
19 beer --

20 MR. GONZALEZ: No.

21 MR. FARMER: -- at your --

22 Well, -- okay.

23 MR. GONZALEZ: No. That's not --

24 There was a charge on the 16th of which
25 there was testimony.

1 We don't know who used this card. We don't
2 know if it was Mr. Hernandez.

3 MR. FARMER: Well, you know, he --

4 MR. GONZALEZ: You didn't go into that.

5 MR. FARMER: -- testified to that that he
6 used it.

7 MR. GONZALEZ: No, no, you asked him if
8 there was a charge. And he said there was a
9 charge.

10 You didn't ask him if he used a credit card
11 at my client's --

12 MR. FARMER: Well, --

13 MR. GONZALEZ: -- establishment --

14 MR. FARMER: That --

15 MR. GONZALEZ: -- on the 16th.

16 MR. FARMER: Well, that's a matter of the
17 record. I don't think anybody --

18 MR. GONZALEZ: It is a matter of record.

19 MR. FARMER: -- who was ever there could
20 say --

21 MR. GONZALEZ: That will be in my closing
22 argument to the Board.

23 MR. FARMER: -- could think that the kid
24 didn't pay for it.

25 MR. GONZALEZ: Well, I don't know.

1 MR. FARMER: But --

2 MR. GONZALEZ: It's not what your testimony
3 is; --

4 MR. FARMER: -- we're wasting so much time.

5 MR. GONZALEZ: -- it's what the testimony
6 of the gentleman is.

7 MR. FARMER: Let's put --

8 We got this film we have to see. Let's put
9 Detective Mendoza on the phone and let him --

10 Not on the phone.

11 -- but on the stand, take five minutes and
12 then we can move on.

13 This constant bickering just delays it.

14 MR. GONZALEZ: But it's important, Mr.
15 Farmer. You can't taint the individuals that are
16 hearing the testimony because maybe it's not
17 going the way you want it to go.

18 MR. FARMER: I think it's going exactly the
19 way I want it.

20 And I want to show that Detective Mendoza
21 looked at documents your client produced and
22 corroborated the chain of the purchase and now
23 suddenly that document that was produced at the
24 last hearing is no longer able to be found based
25 on your representation to me.

1 MR. GONZALEZ: You know what, Mr. Farmer?
2 That's correct. Because these documents were
3 shown to you, given to you at the last hearing we
4 started at the Armenian Center and I never got
5 them back.

6 MR. FARMER: All right. Okay.

7 So I guess I took them.

8 All right.

9 MR. GONZALEZ: I don't know.

10 MR. FARMER: Okay.

11 MR. GONZALEZ: I'm not accusing you but I'm
12 saying that once they were given and provided, I
13 didn't get them back.

14 MR. FARMER: Okay.

15 Can I please proceed with the testimony --

16 MAYOR STACK: Sure.

17 We're just gonna take ten minutes, all
18 right, Christine?

19 MR. FARMER: Okay.

20 MS. VANEK: Sure.

21 MAYOR STACK: All right?

22

23 (Whereupon, the Board recessed from 1:37
24 p.m. to 1:44 p.m.)

25

1 ACTING CITY CLERK: Okay. We're back.

2 MAYOR STACK: We're ready to go.

3 Sorry about that.

4 ACTING CITY CLERK: Mr. Farmer? We're
5 ready.

6 MAYOR STACK: We're ready to go.

7 Greg, we're ready to go.

8 MR. FARMER: Okay.

9 (Whereupon, there was a pause in the
10 proceedings.)

11 MS. DILLON: Officer, please raise your
12 right hand.

13 Do you affirm the testimony you're about to
14 give this Board is the whole truth?

15 DETECTIVE MENDOZA: Yes.

16 MS. DILLON: Would you please state your
17 name and spell it for the record?

18 DETECTIVE MENDOZA: Detective Peter
19 Mendoza, M-E-N-D-O-Z-A, I'm with the --

20 MS. DILLON: Thank you.

21 DETECTIVE MENDOZA: -- Union City Police
22 Department.

23 MR. FARMER: And, Detective --

24 MR. GONZALEZ: Just a question for the
25 Board.

1 The Board's allowing Mr. Farmer to call the
2 Detective again?

3 Is that what's going on?

4 Because I objected to it because they
5 finished their case.

6 MAYOR STACK: Christine, you want to give
7 us some --

8 MS. VANEK: Well, it's a continued hearing,
9 so the Board would have the discretion to do so.

10 Also, based upon what Mr. Farmer said, it
11 sounds essentially like the Officer is what would
12 be construed as a rebuttal witness in response to
13 evidence that he was given at the last hearing.

14 MAYOR STACK: All right, so we'll allow it
15 All right.

16 MR. GONZALEZ: Then I would further request
17 if there's any further witnesses that they would
18 recuse so their testimony doesn't get tainted
19 again.

20 MAYOR STACK: Sure. That's only fair.

21 Is there anyone else that you're gonna be
22 calling as a witness in this room right now?

23 MR. FARMER: No, other than the victim
24 himself --

25 MR. GONZALEZ: Well, the victim was already

1 called.

2 MR. FARMER: Well, --

3 MR. GONZALEZ: If he's gonna be recalled,
4 then he's gotta be out.

5 MAYOR STACK: Are you recalling the victim?

6 MR. FARMER: Depending on --

7 Well, one of the things is he's got to sit
8 here and see this video because I'm sure
9 somebody --

10 MAYOR STACK: We can do that. We can let
11 him see the video but have him step out for now.

12 That's what you're requesting.

13 Right?

14 MR. GONZALEZ: Exactly.

15 MAYOR STACK: Yeah. I think that's fair.

16 MR. GONZALEZ: Yeah.

17 MR. FARMER: Okay.

18 MAYOR STACK: Is there anybody else in the
19 back? Detective Dunlay --

20 MR. FARMER: No.

21 MAYOR STACK: -- or --

22 MR. FARMER: Nope.

23 MAYOR STACK: -- Loaces or any --

24 Lieutenant Loaces?

25 No?

1 MR. FARMER: Nope.

2 MAYOR STACK: Okay.

3 MR. FARMER: All right, --

4 MAYOR STACK: If this gentleman could just

5 --

6 (Whereupon, there was a pause in the
7 proceedings.)

8 MR. FARMER: Okay. All right.

9 Ready, Detective?

10 DETECTIVE MENDOZA: Yes, sir.

11 MR. FARMER: Okay.

12 You're -- you were involved or you are
13 involved with the investigation concerning
14 underage drinking at El Trebol.

15 DETECTIVE MENDOZA: That's correct.

16 MR. FARMER: And that was with Mr.
17 Hernandez who is here who just stepped outside
18 for a moment?

19 DETECTIVE MENDOZA: All right.

20 During --

21 MS. DILLON: Officer, can you keep your
22 voice up for me?

23 DETECTIVE MENDOZA: Yes, ma'am.

24 MR. FARMER: During the course of your
25 investigation did you assemble certain paperwork

1 and did you receive certain paperwork?

2 DETECTIVE MENDOZA: Yes.

3 MR. FARMER: All right.

4 DETECTIVE MENDOZA: Now the allegation is
5 that Mr. Hernandez was in the bar and purchased
6 liquor and a credit card was used.

7 Would that be a fair statement?

8 DETECTIVE MENDOZA: Yes.

9 MR. FARMER: Okay.

10 I'm gonna show you what's been marked P-1
11 for identification.

12 Did you receive that?

13 DETECTIVE MENDOZA: Yes, I did.

14 MR. FARMER: Tell me what it is.

15 DETECTIVE MENDOZA: Basically, it's a
16 screenshot of Mr. Hernandez's phone, which shows
17 the purchase that was made. On this it's dated
18 12/16/2013 for the amount of \$42.80.

19 MR. FARMER: And I'm gonna show you -- that
20 shows you when it was processed.

21 Right?

22 DETECTIVE MENDOZA: That's correct.

23 MR. FARMER: Okay.

24 MR. GONZALEZ: I'd just like the record to
25 be noted that I'm objecting to these documents as

1 documents that were never provided to me.

2 MR. FARMER: They were provided to you.

3 MR. GONZALEZ: No they weren't, Greg.

4 MR. FARMER: I'm gonna show you what's been
5 marked P-2 for identification.

6 DETECTIVE MENDOZA: Right.

7 This is a document from Wells Fargo, which
8 says on 12/16 a positive purchase was made on
9 12/14, match ID at the Mayen Corp., Union City,
10 New Jersey.

11 MR. FARMER: That's El Trebol?

12 DETECTIVE MENDOZA: Yes.

13 With the credit card number ending with
14 6896, for the amount of \$42.80.

15 MR. FARMER: Okay.

16 Now, did you check with Mr. Hernandez if
17 indeed he had a credit card number -- a credit
18 card with that number?

19 DETECTIVE MENDOZA: Yes, the last time we
20 were here he produced a credit card and we
21 matched a credit card with this receipt, P-1; and
22 also the receipt that Mr. Gonzalez provided.

23 MR. FARMER: Okay.

24 Now, with respect to the receipt that Mr.
25 Gonzalez provided, that was a receipt from the

1 establishment, wasn't it?

2 DETECTIVE MENDOZA: Yes, sir.

3 MR. FARMER: Okay.

4 And that receipt you examined.

5 Correct?

6 DETECTIVE MENDOZA: Yes, sir, with Mr.
7 Gonzalez.

8 MR. FARMER: Okay.

9 And when the two of you examined it, what
10 did you see and what did you do?

11 That's a very poor question.

12 My question is when you looked at it, did
13 you verify it with the other numbers you had?

14 DETECTIVE MENDOZA: Yes, it was a positive
15 match with the last credit card numbers of 6896,
16 which we then confirm it with Mr. Hernandez
17 credit card, which also ended with 6896.

18 MR. FARMER: Okay.

19 DETECTIVE MENDOZA: And the same amount was
20 on both the original receipt and this -- on P-1
21 that was provided, 42.80.

22 MR. FARMER: And when you say it's a
23 receipt, that's the licensee's receipt?

24 DETECTIVE MENDOZA: Yes.

25 MR. FARMER: Okay.

1 Did Mr. Hernandez indicate to you whether
2 he was the one who purchased the liquor or
3 somebody on his behalf?

4 DETECTIVE MENDOZA: He was the one that
5 purchased the liquor.

6 MR. FARMER: He told you that?

7 DETECTIVE MENDOZA: Yes.

8 MR. FARMER: Okay, I have no further
9 questions.

10 MR. GONZALEZ: Detective Mendoza, --

11 DETECTIVE MENDOZA: Sir?

12 MR. GONZALEZ: You started this
13 investigation not on the 14th?

14 DETECTIVE MENDOZA: That's correct.

15 MR. GONZALEZ: Not on the 15th?

16 DETECTIVE MENDOZA: That's correct.

17 MR. GONZALEZ: Not on the 16th?

18 DETECTIVE MENDOZA: That's correct.

19 MR. GONZALEZ: You started this
20 investigation on the 25th of December.

21 Right?

22 DETECTIVE MENDOZA: That's correct; when it
23 was brought to my attention.

24 MR. GONZALEZ: Okay.

25 Actually, it was on the 26th of December.

1 DETECTIVE MENDOZA: Twenty-six; yes.

2 MR. GONZALEZ: And on the 26th of December
3 you spoke to Mr. Hernandez?

4 DETECTIVE MENDOZA: Yes; he came into the
5 Detective Bureau to say that he can identify the
6 persons that was attacking him on that day.

7 MR. GONZALEZ: Okay.

8 In fact, you showed him 1,309 photographs;
9 couldn't identify one person?

10 DETECTIVE MENDOZA: That's correct.

11 MR. GONZALEZ: All right.

12 So, that was the crux of your investigation
13 at that point.

14 Is that right?

15 DETECTIVE MENDOZA: No, sir, I did a
16 statement with him after that.

17 COMMISSIONER FERNANDEZ: A what?

18 I'm sorry; I didn't hear.

19 DETECTIVE MENDOZA: A statement.

20 MR. GONZALEZ: All right.

21 And the statement had to do with what
22 happened because he was what's presumed to be
23 assaulted?

24 DETECTIVE MENDOZA: Correct.

25 The reason why we did the statement was

1 | because he was assaulted and during the statement
2 | it was brought to my attention that he was at
3 | Trebol drinking under age.

4 | MR. FARMER: Keep your voice up.

5 | MR. GONZALEZ: He wasn't assaulted at El
6 | Trebol.

7 | DETECTIVE MENDOZA: That's correct; he was
8 | not.

9 | MR. GONZALEZ: In fact, this incident
10 | happened three blocks away.

11 | DETECTIVE MENDOZA: That I can't testify
12 | to.

13 | MR. GONZALEZ: Well, come on, you can
14 | testify to anything that's in your report.

15 | Right?

16 | DETECTIVE MENDOZA: I can't testify to
17 | another officer's report, no.

18 | MR. GONZALEZ: Oh, okay. So you didn't
19 | even get the information yourself.

20 | Right?

21 | DETECTIVE MENDOZA: I just got what was on
22 | the report, sir.

23 | MR. GONZALEZ: And it was Detective Dunlay
24 | who did that investigation.

25 | Right?

1 DETECTIVE MENDOZA: No, it was Detective --
2 it was Officer Goodwin who's present here today.

3 MR. GONZALEZ: Officer Goodwin.

4 And did you ask Officer Goodwin when this
5 happened?

6 DETECTIVE MENDOZA: No I did not.

7 MR. GONZALEZ: You don't think it's
8 important to know when -- where somebody was
9 assaulted if you're the one who's in charge of
10 this investigation?

11 DETECTIVE MENDOZA: Sir, the report that
12 was in the file is written by the officer and I
13 presume that what he's testifying, what he's
14 writing, is truthful.

15 MR. GONZALEZ: Okay.

16 MR. FARMER: The record should reflect that
17 Officer Goodwin's here; isn't he?

18 DETECTIVE MENDOZA: Yes.

19 MR. GONZALEZ: That's fantastic that he's
20 here.

21 I'm asking Officer Mendoza if you're in
22 charge of an investigation and you're inquiring
23 as to an individual what happened, don't you
24 think it's important to ask him where it was that
25 this incident happened?

1 That's a yes or --

2 DETECTIVE MENDOZA: Well, he told me --

3 MR. GONZALEZ: That's a yes or no question.

4 DETECTIVE MENDOZA: -- he told --

5 Yes, of course.

6 MR. GONZALEZ: Okay.

7 And did you do it here?

8 DETECTIVE MENDOZA: With him? Yes.

9 MR. GONZALEZ: And --

10 DETECTIVE MENDOZA: With the victim? Yes.

11 MR. GONZALEZ: And you're gonna tell me
12 that he didn't tell you that this happened three
13 blocks away?

14 DETECTIVE MENDOZA: He did not.

15 He told me the assault --

16 MR. GONZALEZ: Did you ask him?

17 DETECTIVE MENDOZA: Yes.

18 He told me the assault occurred in front of
19 Trebol.

20 MR. GONZALEZ: Oh, that's what he told you?

21 DETECTIVE MENDOZA: That's what he told me.

22 MR. GONZALEZ: Did you look at the report
23 of Officer Goodwin?

24 DETECTIVE MENDOZA: Yes I did.

25 MR. GONZALEZ: And does that say that?

1 DETECTIVE MENDOZA: No it does not.

2 MR. GONZALEZ: So, who's doing the
3 investigation, you or Officer Goodwin?

4 DETECTIVE MENDOZA: I'm taking the
5 statement that was given by the victim.

6 MR. GONZALEZ: Well you just told me that,
7 you know what, Officer Goodwin is a police
8 officer and his --

9 DETECTIVE MENDOZA: That's correct.

10 MR. GONZALEZ: -- his reports are
11 trustworthy.

12 DETECTIVE MENDOZA: That's correct.

13 MR. GONZALEZ: So you're taking this
14 victim's statement as something that's more
15 credible than your own --

16 DETECTIVE MENDOZA: That's -- I didn't say
17 that.

18 MR. GONZALEZ: -- officer?

19 DETECTIVE MENDOZA: I only said that I took
20 the statement from the victim.

21 MR. GONZALEZ: Okay.

22 And I asked you, in your --

23 Let me slow down.

24 You went --

25 How long you been on the Police Force?

1 DETECTIVE MENDOZA: Eight years.

2 MR. GONZALEZ: And you're a Detective now.
3 Right?

4 DETECTIVE MENDOZA: Yes, sir.

5 MR. GONZALEZ: And to become a Detective
6 you have to show that you have better skills than
7 the regular officer and you go up through the
8 ranks.

9 Right?

10 DETECTIVE MENDOZA: That's correct.

11 MR. GONZALEZ: And you're sent to classes
12 to learn how to do investigations.

13 Correct?

14 DETECTIVE MENDOZA: Correct.

15 MR. GONZALEZ: And you went to the Police
16 Academy and at the Police Academy they show you
17 what's -- what's required in your reports.

18 Right?

19 DETECTIVE MENDOZA: That's correct.

20 MR. GONZALEZ: Okay.

21 You're telling this Board that you don't
22 know where this incident happened?

23 DETECTIVE MENDOZA: I'm telling this Board
24 that I'm only getting the information from the
25 reports and what the victim stated.

1 MR. GONZALEZ: Okay.

2 DETECTIVE MENDOZA: I'm sorry.

3 MR. GONZALEZ: My question is pretty
4 simple.

5 Do you believe that Officer or Detective
6 Goodwin prepared an accurate report?

7 MR. FARMER: I'm gonna --

8 DETECTIVE MENDOZA: Yes.

9 MR. FARMER: -- object to that.

10 I'm gonna object because it's unfair, --
11 especially with Goodwin here -- it's unfair for
12 one witness to categorize, critique or even
13 support the testimony of another witness.
14 They're two different people.

15 If he wants to ask Goodwin whatever he
16 wants, fine. But you can't ask one witness to
17 categorize the testimony of another witness.

18 MR. GONZALEZ: This is the most amazing
19 objection I've heard in a long time because Mr.
20 Farmer is presenting this officer to say what
21 this witness said. But he doesn't want him to
22 testify as to what one of our officers in Union
23 City investigated for this incident.

24 So, it's -- what's good for one is not good
25 for the other?

1 MR. FARMER: Well, --

2 MR. GONZALEZ: I don't think that what an
3 officer does is actually better than what
4 somebody else says.

5 MR. FARMER: Well, the simple fact is this.
6 The fallacy in that is he could have -- he did
7 and could ask the juvenile who testified. He
8 could, if he wants, call Detective Goodwin.

9 Why have -- it's mindboggling, why have --

10 MR. GONZALEZ: Well, he's the one --

11 MR. FARMER: -- this witness --

12 MR. GONZALEZ: -- presented this witness.

13 MR. FARMER: -- this witness --

14 Yes. I was -- I'm not talking about
15 anything that he testified to. I was hoping we
16 would get to it.

17 MR. GONZALEZ: I haven't gotten there yet
18 because --

19 MR. FARMER: I know.

20 MR. GONZALEZ: -- you've reopened, so I can
21 ask all the questions I want.

22 MR. FARMER: They got to be relevant.

23 But the --

24 MR. GONZALEZ: They are relevant.

25 MR. FARMER: But the point is Goodwin is

1 here if he wants; fine. But you can't say is
2 this what Goodwin meant; when Goodwin's here and
3 it's another person's opinion, another person's
4 report. Not this person's report. But I give
5 up.

6 Let me ask all the questions so we can get
7 through this.

8 MR. GONZALEZ: Thank you, Mr. Farmer.

9 So, your investigation, you didn't use
10 Detective Goodwin's report in your investigation,
11 is that --

12 MR. FARMER: He didn't say that.

13 MR. GONZALEZ: -- what you're telling me?

14 MR. FARMER: He didn't say that.

15 DETECTIVE MENDOZA: I didn't say that, sir.
16 Yes, I did.

17 MR. GONZALEZ: You did?

18 DETECTIVE MENDOZA: I read his report.

19 MR. GONZALEZ: All right, so if you read
20 his report where in that report does it say the
21 incident happened?

22 DETECTIVE MENDOZA: On, I believe, -- if I
23 could look at the report -- I believe it was 34th
24 and New York is when he initially spoke to the
25 victim.

1 MR. GONZALEZ: Okay.

2 So it wasn't at El Trebol that he was
3 found?

4 MR. FARMER: What?

5 MR. GONZALEZ: Right?

6 DETECTIVE MENDOZA: That's correct.

7 MR. GONZALEZ: Okay.

8 And you don't know if the assault happened
9 in front of El Trebol, inside El Trebol, or three
10 blocks away?

11 Is that correct?

12 DETECTIVE MENDOZA: Me personally? No.

13 MR. GONZALEZ: Yes, you personally?

14 DETECTIVE MENDOZA: No.

15 MR. GONZALEZ: Okay.

16 In your investigation though did you speak
17 to Officer Goodwin?

18 DETECTIVE MENDOZA: During the initial
19 investigation? No.

20 I recently spoke to Officer Goodwin who is
21 here.

22 MR. GONZALEZ: Okay.

23 And after you spoke to Officer Goodwin that
24 is here, did he tell you that the gentleman was
25 laying on the floor three blocks away from

1 El Trebol?

2 DETECTIVE MENDOZA: He told me that the
3 victim, when he initially spoke to the victim on
4 34th and New York Avenue, that the victim was
5 uncooperative.

6 MR. GONZALEZ: Okay.

7 So Mr. Hernandez wasn't even cooperating
8 with the Police at that time.

9 Is that right?

10 DETECTIVE MENDOZA: I can't testify to
11 that, sir.

12 MR. GONZALEZ: That's what he -- that's
13 what Officer Goodwin --

14 DETECTIVE MENDOZA: That's what I was told.

15 MR. GONZALEZ: All right.

16 And the receipt you have is for the
17 incident that occurred on the 16th.

18 Is that right?

19 DETECTIVE MENDOZA: That was posted on the
20 16th.

21 MR. GONZALEZ: That was posted on the 16th.

22 DETECTIVE MENDOZA: Yes, sir.

23 MR. GONZALEZ: And were you instrumental in
24 the preparing of this notice of license of
25 charges and hearing?

1 DETECTIVE MENDOZA: No.

2 MR. GONZALEZ: No.

3 You know what I'm talking about?

4 DETECTIVE MENDOZA: No, I do not.

5 MR. GONZALEZ: Okay.

6 Can you mark this?

7 MR. FARMER: Can I see that one?

8 MR. GONZALEZ: Sure.

9 MR. FARMER: What about this one?

10 MR. GONZALEZ: I don't want that one; I'm
11 marking this one.

12 MS. DILLON: How should I designate it?

13 MR. GONZALEZ: Let's go D-1.

14 MS. DILLON: D-1?

15 MR. GONZALEZ: Two docs -- two pages, D-1.

16

17 (Whereupon, Notice to Licensee and Charges
18 was received and marked as Exhibit D-1.)

19

20 MR. GONZALEZ: I'm gonna show you what's
21 been marked D-1.

22 Have you seen this before today?

23 DETECTIVE MENDOZA: No, sir.

24 MR. GONZALEZ: Okay, do you know what it
25 is?

1 MR. FARMER: I'm gonna object to this.

2 Because what he's showing him, -- first of
3 all is it what I produced -- but he's showing him
4 the notice to charge --

5 MR. GONZALEZ: Yes.

6 MR. FARMER: -- but there was an amended
7 notice to charge that was changing around the
8 dates. So it's really unfair to show a witness a
9 document that you yourself know that has been
10 amended to cover dates December 15th and 16th.

11 MR. GONZALEZ: There's been no --

12 MR. FARMER: Why --

13 MR. GONZALEZ: -- amendment --

14 MAYOR STACK: Why --

15 MR. GONZALEZ: -- put on the record.

16 MAYOR STACK: Why aren't we showing him the
17 amended one, Ray?

18 MR. GONZALEZ: Because Mr. Farmer sent a
19 letter saying he's amended it after we started
20 the trial.

21 And there's an issue called due process,
22 Article V of the U.S. Constitution that's been
23 adopted by New Jersey, which says due process has
24 to be afforded to everybody who's charged in a
25 criminal or civil case.

1 Simply meaning, if you're accused -- if
2 somebody accuses you of hitting somebody and they
3 say that you hit them on December 1st and then you
4 start the trial and your attorney's defending you
5 and all of a sudden they say, oh, no, it really
6 wasn't the 1st, it was 5th, you can't go -- the
7 prosecutor can't go back and say, oh, do-over,
8 I'm sorry, I'm gonna do new charges. It doesn't
9 work like that.

10 Jeopardy has already attached in this case.
11 You can't change it halfway because how would you
12 defend yourself in a criminal case?

13 How do you defend yourself on a civil case
14 if somebody said they fell down?

15 Or if somebody says hey, somebody assaulted
16 me?

17 No. You prepare it based on what's been
18 provided.

19 And in this case it's very simple. D-1 is
20 the notice that my client was given for a charge
21 occurring December 16th, 2013. After this case
22 started you can't now say, ooh, gee, I have a bad
23 case, maybe I put down the wrong stuff, I'm gonna
24 change the dates.

25 It doesn't work like that.

1 MAYOR STACK: Christine, you want to guide
2 the Board?

3 MS. VANEK: Sure. Sure.

4 First of all Mr. Gonzalez is on cross. So
5 he can pretty much use any document that he wants
6 in order to cross-examine.

7 Mr. Farmer can respond to that on re-cross
8 (sic) and clarify the record for the
9 Commissioners and then we can deal with the issue
10 by way of Mr. Gonzalez's argument I'm assuming at
11 the conclusion of his case.

12 MR. GONZALEZ: Correct.

13 MAYOR STACK: Okay.

14 MR. GONZALEZ: So, this is a notice to
15 licensee of charges and hearing.

16 Is that right?

17 DETECTIVE MENDOZA: That's correct.

18 MR. GONZALEZ: Okay.

19 And the date of that -- of that violation
20 is December 16th, 2013.

21 Right?

22 DETECTIVE MENDOZA: That's written --
23 that's what written.

24 MR. GONZALEZ: That's what's written?

25 DETECTIVE MENDOZA: Yes.

1 MR. GONZALEZ: And I guess that's signed by
2 Mr. Farmer; if you know his handwriting?

3 DETECTIVE MENDOZA: I don't know his
4 handwriting.

5 MR. GONZALEZ: Okay but it's -- it's signed
6 by somebody over Gregory T. Farmer, --

7 MR. FARMER: I'll acknowledge --

8 MR. GONZALEZ: -- Prosecutor.

9 Right?

10 MR. FARMER: -- that that's my signature.

11 DETECTIVE MENDOZA: Yes.

12 MR. GONZALEZ: Thank you, Mr. Farmer.

13 All right. So, we have an individual that
14 didn't respond favorably to the investigation
15 that started on the 16th by Dr. -- by Detective
16 Goodwin.

17 Right?

18 DETECTIVE MENDOZA: What was that?

19 What was the question?

20 MR. GONZALEZ: You have an individual, Mr.
21 Hernandez, that wasn't --

22 DETECTIVE MENDOZA: Right.

23 MR. GONZALEZ: -- cooperative with Officer
24 Goodwin.

25 Right?

1 DETECTIVE MENDOZA: Correct.

2 MR. GONZALEZ: You have an individual that
3 was unable to identify the persons that assaulted
4 them.

5 Right?

6 DETECTIVE MENDOZA: That's correct.

7 MR. GONZALEZ: In fact, you showed him
8 1,309 pictures.

9 Right?

10 DETECTIVE MENDOZA: Yes.

11 MR. GONZALEZ: By any chance did Mr.
12 Hernandez talk about his guy friend, Eduardo,
13 that was at the bar?

14 DETECTIVE MENDOZA: Yes, sir, he brought up
15 his name.

16 MR. GONZALEZ: He did?

17 DETECTIVE MENDOZA: He mentioned his name,
18 yes.

19 MR. GONZALEZ: Okay.

20 Did he tell you how old his friend Eduardo
21 was?

22 DETECTIVE MENDOZA: I don't recall.

23 MR. GONZALEZ: Okay.

24 You didn't ask him?

25 DETECTIVE MENDOZA: I don't recall.

1 MR. GONZALEZ: All right.

2 I have nothing further.

3 MR. FARMER: Okay.

4 Just a couple of things.

5 You saw what was marked --

6 I'd like to mark that P-3. I have already
7 marked it.

8

9 (Whereupon, Amended Notice of License of
10 Charges and Hearing to El Trebol was received and
11 marked Exhibit P-3.)

12

13 MR. FARMER: I'm gonna show you what's been
14 marked P-3.

15 Does this say Amended Notice of License of
16 Charges and Hearings to El Trebol?

17 DETECTIVE MENDOZA: Yes.

18 MR. FARMER: Okay.

19 Does it say December 14th and 15th?

20 DETECTIVE MENDOZA: Yes.

21 MR. FARMER: All right, I just have a
22 couple of questions.

23 You've previously testified in this
24 proceeding, have you not?

25 DETECTIVE MENDOZA: Yes, sir.

1 MR. FARMER: And when you testified did you
2 testify that the incident occurred December 14th
3 and 15th, namely Saturday night into Sunday
4 morning?

5 DETECTIVE MENDOZA: I don't -- I don't
6 remember the exact days but I did say it was the
7 14th into the 15th.

8 MR. FARMER: Okay.

9 DETECTIVE MENDOZA: It was reported on the
10 15th.

11 MR. FARMER: Okay.

12 But the incident was the 14th to the 15th.

13 DETECTIVE MENDOZA: Correct.

14 MR. FARMER: Correct?

15 Okay.

16 Now, in your investigation, talking to
17 Detective Goodwin, whatever, did you learn
18 whether or not the juvenile was intoxicated or
19 not intoxicated?

20 MR. GONZALEZ: Objection as to the form of
21 the question; I don't understand what whatever
22 meant, Greg.

23 MR. FARMER: Well, he -- well, you come in
24 and you say, hey, he was disruptive, he was this,
25 that or the other thing; want to find out whether

1 or not he was drunk.

2 MR. GONZALEZ: But I just don't know what
3 the whatever means; that's an open-ended
4 question.

5 MR. FARMER: Okay.

6 MR. GONZALEZ: Be more specific.

7 MAYOR STACK: Maybe you could --

8 MR. FARMER: From your investigation --

9 MAYOR STACK: -- rephrase the question.

10 MR. FARMER: From your investigation did
11 you determine whether or not when the juvenile
12 was first seen by Detective Goodwin, whether or
13 not he was intoxicated?

14 DETECTIVE MENDOZA: That would --

15 MR. GONZALEZ: Objection. Hearsay at this
16 point.

17 He already testified that he didn't ask
18 Officer Goodwin as to what happened.

19 MR. FARMER: So, -- that's not what I'm
20 asking.

21 I'm asking whether or not the kid was drunk
22 or not drunk; that's --

23 DETECTIVE MENDOZA: Sir, I wasn't present
24 during the time that --

25 MR. FARMER: Fine.

1 DETECTIVE MENDOZA: -- the incident
2 occurred.

3 MR. FARMER: Okay.

4 No further questions.

5 MAYOR STACK: Anything further, Mr.
6 Gonzalez?

7 MR. GONZALEZ: No.

8 MAYOR STACK: No.

9 Thank you very much, Detective.

10 MR. FARMER: Detective Goodwin?

11 (Whereupon, there was a pause in the
12 proceedings.)

13 MR. FARMER: Detective Goodwin, --

14 MS. DILLON: Let me swear him in.

15 MR. FARMER: Yes.

16 MS. DILLON: Detective, please raise your
17 right hand.

18 Do you affirm the testimony you're about to
19 give this Board is the whole truth?

20 OFFICER GOODWIN: I do.

21 MS. DILLON: Would you please state your
22 name and spell it for me?

23 OFFICER GOODWIN: Yes.

24 Paul Goodwin. Last name spelled G-O-O-D-W-
25 I-N.

1 MS. DILLON: Thank you.

2 MR. FARMER: Detective Goodwin, you are
3 familiar and were involved with the incident at
4 El Trebol back in December with Mr. Hernandez?

5 MR. GONZALEZ: Objection because --

6 MR. FARMER: What's the --

7 MR. GONZALEZ: -- he's leading as to
8 El Trebol. He could testify as to what he did
9 for Mr. Hernandez.

10 MR. FARMER: No. No.

11 Let's back up.

12 MR. GONZALEZ: Okay.

13 MR. FARMER: You had an occasion to come
14 across Mr. Hernandez?

15 OFFICER GOODWIN: That is correct.

16 MR. FARMER: Okay.

17 When you came across him what condition was
18 he in physically?

19 OFFICER GOODWIN: He sustained injuries to
20 his face and he appeared to be intoxicated.

21 MR. FARMER: Okay.

22 And as a result of those injuries was he
23 taken to the hospital?

24 OFFICER GOODWIN: Yes.

25 MR. FARMER: All right.

1 Now, when you came across him, where was
2 he?

3 OFFICER GOODWIN: Thirty-fourth and New
4 York Avenue.

5 MR. FARMER: Okay.

6 Did you ask him what happened and how did
7 you get drunk?

8 OFFICER GOODWIN: I did not ask him how he
9 got drunk, no.

10 MR. FARMER: Okay.

11 Did you ask him where he was coming from?

12 OFFICER GOODWIN: If I could review my
13 report? I think have more detailed information
14 in my report. I have --

15 MAYOR STACK: Sure. Go right ahead.

16 (Whereupon, there was a pause in the
17 proceedings.)

18 MR. FARMER: Take a look at this report.

19 Is that what yours -- you mentioned here?

20 OFFICER GOODWIN: Yes, this is my report.

21 MR. FARMER: Okay.

22 OFFICER GOODWIN: Okay.

23 Okay, Mr. Hernandez indicated that he had
24 been assaulted in the area of 32nd and Bergenline
25 Avenue near a bus stop.

1 MR. FARMER: And 32nd and Bergenline Avenue
2 is how far from El Trebol?

3 OFFICER GOODWIN: It's in the immediate
4 proximity.

5 MR. FARMER: Okay.

6 No further questions.

7 MR. GONZALEZ: In your report it states
8 that Mr. Hernandez appeared heavily intoxicated.
9 Right?

10 OFFICER GOODWIN: That's correct.

11 MR. GONZALEZ: You found him on 34th
12 Street/New York Avenue.

13 Right?

14 OFFICER GOODWIN: That's correct.

15 MR. GONZALEZ: Your report further says
16 that he doesn't know the actors but he can
17 identify them.

18 Right?

19 OFFICER GOODWIN: That's correct.

20 MR. GONZALEZ: He's extremely irate?

21 OFFICER GOODWIN: I'm sorry. I'm sorry.
22 Counselor, he was not confident that he could
23 identify them.

24 MR. GONZALEZ: Okay, fair enough.

25 Extremely irate?

1 OFFICER GOODWIN: That's correct.

2 MR. GONZALEZ: And that was the extent of
3 your investigation?

4 OFFICER GOODWIN: That's correct.

5 MR. GONZALEZ: He never said that he was in
6 El Trebol restaurant.

7 Right?

8 OFFICER GOODWIN: He did not say that.

9 MR. GONZALEZ: Thank you.

10 Nothing further.

11 MR. FARMER: Thanks.

12 Okay.

13 Ready on your end?

14 MR. GONZALEZ: I don't know, are you
15 done --

16 MR. FARMER: All right. Okay.

17 MR. GONZALEZ: I just want to know if
18 you're done.

19 MR. FARMER: You got to just stop these
20 filibusters.

21 MR. GONZALEZ: I'm not filibustering.

22 MR. FARMER: I have no further witnesses at
23 this time.

24 MR. GONZALEZ: You rest?

25 MR. FARMER: I rest until I hear your case.

1 I might have a rebuttal witness that I've told
2 you could be. I don't know why you resist this.

3 MR. GONZALEZ: I just try to follow the
4 rules.

5 I'd like to call Lieutenant Dunlay.

6 Lieutenant Dunlay.

7 Is he a Lieutenant yet?

8 MAYOR STACK: No.

9 What are you doing to me? He's not even a
10 sergeant yet. Skipping ranks and everything.

11 (Whereupon, there was a pause in the
12 proceedings.)

13 MAYOR STACK: Mr. Gonzalez just made you a
14 Lieutenant.

15 DETECTIVE DUNLAY: Nice. It would be nice
16 service --

17 MR. GONZALEZ: If we could --

18 MS. DILLON: Detective, please raise --

19 MR. GONZALEZ: -- him sworn.

20 MS. DILLON: -- your right hand.

21 Do you affirm the testimony you're about to
22 give this Board is the whole truth?

23 DETECTIVE DUNLAY: I do.

24 MS. DILLON: Please state your name for the
25 record.

1 DETECTIVE DUNLAY: David A. Dunlay.

2 MS. DILLON: Thank you.

3 MR. GONZALEZ: Detective Dunlay, you gave
4 testimony about this case before in front of this
5 Board.

6 Is that right?

7 DETECTIVE DUNLAY: Yes, sir.

8 MR. GONZALEZ: And one of the issues that
9 came up was that my client had a video.

10 Is that right?

11 DETECTIVE DUNLAY: Correct.

12 MR. GONZALEZ: And because we have problems
13 copying the video it was agreed that you would
14 come to my office to view the video.

15 Is that right?

16 DETECTIVE DUNLAY: That is correct.

17 MR. GONZALEZ: Okay.

18 In fact, you came to my office and you
19 viewed the video --

20 DETECTIVE DUNLAY: I did.

21 MR. GONZALEZ: -- of this incident.

22 Is that --

23 DETECTIVE DUNLAY: Correct.

24 MR. GONZALEZ: -- right?

25 DETECTIVE DUNLAY: That is correct.

1 MR. GONZALEZ: And did you have enough --

2 MS. DILLON: Can you keep your voice up, --

3 MR. GONZALEZ: -- time to review --

4 MS. DILLON: -- Detective?

5 DETECTIVE DUNLAY: I'm sorry?

6 MS. DILLON: Can you keep your voice up?

7 DETECTIVE DUNLAY: Absolutely. I'm sorry.

8 MS. DILLON: Thank you.

9 MR. GONZALEZ: Did you have enough time to
10 review the video?

11 DETECTIVE DUNLAY: I did. Yes.

12 MR. GONZALEZ: Okay.

13 And you're familiar with what the
14 appearance of Mr. Hernandez is -- what he looks
15 like?

16 DETECTIVE DUNLAY: Correct. Yes.

17 MR. GONZALEZ: He's here today?

18 DETECTIVE DUNLAY: Yes, sir.

19 MR. GONZALEZ: It's not the first time you
20 saw him.

21 Is that right?

22 DETECTIVE DUNLAY: That is correct.

23 MR. GONZALEZ: You had seen him in prior
24 appearances before this Board?

25 DETECTIVE DUNLAY: Yes, sir.

1 MR. GONZALEZ: Okay.

2 And in the video, which probably is over an
3 hour or two hours -- because it starts before
4 around 11 or 10 o'clock and goes until closing
5 time.

6 Is that right?

7 DETECTIVE DUNLAY: Yes, sir.

8 MR. GONZALEZ: You saw the entire video?

9 DETECTIVE DUNLAY: I did.

10 MR. GONZALEZ: Okay.

11 Did you have any chance to see Mr.
12 Hernandez in that video?

13 DETECTIVE DUNLAY: I could not say with
14 certainty that I saw Mr. Hernandez.

15 MR. GONZALEZ: Okay.

16 And the video actually consists of two
17 cameras inside the location?

18 DETECTIVE DUNLAY: Yes. One in the front
19 by the entrance, one in the back and then there
20 was an outside camera.

21 MR. GONZALEZ: And than an outside camera.

22 DETECTIVE DUNLAY: Three cameras.

23 MR. GONZALEZ: And the outside camera you
24 were able to see the entire period of time.

25 Is that right?

1 DETECTIVE DUNLAY: Yes, sir.

2 MR. GONZALEZ: Didn't see Mr. Hernandez?

3 DETECTIVE DUNLAY: I could not say that I
4 saw Mr. Hernandez.

5 MR. GONZALEZ: Okay.

6 I have nothing further of this fine
7 Detective.

8 MR. FARMER: Just a couple of questions.

9 When you looked at this video did you feel
10 that you were seeing everybody and everything
11 with clarity?

12 DETECTIVE DUNLAY: Well, the video's a
13 little grainy. I can't -- you're not gonna be
14 able to completely tell somebody's face unless
15 you recognize them immediately. Because it's on
16 -- it's actually located on the ceilings. So it
17 captures the top part on both angles. But you
18 could -- you could see people.

19 There is also -- there was an area which
20 wasn't covered in the video, which was the front
21 door entrance. I believe there was one table
22 there.

23 MR. FARMER: I have no further questions.

24 MR. GONZALEZ: But generally it covers just
25 about the entire expanse of the interior.

1 Is that correct?

2 DETECTIVE DUNLAY: A large percent.

3 MR. GONZALEZ: Is that fair to say?

4 DETECTIVE DUNLAY: Yeah, a fair percentage.

5 Yes, sir.

6 MR. GONZALEZ: And if you know the
7 individual you would probably be able to identify
8 him.

9 Is that right?

10 DETECTIVE DUNLAY: Yes, sir.

11 MR. GONZALEZ: Okay.

12 So if you saw Mayor Stack in the video you
13 would be able to identify that he's Mayor Stack.

14 Right?

15 DETECTIVE DUNLAY: Yes, sir.

16 MR. GONZALEZ: Because you know what he
17 looks like?

18 DETECTIVE DUNLAY: Correct.

19 MR. GONZALEZ: Okay.

20 I have --

21 MR. FARMER: You finished?

22 MR. GONZALEZ: -- nothing further.

23 MR. FARMER: All right, I just have one
24 question just along that line.

25 Would you feel comfortable, based on what

1 | you saw, to say I'll bet my bank account that --

2 | MR. GONZALEZ: Aaw, --

3 | MR. FARMER: -- Mr. Hernandez --

4 | MR. GONZALEZ: -- objection. This is --

5 | MR. FARMER: -- wasn't in there?

6 | MR. GONZALEZ: This is ridiculous.

7 | MR. FARMER: I want to get how sure you
8 | are.

9 | DETECTIVE DUNLAY: No, I can't tell you --
10 | and like I stated before, I can't testify with
11 | complete certainty that he was there or he wasn't
12 | there. But when I viewed the video I cannot say
13 | with absolute certainty that he was in that
14 | video.

15 | MR. GONZALEZ: Thank you. I like the
16 | honesty.

17 | MR. FARMER: Okay.

18 | MR. GONZALEZ: He should be a Lieutenant.

19 | MR. FARMER: Okay, thanks.

20 | MAYOR STACK: Now the pressure's really
21 | going on.

22 | MR. FARMER: Yeah, we're gonna see this?

23 | MR. GONZALEZ: Is there anybody else you
24 | want now, Greg?

25 | MR. FARMER: You just called him.

1 MR. GONZALEZ: I know I did.

2 MR. FARMER: Okay.

3 MR. GONZALEZ: But I'm just wondering.

4 MR. FARMER: No. No.

5 MR. GONZALEZ: Okay.

6 What I'd --

7 MR. FARMER: Believe me, I want to be on
8 the record here, --

9 MR. GONZALEZ: What I --

10 MR. FARMER: -- I acknowledge that I will
11 always give you the last word. Okay? So you'll
12 have that.

13 MR. GONZALEZ: Oh, that's great.

14 MR. FARMER: All right?

15 DETECTIVE DUNLAY: Mr. -- bring Mr.
16 Hernandez in?

17 MR. FARMER: Yeah.

18 MR. GONZALEZ: Oh, you're gonna bring him
19 in now?

20 Okay.

21 MR. FARMER: Well, you're gonna start
22 the --

23 MR. GONZALEZ: Oh, yes, I am. I am.

24 What I'd like to do now, just for the -- so
25 we have a clear understanding, I have the video.

1 And the reason I wanted to have Detective
2 Dunlay --

3 And I think this is a proffer actually,
4 Greg.

5 -- is if the Board doesn't need to see the
6 entire video because we would be here for hours,
7 I think it would be better once the Detective
8 that actually saw the entire video testified to
9 say what he did.

10 So, --

11 MR. FARMER: Well, can I ask Detective
12 Dunlay one question that I think is significant
13 here?

14 MR. GONZALEZ: I thought I had the last
15 word?

16 MR. FARMER: Well, you will.

17 What you saw, okay, was it the 14th into
18 the 15th?

19 DETECTIVE DUNLAY: I believe it was because
20 there was some confusion at the last hearing
21 on --

22 MR. FARMER: Right.

23 DETECTIVE DUNLAY: -- the actual date.

24 MR. FARMER: Right.

25 DETECTIVE DUNLAY: But, no, the video that

1 we saw I don't remember right off the top of my
2 head it was the 14th or -- but it was the day that
3 or I believe that it was the transaction --

4 MR. FARMER: Okay.

5 DETECTIVE DUNLAY: -- that he stated the
6 transaction was made, not the day that it posted
7 on the card.

8 MR. FARMER: Gotcha. All right. Fine.

9 Okay, let's bring him in.

10 Oh, he's here.

11 MR. GONZALEZ: Corey (phonetic), why don't
12 we start with inside, say at around 11 o'clock?

13 MR. FARMER: Well, can -- I'd like to see
14 -- I don't know if --

15 Look, we can do whatever you want, Ray. I
16 think the time we would have is from 12 to 2.

17 MR. GONZALEZ: That's even better; it's a
18 shorter period of time.

19 Corey, go to 11:59.

20 MR. FARMER: And, I'm sorry, I don't know
21 -- it has the date on it?

22 MR. GONZALEZ: Sure does.

23 MR. FARMER: Okay. All right. All right.

24 MS. DILLON: Mr. Gonzalez?

25 MR. FARMER: Now, wait a second.

1 MS. DILLON: Are you the narrator?

2 MR. GONZALEZ: Well, --

3 MS. DILLON: Because you have to --

4 MR. GONZALEZ: -- I'm going to have it --

5 MS. DILLON: Whoever's going to narrate
6 this I have to get it on the record.

7 MR. GONZALEZ: Well, you know what, I tend
8 to roam. So, --

9 MS. DILLON: Yes you do.

10 MR. GONZALEZ: Boy.

11 MS. DILLON: So just realize that you have
12 it on now and that it's recording. Okay?

13 MR. GONZALEZ: Okay, great.

14 MS. DILLON: It can go into a pocket.

15 MR. GONZALEZ: Where's Detective Dunlay?

16 (Whereupon, there was a pause in the
17 proceedings.)

18 MR. GONZALEZ: Dave, it might be better if
19 you stick by me because I have the little
20 recording thing.

21 All right, now just so the Board's aware,
22 this is the video showing 11:57, --

23 Boy, that's nice.

24 -- showing the interior of my client's
25 establishment.

1 If we could turn it on, Corey?

2

3 (Whereupon, the video recording was
4 played.)

5

6 MR. GONZALEZ: Now, Detective Dunlay, is
7 this the same video that you saw at my office?

8 DETECTIVE DUNLAY: Looks like it.

9 MR. GONZALEZ: That you spent all those
10 hours?

11 DETECTIVE DUNLAY: Yes, sir.

12 MR. GONZALEZ: Okay.

13 MR. FARMER: Detective?

14 DETECTIVE DUNLAY: Yes, sir?

15 MR. FARMER: I don't know if they're gonna
16 be able to pick you up.

17 MAYOR STACK: Just --

18 MS. DILLON: I'm just going to --

19 MR. GONZALEZ: I have it here.

20 MAYOR STACK: Just move that --

21 MR. GONZALEZ: I have it here.

22 MAYOR STACK: Oh, okay, --

23 MR. GONZALEZ: He could -- talking to me.

24 MS. DILLON: No. It's fine.

25 MAYOR STACK: I was going to say you could

1 move that closer.

2 MS. DILLON: Just let me move this
3 microphone here --

4 MAYOR STACK: Okay, good.

5 MS. DILLON: -- and then he --

6 No, it's fine, Mr. Farmer. Leave that one
7 over there. That's fine.

8 Okay. Thank you.

9 MR. GONZALEZ: Okay.

10 MS. DILLON: Just keep your voice up
11 because of the blower.

12 DETECTIVE DUNLAY: Yes.

13 MR. GONZALEZ: And this camera 12 shows the
14 entire eating area?

15 DETECTIVE DUNLAY: Most of it, yes.

16 MR. GONZALEZ: Okay.

17 And just -- and the reason I -- I'm asking
18 these questions is because I know you've seen the
19 entire video; this portion is an actual
20 restaurant area.

21 DETECTIVE DUNLAY: Yes, sir.

22 MR. GONZALEZ: Right?

23 DETECTIVE DUNLAY: Yes.

24 MR. GONZALEZ: Where they serve food.

25 Right?

1 DETECTIVE DUNLAY: Yes.

2 MR. GONZALEZ: And the reason I ask that is
3 because I believe one of the Commissioners asked,
4 well, do they serve food at this establishment.

5 Okay.

6 Is it fair to say that if I go fast-
7 forward --

8 I think we can do that.

9 Corey, can you make it go fast-forward?

10 COREY: I can play --

11 MR. GONZALEZ: Yeah, that's good.

12 So, clearly, this isn't a bar where the
13 girls are serving drinks and dancing with
14 patrons.

15 Right?

16 DETECTIVE DUNLAY: No, sir, it's not.

17 MR. GONZALEZ: Now, I guess that was food
18 being served to that table.

19 Right?

20 So it's not just an establish --

21 MR. FARMER: Well, wait. Was that a
22 question or a statement?

23 MR. GONZALEZ: I think it was a question
24 for the Detective.

25 I don't think he was there that day but I

1 think it's fair to say that it shows somebody was
2 getting plates.

3 Unless the cats are licking alcohol, I
4 don't think it's gonna happen.

5 MR. FARMER: Somebody seems to be singing.

6 COMMISSIONER FERNANDEZ: Yeah. Yeah.

7 MAYOR STACK: It wasn't Lucio.

8 COMMISSIONER FERNANDEZ: No.

9 MR. GONZALEZ: So, is it fair to say that
10 you could tell who this person was?

11 Let's say if Mayor Stack was sitting where
12 this gentleman is, you would know it's him.

13 Right?

14 DETECTIVE DUNLAY: Yes.

15 MR. GONZALEZ: That's not him, though?

16 DETECTIVE DUNLAY: No.

17 MR. GONZALEZ: Okay.

18 MR. FARMER: No.

19 DETECTIVE DUNLAY: No.

20 MR. GONZALEZ: And we have, I guess, a
21 soccer game going on up there?

22 Is that what's going on?

23 DETECTIVE DUNLAY: I don't know if it's
24 soccer. Looks like it.

25 MR. GONZALEZ: It's a sports event.

1 Right?

2 That's soccer.

3 DETECTIVE DUNLAY: Appears to be.

4 MR. GONZALEZ: Yeah.

5 I'm not good with it but --

6 Can we make it go any faster, Corey?

7 COREY: No, this is as fast as it will
8 play.

9 MR. GONZALEZ: Okay.

10 Mr. Farmer, I'll keep it on as long as you
11 want.

12 MR. FARMER: Can I ask a question?

13 Is this what we're gonna see the whole
14 time?

15 MR. GONZALEZ: Yes.

16 MR. FARMER: I mean are there any other
17 angles?

18 MR. GONZALEZ: Oh, there's other angles.
19 But I'm talking about this one.

20 MR. FARMER: Well, if we're gonna see more
21 of the bar, fine.

22 MR. GONZALEZ: Okay. But you're satisfied
23 with this one, Mr. Farmer?

24 If you have any questions --

25 Because I know Detective Dunlay viewed all

1 of this. If you want to ask him, this is
2 probably a good time.

3 MR. FARMER: Let's just watch it.

4 DETECTIVE DUNLAY: Can I say something?

5 MR. FARMER: Yes.

6 DETECTIVE DUNLAY: Wouldn't it be better to
7 ask Adrian where he was in the bar?

8 MR. GONZALEZ: Well, he's not being --

9 DETECTIVE DUNLAY: If he's --

10 MR. GONZALEZ: -- asked a question yet.
11 It's not my witness.

12 MS. VILLON: He wants --

13 MR. FARMER: What?

14 MS. VILLON: -- to say something to you,
15 Mr. Farmer.

16 MR. FARMER: Okay, can you just pause?

17 MR. GONZALEZ: Can we just keep it going,
18 because --

19 MR. FARMER: Well, you asked me and --

20 MR. GONZALEZ: You can ask him --

21 MR. FARMER: -- it appears --

22 MR. GONZALEZ: -- while it's going.

23 MR. FARMER: Look, --

24 MR. GONZALEZ: If not, we're gonna go
25 forever.

1 MR. FARMER: -- this is an
2 administrative --

3 MR. GONZALEZ: I got a prom.

4 MR. FARMER: -- proceeding.

5 We're looking at a film. It appears from
6 the Interpreter that the young man wants to say
7 something. I would think it's relevant. Why
8 don't we hear it?

9 MS. VILLON: Okay. May I repeat --

10 MR. GONZALEZ: Is it going to be subject to
11 cross-examination?

12 MR. FARMER: I'm sure you can ask him
13 questions.

14 I have no idea what he's gonna say. We're
15 just trying to find out what happened.

16 MAYOR STACK: Are you gonna be able to pick
17 up his comments from over there?

18 MS. DILLON: No.

19 MAYOR STACK: Does he have a microphone on,
20 too?

21 DETECTIVE DUNLAY: No, he doesn't.

22 MS. DILLON: No. He would need to come
23 over here, Mayor.

24 MR. FARMER: So, why don't you --

25 MS. VILLON: I can -- the Interpreter

1 repeat what the question was.

2 MS. DILLON: But I still need you by a
3 microphone.

4 MAYOR STACK: A little bit closer. Maybe
5 over here.

6 MS. DILLON: Yeah. And you both need to be
7 sworn in.

8 MS. VILLON: Me first?

9 MS. DILLON: Yes.

10 Do you affirm that the translations from
11 English to Spanish and Spanish to English will be
12 done to the best of your ability?

13 MS. VILLON: I do.

14 Sol Villon, AOC Interpreter, Spanish.

15 MS. DILLON: Thank you.

16

17 (Whereupon, Ms. Villon interpreted English
18 to Spanish and Spanish to English for Adrian
19 Hernandez.)

20

21 MS. DILLON: Sir, please raise your right
22 hand.

23 Do you affirm the testimony you're about to
24 give this Board is this whole truth?

25 THE INTERPRETER: Yes.

1 MS. DILLON: Name for the record.

2 MR. HERNANDEZ: (In English) Adrian
3 Hernandez.

4 THE INTERPRETER: Adrian Hernandez.

5 MS. DILLON: Okay, now he's sworn.

6 MS. VILLON: Do we stand here?

7 MS. DILLON: If you can --

8 MS. VILLON: Oh. Okay.

9 THE INTERPRETER: I would like to know if
10 the camera's gonna show as to where the entrance
11 is?

12 Because this is the back part and this is
13 not the part where I was at.

14 MR. GONZALEZ: Okay.

15 Can I ask a question, Mr. Farmer?

16 I'm not gonna get scolded or any --

17 MR. FARMER: Yeah, I -- you can ask a
18 question.

19 MR. GONZALEZ: Oh, okay.

20 So, you're saying to us that this angle
21 wouldn't show you.

22 Is that right?

23 MR. HERNANDEZ: (In English) No.

24 THE INTERPRETER: No.

25 MR. GONZALEZ: Can you point with your

1 | finger -- walk up there, tell me where you want
2 | me to put the camera.

3 | Go ahead.

4 | Right there?

5 | THE INTERPRETER: Back here by the
6 | entrance.

7 | MR. GONZALEZ: Corey, go to camera -- the
8 | next angle.

9 | I don't know which it is but we'll find it.

10 | MS. DILLON: Can you maybe stand --

11 | MS. VILLON: Sure.

12 | MS. DILLON: It might be better.

13 | MS. VILLON: Sure.

14 | They want us to stand --

15 | DETECTIVE DUNLAY: Do you want to sit here?

16 | MS. VILLON: They want --

17 | MS. DILLON: No, no. It would be better --

18 | MR. GONZALEZ: No, I don't want him sitting
19 | next me. I'll --

20 | MS. DILLON: -- if you came over here, that
21 | way they could see and I can pick them up as
22 | well.

23 | MR. GONZALEZ: Can you turn that?

24 | MR. FARMER: Okay.

25 | MR. GONZALEZ: Okay, so here's the front

1 where you're saying you were?

2 THE INTERPRETER: Yes.

3 MR. GONZALEZ: Yes?

4 THE INTERPRETER: By there.

5 Yes.

6 MR. GONZALEZ: Okay.

7 The time here is -- I guess it would be 12
8 midnight, 12:10. Okay?

9 DETECTIVE DUNLAY: That's the seconds.

10 MR. GONZALEZ: Huh?

11 All right, so what is that, Corey? Turn
12 that on.

13 Oh, it's midnight.

14 COREY: Yeah.

15 MR. GONZALEZ: Right on midnight?

16 Oh, okay.

17 Play it.

18 I'm sorry.

19 So, Mr. Hernandez, where are you?

20 THE INTERPRETER: I can't see too good.

21 MR. GONZALEZ: What? Could we have him
22 come right here?

23 I want to have a very good sight of this.

24 MS. VILLON: Do I go?

25 MS. DILLON: Go ahead.

1 MR. GONZALEZ: Is that you?
2 MR. HERNANDEZ: (In English) No.
3 MR. GONZALEZ: Is that you?
4 MR. HERNANDEZ: (In English) No.
5 MR. GONZALEZ: Is that you?
6 Is that you?
7 MR. HERNANDEZ: (In English) No.
8 MR. GONZALEZ: With the long hair; is that
9 you?
10 MR. HERNANDEZ: (In English) No.
11 THE INTERPRETER: No.
12 MR. GONZALEZ: How about this one?
13 MR. HERNANDEZ: (In English) No.
14 MR. GONZALEZ: Oh.
15 THE INTERPRETER: I was sitting here on
16 this side.
17 MR. GONZALEZ: Oh, really.
18 You just told me that you were in this area
19 over here.
20 MR. FARMER: I'm gonna object to that
21 question. That couldn't be more than six feet
22 between that area.
23 MR. GONZALEZ: So you're telling me that's
24 you?
25 MR. GONZALEZ: (In English) No.

1 MR. GONZALEZ: Is that you?

2 THE INTERPRETER: No. Because I arrived
3 about --

4 MR. GONZALEZ: Okay. But --

5 THE INTERPRETER: -- 1:15 --

6 MR. GONZALEZ: All right. Okay.

7 THE INTERPRETER: -- in the morning.

8 MR. GONZALEZ: I understand what you're
9 saying.

10 So you're saying you were seated here at
11 one o'clock?

12 Go to one o'clock, Corey.

13 MR. GONZALEZ: Nice dress.

14 Is that you?

15 MR. HERNANDEZ: (In English) No.

16 MR. FARMER: There's no reason to say that
17 to the witness.

18 MR. GONZALEZ: Well, I don't know, he's
19 saying he's sitting there and there's a nice girl
20 with a dress there. Just curious if it's him.

21 MR. HERNANDEZ: (In English) No.

22 THE INTERPRETER: No.

23 MR. GONZALEZ: Not you.

24 Right?

25 What time did you leave?

1 THE INTERPRETER: Almost about when they
2 were about to close.

3 MR. GONZALEZ: Okay.

4 Can we go, Corey, to closing time?

5 MR. FARMER: Well, wait. I object to that.
6 Shouldn't we stay -- if this camera is going to
7 be showing an area -- although it doesn't show
8 the whole area if you look down to the right-
9 left, I think the witness should be able to look
10 at the whole thing.

11 MAYOR STACK: You can leave it. Leave it
12 on until closing.

13 Closing is at two o'clock.

14 Right?

15 MR. FARMER: Yeah.

16 MR. GONZALEZ: Absolutely.

17 I wanted to impress the Board so you could
18 see how nice job they do at closing, too.

19 MAYOR STACK: Is there --

20 Ray, is there any cameras that goes to that
21 left hand corner?

22 MR. GONZALEZ: I have a camera that shows
23 the outside door if somebody -- anybody coming in
24 and out.

25 MR. FARMER: Well, I guess --

1 MAYOR STACK: Okay.

2 All right, good.

3 MR. GONZALEZ: That's why I wanted to go to
4 that --

5 MR. FARMER: -- the answer --

6 MAYOR STACK: At the end. Maybe at the end
7 of it.

8 MR. GONZALEZ: Yeah.

9 Sure.

10 THE INTERPRETER: Would you be able to like
11 move -- pan more to the left where the two
12 persons are sitting at the edge?

13 MR. GONZALEZ: No, the video's the video.

14 MR. FARMER: Well, wait.

15 We have the -- can we just acknowledge that
16 he asked can the camera show an area. And the
17 answer was no, the camera can't show the area.
18 Which is the area we were talking about, which is
19 the bottom left hand side.

20 MR. GONZALEZ: The tables end there, Mr.
21 Farmer.

22

23 (Whereupon, the video recording continued
24 to play.)

25

1 MR. GONZALEZ: Okay.

2 Corey, can we stop that for a second?

3

4 (Whereupon, the video recording was
5 paused.)

6

7 MR. GONZALEZ: That's not you, is it?

8 MR. HERNANDEZ: (In English) No.

9 MR. GONZALEZ: And there was a girl
10 standing there; that wasn't you either? Blonde
11 hair?

12 MR. HERNANDEZ: (In English) No.

13 MR. GONZALEZ: Keep going, Corey.

14

15 (Whereupon, the video recording was
16 played.)

17

18 MR. GONZALEZ: Just asking in case he was
19 wearing a wig.

20 THE INTERPRETER: Well, there's more
21 seating towards this side.

22 MR. GONZALEZ: I understand but --

23 Stop right there, Corey.

24

25 (Whereupon, the video recording was

1 | paused.)

2 |

3 | MR. GONZALEZ: This is not you with the
4 | blonde wig, right?

5 | MR. HERNANDEZ: (In English) No.

6 | MR. FARMER: I'm gonna object. I don't
7 | know why the insults have to be made to a person
8 | who was just here as a witness. He's not even --

9 | MR. GONZALEZ: It's not insults. I don't
10 | know; he never testified what he was wearing.

11 | MR. FARMER: Look, I'm not gonna engage in
12 | that. I want to get this over with.

13 | MR. GONZALEZ: Thank you.

14 | So, the --

15 | MR. FARMER: You still haven't shown --

16 | MR. GONZALEZ: So, the answer is --

17 | MR. FARMER: -- the whole left side of the
18 | restaurant though.

19 | MR. GONZALEZ: Keep going, Corey. Speed it
20 | up.

21 |

22 | (Whereupon, the video recording was
23 | played.)

24 |

25 | MR. GONZALEZ: Lights on at 1:38.

1 MAYOR STACK: Where is the entrance door in
2 relationship to this?

3 Is it down -- is it down at the other end?
4 Is that --

5 MR. GONZALEZ: Yeah.

6 Come here.

7 Dave, when's the -- where's the entrance on
8 it?

9 DETECTIVE DUNLAY: The bottom part where
10 you --

11 MR. GONZALEZ: Right here?

12 DETECTIVE DUNLAY: Yes.

13 MR. FARMER: Yes.

14 MAYOR STACK: Oh, I see it.

15 MR. GONZALEZ: Okay.

16 MAYOR STACK: I got it. I got it.

17 Okay.

18 THE INTERPRETER: Yeah. This end. The
19 bottom end.

20 This -- the restrooms are in the back and
21 the entrance is the bottom end.

22

23 (Whereupon, the video recording was
24 played.)

25

1 MR. GONZALEZ: Corey, can we just stop that
2 and go back just a little bit?

3 COREY: How far?

4 MR. GONZALEZ: Ten seconds.

5 Go ahead.

6 I'll tell you to stop in a minute, all
7 right?

8 MR. COREY: Want me to play it fast or --

9 MR. GONZALEZ: No. Right there.

10 Stop in a minute.

11 That's not you.

12 Is that correct?

13 Keep going, Corey.

14 THE INTERPRETER: No.

15 MR. GONZALEZ: Thank you.

16 That's my client.

17 You can go, Corey; I'm sorry. Faster.

18 Whatever.

19 THE INTERPRETER: By then everyone had left
20 already.

21 MS. DILLON: I'm sorry, I can't hear you.

22 MS. VILLON: By then everyone had walked
23 out already.

24 MR. GONZALEZ: Can we --

25 Do you want me to continue?

1 MR. FARMER: No, I think -- I think the
2 witness said everybody seems to be out.

3 MR. GONZALEZ: Okay.

4 Could we stop that, Corey?

5 Maybe in an effort, I'd like to ask this
6 witness what time did you walk out?

7 MR. FARMER: Can we also ask what time he
8 walked in?

9 MR. GONZALEZ: I think right now I just
10 want to ask what time he walked out.

11 THE INTERPRETER: About 1:50.

12 MR. GONZALEZ: Corey, can we go to 1:45;
13 the outside door.

14 THE INTERPRETER: Oh, outside? Okay, --

15 MR. GONZALEZ: Yes, outside.

16 MR. FARMER: What time is this now?

17 MR. GONZALEZ: 1:07. Can we go to 1:45?

18 MR. FARMER: 1:07.

19 COREY: I'm trying to get it -- it may not
20 want to jump further than that.

21 MR. GONZALEZ: Oh, we have the same
22 problem.

23 COREY: Yeah, just --

24 MR. FARMER: I'm sorry?

25 MR. GONZALEZ: It's not allowing me to go

1 faster. In other words we have -- we'd have to
2 watch from --

3 Go as far as you can go, Corey.

4 COREY: Yeah.

5 I was checking if I --

6 MR. FARMER: Now is this 16 minutes after
7 12?

8 COREY: Yes, this should be 12:16 --

9 MR. GONZALEZ: Oh, right there, Corey.
10 Just --

11 COREY: That's as far as it will go.

12 MR. GONZALEZ: Just start playing fast.

13

14 (Whereupon, the video recording was
15 played.)

16

17 MR. GONZALEZ: Mr. Hernandez, this is
18 Bergenline Avenue.

19 Correct?

20 This is the door you entered?

21 Do you understand English?

22 THE INTERPRETER: A little.

23 MR. FARMER: Can I just make a question,
24 Ray?

25 MR. GONZALEZ: Sure.

1 MR. FARMER: Is this supposed to be showing
2 him going in?

3 MR. GONZALEZ: You know what, Greg? If it
4 showed him going in I would be pleading. But
5 it's not showing him going in or coming out. But
6 we definitely know that he says he came out at
7 1:50, so I was trying to get it to 1:45 to view
8 the rest from there. But I can't make it go any
9 faster than it's going.

10 MR. FARMER: But what time did he say he
11 went in?

12 MR. GONZALEZ: I don't know; I never asked
13 him.

14 But I know that he says he left at 1:50.
15 So if I go to 1:45 and I play and he --

16 MAYOR STACK: I think he said before he
17 went in at 1:10?

18 MR. GONZALEZ: Whatever it may be.

19 MAYOR STACK: Yeah.

20 MR. GONZALEZ: But I know that he --

21 MAYOR STACK: Yeah.

22 MR. GONZALEZ: -- that at one oh --

23 THE INTERPRETER: Got there about one, yes,
24 one, 1:10. I don't remember exactly, one, 1:10.

25 MR. GONZALEZ: But we know that he says

1 | that he left at 1:50.

2 | DETECTIVE DUNLAY: This is --

3 | MR. GONZALEZ: What?

4 | DETECTIVE DUNLAY: From here I think on
5 | because everybody leaves around 1:30. You see
6 | like the mass groups leaving, so --

7 | MR. GONZALEZ: Right.

8 | But I can't -- remember we can't make it go
9 | any faster.

10 | DETECTIVE DUNLAY: No, but I'm saying we
11 | just -- from here we run it, it's -- won't --
12 | shouldn't take that long.

13 | MR. GONZALEZ: Yeah.

14 | If you see yourself just tell me and we'll
15 | be glad to stop it.

16 | COREY: Just do it quick because we can't
17 | skip back to this --

18 | MR. GONZALEZ: Excuse me.

19 |

20 | (Whereupon, the video recording was
21 | played.)

22 |

23 | COMMISSIONER FERNANDEZ: Mr. Farmer, who --
24 | can we ask him a question?

25 | MR. FARMER: Yeah.

1 COMMISSIONER FERNANDEZ: Mr. Hernandez, who
2 were you with that day?

3 THE INTERPRETER: A friend. A guy friend.

4 MAYOR STACK: Did he go there often?

5 MR. HERNANDEZ: (In English) No.

6 THE INTERPRETER: No.

7 MAYOR STACK: First time?

8 THE INTERPRETER: Yes.

9 MAYOR STACK: He's a hundred percent
10 certain it's this -- it's this establishment?

11 THE INTERPRETER: Yes it was there.

12 COMMISSIONER MARTINETTI: Do you remember
13 what you were wearing that night?

14 THE INTERPRETER: I was wearing a hat.
15 Baseball cap. I was wearing a hat.

16 COMMISSIONER MARTINETTI: When he got to
17 bar was he alone? Or his friend?

18 THE INTERPRETER: Together with my friend.

19 COMMISSIONER MARTINETTI: So, the two of
20 them got to the bar together?

21 THE INTERPRETER: Yes.

22

23 (Whereupon, the video recording was
24 played.)

25

1 DETECTIVE DUNLAY: Could you go back a
2 little bit?

3 COREY: Here?

4 Yeah, I'm trying to get it because I can't
5 rewind it without it jumping back 30, 40 minutes.

6 DETECTIVE DUNLAY: Oh.

7 COREY: So I'm trying to go frame by frame
8 here.

9 DETECTIVE DUNLAY: To like the 37 --
10 towards the end of 37.

11 COREY: Stop there?

12 DETECTIVE DUNLAY: Thirty-seven -- 37
13 minutes. Well, it's really 38 but.

14 MR. GONZALEZ: Are you making reference to
15 that because that's what the video inside showed
16 most people leaving?

17 DETECTIVE DUNLAY: Well, the timestamp on
18 the --

19 MR. GONZALEZ: Right.

20 DETECTIVE DUNLAY: -- camera system, 1:38,
21 towards the end -- or towards the beginning I
22 mean.

23 MR. GONZALEZ: 1:50. Oh. That's all
24 right. I want to finish this.

25 Oh, don't tell me you went back?

1 COREY: Trying to go back and it froze up.
2 That's the problem with this outside camera.

3 MR. GONZALEZ: Don't -- don't -- don't
4 change it at all.

5 COREY: I put it at normal speed towards 35
6 but --

7 MR. GONZALEZ: Oh is that what happened?

8 COREY: Was trying to go back; it just
9 wouldn't go further. It wouldn't go forward
10 either.

11 DETECTIVE DUNLAY: There's like jumps in
12 our video.

13 MR. GONZALEZ: That's fast-forward?

14 COREY: Yeah, this is.

15 MR. GONZALEZ: When you get to, what, 1:38
16 it has a problem?

17 COREY: If he's looking for 1:37, I can
18 slow it down at 1:35 or a little bit before.

19 I just don't know why it won't go any
20 further than 1:08; I tried everything.

21 MR. GONZALEZ: Dave, why do you want to go
22 to 1:35 -- 38?

23 DETECTIVE DUNLAY: There's like -- it looks
24 like there's like a minute missing. I don't know
25 if that's -- I don't know if it's just -- nothing

1 | was going on or --

2 | MR. GONZALEZ: No, we watched that, there
3 | was -- it went straight through. It just -- if
4 | we do that it's gonna keep bringing us back to
5 | 1:07.

6 | DETECTIVE DUNLAY: Or if we could just play
7 | it at regular speed?

8 | COREY: Yeah, I'll slow it down when it
9 | gets --

10 | MR. GONZALEZ: Yeah, that's fine.

11 | COREY: -- to that point. Yeah.

12 | MR. GONZALEZ: That's fine.

13 | COREY: Just trying to go back --

14 | DETECTIVE DUNLAY: Because it just looks
15 | like the video -- like right now you see it, I
16 | don't know if it's just because we're fast-
17 | forwarding it that it -- there's bleeps. Like
18 | it's jumping. I don't know if it's just the
19 | camera system but it keeps doing it. It seems
20 | like it's doing it when we're doing it in fast-
21 | forward.

22 | MR. GONZALEZ: So where do you want me to
23 | stop?

24 | Where do you feel comfortable?

25 | DETECTIVE DUNLAY: Just like at 1:37 if we

1 | could play it normal.

2 | MR. GONZALEZ: 1:37.

3 |

4 | (Whereupon, the video recording was
5 | played.)

6 |

7 | MR. GONZALEZ: Mr. Hernandez, you said you
8 | went in at 1:10?

9 | THE INTERPRETER: Now, I'm not too sure --

10 | MR. GONZALEZ: Was it --

11 | THE INTERPRETER: -- what time I got there.

12 | MR. GONZALEZ: -- one o'clock?

13 | THE INTERPRETER: But still you have to see
14 | as that to when I went out, when I left.

15 | MR. GONZALEZ: I think the Board has to
16 | realize that we've seen from the period of time
17 | that he said he went in and we don't see him
18 | going in.

19 | When you get to 1:37, just let --
20 | (indiscernible).

21 | COREY: Yeah. I'm doing it over --
22 | (indiscernible).

23 | MR. GONZALEZ: And you didn't see yourself
24 | go in.

25 | Correct?

1 Can you say it in words so the Board can
2 hear it?

3 THE INTERPRETER: Maybe I got there like at
4 12, 12 something?

5 MR. GONZALEZ: So now you don't know when
6 you came in?

7 THE INTERPRETER: I do not remember
8 truthfully.

9 MR. GONZALEZ: Do you remember what day it
10 was?

11 THE INTERPRETER: Yes.

12 MAYOR STACK: But he's sure about the time
13 that he left though?

14 He definitely left after one o'clock in the
15 morning.

16 THE INTERPRETER: Yes.

17 Just when they were about to close.

18 MAYOR STACK: Okay.

19

20 (Whereupon, the video recording was
21 played.)

22

23 COMMISSIONER FERNANDEZ: See how it jumped.

24 DETECTIVE DUNLAY: There's about a nine
25 second jump right there.

1 MR. FARMER: What was that?

2 DETECTIVE DUNLAY: Nine second jump.

3 MAYOR STACK: About nine seconds it jumped.

4 DETECTIVE DUNLAY: That it jumped.

5 MR. GONZALEZ: That's okay because he says
6 he leaves at 1:50 --

7 MR. FARMER: Well, can we just -- you can
8 make an observation that the film jumped.

9 And I guess you can give your explanation
10 for that at the appropriate time.

11 THE INTERPRETER: I do remember that on
12 that day it was snowing and there it doesn't show
13 any snow -- snowing.

14 COMMISSIONER FERNANDEZ: Where you there on
15 a Friday night or a Saturday night?

16 THE INTERPRETER: Saturday till Sunday.

17 MAYOR STACK: It was snowing out?

18 THE INTERPRETER: Yes.

19 DETECTIVE DUNLAY: I don't know; Goodwin
20 was the officer that actually dealt with him that
21 night.

22 MR. FARMER: Was it snowing?

23 DETECTIVE DUNLAY: I have no idea.

24 MR. FARMER: Did that just jump again?

25 MS. VANEK: Mayor? Mayor?

1 The court reporter's having a hard time
2 hearing everybody. So if anyone's going to say
3 anything for the record, we kind of have to go
4 back to our positions.

5 MR. FARMER: Did the film just jump?

6 That's my question.

7 DETECTIVE DUNLAY: Yes.

8

9 (Whereupon, the video recording was
10 played.)

11

12 MAYOR STACK: Did it again. Did it again.

13

14 (Whereupon, the video recording was
15 played.)

16

17 THE INTERPRETER: That's one of -- that's
18 one of the guys that hit me. Or beat me.

19

20 (Whereupon, the video recording was
21 played.)

22

23 COMMISSIONER FERNANDEZ: Was he one of the
24 last ones to leave?

25 THE INTERPRETER: Yes.

1
2 (Whereupon, the video recording was
3 played.)

4
5 MR. GONZALEZ: I think the Commissioners
6 can note for the record that --

7 MS. DILLON: Come forward, Mr. Gonzalez.

8 MR. GONZALEZ: I'm sorry.
9 Absolutely.

10 I think the Commissioners can note for the
11 record that there's already chairs that are
12 upside down; there's people cleaning. Which is
13 consistent with the video of the inside of the
14 establishment.

15
16 (Whereupon, the video recording was
17 played.)

18
19 THE INTERPRETER: I do not believe that
20 that's --

21 MR. GONZALEZ: There's no question asked.

22 THE INTERPRETER: -- the actual night --

23 MR. FARMER: What?

24 MAYOR STACK: I didn't hear it.

25 MS. VILLON: There's no question.

1 MR. FARMER: Sol, you can repeat what he
2 said.

3 MS. VILLON: Yeah?

4 THE INTERPRETER: I do not believe that's
5 the actual video because I do remember -- from
6 that night because I do remember being there
7 Saturday night.

8
9 (Whereupon, the video recording was
10 played.)

11
12 MR. GONZALEZ: I'm not gonna show anymore.
13 I think I'm gonna stop it now --

14 MR. FARMER: Okay, I don't --

15 MR. GONZALEZ: You haven't seen yourself --

16 THE INTERPRETER: No.

17 MR. GONZALEZ: I have nothing further of
18 the video.

19 (Whereupon, there was a pause in the
20 proceedings.)

21 MR. FARMER: I just want to ask this kid
22 one question.

23 MR. GONZALEZ: Go ahead. Sure.

24 I think we need to continue.

25 MR. FARMER: All right. Okay.

1 Sol? Can I see you for a second?

2 You're under oath.

3 When you were in the bar you paid with it
4 -- with your credit card.

5 Correct?

6 THE INTERPRETER: True.

7 MR. FARMER: Did somebody use your credit
8 card or did you sign the credit card yourself?

9 THE INTERPRETER: No, I did but it was a
10 debit card.

11 MR. FARMER: Oh, a debit card. Okay.

12 You did not see yourself on the video --

13 THE INTERPRETER: True.

14 MR. FARMER: -- but was there a section of
15 the video that didn't show where you were sitting
16 that night?

17 THE INTERPRETER: Yes, there was but I
18 could not be seen.

19 And I do remember on that day it was
20 snowing and on the video it shows no snow.

21 MR. FARMER: Okay.

22 And my question is are you absolutely sure,
23 no mistake about it, that you were in El Trebol?

24 THE INTERPRETER: Yes.

25 MR. FARMER: Okay. I have no further

1 questions.

2 MR. GONZALEZ: I'll just ask questions
3 based on that.

4 Mr. Hernandez, you told this Board that you
5 came in at 1:10.

6 When you didn't see yourself go in at 1:10
7 you changed your statement and said it was about
8 12:30.

9 MS. VILLON: About what time?

10 MR. GONZALEZ: 12:30.

11 When you didn't yourself come in at 12:30
12 you said, well, it might have been 12.

13 MR. FARMER: Is there a question in this
14 statement?

15 MR. GONZALEZ: It is. I'm doing it so she
16 can interpret though.

17 In fact, you don't know what time you were
18 there.

19 Isn't that true?

20 THE INTERPRETER: Yes, I was sure but now
21 I'm confused because I didn't see myself sitting
22 there. And again I repeat, as I remember on that
23 night there was no snow.

24 MR. GONZALEZ: And you didn't see yourself
25 leave either?

1 THE INTERPRETER: No.

2 MR. GONZALEZ: I have nothing further.

3 MR. FARMER: Okay.

4 Thank you.

5 Thanks.

6 MR. GONZALEZ: Just so the Board's aware, I
7 do have two other witnesses that will probably
8 take about an hour.

9 MAYOR STACK: You could proceed.

10 MR. GONZALEZ: And I have a prior
11 engagement.

12 My understanding was we were gonna start at
13 12 o'clock.

14 MR. FARMER: It's his daughter's prom
15 tonight.

16 MAYOR STACK: I'm sorry?

17 MR. FARMER: It's daughter's prom tonight.

18 MR. GONZALEZ: We were supposed to start at
19 12; that's what the notice I had. But since we
20 started an hour later, --

21 MAYOR STACK: No, one.

22 MR. FARMER: One.

23 MAYOR STACK: One.

24 MS. VANEK: One.

25 MAYOR STACK: One o'clock.

1 MR. FARMER: Well, okay.

2 But -- you can speak to yourself; you have
3 a personal obligation.

4 MR. GONZALEZ: Yeah, I have a personal
5 obligation.

6 MAYOR STACK: Okay.

7 MR. GONZALEZ: I can't finish with my two
8 witnesses at this time.

9 MAYOR STACK: Okay.

10 You gonna do one, Ray? Can you do one?

11 MR. FARMER: You know, if I might?

12 MAYOR STACK: What time -- I mean do you
13 have to be out of here by a certain time or --

14 MR. GONZALEZ: We have pre-prom; gotta take
15 pictures.

16 MAYOR STACK: I'm sorry?

17 MR. GONZALEZ: Gotta take pictures.

18 MAYOR STACK: Okay. No, I understand.

19 MR. FARMER: It's his daughter's prom.

20 MAYOR STACK: I didn't hear what he said.
21 I'm sorry. I wasn't --

22 MR. FARMER: No, --

23 MR. GONZALEZ: Oh, that's -- yeah,
24 that's --

25 MAYOR STACK: Yeah. No, go right ahead.

1 MR. GONZALEZ: If not I'd stay.

2 MAYOR STACK: Yeah, no problem.

3 MR. FARMER: And just --

4 MR. GONZALEZ: I don't mind working in
5 Union City too late.

6 MAYOR STACK: Not a problem. Not a
7 problem.

8 MR. FARMER: I have another one on that's
9 gonna be a plea.

10 MAYOR STACK: Okay.

11 MR. FARMER: El Cuco.

12 MAYOR STACK: So, we'll have taken care of
13 California, El Cuco and we're halfway through
14 here.

15 MAYOR STACK: All right, we'll set this up
16 then for another --

17 We should set it up for another afternoon
18 though.

19 MR. GONZALEZ: I don't -- I don't think
20 we --

21 MR. FARMER: I don't think so.

22 MAYOR STACK: No?

23 MR. GONZALEZ: I don't think we need --

24 MR. FARMER: I think we can do it --

25 MR. GONZALEZ: -- an afternoon.

1 MAYOR STACK: You don't?

2 MR. FARMER: No.

3 MAYOR STACK: Okay.

4 MR. GONZALEZ: You know, I don't see it
5 going more than an hour.

6 MAYOR STACK: Okay.

7 We'll put it on -- let's put it on for the
8 next --

9 I just got to make sure I don't have a
10 Police Community Meeting after the next
11 Commission Meeting.

12 MR. FARMER: The only thing --

13 We have one other case that's gonna be a
14 plea at the next meeting; take five, ten minutes.

15 MAYOR STACK: Okay, the next --

16 MR. FARMER: Okay?

17 MAYOR STACK: -- meeting is on what date?

18 MS. VANEK: Seventeenth, Mayor.

19 MAYOR STACK: The 17th?

20 I just got to check. Maybe if we could
21 just check with --

22 MR. FARMER: Yeah.

23 MAYOR STACK: -- Mark real quick and just
24 see if I have --

25 Before I set it up for that date, --

1 MR. FARMER: Okay.

2 MAYOR STACK: -- let's just make sure with
3 Mark that --

4 Let me give him a call real quick. All
5 right?

6 MR. GONZALEZ: Seventeenth is not good for
7 me.

8 MS. VANEK: Bella Vista.

9 MAYOR STACK: It's not?

10 MR. FARMER: Bella Vista?

11 MAYOR STACK: Okay. It's probably not
12 gonna be good for me.

13 MR. FARMER: Okay.

14 MAYOR STACK: I'm pretty sure I have a
15 Police Community Meeting right after the
16 Commission Meeting.

17 MR. FARMER: Okay.

18 MAYOR STACK: What would be the date after
19 that?

20 MR. FARMER: Two weeks, wouldn't it?

21 MAYOR STACK: Yeah, --

22 MR. FARMER: So, --

23 MAYOR STACK: -- what's the date though?

24 MR. FARMER: It would be --

25 MAYOR STACK: July 1st?

1 ACTING CITY CLERK: July 1st.

2 MR. FARMER: July 1st.

3 MAYOR STACK: Do we have a Commission --
4 Do we have July 1st festivities on that
5 night, Lucio, or no?

6 COMMISSIONER FERNANDEZ: July 1st we have
7 the festivities.

8 MAYOR STACK: Huh?

9 COMMISSIONER FERNANDEZ: July 1st we have
10 the festivities for Independence Day.

11 MAYOR STACK: Wait, that's Tuesday.

12 July 4th is on that Friday. We're doing it
13 on the 1st?

14 COMMISSIONER FERNANDEZ: Yeah.

15 MAYOR STACK: We are?

16 COMMISSIONER FERNANDEZ: Tuesday, yeah.

17 MR. GONZALEZ: If you want to do it earlier
18 on the 17th, I would be available.

19 In other words I don't know if -- you know,
20 say four o'clock? If that's good?

21 MR. FARMER: You want to set up another
22 just Special Meeting?

23 MR. GONZALEZ: We could do that. That's
24 fine.

25 MR. FARMER: You know it just seems to me

1 | that we're getting not too much progress in this.

2 | MAYOR STACK: How much time do you think
3 | you'll need for the -- to finish that off?

4 | MR. GONZALEZ: One hour.

5 | MAYOR STACK: An hour?

6 | MR. FARMER: Try two hours.

7 | MAYOR STACK: All right, so --

8 | MR. FARMER: Two hours.

9 | MAYOR STACK: -- you want to set it up for
10 | five o'clock?

11 | MR. FARMER: Okay.

12 | MR. GONZALEZ: On?

13 | MAYOR STACK: On the 17th?

14 | MR. GONZALEZ: That's fine.

15 | MAYOR STACK: All right?

16 | MR. FARMER: Okay.

17 | MAYOR STACK: Let's do that then, all
18 | right?

19 | MS. VANEK: Mayor, do you want that also at
20 | the Bella Vista or here?

21 | MAYOR STACK: Oh, the meeting's at the
22 | Bella Vista?

23 | ACTING CITY CLERK: Yeah.

24 | MAYOR STACK: We could do it there. It
25 | would make sense I think probably to do it there.

1 MR. FARMER: And I'm gonna have a plea that
2 night on another case. And we'll have time to do
3 that, right?

4 MAYOR STACK: Yeah.

5 MR. FARMER: That will take nothing.

6 MAYOR STACK: Yeah. That's fine.

7 MR. FARMER: And that will wrap it up I
8 think.

9 MR. GONZALEZ: All right. Thank you.

10 MR. FARMER: All right.

11 MAYOR STACK: Thank you.

12 MR. FARMER: Al? Charles?

13 Okay.

14 * * *

15

16

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1 **R. G. MIRANDA CORP. t/a EL CUCO, 516 Kennedy**
2 **Boulevard**
3 **Liquor License Number 0910-33-041-005:**

4
5 ACTING CITY CLERK: Item number 3 is R. G.
6 Miranda Corporation, also known El Cuco, 516
7 Kennedy Boulevard.

8 Liquor License number 0910-33-041-005.

9 MR. SAPIENZA: Charles Sapienza, appearing
10 on behalf of the Union City ABC Board.

11 MR. ALONSO: Good afternoon, Alvaro Alonso,
12 Alonso and Navarette on behalf of El Cuco.

13 MR. SAPIENZA: Gentlemen and ladies of the
14 Board, we have discussed this case in detail with
15 both the police officers and the licensee. Mr.
16 Alonso and I have a settlement of the charges
17 that we think is fair, imposing proper penalty;
18 but at the same time recognizing the facts of the
19 case and the cooperation of the licensee.

20 What we propose is that the licensee will
21 offer a plea of non vult to the first charge,
22 which is allowing, permitting or suffering an act
23 of violence requiring a Police response on March
24 16th, 2014.

25 And I would move to dismiss certain

1 recordkeeping charges that were also alleged
2 against the licensee on the same date.

3 Those recordkeeping charges were not
4 keeping an up-to-date, fully complete E-141A, not
5 having books of account on the licensed premises
6 that the Police can review, and not having
7 delivery slips, invoices or similar documents.

8 The licensee has agreed to accept a
9 suspension of ten days of the license, which is a
10 significant penalty for any licensee.

11 We further agree to clarify a condition
12 that had been placed on this license when you
13 renewed it -- the license, last year.

14 That condition was that she would keep --
15 when I say she, I mean the licensee would keep or
16 would install closed circuit television cameras
17 within 30 days, which would observe business on
18 the premises.

19 The video recordings would be held for at
20 least 30 days by the licensee and will maintain
21 records beyond the 30 days if requested by the
22 Police Department.

23 In this particular case the Police
24 Department was unable to get back to the
25 licensee's premises to view these recordings,

1 | which would have demonstrated exactly what
2 | happened on the licensed premise preceding the
3 | act of violence within the 30 days. And the
4 | licensee's equipment that was installed and
5 | working properly actually kept the recordings for
6 | the 30 days required.

7 | The way we're gonna cure this is recognize
8 | that the Police Department was unable to get
9 | there in 30 days, we're going to expand the
10 | condition on the licensed premise to 60 days
11 | beginning this year at this renewal. And the
12 | Police Department's indicated that's -- that's
13 | very satisfactory to them.

14 | MAYOR STACK: So they weren't able to get
15 | there within 30 days?

16 | MR. SAPIENZA: Yes. They were not able to
17 | get there within 30 days.

18 | MAYOR STACK: Okay.

19 | Okay.

20 | ACTING CITY CLERK: Is there a motion?

21 | MAYOR STACK: I'll make a motion to
22 | approve.

23 | ACTING CITY CLERK: Motion by Mayor Stack.

24 | COMMISSIONER FERNANDEZ: I'll second.

25 | ACTING CITY CLERK: Second by Commissioner

1 Fernandez.

2 Roll call.

3 Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Yes.

5 ACTING CITY CLERK: Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Yes.

7 ACTING CITY CLERK: Commissioner

8 Martinetti?

9 COMMISSIONER MARTINETTI: Yes.

10 ACTING CITY CLERK: Mayor Stack?

11 MAYOR STACK: Yes.

12 MR. ALONSO: Thank you very much.

13 MAYOR STACK: Thank you.

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1 **S and R AKSHAR LLC t/a GOOD TIME LIQUORS, 1314**
2 **New York Avenue**
3 **Liquor License Number 0910-33-045-007:**
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5 ACTING CITY CLERK: Next item is S and R
6 Akshar LLC, also known as Good Time Liquors, 1314
7 New York Avenue.

8 Liquor License number 0910-33-045-007.

9 Is there a motion to accept?

10 MR. FARMER: I'm sorry.

11 ACTING CITY CLERK: Oh.

12 MR. FARMER: Good Time Liquors is
13 represented by Anthony Bianciella.

14 When I was putting this case on the witness
15 is a young high school student who had a college
16 visit at a college campus today. So, I think it
17 should go off.

18 But I've already spoken to Mr. Bianciella
19 and it's a worked out plea that we'll put in --
20 put on the next meeting.

21 So if you could be good enough to carry it
22 to the next meeting, which is at the Bella Vista,
23 on the 17th.

24 MAYOR STACK: Okay.

25 That's fine.

1 MR. FARMER: Okay?

2 ACTING CITY CLERK: Is there a motion?

3 MAYOR STACK: Motion.

4 ACTING CITY CLERK: Mayor Stack.

5 COMMISSIONER MARTINETTI: Second.

6 ACTING CITY CLERK: Commissioner

7 Martinetti.

8 Roll call.

9 Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: Yes.

11 ACTING CITY CLERK: Commissioner Valdivia?

12 COMMISSIONER VALDIVIA: Yes.

13 ACTING CITY CLERK: Commissioner

14 Martinetti?

15 COMMISSIONER MARTINETTI: Yes.

16 ACTING CITY CLERK: Mayor Stack?

17 MAYOR STACK: Yes.

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20 **ADJOURNMENT:**

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22 ACTING CITY CLERK: Is there a motion to
23 adjourn?

24 COMMISSIONER MARTINETTI: Motion.

25 MAYOR STACK: Motion.

1 ACTING CITY CLERK: Motion made by
2 Martinetti.

3 Second by Mayor Stack.

4 All in favor?

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6 (Whereupon, there was a chorus of ayes.)

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8 (Whereupon, the proceedings were concluded
9 at 3:27 p.m.)

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_____	Brian P. Stack
_____	Lucio P. Fernandez
_____	Maryury A. Martinetti
_____	Celin J. Valdivia

Board of Commissioners

Attest:

Dominick Cantatore,
Acting City Clerk

1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the SPECIAL
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 held on Friday, June 6, 2014, and digitally
10 recorded.

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25 Monitored and Proofread by: Deborah Dillon