

SPECIAL MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS

Friday, July 11, 2014
Commencing at 1:06 p.m.

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

TILO E. RIVAS, COMMISSIONER

DOMINICK CANTATORE, ACTING CITY CLERK

SOL VILLON
Interpreter

A P P E A R A N C E S:

GREGORY T. FARMER, ESQ.
Attorney for the Union City
Alcohol Beverage Control Commission

MESSRS. GONZALEZ & CARIDE
BY: RAMON M. GONZALEZ, ESQ.,
Attorney for Mayen Corp. t/a El Trebol

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1 ACTING CITY CLERK: Special Public Meeting
2 of the Union City Board of Commissioners, being
3 held on Friday, July 11, 2014, at 12:30 p.m., at
4 the William V. Musto Cultural Center, 420 15th
5 Street, Union City, New Jersey.

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

8

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

11

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

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

24

25 **ROLL CALL:**

1

2

ACTING CITY CLERK: Roll call.

3

Commissioner Fernandez?

4

COMMISSIONER FERNANDEZ: Here.

5

ACTING CITY CLERK: Commissioner Rivas?

6

He's absent.

7

Commissioner 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

LIQUOR LICENSE TRANSFER RESOLUTION:

15

16 1. Resolution Granting Application for Person
17 to Person Transfer of Liquor License No.
18 0910-44-132-009 from Shreeji Enterprises Inc. to
19 Ganesh Swami Inc. for the continued use at 710
20 Summit Avenue

21

22

ACTING CITY CLERK: First item on the

23

agenda is a Liquor License Transfer Resolution.

24

It's Resolution Granting Application for

25

Person to Person Transfer of Liquor License

1 number 0910-44-132-009 from Shreeji Enterprise
2 Inc. to Ganesh Swami Inc. for the continuous use
3 at 710 Summit Avenue.

4 Is there a motion?

5 MAYOR STACK: This was on just to -- for
6 clarification, this was on a prior agenda that we
7 didn't -- was back -- doing the State because we
8 didn't do a Resolution at that time.

9 Is that correct?

10 We went through a hearing and -- just to
11 refresh the memory of the Commissioners, --

12 I know, Dominick, you weren't here then;
13 right?

14 ACTING CITY CLERK: Right I was not. This
15 was back --

16 MAYOR STACK: You weren't here.

17 ACTING CITY CLERK: This was back in
18 December.

19 MAYOR STACK: This was back in December.
20 So we had this hearing; we went through -- we
21 sought input from anybody in the public. And all
22 we're doing is just a Resolution memorializing
23 what took place on that date.

24 ACTING CITY CLERK: Right.

25 MAYOR STACK: Okay.

1 ACTING CITY CLERK: Exactly.

2 MAYOR STACK: I'll move it.

3 ACTING CITY CLERK: Motion made by Mayor
4 Stack.

5 COMMISSIONER VALDIVIA: Second.

6 COMMISSIONER FERNANDEZ: Second.

7 ACTING CITY CLERK: Second by Commissioner
8 Valdivia.

9 Roll call.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes.

12 ACTING CITY CLERK: Commissioner Rivas is
13 absent.

14 Commissioner Valdivia?

15 COMMISSIONER VALDIVIA: Yes.

16 ACTING CITY CLERK: Commissioner
17 Martinetti?

18 COMMISSIONER MARTINETTI: Yes.

19 ACTING CITY CLERK: Mayor Stack?

20 MAYOR STACK: Yes.

21 * * *

22

23

24

25

1 **LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:**

2

3 1. Mayem (sic) Corp. t/a El Trebol, 416-418
4 43rd Street (sic), Liquor License Number
5 0910-33-190-008

6 2. Any other matter of City business that may
7 arise

8

9 ACTING CITY CLERK: Second item is a Liquor
10 License Disciplinary Proceeding.

11 Mayen Corporation, also known as El Trebol,
12 416-418 43rd Street (sic); Liquor License number
13 0910-33-190-008.

14 Mr. Farmer?

15 MR. FARMER: Yes.

16 Gregory Farmer, as Prosecutor for the
17 Alcohol Beverage Control Commission.

18 MAYOR STACK: Is that the address of the
19 establishment?

20 COMMISSIONER VALDIVIA: That's not the
21 address.

22 MAYOR STACK: No. That's not the address
23 of the establishment.

24 COMMISSIONER VALDIVIA: It's probably their
25 other business.

1 MAYOR STACK: That's not the address.

2 COMMISSIONER VALDIVIA: It's 3204

3 Bergenline Ave.

4 MAYOR STACK: Bergenline Ave.

5 It says 416-418 43rd Street where we have
6 this listed as.

7 MR. GONZALEZ: Right.

8 MAYOR STACK: I noticed that just a few
9 minutes ago coming in.

10 You had no plans moving it -- trying to
11 move it there or any--

12 MR. GONZALEZ: No.

13 MAYOR STACK: There was no application,
14 nothing --

15 MR. GONZALEZ: No. No. Nothing.

16 MAYOR STACK: It's just a mistake.

17 MR. GONZALEZ: I think it's just an error.

18 MAYOR STACK: We got to note that here.

19 MS. KACZYNSKI: What's the proper address?

20 COMMISSIONER VALDIVIA: 3204 Bergenline.

21 MAYOR STACK: Bergenline Avenue.

22 MS. KACZYNSKI: Thank you, Commissioner.

23 MR. FARMER: Okay.

24 MAYOR STACK: Thank you for everybody
25 waiting. I was just dealing with a couple

1 different emergencies.

2 MR. FARMER: Okay.

3 I think where we're at is Mr. Gonzalez,
4 who's here with his client, had just completed
5 the video of the establishment presumably that
6 evening.

7 I have Lieutenant Loaces here who's gonna
8 sponsor a couple of documents. And I guess we
9 have the licensee's testimony.

10 MAYOR STACK: Okay.

11 MR. GONZALEZ: I don't know which order you
12 want to go?

13 MR. FARMER: Well, --

14 MR. GONZALEZ: If you want present --

15 MR. FARMER: All right, I'll -- let me do
16 that; that will be faster.

17 Okay?

18 Lieutenant Loaces?

19 MS. DILLON: Right in front of the
20 microphone.

21 Lieutenant, please raise your right hand.

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

24 LIEUTENANT LOACES: I do.

25 MS. DILLON: Please state your name for the

1 record.

2 LIEUTENANT LOACES: Lieutenant Juan Loaces,
3 L-O-A-C-E-S.

4 MS. DILLON: Thank you.

5 MR. FARMER: Lieutenant, please keep your
6 voice up so everyone can hear your response.

7 LIEUTENANT LOACES: Very good.

8 MR. FARMER: You've, basically, been in and
9 out of this case from the beginning.

10 Right?

11 LIEUTENANT LOACES: Yes.

12 MR. FARMER: And you've been here during
13 the prior proceedings?

14 LIEUTENANT LOACES: I have.

15 MR. FARMER: And you were here last time
16 when a video was shown of the establishment?

17 LIEUTENANT LOACES: Correct.

18 MR. FARMER: Okay.

19 After that was done did you instruct people
20 or do something with respect to the bar?

21 LIEUTENANT LOACES: I directed Detective
22 Mendoza to respond to the establishment, El
23 Trebol, and take individual photos of different
24 locations or different angles, if you will,
25 inside the tavern.

1 MR. FARMER: Okay.

2 Now, I'm gonna show you what's been marked
3 P-5 for identification.

4 Is that a diagram of the establishment?

5 LIEUTENANT LOACES: Yes.

6 MR. FARMER: Okay.

7 LIEUTENANT LOACES: This is a diagram that
8 was made by Detective Mendoza.

9 The purpose of the diagram is to illustrate
10 the angles from which the following photos were
11 taken.

12 MR. FARMER: Okay.

13 So you have these triangles in -- in the
14 diagram.

15 Correct?

16 LIEUTENANT LOACES: Correct.

17 MR. FARMER: And that was a -- those are
18 the spots where Police Officer, I guess, Mendoza
19 took photographs of the establishment?

20 LIEUTENANT LOACES: Correct.

21 MR. FARMER: Okay.

22 LIEUTENANT LOACES: Each individual one
23 would be Detective Mendoza standing up against
24 the furthest point with his back taking a photo
25 at the room.

1 MR. FARMER: All right.

2 And you have it designated, 1, 2, 3, 4, 5,

3 -- I guess --

4 LIEUTENANT LOACES: And 6.

5 MR. FARMER: -- 6. And six.

6 LIEUTENANT LOACES: Correct.

7 MR. FARMER: Okay?

8 And that corresponds to the six photographs
9 that are accompanying it?

10 LIEUTENANT LOACES: Correct. Which are
11 also marked on the back.

12 MR. FARMER: Right.

13 As picture 1, picture 2, --

14 LIEUTENANT LOACES: Correct.

15 MR. FARMER: Okay.

16 Coincide with the triangles --

17 LIEUTENANT LOACES: Yes.

18 MR. FARMER: -- in the diagram.

19 LIEUTENANT LOACES: Yes.

20 MR. FARMER: Right?

21 You've been in this place, haven't you?

22 LIEUTENANT LOACES: I have.

23 MR. FARMER: Would it be fair to say, two
24 things; that these pictures kind of capture
25 everything?

1 LIEUTENANT LOACES: I would say so.

2 MR. FARMER: Okay.

3 And I'm just gonna direct your attention,
4 there is a dotted line down the diagram; would it
5 be fair to say that's kind of like a partition?

6 LIEUTENANT LOACES: It's half a wall. It
7 goes up probably four, five feet, --

8 MR. FARMER: Okay.

9 LIEUTENANT LOACES: -- tops.

10 MR. FARMER: All right.

11 And then you have this area, --

12 LIEUTENANT LOACES: Yes.

13 MR. FARMER: -- to the right.

14 LIEUTENANT LOACES: Correct.

15 MR. FARMER: Looking at the diagram -- and
16 I don't want to put words in anybody's mouth, but
17 would it be the area that I'm pointing to --

18 And let's just put area two, okay?

19 LIEUTENANT LOACES: Okay.

20 MR. FARMER: And this area one.

21 -- that area two is substantially bigger
22 than area one?

23 LIEUTENANT LOACES: Yes.

24 MR. FARMER: Okay.

25 We know -- we don't know --

1 All right, that's fine.

2 I'm gonna show you these pictures. They're
3 the six pictures -- I've taken them out of order
4 but --

5 LIEUTENANT LOACES: Okay.

6 Okay.

7 MR. FARMER: Okay.

8 I'm gonna show you -- the Board will have
9 them all but I'm just gonna show you -- let's do
10 3, 4 and 6.

11 Specifically, 4, what does that show?

12 LIEUTENANT LOACES: Photo 4 shows the
13 partition wall that we spoke of. It shows a
14 seating area, from what I can tell in the photo,
15 one, two, three, four, five, six, seven, eight --
16 roughly eight tables with four chairs around each
17 table. And on the other side of that half of
18 partition it appears to be the actual bar that
19 runs pretty much the length of the --

20 MR. FARMER: Okay.

21 LIEUTENANT LOACES: -- property I guess.

22 MR. FARMER: All right.

23 Is there a bucket, just surprisingly enough
24 in this picture, --

25 LIEUTENANT LOACES: There's a bucket of --

1 MR. FARMER: -- of beer?

2 LIEUTENANT LOACES: -- Corona --

3 MR. FARMER: All right.

4 LIEUTENANT LOACES: -- on the table, yes.

5 MR. FARMER: Now, this is photo 6 same --
6 in same area.

7 Correct?

8 LIEUTENANT LOACES: Yes.

9 MR. FARMER: Okay.

10 And this is photo 3, same area?

11 LIEUTENANT LOACES: Photo 3 is a little
12 dark and it's a little harder --

13 MR. FARMER: Yes.

14 LIEUTENANT LOACES: -- to tell but I would
15 agree that it is the same --

16 MR. FARMER: Okay.

17 LIEUTENANT LOACES: -- area.

18 MR. FARMER: And all of those, 3, 4 and 6,
19 are taken in area two that we have here, the
20 larger portion of the tavern?

21 LIEUTENANT LOACES: Three, 4 and 6; yes,
22 that is correct.

23 MR. FARMER: Okay.

24 Now, afterwards, since you were here, I
25 have two questions.

1 The first question is what you see in 3, 4
2 and 6, could you see that when the video was
3 going on that you were here for?

4 LIEUTENANT LOACES: I want to say there
5 were times -- because I -- if I recall correctly
6 it was quite a lengthy video. There were times
7 when you could see portions of this area but if
8 memory serves me correct the majority of the
9 video covered, if you will, the actual bar area,
10 the one that runs --

11 MR. FARMER: The front part?

12 LIEUTENANT LOACES: Right.

13 MR. FARMER: Number --

14 LIEUTENANT LOACES: Well, the side.

15 MR. FARMER: -- 1?

16 Number 1?

17 LIEUTENANT LOACES: Number 1 and I guess
18 what would be number 5.

19 MR. FARMER: Okay.

20 LIEUTENANT LOACES: Yes.

21 MR. FARMER: All right.

22 And with respect to having been in the
23 place, I guess, do you have a visual recollection
24 of what this side room that looks like that's
25 depicted in 3, 4 and 6?

1 LIEUTENANT LOACES: It's not so much a
2 room, it's just a wall that -- it doesn't go all
3 the way across. And it's just, I guess, to
4 separate one area from the other if you will.

5 I'd say these photos are pretty accurate,
6 an accurate depiction of what the establishment
7 looks like and to my -- the best of my
8 recollection.

9 MR. FARMER: Okay.

10 And would you say, having watched the
11 video, that what was shown in the video
12 encompassed the entire areas that you're seeing
13 in 3, 4 and 6?

14 LIEUTENANT LOACES: I don't think they did
15 to the detail that we're seeing in these photos.

16 MR. FARMER: Okay.

17 Thank you.

18 You also checked on the weather, did you
19 not?

20 LIEUTENANT LOACES: Yes.

21 MR. FARMER: And I'm gonna show you --

22 COMMISSIONER FERNANDEZ: Excuse me.

23 Mr. Farmer, could we look at the photos in
24 the meantime?

25 MR. FARMER: Oh, yeah.

1 MS. KACZYNSKI: All those have been marked
2 and admitted into evidence, Greg?

3 Correct? Previously?

4 MR. FARMER: No.

5 MR. GONZALEZ: No.

6 MS. KACZYNSKI: None of them?

7 Would you like to admit them?

8 MR. FARMER: I was gonna do -- well, we
9 have a bunch of stuff marked. I was gonna do it
10 at the end. But --

11 MR. GONZALEZ: I'd like to do it at the
12 end, because then I could have a chance to cross-
13 examine and we'll know if it --

14 MR. FARMER: Yeah.

15 MR. GONZALEZ: -- if it should be
16 introduced or not.

17 MR. FARMER: But we can show them the
18 pictures?

19 MR. GONZALEZ: I have no problem --

20 MR. FARMER: Okay.

21 This is the diagram and the pictures.

22 COMMISSIONER FERNANDEZ: Thank you, Mr.
23 Farmer.

24 MR. FARMER: Okay.

25 While they're kind of looking around there,

1 | did you look into the snowfall on December 14th to
2 | December 15th?

3 | LIEUTENANT LOACES: I did.

4 | MR. FARMER: Okay, I'm gonna show you
5 | what's been marked P-4 identification.

6 | Would it be correct that that shows
7 | preliminary totals from Saturday's storm as of
8 | 11:52 Sunday and it has that North Bergen -- has
9 | a number of cities but North Bergen being 4.9
10 | inches of snowfall?

11 | LIEUTENANT LOACES: Yes.

12 | MR. FARMER: Okay. All right. Okay.

13 | And that's that.

14 | I don't think I have anything else.

15 | Unless the Board --

16 | MR. GONZALEZ: I'd like to have the
17 | pictures. This is the first time I saw the
18 | pictures today, so I just want to ask my client a
19 | question before I --

20 | MR. FARMER: When were they taken?

21 | LIEUTENANT LOACES: I'm sorry? Last night.

22 | MS. DILLON: Do you want to go off the
23 | record? Or just wait?

24 | MAYOR STACK: It will be fine.

25 | MS. DILLON: Pardon me?

1 MAYOR STACK: We can go off the record.

2

3 (Whereupon the Board went off the record
4 from 1:18 p.m. to 1:22 p.m.)

5

6 MR. GONZALEZ: Ready?

7 MS. DILLON: On the record.

8 MR. GONZALEZ: Thank you.

9 Officer Loaces, this item that's marked
10 P-5, it's a diagram that you didn't make, it was
11 actually Detective Mendoza.

12 Is that right?

13 LIEUTENANT LOACES: That's correct.

14 MR. GONZALEZ: And on each numbered camera
15 you have like -- either you did or he did -- a
16 cone-shape.

17 Is that correct?

18 LIEUTENANT LOACES: He did.

19 MR. GONZALEZ: Okay.

20 And that cone-shape, is that supposed to
21 reflect the angle of the camera?

22 LIEUTENANT LOACES: I don't think so. I
23 think it's just to give a perspective of where he
24 was taking the photo from and what he was looking
25 at.

1 MR. GONZALEZ: Okay.

2 LIEUTENANT LOACES: I don't think the --

3 MR. GONZALEZ: So, --

4 LIEUTENANT LOACES: -- angle is accurate.

5 MR. GONZALEZ: Okay. So, it's not

6 accurate, --

7 LIEUTENANT LOACES: The angle, --

8 MR. GONZALEZ: -- the angle.

9 LIEUTENANT LOACES: -- no. I would say no.

10 MR. GONZALEZ: So you don't know which
11 direction the camera's actually pointed?

12 LIEUTENANT LOACES: Well he took those
13 photos. So he knows --

14 MR. GONZALEZ: Well, I understand that
15 he --

16 LIEUTENANT LOACES: Right.

17 MR. GONZALEZ: -- took the photos.

18 LIEUTENANT LOACES: Right.

19 MR. GONZALEZ: Okay, so, I mean I'm
20 allowing you to answer these questions. I could
21 object because you're not the person --

22 LIEUTENANT LOACES: Sure.

23 MR. GONZALEZ: -- but I want it clear
24 though that these cones do not actually reflect,
25 based on your knowledge, which direction the

1 cameras are going.

2 LIEUTENANT LOACES: Based on my knowledge,
3 no.

4 MR. GONZALEZ: Okay.

5 Thank you.

6 Now let's go to photo number 3.

7 This is a photograph that was taken by
8 which camera?

9 Well, first of all we know it's not taken
10 by --

11 LIEUTENANT LOACES: Photo 3.

12 MR. GONZALEZ: -- any of the cameras there?

13 LIEUTENANT LOACES: Why do we -- would we
14 say that?

15 MR. GONZALEZ: It's a location. It's
16 actually a location.

17 That reflects a location of where the
18 cameras are -- are.

19 Is that right?

20 LIEUTENANT LOACES: I don't understand the
21 question, I'm sorry.

22 MR. GONZALEZ: All right, is this a picture
23 taken by camera number 3?

24 LIEUTENANT LOACES: By Detective Mendoza
25 standing in that position with --

1 MR. GONZALEZ: Standing in that position --

2 LIEUTENANT LOACES: Correct.

3 MR. GONZALEZ: -- but not reflective of
4 what the angle may be because you don't know what
5 the angle is?

6 LIEUTENANT LOACES: That's correct.

7 MR. GONZALEZ: Okay.

8 You don't know what the aperture is of the
9 cameras that are doing the surveillance either.

10 Is that true?

11 LIEUTENANT LOACES: I do not.

12 MR. GONZALEZ: You know what the aperture
13 is?

14 LIEUTENANT LOACES: Yes.

15 MR. GONZALEZ: Okay.

16 And that's really the angle or the width or
17 the accuracy that the lens can take a picture of.

18 Is that right?

19 LIEUTENANT LOACES: Correct.

20 MR. GONZALEZ: So, do you know what the
21 aperture is on the camera that was taken the --

22 LIEUTENANT LOACES: I do not.

23 MR. GONZALEZ: -- this picture?

24 LIEUTENANT LOACES: I can tell you a DSL
25 camera; that's all I know.

1 MR. GONZALEZ: Okay.

2 So, -- so, it may not accurately depict
3 what the video cameras would take; is that fair
4 to say?

5 LIEUTENANT LOACES: It would be different.

6 MR. GONZALEZ: It would be different.
7 Okay.

8 So, in fact, all these photographs that are
9 taken may be different than what the cameras that
10 the surveillance are doing.

11 Is that true?

12 LIEUTENANT LOACES: The surveillance
13 cameras that are actually in place?

14 MR. GONZALEZ: Yes.

15 LIEUTENANT LOACES: Sure.

16 MR. GONZALEZ: Okay.

17 Thank you.

18 So, I would -- I'm gonna object to these --

19 MR. FARMER: Can I just ask him one
20 question in response to your questions?

21 MR. GONZALEZ: Sure.

22 MR. FARMER: Look, do these pictures
23 adequately describe the interior of El Trebol as
24 you know it to be from your experience on the
25 Police Department --

1 For how many years?

2 LIEUTENANT LOACES: Twenty-four.

3 MR. FARMER: Okay.

4 Do they accurately depict the inside of
5 El Trebol?

6 LIEUTENANT LOACES: As of last week, yes.

7 MR. FARMER: Okay.

8 MR. GONZALEZ: Okay.

9 But it may be different as of when this
10 violation occurred?

11 LIEUTENANT LOACES: It's -- that's
12 certainly possible.

13 MR. GONZALEZ: Okay.

14 So, based on the police officer's testimony
15 as to these pictures, I would make an objection
16 to the introduction because they're being
17 introduced more or less for the truth of what's
18 contained therein and that these cameras are
19 angled and would take these pictures.

20 But the officer -- and I thankfully can say
21 he's testifying truthfully -- we don't know what
22 those angles are and the cameras that are
23 actually there.

24 So, these pictures here in this diagram are
25 more confusing to the fact-finder, which are you

1 people who are making this decision, and it was
2 prejudicially unfair to my client because it's
3 not an accurate depiction of what it's really
4 being introduced for.

5 MR. FARMER: Okay.

6 Might I say something?

7 First of all, keep in mind, a picture's
8 worth a thousand words. All right?

9 No human being could look at these pictures
10 and not think that they're looking at the inside
11 of El Trebol. All right?

12 And there is no question that this diagram
13 indicates that some -- that Police Officer
14 Mendoza stood at this angle and took a picture.
15 Whether it was in black and white, Technicolor,
16 up aperture, down aperture; doesn't make any
17 difference, he took it.

18 All right?

19 This guy -- these pictures help you make a
20 decision as to what took place.

21 And one of the things that's very clear
22 here -- and you're gonna have recollection --
23 this picture shows a substantial part of the bar
24 that was not shown in the video and these
25 pictures show that.

1 So, easily, there's something you should
2 look at so you get a familiarity what the inside
3 of the place looked like. All right?

4 And I don't think we have to get tied down
5 with apertures and angles and triangles and
6 whatever else. Okay?

7 This helps you decide. Take a look at it.
8 You don't like it, fine, but don't --

9 MR. GONZALEZ: Mr. Farmer's making a much
10 different argument than I made.

11 I made the argument that a picture is being
12 introduced for the purpose of showing what the
13 pictures should look like on the camera. He just
14 said that.

15 We heard the testimony of the officer; he
16 doesn't know what that angle is.

17 The angle is what it was -- what you saw;
18 that's what you have to look at.

19 If Mr. Farmer wants to introduce the
20 pictures so you can see what the inside of the
21 bar looks like, I have no problem with that
22 because that's fine. A picture can be used for
23 that.

24 But it can't be used to show that this is
25 where that camera looks at and, hey, you didn't

1 | see that. Because the officer testified that he
2 | doesn't know what the angle was and he doesn't
3 | know what the angle is on the cameras that are
4 | there.

5 | So, if it's gonna be introduced just to
6 | look at the inside of the bar, I absolutely have
7 | -- Mr. Farmer's correct.

8 | But as to the angle and the aperture and
9 | everything, that's exactly what he's trying to
10 | introduce, that should not be for that purpose.

11 | MR. FARMER: I'm telling you what the
12 | purpose is, --

13 | MAYOR STACK: Right.

14 | MR. FARMER: -- so there's no mistake about
15 | it.

16 | MAYOR STACK: All right, we got it.

17 | MR. GONZALEZ: Okay.

18 | MAYOR STACK: We understand.

19 | MR. GONZALEZ: Thank you.

20 | MAYOR STACK: We got it.

21 | MR. GONZALEZ: Now, Officer Loaces, the
22 | report that you generated that said that it
23 | snowed in North Bergen, did you generate that
24 | report?

25 | LIEUTENANT LOACES: No.

1 MR. GONZALEZ: Okay.

2 Do you know what day it's for?

3 LIEUTENANT LOACES: I believe it's the
4 14th.

5 MR. GONZALEZ: Well, Mr. Farmer said it's
6 Sunday. And I looked at Sunday and Sunday looked
7 like it was the 15th. So, --

8 LIEUTENANT LOACES: According to what I'm
9 reading here from nj.com, it says preliminary
10 totals from Saturday's storm, as of 11:52 a.m.,
11 Sunday. And it goes down listing throughout --

12 MR. FARMER: What's the date?

13 LIEUTENANT LOACES: The date is, according
14 to this, December 14th.

15 MR. GONZALEZ: 11:52 a.m. on Sunday?

16 LIEUTENANT LOACES: I believe so.

17 MR. GONZALEZ: Okay.

18 So does it say what time the snow started?

19 LIEUTENANT LOACES: No, it does not. It
20 just has a total in North Bergen of 4.9 inches.

21 MR. GONZALEZ: Okay.

22 So it doesn't --

23 I'm gonna object to the introduction of
24 this because we don't know when the snow started.
25 Okay? So, that's -- you know, that's my

1 objection to that.

2 And the officer again testified honestly
3 that he's not the one who generated this. Maybe
4 if --

5 MR. FARMER: Well, --

6 MR. GONZALEZ: -- been the one -- maybe if
7 he would have been the one that could testify as
8 to the parameters of when it snowed, could have
9 snowed -- it could have started in the morning
10 and by 11:52 that -- that's what happened.

11 And if it was 11:52, I know Union City has
12 pretty strict ordinance -- especially on
13 Bergenline Avenue -- you better get the snow off
14 or we're gonna start getting violations.

15 So, without knowing the precise time of
16 when it started and when it ended, it's unfair
17 that this Board should now look at this and say,
18 oh, there had to be snow. Well, we know that if
19 it's on Bergenline and it snows, it's gotta be
20 cleaned.

21 So, I'd -- I'd object to that.

22 MR. FARMER: If I might?

23 The only reason I'm offering this -- and I
24 want to people to be clear of what evidence I'm
25 offering.

1 If you may recall there was some discussion
2 about snow. And kind of put the kid in a
3 position that he said there was snow -- and what
4 are you talking about, you know, it was no snow.

5 All right?

6 Okay, he's talking about a recollection.
7 This corroborates that.

8 Whether it was 11 or 12 or whatever, the
9 concept was trying to say to him that he was
10 fabricating snow. The idea of snow in his head
11 was some kind of fabrication; he didn't know what
12 he was talking about. That could be true because
13 he was drunk. But nevertheless the situation is
14 that's being offered that indeed in and around
15 that time there was a substantial amount of
16 snowfall.

17 And you can do whatever you want to do with
18 it.

19 Okay?

20 MR. GONZALEZ: He was drunk. Everybody
21 admits that. And without knowing the timeframe
22 of when it snowed, --

23 It could have snowed before the incident,
24 it could have snowed during, it could have snowed
25 after -- snow could have been cleared off, that's

1 | what I'm saying.

2 | MAYOR STACK: You're not making that
3 | argument, right?

4 | When it snowed; --

5 | MR. FARMER: No.

6 | MAYOR STACK: -- before, during --

7 | MR. FARMER: No.

8 | MAYOR STACK: -- or after?

9 | MR. FARMER: No, I'm not.

10 | MAYOR STACK: All right.

11 | MR. FARMER: I'm saying --

12 | MR. GONZALEZ: Okay. Then --

13 | MR. FARMER: -- the kid mentioned snow, --

14 | MAYOR STACK: Let's move off the snow topic
15 | now.

16 | MR. GONZALEZ: Thank you.

17 | MAYOR STACK: All right?

18 | MR. GONZALEZ: Thank you.

19 | MR. FARMER: Okay.

20 | Thank you.

21 | MAYOR STACK: Hopefully we won't get a lot
22 | this year.

23 | MR. GONZALEZ: I hope not.

24 | COMMISSIONER VALDIVIA: Yeah, hopefully.

25 | MAYOR STACK: That's my biggest fear

1 talking about this.

2 COMMISSIONER VALDIVIA: We had enough last
3 year.

4 MR. GONZALEZ: You have anybody else, Greg?

5 MR. FARMER: No.

6 MR. GONZALEZ: All right, I have my -- my
7 client I'd like to call.

8 MR. FARMER: Okay, why don't you sit back.

9 MAYOR STACK: Thank you, Lieutenant.

10 LIEUTENANT LOACES: Certainly.

11 MAYOR STACK: You're going to be here
12 though, right, for a while?

13 LIEUTENANT LOACES: Yes.

14 MAYOR STACK: You're going to stay here?

15 LIEUTENANT LOACES: Absolutely, sir.

16 MAYOR STACK: All right.

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

19 MS. VILLON: If you need me, I'm here.

20 MAYOR STACK: How you doing?

21 Good.

22 MR. BONILLA: Hi, good afternoon,
23 everybody.

24 MAYOR STACK: How are you?

25 Good.

1 MR. BONILLA: Sorry that I came with my
2 uniform --

3 MAYOR STACK: That's fine; not a problem.

4 MR. BONILLA: -- but he called me, you
5 know, for emergency.

6 MAYOR STACK: Not a problem.

7 MS. DILLON: Sir, please raise your right
8 hand.

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

11 MR. BONILLA: Yes.

12 MS. DILLON: I need you to state your name
13 and spell it for the record.

14 MR. BONILLA: Santos S. Bonilla.

15 MS. DILLON: Santos?

16 S. like Sam?

17 MR. BONILLA: Yes, Sam, yeah.

18 MS. DILLON: And how do you spell your last
19 name?

20 MR. BONILLA: B-O-N-I-L-L-A.

21 MS. DILLON: Thank you.

22 MR. BONILLA: You're welcome.

23 MR. GONZALEZ: Mr. Bonilla, are you the
24 owner of the Mayen Corporation?

25 MR. BONILLA: Yeah, that's correct.

1 MR. GONZALEZ: And the Mayen Corporation is
2 the restaurant known as -- doing business as El
3 Trebol?

4 MR. BONILLA: Correct.

5 MR. GONZALEZ: What's the address of that
6 business?

7 MR. BONILLA: 3204 Bergenline Avenue, Union
8 City.

9 MR. GONZALEZ: And talk loud because we
10 have to record you.

11 MR. BONILLA: Oh, 3204 Bergenline Avenue,
12 Union City.

13 MR. GONZALEZ: And how long have you been
14 the owner of that?

15 MR. BONILLA: I've been -- it's gonna be
16 ten years already.

17 MR. GONZALEZ: Okay.

18 And you're the owner with yourself and your
19 wife?

20 MR. BONILLA: And my -- yes and my wife,
21 we're partners.

22 MR. GONZALEZ: And she's present here
23 today?

24 MR. BONILLA: Yes, she is behind me.

25 MR. GONZALEZ: Okay.

1 Now you've -- you've heard -- you've been
2 at every proceeding and you know your charged
3 here with serving alcohol to a minor.

4 Have you taken the course that was offered
5 by the City and suggested by the City as to what
6 procedures should be followed in any liquor
7 establishment?

8 MR. BONILLA: Yes, I following all that
9 procedure.

10 MR. GONZALEZ: Okay.

11 MR. BONILLA: Yes.

12 MR. GONZALEZ: And did you complete the
13 program?

14 MR. BONILLA: Yes. One time even the Mayor
15 he ordered like to all the liquor license owners,
16 you know, to take a class and I did that. And
17 everybody -- we make -- we call someone from
18 Trenton.

19 Oh, also I have -- that's a letter which I
20 am attend all the procedure and --

21 You want to take a look?

22 MAYOR STACK: Sure.

23 MR. BONILLA: All right.

24 MAYOR STACK: Thank you.

25 MR. BONILLA: And --

1 MR. GONZALEZ: What is it?

2 MR. BONILLA: And we never serve minors.
3 You know.

4 MR. GONZALEZ: Okay.

5 (Whereupon, Mr. Gonzalez and Mr. Bonilla
6 conversed in Spanish.)

7 MR. FARMER: Well, wait -- wait a second.
8 Can we have some --

9 MR. GONZALEZ: I'm sorry, Greg. You're
10 right.

11 I just asked him what it was because I
12 hadn't seen the document. And --

13 MS. KACZYNSKI: Is that something we're
14 going to mark?

15 MR. BONILLA: So I would stop -- they know
16 --

17 MR. FARMER: But, wait, can we --

18 There's no question in front of the
19 witness.

20 MR. GONZALEZ: Okay.

21 So, --

22 MR. FARMER: Can I see this?

23 MR. GONZALEZ: So, the document that you --
24 that Mr. Farmer has, that shows that you
25 completed the program.

1 Is that right?

2 MR. BONILLA: That's correct.

3 MR. GONZALEZ: Okay and you know the
4 procedures that are required?

5 MR. BONILLA: Exactly.

6 MR. GONZALEZ: Okay.

7 MR. BONILLA: And all my employee there
8 have been training, you know, how to taking care
9 of the customer, not to sell to minors.

10 MR. GONZALEZ: Okay.

11 And you know what time the place is
12 supposed to close that have an ABC license.

13 Is that correct?

14 MR. BONILLA: That's correct.

15 MR. GONZALEZ: Now, El Trebol, has video
16 cameras.

17 Is that correct?

18 MR. BONILLA: Correct.

19 MR. GONZALEZ: All right. And Mr. Farmer,
20 today and I just showed you today, did a little
21 diagram of the cameras.

22 Is that right?

23 Had the --

24 MR. BONILLA: That's --

25 MR. GONZALEZ: -- police officer do it.

1 MR. BONILLA: -- correct.

2 MR. GONZALEZ: Is that more or less the
3 cameras?

4 MR. BONILLA: That's really -- that's --
5 well, that's all that we got here --

6 MR. GONZALEZ: That -- those are the
7 cameras that you have?

8 MR. BONILLA: That's the camera that we
9 have, --

10 MR. GONZALEZ: Okay.

11 MR. BONILLA: -- yeah.

12 MR. GONZALEZ: Well, some cameras --

13 MR. BONILLA: The one --

14 MR. GONZALEZ: Hold on.

15 MR. BONILLA: Excuse me.

16 The one that you could see -- yeah.

17 MR. GONZALEZ: All right.

18 Now, these cameras show these pictures.

19 Are these the angles that are contained in those
20 cameras?

21 MR. BONILLA: Let me see.

22 MR. GONZALEZ: Go ahead, look at it.

23 In other words, the one by the register,
24 does it show the register or does it show --

25 MR. BONILLA: Yeah. That's --

1 MR. GONZALEZ: Okay.

2 MR. BONILLA: -- that -- the camera, that's
3 what they show it.

4 MR. GONZALEZ: Okay.

5 MR. BONILLA: The one at the end, I believe
6 this one, that you could see the whole bar. And
7 the one by -- where we got the coffee machine --

8 MR. GONZALEZ: Do your cameras take
9 pictures as good as that?

10 MR. BONILLA: Let me see. Well, my camera
11 they're older; it's not that new. You know at
12 the beginning. I don't know what camera is --
13 should be this.

14 MR. GONZALEZ: Okay.

15 MR. BONILLA: But they're -- I believe that
16 you saw the video and you have an -- we could see
17 -- we could see everything.

18 MR. GONZALEZ: All right.

19 Were you working that day?

20 MR. BONILLA: Exactly. Yeah, I did.

21 MR. GONZALEZ: Okay.

22 Did you see the young man that was here
23 that said that he was served in your bar?

24 MR. BONILLA: No, I didn't see. No.

25 MR. GONZALEZ: Okay.

1 What time did you start working that day?

2 MR. BONILLA: Started like around -- I
3 believe around eight o'clock. Because normally I
4 work on Saturday and, you know, first I go home,
5 take a little break, you know. Then I come back
6 at night --

7 MR. GONZALEZ: Okay.

8 MR. BONILLA: -- to help my wife.

9 MR. GONZALEZ: And what was the first time
10 that you knew that there was a problem with
11 serving to a minor?

12 MR. BONILLA: On this case?

13 MR. GONZALEZ: Yes.

14 MR. BONILLA: Until I get the -- the
15 letter.

16 MR. GONZALEZ: When you say the letter you
17 mean the notice of charges and hearing?

18 MR. BONILLA: Exactly.

19 MR. GONZALEZ: So you didn't know anything
20 about these charges or what happened --

21 MR. BONILLA: No.

22 MR. GONZALEZ: -- on December 16th?

23 MR. BONILLA: Even I got surprised when I
24 see the wrong address where they send it.

25 MR. GONZALEZ: Okay.

1 MR. BONILLA: Yeah. Even I thought it
2 wasn't me.

3 MR. GONZALEZ: Okay. Oh, okay.

4 So you thought it was somebody else because
5 the address was incorrect?

6 MR. BONILLA: Exactly. Yeah.

7 MR. GONZALEZ: All right. I have nothing
8 further.

9 MR. FARMER: Okay. Let me ask you a
10 question.

11 MR. BONILLA: Um-hum.

12 MR. FARMER: This diagram, it separates the
13 wall that you have between the bar and the back
14 area.

15 Correct?

16 MR. BONILLA: Correct.

17 MR. FARMER: Okay.

18 And --

19 MR. BONILLA: Excuse me. But you could see
20 through.

21 MR. FARMER: You can see through; no
22 question about it. So, if you're at the bar you
23 could see through all the way to the end.

24 Right?

25 MR. BONILLA: Yes.

1 MR. FARMER: So if you're at the bar you
2 could see all of what is number two?

3 Yes?

4 MR. BONILLA: Yes.

5 MR. FARMER: How many tables are there in
6 number two, the section of the bar?

7 MR. BONILLA: At the bar?

8 MR. FARMER: Yeah.

9 MR. BONILLA: We got around -- let me see
10 about four table on the side and about 14 or --
11 yeah, about 14 chair on the bar.

12 MR. FARMER: Okay.

13 In this area, how many tables? Number two?

14 MR. BONILLA: In number two?

15 MR. FARMER: Yeah. How many tables you got
16 back there?

17 MR. BONILLA: Let me see. We got three --
18 I believe, -- let me see. One, two, three, more
19 three -- six, nine, ten, eleven. About 11.

20 MR. FARMER: Okay. Okay.

21 MR. BONILLA: About 11.

22 MR. FARMER: About 11?

23 MR. BONILLA: Yeah.

24 MR. FARMER: Now, is it your testimony that
25 when the video was shown --

1 MR. BONILLA: Um-hum.

2 MR. FARMER: -- it showed not only the bar
3 area and number one but the entire 11 or 12
4 tables that you had in area two?

5 Is your testimony that that video that we
6 saw the last time covered entirely this area?
7 Yes or no?

8 MR. BONILLA: The camera covered the whole
9 entire -- all what you could see, yeah.

10 MR. FARMER: No. Not what you could see.

11 MR. BONILLA: The whole area.

12 MR. FARMER: I'm asking you this.

13 MR. BONILLA: Um-hum.

14 MR. FARMER: When everybody looked at that
15 video last time we were here, --

16 MR. BONILLA: Uh-huh.

17 MR. FARMER: -- did they at one time or
18 another see the entire area, all those 11 tables
19 in area two?

20 Is that your testimony?

21 MR. BONILLA: Yes.

22 MR. FARMER: Okay.

23 Now, I would assume you never saw the --
24 Mr. Hernandez before that night or at that night?

25 You say you've never seen him.

1 Right?

2 MR. BONILLA: I never seen him.

3 MR. FARMER: Okay.

4 MR. BONILLA: Exactly.

5 MR. FARMER: When you did see him in these
6 proceedings did he look like he was 21 to you?

7 MR. BONILLA: When I sitting this -- in
8 this place --

9 MR. FARMER: Yeah, did he look like he was
10 21 to you?

11 MR. BONILLA: No, not to me.

12 MR. FARMER: Okay.

13 So, I would think --

14 MR. BONILLA: Not really.

15 MR. FARMER: -- if he came into your place
16 you would have asked him for proof, --

17 MR. BONILLA: That's correct.

18 MR. FARMER: -- of age?

19 Okay.

20 And --

21 MAYOR STACK: At any point during this if
22 you want the translator, --

23 MR. BONILLA: Okay, --

24 MAYOR STACK: -- if you want that, --

25 MR. BONILLA: Yeah, yeah, so far, yeah, --

1 MAYOR STACK: -- right?

2 MR. BONILLA: -- no, I trying to follow.

3 MR. FARMER: Okay.

4 MR. BONILLA: Yeah.

5 Thanks, --

6 MAYOR STACK: Okay.

7 MR. BONILLA: -- appreciate.

8 MAYOR STACK: No problem.

9 MR. FARMER: What is the capacity of your

10 establishment?

11 MR. BONILLA: Let's see, we got two -- one

12 -- at that spot is like 49.

13 MR. FARMER: Forty-nine, what, people in

14 the back in --

15 MR. BONILLA: Forty--

16 MR. FARMER: -- number two?

17 No, what are you telling --

18 MR. BONILLA: No, no, for the --

19 MR. FARMER: The whole place. You have a

20 certificate of occupancy.

21 What's the number?

22 MR. BONILLA: One eighty nine.

23 MR. FARMER: Okay.

24 And, I don't know, on a Saturday night, --

25 MR. BONILLA: Um-hum.

1 MR. FARMER: -- if the capacity is 189, --

2 MR. BONILLA: Um-hum.

3 MR. FARMER: -- would you say you're at, I
4 don't know, 50 percent, 60 percent, 70 percent,
5 80 percent, 90 percent of capacity?

6 MR. BONILLA: I can't tell you that answer
7 because you never know. Business is always --
8 one day could be full, other day we didn't have
9 -- we're not gonna have no people --

10 MR. FARMER: Okay.

11 MR. BONILLA: -- even --

12 MAYOR STACK: Let me just ask you a
13 question.

14 One eighty-nine is just the first floor?
15 Or it's the second floor --

16 MR. BONILLA: With the second floor.

17 MAYOR STACK: With the second floor
18 included?

19 MR. BONILLA: With the second floor. Yeah.

20 MAYOR STACK: Okay.

21 MR. BONILLA: With the second floor.

22 MR. FARMER: How many -- was the back --
23 Strike that.

24 Do you sell buckets of beer?

25 MR. BONILLA: Yes, sir. That's very common

1 right now --

2 MR. FARMER: Okay.

3 MR. BONILLA: -- all over the place.

4 MR. FARMER: All right. So you do?

5 MR. BONILLA: Yeah.

6 MR. FARMER: Okay.

7 MR. BONILLA: Even in New York.

8 MR. FARMER: Okay.

9 As you're selling the buckets of beer, --
10 and I'm gonna talk about maybe 12 o'clock, one
11 o'clock, almost two o'clock, is a lot of your
12 business dinner and food?

13 MR. BONILLA: Yes, sir. You asked that
14 question -- Mr. Lucio, I believe that he asked
15 before, and that's -- I got a menu with me if you
16 want to look it up.

17 MR. FARMER: Well, that's --

18 MR. BONILLA: Here we go.

19 MR. FARMER: -- it's fine that we got the
20 menu, --

21 MR. BONILLA: Okay.

22 MR. FARMER: -- and you can show it, but my
23 question to you is regardless of the menu, are
24 you telling me that you do a substantial dinner
25 business at 12 and one and 1:30 on Saturday

1 night.

2 Yes or no?

3 MR. BONILLA: Excuse me. What was your
4 question again?

5 MR. FARMER: My question -- and if you
6 don't understand my question, tell me.

7 My question --

8 MR. BONILLA: No, I didn't hear it. I did
9 not --

10 MR. FARMER: Okay.

11 MR. BONILLA: I understand but I didn't
12 hear.

13 MR. FARMER: My question is this.

14 Are you telling me that on a Saturday night
15 at one, -- 12, one, 1:30 at night, --

16 MR. BONILLA: Um-hum.

17 MR. FARMER: -- that you are doing a
18 substantial dinner business right along the lines
19 of this menu that you presented us?

20 Yes or no?

21 MR. BONILLA: Yes, we still -- we -- see,
22 we close the menu -- I mean the kitchen at 1:30,
23 --

24 MR. FARMER: I understand that.

25 MR. BONILLA: -- by 1:30 p.m.

1 MR. FARMER: My question to you is --

2 MR. BONILLA: I mean a.m.

3 MR. FARMER: My question to you is --

4 Well, I guess Mr. Gonzalez indicated to you
5 that the first notice you had was of this -- when
6 you got the notice that you had sold to a minor,
7 in the mail.

8 Right?

9 MR. BONILLA: Yes.

10 MR. FARMER: Okay.

11 So I would think that you asked around and
12 maybe even tried to recall in your own mind,
13 because you were there, how many people were
14 there that night?

15 MR. BONILLA: Gonna be hard for me like to
16 tell you how many; you know that is gonna be like
17 guessing.

18 MR. FARMER: Okay. Since you can't --

19 How long you own this business? Ten years;
20 right?

21 MR. BONILLA: Ten year.

22 MR. FARMER: Okay.

23 MR. BONILLA: And with my sister, another
24 five year; 15.

25 MR. FARMER: Fifteen years.

1 MR. BONILLA: Yes.

2 MR. FARMER: Okay.

3 And you couldn't tell me -- tell me what
4 the average crowd is at your establishment on a
5 Saturday night.

6 MR. BONILLA: Again, some day will be --
7 Saturday night, 80, 75 percent, 80 percent would
8 be. Because that's the --

9 MR. FARMER: Seventy-five --

10 MR. BONILLA: -- only two day --

11 MR. FARMER: -- and 80 percent of what?

12 MR. BONILLA: Percent of -- we're talking
13 about the percentage of the amount of people that
14 we could fit.

15 MR. FARMER: Um-hum.

16 MR. BONILLA: Yeah, about 75, because
17 that's the only two days -- the two business days
18 that we make -- that we have it. During the
19 regular day we never have no business.

20 MR. FARMER: Let me ask you a question.

21 Last Saturday, how many people did you have
22 in your establishment?

23 MR. BONILLA: Last Saturday?

24 MR. FARMER: I assume you're working. Did
25 you work Saturday?

1 MR. BONILLA: Yeah.

2 MR. FARMER: Okay.

3 MR. BONILLA: Yeah, I work on Saturday.

4 MR. FARMER: Tell me how many people you
5 had.

6 MR. BONILLA: Well, all depend the hours.
7 Because, remember, I work for the post office and
8 I finish at 1:30 --

9 MR. FARMER: I understand.

10 But the Saturday we're talking about --

11 MR. BONILLA: Um-hum.

12 MR. FARMER: -- you worked there from eight
13 to -- eight to closing.

14 MR. BONILLA: Uh-huh.

15 MR. FARMER: Did you do the same last
16 Saturday? Just the Saturday that just passed.

17 MR. BONILLA: This Saturday just pass?

18 MR. FARMER: Yeah.

19 MR. BONILLA: I was -- if I was -- well, I
20 don't know if we got a game. I don't remember if
21 we got a game. I believe that we got game. We
22 got game, yeah, we have a good --

23 MR. FARMER: Just tell how many people are
24 in the place.

25 MAYOR STACK: I think what --

1 MR. FARMER: I'm not concerned about the
2 game.

3 MAYOR STACK: I think what he's trying to
4 say though, Greg, -- not -- I think what he's
5 trying to say is that if there was a game it
6 would increase the number of people. I think
7 that's what he's saying.

8 MR. BONILLA: Exactly because right now
9 there is a World Cup, --

10 MAYOR STACK: Which is big.

11 MR. BONILLA: -- I believe that you're
12 familiar.

13 MAYOR STACK: Sure. Of course.

14 MR. BONILLA: And you know sometime we got
15 people, a lot of people, that they come to watch
16 the game, --

17 MAYOR STACK: I got it.

18 MR. BONILLA: We wish --

19 COMMISSIONER VALDIVIA: The World Cup.

20 MR. BONILLA: Uh-huh. After this it's
21 gonna be over.

22 MAYOR STACK: Could you give a good guess
23 what you had there Saturday night?

24 Would it be a good guess the number of
25 people you had on Saturday?

1 MR. BONILLA: Yes it would --

2 MAYOR STACK: How many people do you feel
3 maybe on Saturday?

4 MR. BONILLA: Let me see. You mean the
5 last --

6 MAYOR STACK: The percentage -- how you --

7 MR. BONILLA: -- the last Saturday or
8 this --

9 MAYOR STACK: This past Saturday --

10 MR. BONILLA: This past Saturday.

11 MAYOR STACK: -- that just passed.

12 MR. BONILLA: Let me see, --

13 MAYOR STACK: That was the question, Greg?
14 This past Saturday?

15 MR. BONILLA: Let me see, I think maybe
16 about 80 percent, 70, --

17 MAYOR STACK: Eighty percent.

18 MR. BONILLA: -- yeah, something like that.

19 MR. FARMER: All right, let's get back to
20 the buckets of beer.

21 How many bottles of beer in a bucket a
22 beer?

23 MR. BONILLA: How many beers in a bucket of
24 beer?

25 COMMISSIONER VALDIVIA: Six beers.

1 MR. FARMER: Yeah.

2 MR. BONILLA: With the competition we have
3 to make it six.

4 MR. FARMER: No, just tell me -- please, --

5 MR. BONILLA: Uh-huh.

6 MR. FARMER: Don't tell me -- just tell me
7 when somebody says, hey, give me a bucket of
8 beer, --

9 MR. BONILLA: Uh-huh.

10 MR. FARMER: -- Mr. Bonilla, --

11 MR. BONILLA: Yes, when --

12 MR. FARMER: -- what do you give me?

13 MR. BONILLA: Yeah, we give you six.

14 MR. FARMER: Six.

15 MR. BONILLA: Six.

16 MR. FARMER: Okay.

17 MR. BONILLA: Exactly.

18 MR. FARMER: All right.

19 And when somebody orders a bucket of beer
20 do they -- do you have waitresses that bring it
21 or do they have to go to the bar and get it?

22 How does that work?

23 MR. BONILLA: No, we got waitress that
24 serve.

25 MR. FARMER: Okay.

1 MR. BONILLA: Yeah.

2 MR. FARMER: Did at any time that evening
3 any waitress say to you, gee, there's a young kid
4 back -- in the back room there or in the side
5 room?

6 MR. BONILLA: Definitely if they see
7 someone that they don't -- he looks young and he
8 -- if he doesn't have no ID we refuse to give it.

9 MR. FARMER: Okay.

10 Now, did anybody come back to you and say,
11 you know, I asked somebody for ID and they gave
12 it to me?

13 MR. BONILLA: Excuse me? I didn't follow.

14 MR. FARMER: Did anybody come back to you
15 and --

16 MR. BONILLA: Uh-huh.

17 MR. FARMER: -- report that they had asked
18 a customer for their ID --

19 MR. GONZALEZ: On what day?

20 MR. FARMER: -- if you know?

21 On the -- on Saturday night.

22 MR. GONZALEZ: Which Saturday night?

23 MR. FARMER: The Saturday night of the
24 incident. Saturday night, December 14th to the
25 15th.

1 MR. BONILLA: No.

2 MR. FARMER: Okay.

3 Now, when you got the people coming in, are
4 there two ways in and out of your establishment
5 or only one?

6 MR. BONILLA: It's -- I got two way but I
7 not open the second floor if I have no
8 business --

9 MR. FARMER: Okay.

10 MR. BONILLA: -- because I will not gonna
11 -- you know waste energy for something that --

12 MR. FARMER: Okay.

13 MR. BONILLA: -- is gonna cost me more
14 money.

15 MR. FARMER: Okay.

16 MAYOR STACK: So, just for my
17 clarification, to get to the second floor, --

18 MR. BONILLA: You got two front door.

19 MAYOR STACK: Okay, I can -- can I walk
20 into the first floor and get up to the second
21 floor?

22 Or, no, I only have to go from the outside
23 from Bergenline Avenue in?

24 MR. BONILLA: No. You could do both those.

25 MAYOR STACK: Oh, you could do both?

1 MR. BONILLA: You could do both.

2 MAYOR STACK: All right, just for
3 clarification.

4 MR. BONILLA: Yeah. Yeah.

5 MAYOR STACK: Okay.

6 MR. FARMER: Along that line, you mean --

7 MR. BONILLA: Do both. Uh-huh.

8 MR. FARMER: -- can I go from the bar
9 upstairs?

10 MR. BONILLA: Not from the bar. From
11 the --

12 What do we call that? I forgot the name.

13 MAYOR STACK: In the restaurant?

14 MR. BONILLA: At the restaurant.

15 MAYOR STACK: In the restaurant.

16 MR. BONILLA: Inside the restaurant.

17 COMMISSIONER VALDIVIA: Because it's
18 outside the --

19 MR. BONILLA: Yeah.

20 MR. FARMER: Okay.

21 MR. BONILLA: There's a side table; that's
22 what it is. Um-hum.

23 MAYOR STACK: You can go from inside then?

24 COMMISSIONER VALDIVIA: Yeah.

25 MR. FARMER: The -- and that's -- that's

1 area number two where we're talking about.

2 Right?

3 MR. BONILLA: Yes.

4 MR. FARMER: Okay.

5 MR. BONILLA: Uh-huh.

6 MR. FARMER: All right.

7 Now, how much --

8 If I asked you, I apologize.

9 How much would it be for two buckets of
10 beer?

11 MR. BONILLA: How much it will be --

12 MR. FARMER: Um-hum.

13 MR. BONILLA: -- for two bucket of beer?

14 MR. FARMER: Um-hum.

15 MR. BONILLA: Forty dollar. Yeah, 20 and
16 20; \$40.00.

17 MR. FARMER: Now you've been here -- Mr.
18 Gonzalez pointed out -- through all the
19 proceedings.

20 Correct?

21 MR. BONILLA: Yes.

22 MR. FARMER: You remember bringing your
23 receipts of charges that evening?

24 MR. BONILLA: Yes.

25 MR. FARMER: Okay.

1 And one of those receipts covered the time
2 in question, December 14th to December 15th.

3 Do you remember producing that?

4 MR. BONILLA: Doesn't see -- I give it to
5 Mr. Gonzalez; I don't know if the -- I don't have
6 that receipt.

7 Do you have --

8 MR. FARMER: You gave --

9 MR. BONILLA: -- it, Mr. Gonzalez?

10 No.

11 MR. FARMER: All right, Mr. Bonilla, let me
12 ask you this.

13 Would I be correct if I said that you gave
14 Mr. Gonzalez --

15 MR. BONILLA: Um-hum.

16 MR. FARMER: -- all of the receipts
17 generated from your establishment from December
18 14th to December 15th?

19 MR. BONILLA: That's correct.

20 MR. FARMER: Okay.

21 Now, who else was working with you that
22 night behind the bar?

23 MR. BONILLA: My wife.

24 MR. FARMER: Okay.

25 And there's no question from your vantage

1 point that you could see the back? You could see
2 right to the back wall?

3 MR. BONILLA: If I could see back there?

4 MR. FARMER: If you were standing at the
5 bar could you see all the way to the -- the
6 entire place?

7 MR. BONILLA: I'm not working inside the
8 bar for your information.

9 MR. FARMER: Okay.

10 MR. BONILLA: I work right by the door or
11 in front where I could see everybody.

12 MR. FARMER: Okay.

13 MR. BONILLA: I not serving.

14 MR. FARMER: Okay, you could see everybody;
15 Correct?

16 MR. BONILLA: That's what I -- in the --

17 MR. FARMER: Okay.

18 And you also -- are you saying to me that
19 you are the one that checks the proof of age of
20 people coming in?

21 Are you the one that does that?

22 MR. BONILLA: I do.

23 MR. FARMER: Okay.

24 MR. BONILLA: And the --

25 MR. FARMER: All right, you do.

1 MR. BONILLA: -- and the others, too. The
2 other ones, they could check it out. It's easy
3 to look it up.

4 MR. FARMER: Okay.

5 And if the boy who we have seen showed up,
6 you'd undoubtedly have asked him for proof.

7 Correct?

8 MR. BONILLA: If I see, of course.

9 MR. FARMER: Okay.

10 MR. BONILLA: Definitely I'm gonna for
11 proof.

12 MR. FARMER: Just hold on for just a
13 second.

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

16 MR. BONILLA: Also, if you don't mind, I
17 could show --

18 MR. FARMER: No.

19 MR. BONILLA: -- you the other receipt.

20 MR. FARMER: Please. Please.

21 MR. BONILLA: No.

22 MR. FARMER: Your lawyer --

23 MR. BONILLA: I used to have --

24 MR. FARMER: Please. Mr. Bonilla, --

25 MR. BONILLA: -- even --

1 Oh.

2 MR. FARMER: Please.

3 MR. BONILLA: I'm sorry.

4 MR. FARMER: Stop.

5 Anything you want to offer, --

6 MR. BONILLA: Okay.

7 MR. FARMER: -- your lawyer can do that.

8 That's why you have him here.

9 MR. BONILLA: All right. Sorry for that.

10 MAYOR STACK: Maybe you could just wait
11 until Mr. Farmer's finished --

12 MR. BONILLA: Oh, okay.

13 MAYOR STACK: -- and then you'll be able
14 to --

15 MR. BONILLA: Um-hum.

16 No because before I used to have a detail,
17 you know, police and most of them, they used to
18 work over there.

19 MAYOR STACK: Okay.

20 MR. FARMER: Stop talking.

21 MR. BONILLA: Not a place that is really
22 you keep hiding. That's what I'm trying to show.

23 MR. FARMER: Okay.

24 I don't have any other questions.

25 MR. GONZALEZ: Mr. Bonilla, the items that

1 | you wanted to show, those are receipts that you
2 | would pay the Police Department when it was
3 | allowed to have an officer there?

4 | MR. BONILLA: That's correct. And I always
5 | used to have a different -- yeah, --

6 | MR. GONZALEZ: Okay.

7 | MR. BONILLA: -- different police, yeah.

8 | MR. GONZALEZ: Okay.

9 | MR. FARMER: This is -- this is totally
10 | irrelevant. I mean the date on it is May 5th,
11 | 2004. Ten years ago.

12 | MR. BONILLA: Yeah but --

13 | MR. FARMER: Tell me what relevancy
14 | something that happened ten years ago has to do
15 | with we're proceeding?

16 | You know you want to look at it but it's
17 | worthless.

18 | MR. BONILLA: What I'm trying to show you
19 | is that I never been doing something that you
20 | guys might probably thinking about. Because
21 | that's why that I show you my --

22 | COMMISSIONER FERNANDEZ: Menu.

23 | MR. BONILLA: What do we call that? I
24 | forgot.

25 | MAYOR STACK: The menu.

1 COMMISSIONER FERNANDEZ: Menu.

2 MAYOR STACK: The menu.

3 MR. BONILLA: Yeah, the menu.

4 Because there is the places that -- I
5 understand -- they are requested -- they're
6 asking for, you know, like for bar/restaurant but
7 they're really not, they're not a restaurant,
8 they just -- what can I say, they just sell beer.

9 MAYOR STACK: Right.

10 MR. GONZALEZ: Right.

11 I don't think I have anything else --

12 MR. FARMER: Fine.

13 MR. GONZALEZ: -- that I need to ask Mr.
14 Bonilla. Unless Mr. Bonilla wants to say
15 something now?

16 MR. BONILLA: Oh, yeah, I will like to make
17 a --

18 MR. FARMER: Well, --

19 MR. BONILLA: Oh.

20 MR. FARMER: All right.

21 MR. GONZALEZ: Well, as --

22 MR. FARMER: I'm not gonna --

23 MR. GONZALEZ: I think as an owner he's
24 entitled to make --

25 MAYOR STACK: Sure.

1 MR. GONZALEZ: -- whatever statement --

2 MAYOR STACK: Sure, I'll allow it.

3 MR. GONZALEZ: -- he has.

4 MAYOR STACK: Sure.

5 MR. BONILLA: Yeah I would like to make a
6 statement. You know, like I say, I support your
7 Administration and, you know, feel -- feel that
8 the City have progress and we're really proud of
9 you guys. And, yeah, we're trying to do our
10 best. Like I just trying to explain we took that
11 course and we're very careful about it.

12 And I don't know why Mr. Farmer did say us
13 like, you know, that way but he stated that he's
14 gonna punish for come for trial. I know, and
15 it's very long case and what can I say.

16 So, I ask the Board to look at everything
17 that we, you know, present and we never serve
18 that person.

19 MAYOR STACK: Thank you very much, sir.

20 MR. BONILLA: You're welcome.

21 MR. GONZALEZ: I have no other witnesses.

22 MR. FARMER: I have none.

23 Ray, you want to sum up?

24 MR. GONZALEZ: Sure, I'll sum up.

25 I know for an ABC hearing maybe this is a

1 | lot longer than what is usually accustom to. But
2 | as my client just stated he clearly has a belief
3 | that nothing happened there and I believe him and
4 | I'm here to represent him to that effect.

5 | This Board has to listen to all the
6 | testimony that was given. And clearly we have
7 | testimony by this young man, Hernandez. But the
8 | problems occur the moment that this young man has
9 | a problem. He's picked up -- he's not -- this
10 | didn't happen inside the bar; he wasn't picked up
11 | in the restaurant. This happened three, four
12 | blocks away.

13 | It's conceded; all the reports say that.
14 | Detective Dunlay who conducted a lot of the
15 | investigation, in fact, confirms that. And, in
16 | fact, the police reports that were read into the
17 | record by Officer Mendoza, by the Officer -- they
18 | all state that he was so inebriated, so
19 | intoxicated, he didn't make any sense.

20 | And that being the case, you have to weigh
21 | the credibility. And, specifically, that -- the
22 | incident happened on 36 and Palisade Avenue,
23 | where he may have gotten into a fight; we don't
24 | know. We never even heard testimony as to that.

25 | But the complaint that we're here for

1 today, which is this one here, is for an incident
2 that occurred on December 16. But yet Mr. Farmer
3 has presented so much about things that happened
4 on the 14th, the 15th and the 16th; it's not fair
5 for an individual to come before any Board
6 without knowing specificity what he's being
7 charged with and at least what the date is.

8 We've done the best we've could to present
9 as much proof to show -- and I submit I don't
10 represent many establishments that have ABC
11 licenses in Union City but the ones I do they
12 have the video. And the reason we say that is
13 because I've known, as Mr. Farmer said, a picture
14 is worth a thousand words. And when you have a
15 video it protects you. It protects you and it
16 works against you.

17 We presented the video. It was a very long
18 video. Detective Dunlay was at my office and he
19 saw the entire video, which was over three hours
20 from beginning to end for that period of time.
21 His testimony was pretty candid and truthful; he
22 doesn't see the gentleman there -- Mr. Hernandez.

23 That being the case, that's a huge flaw
24 because we don't know what we're defending;
25 what's the date, what's not the date.

1 Halfway through the trial Mr. Farmer sends
2 an amendment to the complaint with another date.
3 That doesn't work like that. That's not due
4 process. You can't start a case and halfway down
5 say, oop, I got a mulligan, do over, let me --
6 let me try to fix my problems. No, the case is
7 already started.

8 If that was the situation, people would be
9 found guilty that aren't guilty, they couldn't
10 defend themselves, people would lose their houses
11 because they're changing the story as it goes.
12 That's not fair. And that has to be taken into
13 account.

14 My client has a restaurant. The menu is
15 pretty extensive and you could see that on that
16 day, even at 12:30, there was people that were
17 ordering food, people that were eating food.

18 Now, there's another flaw that I think that
19 Mr. Hernandez didn't tell us; he was with
20 somebody else. We don't know who that somebody
21 else is. And, quite frankly, when you have a
22 restaurant, I can go in there with my son or my
23 daughter and if I order something, I'm gonna be
24 served.

25 Now we don't know what happened or if they

1 | were in there. Because the receipt that was
2 | presented was from Monday. It was from Monday
3 | and that was corroborated. That was the
4 | testimony of Officer Mendoza. He testified that
5 | the receipt was for December 16th. I just looked,
6 | December 16th is a Monday.

7 | And, I'm sorry, I'm just going through my
8 | notes really quick.

9 | I think the video substantiates the
10 | testimony of my client. If this was a place that
11 | was irresponsible, I would say -- I would have
12 | taken a good deal from Mr. Farmer. But we're
13 | fighting here because this is the equivalent of a
14 | taking. You know, you take an individual's
15 | license, even for one day, it doesn't just affect
16 | him and his family; it affects all the employees
17 | that are there.

18 | So it's something that he takes extremely
19 | serious. And the reason I can see he takes it
20 | serious is because he's brought to the Board the
21 | classes that he's taken, the -- what he used to
22 | do in the past that Mr. Farmer said is ten years
23 | old. Yeah it is ten years old. But it goes to
24 | show that even when he was a new license owner he
25 | was trying to do everything the right way.

1 I submit that what this Board has heard has
2 been testimony that's been totally convoluted by
3 Mr. Hernandez and I think it's because he was
4 drunk. But it didn't happen because he was
5 drinking in my client's establishment.

6 We have tremendous amount of wrong dates,
7 tremendous amount of supporting documents that
8 don't support any day. And I think, based on
9 that, even by the slightest standard of proof
10 that would have to be shown in any case, we don't
11 have that here.

12 The last ditch effort that Mr. Farmer comes
13 up with is when he takes these pictures. If it's
14 being introduced to show what the inside is,
15 there's no problem with that. But to say that,
16 hey, they camera should be seeing this and that's
17 not what you saw, -- can't be introduced for that
18 because that's not -- we don't have anything to
19 say that that's the case and, in fact, my client
20 says, well, the quality of my cameras,
21 unfortunately, aren't that good.

22 I submit the last argument that I have, if
23 there was a violation that occurred on the 14th,
24 the 15th or the 16th, and there's gonna be ABC
25 charges because of that, you don't wait months

1 | later to bring the charges. Because the only
2 | person that's prejudiced there is the ABC holder
3 | -- the liquor license holder.

4 | And I submit in this case it's been total
5 | convolution here and it's all items that this
6 | Board needs to take into account. And once you
7 | look at the totality of the circumstances, the
8 | State hasn't proved its case by any standard at
9 | all.

10 | Thank you.

11 | MR. FARMER: Okay.

12 | I'll just -- if I can just stand; it makes
13 | me more comfortable. I just want to go over a
14 | couple of things.

15 | I think the first thing that has to be
16 | looked at is did the video that you saw, okay,
17 | that you saw encompass the whole establishment?
18 | Because, quite frankly, what these pictures show
19 | and what he testified to there were 11 tables
20 | back there, four chairs to a table, Saturday
21 | night, good number of people; you didn't see
22 | that. That's what (sic) Hernandez said he was.

23 | But let's -- let's just stop for a second.

24 | Number one we have the fact that it was
25 | processed on his credit card on the 16th with

1 | respect to a purchase on the 15th. All right?
2 | That's -- that's here.

3 | The business with respect to the amended
4 | charges to conform to the evidence; that's
5 | standard. Plus it was given months ago. If it
6 | was a problem he would have raised it months ago.

7 | MR. GONZALEZ: I --

8 | MR. FARMER: Plenty of time --

9 | MR. GONZALEZ: I did.

10 | MR. FARMER: Had plenty of time to deal
11 | with it.

12 | So, that's just a red herring. All right?

13 | But this is what they want you to accept.
14 | Listen to it. All right?

15 | He wasn't there. We got video that says he
16 | wasn't there. But his credit card was there.
17 | The charges were there. Okay, maybe somebody
18 | else was using his credit card. Okay? I don't
19 | know if that's a common thing to do; I mean I
20 | don't do it and I would assume all of you don't
21 | do it but let's say it was done. You have to
22 | accept this, that some 19 year old kid from 50th
23 | Street, in West New York, wound up being drunk
24 | around the corner -- 34th and New York Avenue --
25 | from El Trebol at the precise moment somebody's

1 using his credit card in the establishment.

2 That's a leap of faith. All right? They can't
3 get around that one.

4 We had the receipts. We had the receipts
5 that came in showed -- Mendoza said I saw it,
6 showed purchase that night. Okay? Suddenly they
7 disappear. Okay? All right. They're gone. But
8 he's already testified to it; they don't deny
9 that.

10 So you got somebody using his credit card
11 and at the precise moment the guy around the
12 corner's drunk and says this, I got served in El
13 Trebol.

14 Now the question comes -- the question
15 comes what's a guy from 50th Street, West New York
16 going down to Trebol -- and he did not look 21.
17 Come on now; he didn't.

18 And why would he say that if it wasn't
19 true? What motive is there to do that?

20 If -- there are a couple of things. They
21 get precise with the snow and what he said and
22 this, that or the other thing. And they also
23 say, Jesus, he was drunk as a skunk. He was
24 incoherent. He was babbling.

25 Well, are you surprised that that would

1 | happen if you're 19 years old and you're getting
2 | liquor? That's why they have laws against that.

3 | He had at that night said he was at 32nd
4 | and Bergenline and had been there an hour. Now,
5 | they say, look, we showed you this from 12 to two
6 | or whatever it was -- or one to two. Because he
7 | said how long were you there; all right? Keep in
8 | mind you're talking about a kid who was drunk;
9 | all right? Talked about snow. They said -- they
10 | kind of cast credibility on there was no snow but
11 | we all know that there was a storm that night.
12 | Okay? And a substantial storm.

13 | Also again it comes down to your acceptance
14 | of what people say. Just because somebody says
15 | it doesn't make it true. Anymore than if I said,
16 | hey, I'm gonna be an astronaut, doesn't make it
17 | true.

18 | Now one of the things you're gonna have to
19 | come to a conclusion, I guess, is what kind of
20 | dinner business they're doing at one o'clock in
21 | the morning on a Saturday night?

22 | I think one of the Commissioner asked about
23 | it. The officer indicated that his familiarity
24 | with the area and that place was that they don't
25 | do a business. I don't know if the kitchen's

1 open or not at the time. But it doesn't really
2 make any difference.

3 Now there's one thing -- and, again, I
4 think you gotta look at two things. I saw the
5 video. I saw a lot of people in that one area --
6 not the back -- I'm gonna say the side room, just
7 that one area, I saw a lot of people in there and
8 I didn't see that many coming out. I'll leave
9 that up to your recollection of it. But it
10 seemed like there were a lot of people there;
11 didn't seem like too many people coming out. And
12 you also can't be mindful of the fact that the
13 video skipped and there were periods of time of
14 lapses.

15 Again, you gotta accept that if he wasn't
16 in the place where'd he get drunk?

17 If he wasn't in the place why does somebody
18 go from 50th and West New York down there?

19 If he wasn't in the place how was his
20 credit card used? No question about that. No
21 question about that.

22 And he says I was there.

23 They even took him -- and the Police
24 testified -- back to El Trebol and basically said
25 is that where you were drinking; he said, yeah.

1 So, you know, you want to say I'm the
2 greatest guy in the world and I give these
3 instructions, you don't serve anybody who looks
4 under age, this, that or the other thing; did it
5 happen? That's the issue, did it happen?

6 And I'm telling you, I understand -- looked
7 at the video and it skipped and all that kind of
8 stuff but I just cannot believe that you can
9 accept the proposition that at the precise moment
10 in time this kid is drunk around the corner from
11 El Trebol that his credit card had been used to
12 purchase beer at the place and that this kid was
13 drunk and he was from 50th Street in West New
14 York.

15 Okay. And I'd like to offer what's here,
16 is 1, 2, 3, 4, 5; right?

17 MS. KACZYNSKI: P-1 through 5?

18 MR. FARMER: Yeah.

19 And just -- just I'm not gonna beat the
20 business with cameras and angles and that kind of
21 stuff; these are the pictures and this is the
22 diagram and that's where the cop took the
23 pictures of.

24 And we've just separated one and two; I
25 submit that what you saw, basically, was one, you

1 | did not see in that video, this area which has
2 | been testified be 11 tables.

3 | Okay?

4 | Thanks.

5 | MS. KACZYNSKI: Mr. Gonzalez, did you want
6 | to submit anything into evidence?

7 | MR. GONZALEZ: No but I'm gonna object to
8 | the introduction of this evidence if it's for the
9 | purpose of saying that the cameras angles are X,
10 | Y and Z.

11 | If it's being submitted for the purpose of
12 | showing the inside, I have no objection.

13 | MR. FARMER: That's all it is.

14 | MAYOR STACK: Just for the inside?

15 | MR. GONZALEZ: And I have -- and I do have
16 | an objection, which I think was ruled on by prior
17 | counsel as to the amendment of the complaint
18 | where Mr. Farmer tries to amend the complaint to
19 | include two additional dates, not just the 16th,
20 | which is the original. So I have an objection to
21 | that.

22 | And, lastly, I do need to bring to the
23 | attention of the Board that the statement is the
24 | 16th where the charge was made, not the 14th that
25 | Mr. Farmer --

1 MR. FARMER: Thanks.

2 MR. GONZALEZ: -- said.

3 MAYOR STACK: Can you repeat that?

4 I'm sorry, Mr. Gonzalez.

5 MR. GONZALEZ: The day that the credit card
6 payment is made is on the 16th; not on the 14th.

7 MAYOR STACK: What day of the week is the
8 16th?

9 MR. GONZALEZ: Monday.

10 MAYOR STACK: And what time -- what time
11 was the credit card receipt?

12 MR. GONZALEZ: I -- it's there. I --

13 MAYOR STACK: Okay, can we just find out
14 what time that was?

15 MR. GONZALEZ: It's right on the top.
16 Sure.

17 MAYOR STACK: I mean that's pretty --

18 MR. GONZALEZ: It doesn't say.

19 MR. FARMER: Okay, that's it for me.

20 MAYOR STACK: What -- Mr. Farmer, what day
21 are you saying that this offense took place?

22 MR. FARMER: Saturday night to Sunday
23 morning, which would be the 14th to the 15th.

24 And I'm saying that the --

25 MAYOR STACK: Any explanation what you

1 think with the credit card being done on Monday
2 or --

3 MR. FARMER: Yeah, it was processed by the
4 bank for the service on --

5 MAYOR STACK: I see.

6 MR. FARMER: -- on the 16th. This --
7 that's the processing.

8 MAYOR STACK: Okay.

9 MR. FARMER: And he testified that he used
10 it that night and he testified that -- the police
11 officer testified that it was used that night and
12 it was the bank processing the next day.

13 MR. GONZALEZ: But you can't rely on what
14 the police officer -- he doesn't work for the
15 bank, you know, unfortunately.

16 MAYOR STACK: Did you have anything
17 additional?

18 MR. FARMER: No.

19 You know one of the things that I just
20 wanted to say was -- I don't know if we're
21 talking about punishment or whatever because
22 they're depicted as a wonderful licensee and all
23 that kind of stuff, having done this for 15
24 years. You gotta examine where this place is in
25 town. This is smack in the middle of town.

1 Okay?

2 And you got somebody serving minors and
3 people getting beat up around the corner. That's
4 what happened to the kid. Okay? And that's --
5 the genesis of that is what's right in the smack
6 in the middle of town.

7 And, quite frankly, maybe you don't want to
8 have a license there.

9 MR. GONZALEZ: Excuse me?

10 MR. FARMER: Maybe you don't want to have a
11 license there.

12 MR. GONZALEZ: Oh. Well, if we're going as
13 to summation, maybe we shouldn't have Mr. Farmer
14 as the Prosecutor because, as my client stated
15 and correspondence that I received with him,
16 basically if my client exerts his right to a
17 trial he's being threatened that his license is
18 gonna be taken away.

19 Clearly now it's on the record. I didn't
20 bring it up before then because I didn't think it
21 was appropriate; I wouldn't say that of Mr.
22 Farmer. But clearly Mr. Farmer must have a
23 vendetta or something against my client.

24 MR. FARMER: Okay. I don't want to respond
25 to that.

1 MAYOR STACK: You have anything additional,
2 Mr. Gonzalez, you want to add?

3 MR. GONZALEZ: No.

4 MS. DILLON: Excuse me? Ms. Kaczynski?

5 MS. KACZYNSKI: Yes.

6 MS. DILLON: I'm confused about the
7 exhibits.

8 I have through P-5 and then are the
9 photographs P-6?

10 MR. FARMER: No.

11 MS. KACZYNSKI: So, --

12 MR. FARMER: The diagram and the
13 accompanying photographs are all one exhibit, D-5
14 (sic) --

15 MS. KACZYNSKI: They're all P-5?

16 MS. DILLON: Okay, so the --

17 MR. FARMER: -- P-5.

18 MS. DILLON: -- diagram and the photographs
19 are together?

20 MR. FARMER: Right.

21 MS. DILLON: Okay.

22 Thank you.

23 MR. FARMER: You're welcome.

24 MS. KACZYNSKI: I can show you these
25 afterwards.

1 Or, you know what, just in order so there's
2 no confusion.

3 I have P-1 here. This is a printout
4 referencing a 12/16 purchase at the licensed
5 establishment for 42.80.

6 P-2 is a similar printout referencing the
7 same purchase on a Wells Fargo printout.

8 P-3 is the amended notice to licensee of
9 the charges and hearings.

10 P-4 is the weather printout from nj.com.

11 It was testified to in P-5 is the exhibit,
12 along with one, two, three, four, five, six
13 photographs, which are all labeled on the back 1
14 through 6.

15 MS. DILLON: And there's an exhibit D-1.

16 MS. KACZYNSKI: I'm sorry?

17 MS. DILLON: There's an exhibit D-1.

18 MS. KACZYNSKI: Okay, that one I don't
19 have.

20 MS. DILLON: It's a notice to licensee of
21 charges.

22 MR. GONZALEZ: Right. That's just the
23 notice of charges showing the 16th.

24 MR. FARMER: Okay.

25 MAYOR STACK: Mr. Farmer, you have any

1 recommendation and what you were seeking?

2 MR. FARMER: The recommendation -- and I
3 think I can easily say it was extended before,
4 the Regulations call for a 10 day suspension --
5 15 day suspension.

6 We've historically, when confronted with
7 this, have taken ten days. Okay?

8 But if you look up the -- and I have the
9 schedule of penalties; it's 15 days for selling
10 liquor to a minor.

11 The Regulation specifically says -- these
12 are the presumptive disciplinary regulations;
13 sale to a person under the legal age but over the
14 age of 18.

15 So under 21 but over 18; 15 days.

16 MAYOR STACK: Was that the only charge that
17 was issued is just that one?

18 MR. FARMER: Yes, that's correct. Just
19 that one.

20 MAYOR STACK: Okay.

21 COMMISSIONER FERNANDEZ: Mr. Farmer, what's
22 the history?

23 MR. FARMER: I knew you were gonna ask
24 that. You know, quite frankly I was looking at
25 it before, --

1 MR. GONZALEZ: I can tell you right now. I
2 have it here. My client in --

3 MR. FARMER: Two oh two.

4 MR. GONZALEZ: No.

5 Two thousand oh four is when he purchased
6 it. He had no employee license; he had a two day
7 suspension.

8 In 2006 he had a act of violence -- a
9 nuisance, an act of violence; it was dismissed.

10 And he has nothing else since that time.

11 So, -- and I beg to differ on Mr. Farmer's
12 statement saying that it's usually ten days.

13 What I did is I OPRA'd from the town a copy of
14 every single violation issued to every single
15 licensee in the town --

16 MR. FARMER: Um-hum.

17 MR. GONZALEZ: -- and we have one, two,
18 three, four, five, six, seven, eight, nine, ten,
19 12 -- 12, 13, 14 where the violations have been
20 -- the punishment has been five days or less, so.

21 MR. FARMER: Well, --

22 MR. GONZALEZ: And I obtained that through
23 an OPRA request from the town. And that's when
24 there was a conviction.

25 MR. FARMER: If I might, I don't want to

1 get into a debate about what past resolutions
2 were because all they're all fact-sensitive. But
3 it seems to me that with that number, that's a
4 significant number of underage drinking. I
5 forgot what he said, 19 or something like that.

6 So, obviously, this is a serious issue.

7 MR. GONZALEZ: Absolutely. From 1993, when
8 the records were obtained, till present.

9 MAYOR STACK: So you suggested 15 days?

10 MR. FARMER: That's correct.

11 MAYOR STACK: Fifteen days.

12 Okay.

13 All right, we'll reserve decision until the
14 next -- when is our next meeting?

15 MS. KACZYNSKI: Our next meeting is July
16 15.

17 MAYOR STACK: July?

18 MS. KACZYNSKI: Fifteen.

19 MAYOR STACK: Okay, we'll have a decision
20 on that night.

21 MR. GONZALEZ: Thank you.

22 MAYOR STACK: Thank you very much, --

23 MR. FARMER: Thank you.

24 MAYOR STACK: -- Mr. Gonzalez.

25 Thank you, Mr. Farmer.

1 MR. BONILLA: Excuse me?

2 July 15, I don't know if I'm gonna be here.

3 MAYOR STACK: We could give it to your
4 attorney.

5 MR. BONILLA: Oh, --

6 MS. KACZYNSKI: The next meeting after
7 that, --

8 MR. BONILLA: -- okay.

9 MS. KACZYNSKI: -- Mayor, is August 5th.

10 MAYOR STACK: We'll have a decision --

11 MR. BONILLA: Yeah. 'Cause, --

12 MAYOR STACK: -- for Mr. Gonzalez.

13 MR. GONZALEZ: I'll be here.

14 MR. BONILLA: -- yeah, --

15 MAYOR STACK: No problem.

16 MR. BONILLA: -- we're going to Mexico.

17 MS. KACZYNSKI: Mayor, if you'd like some
18 additional time, --

19 ACTING CITY CLERK: Mayor, --

20 MS. KACZYNSKI: -- the next meeting after
21 that's August 5th.

22 ACTING CITY CLERK: -- we have a Special --

23 MS. KACZYNSKI: If you want some additional
24 time, --

25 ACTING CITY CLERK: -- Meeting the 17th.

1 MS. KACZYNSKI: -- the next meeting after
2 that's --

3 MS. DILLON: Yeah.

4 MS. KACZYNSKI: -- August 5th.

5 ACTING CITY CLERK: Mayor, --

6 MAYOR STACK: Yeah, no.

7 MR. GONZALEZ: July 15th is good.

8 MAYOR STACK: Yeah. Yeah.

9 ACTING CITY CLERK: Mayor?

10 COMMISSIONER FERNANDEZ: He's gonna be away
11 though.

12 ACTING CITY CLERK: We have a Special
13 Meeting on the 17th also.

14 MAYOR STACK: Okay.

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

17 MAYOR STACK: We'll either do it on the
18 15th or the --

19 What day you want to set it for then?
20 What's the 17th a Special Meeting?

21 MS. KACZYNSKI: I guess we have a Special
22 Meeting. What --

23 ACTING CITY CLERK: Special Meeting for --

24 MS. KACZYNSKI: Other ABC matters?

25 MR. FARMER: This is -- the 17th is the one

1 | dealing with Manhattan Bar and Grill.

2 | MAYOR STACK: Okay.

3 | MR. FARMER: This is the one we had a
4 | number of noise complaints during the year and we
5 | decided rather --

6 | MAYOR STACK: Are you representing them?

7 | MR. GONZALEZ: Nope.

8 | MR. FARMER: No.

9 | MAYOR STACK: Okay.

10 | MR. FARMER: We've decided to handle on the
11 | -- at the renewal --

12 | MAYOR STACK: What time is that meeting?

13 | MR. FARMER: That's at 6:30.

14 | MAYOR STACK: We'll have it at that
15 | meeting; on the 17th we'll have the decision.

16 | MR. GONZALEZ: Don't you rather do it the
17 | 15th?

18 | MAYOR STACK: I'm sorry?

19 | MR. GONZALEZ: So I don't have to be there
20 | on the 17th.

21 | MAYOR STACK: I have no problem.

22 | MR. FARMER: I'll do whatever you want to
23 | do.

24 | MAYOR STACK: I thought you were looking
25 | for more time.

1 The 15th is fine; 15th we'll have a
2 decision.

3 MR. GONZALEZ: Fifteenth? Yeah, that's
4 good.

5 MAYOR STACK: That's fine.

6 MR. GONZALEZ: I'd rather not --

7 MAYOR STACK: That's fine.

8 MR. FARMER: Relative to the 17th, we've
9 sent out notices --

10 MAYOR STACK: I hope the 17th is on my
11 schedule?

12 MR. FARMER: Yes.

13 MAYOR STACK: Because I don't remember
14 seeing that.

15 MR. FARMER: You wrote it the day -- on
16 June 30th --

17 MAYOR STACK: I did?

18 MR. FARMER: -- when we renewed the
19 license.

20 MAYOR STACK: Okay.

21 MS. DILLON: Excuse me; --

22 MR. FARMER: You wrote this one --

23 MS. DILLON: -- it's a little loud.

24 MR. FARMER: -- and that one.

25 MAYOR STACK: Okay.

1 MR. FARMER: You wrote this one and that
2 one.

3 MAYOR STACK: Okay.

4 MR. FARMER: So that's definitely in your
5 book.

6 MAYOR STACK: You got it.

7 MR. FARMER: And we have sent out notices
8 to everybody within 200 feet and we've also had
9 the Police hand out notices about the hearing to
10 everybody and we served the licensee; let's see
11 who shows up.

12 MAYOR STACK: You got it.

13 Thank you very much everyone.

14 MR. FARMER: Thanks.

15 MR. GONZALEZ: Thank you.

16 MAYOR STACK: Thank you.

17 MR. BONILLA: All right. Thank you, have a
18 good day everyone.

19

20 **OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD:**

21

22 MAYOR STACK: Do you want to seek any
23 additional public comment?

24 MS. KACZYNSKI: Yes. I'm sorry. We do
25 need to --

1 MAYOR STACK: At this time any -- at this
2 time is there anyone who would like to address
3 any matter before the Board of Commissioners?

4 MS. KACZYNSKI: Additionally, we need to
5 take a --

6 MAYOR STACK: Christine?

7 No?

8 MS. VANEK: No.

9 MAYOR STACK: Seeing none.

10 MS. KACZYNSKI: Take a vote to close.

11 ACTING CITY CLERK: Is there a motion to
12 close public --

13 MAYOR STACK: Motion.

14 ACTING CITY CLERK: -- comment?

15 COMMISSIONER FERNANDEZ: Second.

16 ACTING CITY CLERK: Motion made by Mayor
17 Stack.

18 Second by Commissioner Fernandez.

19 Roll call.

20 Commissioner Fernandez?

21 COMMISSIONER FERNANDEZ: Yes.

22 ACTING CITY CLERK: Commissioner Rivas is
23 absent.

24 Commissioner Martinetti?

25 COMMISSIONER MARTINETTI: Yes.

1 ACTING CITY CLERK: Commissioner Valdivia?

2 COMMISSIONER VALDIVIA: Yes.

3 ACTING CITY CLERK: Mayor Stack?

4 MAYOR STACK: Yes.

5 * * *

6

7 **ADJOURNMENT:**

8

9 ACTING CITY CLERK: Is there a motion to
10 adjourn?

11 MAYOR STACK: Motion.

12 COMMISSIONER MARTINETTI: Second.

13 ACTING CITY CLERK: Made by Mayor Stack.

14 Second by Commissioner Martinetti.

15 MAYOR STACK: Thank you very much,
16 everyone.

17 COMMISSIONER FERNANDEZ: Thank you.

18 MAYOR STACK: Thank you.

19 COMMISSIONER FERNANDEZ: Have a good
20 weekend, everybody.

21 MAYOR STACK: Bye-bye.

22 Thank you, everyone.

23

24 (Whereupon, the proceedings were concluded
25 at 2:21 p.m.)

Board of Commissioners

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, July 11, 2014, and digitally
10 recorded.

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25 Monitored and Proofread by: Deborah Dillon