

ORIGINAL

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
BOARD OF COMMISSIONERS

REGULAR MEETING

TRANSCRIPT OF RECORDED
PROCEEDINGS

Holy Cross Armenian Center
2610 Bergenline Avenue
Union City, New Jersey

Tuesday, March 21, 2017
Commencing at 7:02 p.m.

M E M B E R S P R E S E N T:

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

M E M B E R S A B S E N T:

A L S O P R E S E N T:

ERIN KNOEDLER, DEPUTY CITY CLERK

SCARINCI HOLLENBECK
BY: KRYSTLE NOVA, ESQ.
Corporation Counsel

GREGORY T. FARMER, ESQ.
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Alcohol Beverage Control Commission

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1 DEPUTY CITY CLERK: This is a Regular
2 Public Meeting of the Union City Board of
3 Commissioners being held on Tuesday, March 21st,
4 at seven p.m. at Holy Cross Armenian Center, 2610
5 Bergenline Avenue.

6 Please stand for the Pledge of Allegiance.

7
8 (Whereupon the Pledge of Allegiance was
9 said by all.)
10

11 DEPUTY CITY CLERK: This meeting has been
12 called in accordance with the Open Public
13 Meetings Act.

14 Adequate notice of the meeting has been
15 provided as follows to The Jersey Journal, The
16 Record, The Hudson Reporter, and has been posted
17 on the bulletin board at City Hall and made
18 available to the public in the Office of the
19 Municipal Clerk.
20

21 **ROLL CALL:**
22

23 DEPUTY CITY CLERK: Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Here.

25 DEPUTY CITY CLERK: Commissioner Rivas?

1 COMMISSIONER RIVAS: Here.

2 DEPUTY CITY CLERK: Commissioner Valdivia?

3 COMMISSIONER VALDIVIA: Here.

4 DEPUTY CITY CLERK: Commissioner
5 Martinetti?

6 COMMISSIONER MARTINETTI: Here.

7 DEPUTY CITY CLERK: Mayor Stack?

8 MAYOR STACK: Here.

9

10 (Whereupon, the Board discussed and took
11 action on the following item:

12 **APPROVAL OF PREVIOUS MEETING MINUTES FROM**
13 **FEBRUARY 7, 2017, FEBRUARY 14, 2017 AND FEBRUARY**
14 **21, 2017.)**

15

16 DEPUTY CITY CLERK: The first item for
17 approval is the meeting minutes from February 7th,
18 2017, February 14th, 2017 and February 21st for
19 2017.

20 May I have a motion to approve?

21 COMMISSIONER VALDIVIA: Motion.

22 COMMISSIONER MARTINETTI: Second.

23 DEPUTY CITY CLERK: Motion by Commissioner
24 Valdivia.

25 Second by Commissioner Martinetti.

1 Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: Yes.

3 DEPUTY CITY CLERK: Commissioner Rivas?

4 COMMISSIONER RIVAS: Yes.

5 DEPUTY CITY CLERK: Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Yes.

7 DEPUTY CITY CLERK: Commissioner

8 Martinetti?

9 COMMISSIONER MARTINETTI: Yes.

10 DEPUTY CITY CLERK: Mayor Stack?

11 MAYOR STACK: Yes.

12

13 (Whereupon, the Board discussed and took
14 action on the following item:

15 **ORDINANCE (S) FOR INTRODUCTION:**

16 1. AN ORDINANCE OF THE CITY OF UNION CITY,
17 COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING THE
18 SUM OF \$120,000 IN FUNDING FROM THE CAPITAL
19 IMPROVEMENT FUND FOR VARIOUS IMPROVEMENTS TO THE
20 47TH STREET FIRE HOUSE.)

21

22 DEPUTY CITY CLERK: We have one Ordinance
23 on for Introduction.

24 Upon adoption on first reading, the
25 Ordinance will be advertised in the newspaper and

1 further considered at the Board of Commissioners
2 meeting held on April 4th, 2017, at the Early
3 Childhood Education Center, 2200 Kennedy
4 Boulevard, Union -- Union City, New Jersey.

5 The Ordinance is an Ordinance of the City
6 of Union City, County of Hudson, New Jersey,
7 Appropriating the Sum of 120,000 in Funding from
8 the Capital Improvement Fund for Various
9 Improvements to the 47th Street Fire House.

10 May I have a motion?

11 MAYOR STACK: Motion.

12 DEPUTY CITY CLERK: Motion by Mayor Stack.

13 COMMISSIONER MARTINETTI: Second.

14 COMMISSIONER FERNANDEZ: Second.

15 DEPUTY CITY CLERK: Second by Commissioner
16 Martinetti.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Yes.

19 DEPUTY CITY CLERK: Commissioner Rivas?

20 COMMISSIONER RIVAS: Yes.

21 DEPUTY CITY CLERK: Commissioner Valdivia?

22 COMMISSIONER VALDIVIA: Yes.

23 DEPUTY CITY CLERK: Commissioner
24 Martinetti?

25 COMMISSIONER MARTINETTI: Yes.

1 DEPUTY CITY CLERK: Mayor Stack?

2 MAYOR STACK: Yes.

3

4 (Whereupon, the Board discussed and took
5 action on the following items in total:

6 **CONSENT AGENDA:**

7 (1) Resolution Approving the Payment of Claims

8 (2) Resolution Approving the Payment of

9 Concurring Claims

10 (3) Resolution Approving the Payment of Escrow

11 Funds

12 (4) Resolution Approving the City Payroll for

13 the Period of March 4, 2017 through March 17,

14 2017

15 (5) Resolution Approving the Library Payroll

16 for the Period of March 4, 2017 through March 17,

17 2017

18 (6) Resolution Authorizing the Refund of

19 Premium Monies Collected at the Tax Sale

20 (7) Resolution Authorizing Refund of Redemption

21 Monies to Outside Lienholders

22 (8) Resolution Authorizing the Deputy Clerk to

23 Advertise for Painting at Duarte Park

24 (9) Resolution Awarding a Contract to Stan's

25 Sporting Goods and Metuchen Center for Baseball

1 and Softball Equipment for the Recreation Program
2 (10) Resolution Awarding a Raffle License to
3 Prodein Non-Profit, Inc.
4 (11) Resolution Authorizing the Deputy Clerk to
5 Advertise for Bids for Poly Garbage Bags for 2017
6 (12) Resolution Re-Appointing Kennedy Ng and
7 Alejandro Velazquez to the Union City Board of
8 Education
9 (13) Resolution of the Board of Commissioners of
10 the City of Union City Authorizing the Person to
11 Person Transfer of Liquor License No.
12 0910-44-026-012 from Radhe Krishna Corp. II (T/A
13 Los Laureles Liquors) To Pramukh Varni, LLC
14 (located at 4625 Broadway Avenue).)

15

16 DEPUTY CITY CLERK: We have 13 items on the
17 Consent Agenda.

18 The first is a Resolution Approving the
19 Payment of Claims.

20 The second is a Resolution Approving the
21 Payment of Concurring Claims.

22 The third is a Resolution Approving the
23 Payment of Escrow Funds.

24 The fourth is a Resolution Approving the
25 City Payroll for the Period of March 4th, 2017

1 through March 17th, 2017.

2 The fifth is a Resolution Approving the
3 Library Payroll for the Period of March 4th, 2017
4 through March 17th, 2017.

5 The sixth is a Resolution Authorizing the
6 Refund of Premium Monies Collected at the Tax
7 Sale.

8 The seventh is a Resolution Authorizing
9 Refund of Redemption Monies to Outside
10 Lienholders.

11 The eighth is a Resolution Authorizing the
12 Deputy Municipal Clerk to Advertise for Painting
13 at Duarte Park.

14 The ninth is a Resolution Awarding a
15 Contract to Stan's Sporting Goods and Metuchen
16 Center for Baseball and Softball Equipment for
17 the Recreation Program.

18 The tenth is a Resolution Awarding a Raffle
19 License to Prodein Non-Profit, Incorporation.

20 The eleventh is a Resolution Authorizing
21 the Deputy Clerk to Advertise for Bids for Poly
22 Garbage Bags for 2017.

23 The twelfth is a Resolution Re-Appointing
24 Kennedy Ng and Alejandro Velazquez to the Union
25 City Board of Education.

1 The thirteenth is a Resolution of the Board
2 of Commissioners of the City of Union City
3 Authorizing the Person to Person Transfer of
4 Liquor License Number 0910-44-026-012 from Radhe
5 Krishna Corp. II trading as Los Laureles Liquors
6 to Pramukh Varni, LLC, located at 4625 Broadway
7 Avenue.

8 MAYOR STACK: Anyone wishing to comment on
9 the Consent Agenda, please step forward, state
10 your name and address for the record.

11 Seeing none.

12 I'll make a motion to approve all items.

13 DEPUTY CITY CLERK: Motion by Mayor --

14 COMMISSIONER RIVAS: I'll second.

15 DEPUTY CITY CLERK: -- Stack.

16 Second by Commissioner Rivas.

17 Commissioner --

18 MS. NOVA: For the record, on number 12,
19 Commissioner Valdivia will be voting based on the
20 doctrine of necessity, even though normally he
21 would not vote because it's a Union City Board of
22 Education matter.

23 DEPUTY CITY CLERK: Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Yes with the
25 exception on number 12, as so stated by counsel.

1 DEPUTY CITY CLERK: Commissioner Rivas?

2 COMMISSIONER RIVAS: Yes.

3 DEPUTY CITY CLERK: Commissioner Valdivia?

4 COMMISSIONER VALDIVIA: Yes.

5 DEPUTY CITY CLERK: Commissioner
6 Martinetti?

7 COMMISSIONER MARTINETTI: I'm recusing on
8 number 12 and aye on the rest.

9 MS. NOVA: And on number one, payments to
10 Adolfo Lopez and Luis Diaz.

11 COMMISSIONER MARTINETTI: As noted through
12 counsel.

13 DEPUTY CITY CLERK: And Mayor Stack?

14 MAYOR STACK: Yes.

15 DEPUTY CITY CLERK: May I have a motion to
16 approve all items on Consent?

17 COMMISSIONER VALDIVIA: Motion.

18 DEPUTY CITY CLERK: Motion by Commissioner
19 Valdivia.

20 COMMISSIONER RIVAS: Second. Second.

21 DEPUTY CITY CLERK: Second by Commissioner
22 Rivas.

23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Yes with the
25 exceptions of number 12.

1 DEPUTY CITY CLERK: Commissioner Rivas?

2 COMMISSIONER RIVAS: Yes.

3 DEPUTY CITY CLERK: Commissioner Valdivia?

4 COMMISSIONER VALDIVIA: Yes.

5 DEPUTY CITY CLERK: Commissioner

6 Martinetti?

7 COMMISSIONER MARTINETTI: Yes, with the
8 exception of number 12 and any payments to Adolfo
9 and --

10 DEPUTY CITY CLERK: Mayor Stack, --

11 COMMISSIONER MARTINETTI: -- Diaz.

12 DEPUTY CITY CLERK: -- my apologies, we
13 just did that.

14 MAYOR STACK: Yes.

15

16 (Whereupon, the Board discussed and took
17 action on the following item:

18 **REGULAR AGENDA:**

19 1. Resolution Re-Appointing Tilo Rivas and
20 Celin Valdivia to the Union City Board of School
21 Estimate.)

22

23 DEPUTY CITY CLERK: We have two items on
24 the Regular Agenda.

25 The first is a Resolution Re-Appointing

1 Tilo Rivas and Celin Valdivia to the Union City
2 Board of School Estimate.

3 May I have a motion?

4 COMMISSIONER MARTINETTI: Motion.

5 DEPUTY CITY CLERK: Motion by Commissioner
6 Martinetti.

7 MS. NOVA: Again, for number 1 on the
8 Regular Agenda, Commissioners will vote based on
9 the doctrine of necessity.

10 Commissioner Rivas and Commissioner
11 Valdivia will not vote.

12 Commissioner Fernandez, you will be able to
13 vote on this.

14 DEPUTY CITY CLERK: Motion by Mayor --
15 I'm sorry.

16 Motion by Commissioner Martinetti.

17 Second by Commissioner --

18 COMMISSIONER VALDIVIA: I can't vote.

19 COMMISSIONER FERNANDEZ: Second.

20 COMMISSIONER MARTINETTI: Commissioner
21 Fernandez.

22 DEPUTY CITY CLERK: -- Commissioner
23 Fernandez.

24 Commissioner Fernandez?

25 COMMISSIONER FERNANDEZ: Yes.

1 DEPUTY CITY CLERK: Commissioner Rivas?

2 No?

3 COMMISSIONER RIVAS: Abstain.

4 DEPUTY CITY CLERK: Abstaining.

5 Commissioner Valdivia?

6 COMMISSIONER VALDIVIA: Abstain.

7 DEPUTY CITY CLERK: Abstaining.

8 Commissioner Martinetti?

9 COMMISSIONER MARTINETTI: Yes.

10 DEPUTY CITY CLERK: Mayor Stack?

11 MAYOR STACK: Yes.

12

13 (Whereupon, the Board discussed and took
14 action on the following item:

15 **REGULAR AGENDA:**

16 2. Resolution for a Correction of Payment of
17 Claim to the Grace Theater Workshop, Inc.)

18

19 DEPUTY CITY CLERK: The next is a
20 Resolution for Correction of the Payment of Claim
21 for the Grace Theater Workshop.

22 May I have a motion?

23 MAYOR STACK: Motion.

24 COMMISSIONER MARTINETTI: Motion.

25 DEPUTY CITY CLERK: Motion by Mayor Stack.

1 COMMISSIONER MARTINETTI: Second.

2 DEPUTY CITY CLERK: Second by Commissioner
3 Martinetti.

4 Commissioner Fernandez is recusing.

5 Commissioner Rivas?

6 COMMISSIONER RIVAS: Yes.

7 DEPUTY CITY CLERK: Commissioner Valdivia?

8 COMMISSIONER VALDIVIA: Yes.

9 DEPUTY CITY CLERK: Commissioner
10 Martinetti?

11 COMMISSIONER MARTINETTI: Yes.

12 DEPUTY CITY CLERK: Mayor Stack?

13 MAYOR STACK: Yes.

14

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

16

17 DEPUTY CITY CLERK: Mayor, at this time,
18 would you like to open for public comment on any
19 item involving government in Union City?

20 MAYOR STACK: Sure.

21 Anyone wishing to comment at this time,
22 please step forward, state your name and address
23 for the record.

24 Seeing none.

25 DEPUTY CITY CLERK: May I have a motion to

1 close?

2 MAYOR STACK: Motion.

3 COMMISSIONER MARTINETTI: Motion.

4 DEPUTY CITY CLERK: Motion by --

5 COMMISSIONER MARTINETTI: Second.

6 DEPUTY CITY CLERK: -- Mayor Stack.

7 Second by Commissioner Martinetti.

8 Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: Yes.

10 DEPUTY CITY CLERK: Commissioner Rivas?

11 COMMISSIONER RIVAS: Yes.

12 DEPUTY CITY CLERK: Commissioner Valdivia?

13 COMMISSIONER VALDIVIA: Yes.

14 DEPUTY CITY CLERK: Commissioner

15 Martinetti?

16 COMMISSIONER MARTINETTI: Yes.

17 DEPUTY CITY CLERK: Mayor Stack?

18 MAYOR STACK: Yes.

19

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1 LIQUOR LICENSE DISCIPLINARY PROCEEDINGS:

2

3 1. Niel Akshar

4 t/a Reuben Liquors

5 Location: 2117 Summit Avenue

6 License No. 0910-33-178-005

7 2. Lee Entertainment, LLC

8 t/a Fantasy Night Club

9 Location: 418 43rd Street

10 License No. 0910-33-072-007

11 3. Marvina, Inc.

12 t/a El Cobre Restaurant

13 Location: 4413-4415 Bergenline Avenue

14 License No. 0910-33-208-010

15

16 DEPUTY CITY CLERK: Mayor, at this time we
17 have Liquor License Hearings.

18 Mr. Farmer?

19 MR. FARMER: Yes.

20 Good evening, Mayor and the Board.

21 You have three on your calendar.

22

23 * * *

24

25

1 NIEL AKSHAR

2 T/A REUBEN LIQUORS

3 Location: 2117 Summit Avenue

4 License No. 0910-33(SIC)-178-005

5

6 MR. FARMER: The first one is Reuben
7 Liquor. And as we speak now the parties are
8 looking at a video and listening to an audio that
9 I anticipate will be finished in about five
10 minutes.

11

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1 **LEE ENTERTAINMENT, LLC**
2 **T/A FANTASY NIGHT CLUB**
3 **Location: 418 43rd Street**
4 **License No. 0910-33-072-007**

5

6 MR. FARMER: The next one we have is
7 Fantasy Night Club. And the licensee is
8 represented by Mr. Diaz who is here tonight.

9 Mr. Diaz, myself, and Detective Dunlay have
10 had discussions about this matter on two prior
11 occasions. And we have come to a resolution of a
12 suspension.

13 And what this was, just so we have some
14 background, this was a spontaneous fight between
15 two women in the bar.

16 The situation is nobody was hurt and it was
17 short-lived. But the situa-- but what we have
18 done is we have come to an agreement concerning
19 the suspension. The suspension will be 12 days,
20 which will represent over that 12 days two
21 weekends. So it's almost like 14 days.

22 So, it will be 12 days. Detective Dunlay's
23 okay with it, I'm okay with it, and I would
24 recommend it to the Board.

25 MAYOR STACK: Mr. Diaz?

1 MR. DIAZ: Yes.

2 We have reviewed the events. Like Mr.
3 Farmer said it was a spontaneous thing that
4 happened between two ladies; short-lived. The
5 security intervened right away. But then again
6 the event took place and the licensee takes
7 responsibility for it and accepts the -- takes
8 the plea and accepts the -- the penalty that is
9 being recommended.

10 MAYOR STACK: I'll make a motion to approve
11 Mr. Farmer's recommendation.

12 COMMISSIONER FERNANDEZ: Second.

13 MAYOR STACK: The address of the location
14 again?

15 MR. FARMER: Hold on; is 418 --

16 MAYOR STACK: 43rd, right?

17 MR. FARMER: 418 43rd.

18 MR. DIAZ: 43rd.

19 MAYOR STACK: 43rd, right?

20 MR. DIAZ: Correct.

21 MR. FARMER: Yes.

22 MAYOR STACK: I got it.

23 DEPUTY CITY CLERK: Motion by Mayor Stack.
24 Second?

25 COMMISSIONER FERNANDEZ: Second.

1 DEPUTY CITY CLERK: By Commissioner
2 Fernandez.

3 Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Yes.

5 DEPUTY CITY CLERK: Commissioner Rivas?

6 COMMISSIONER RIVAS: Yes.

7 DEPUTY CITY CLERK: Commissioner Valdivia?

8 COMMISSIONER VALDIVIA: Yes.

9 DEPUTY CITY CLERK: Commissioner
10 Martinetti?

11 COMMISSIONER MARTINETTI: Recusing.

12 DEPUTY CITY CLERK: Mayor Stack?

13 MAYOR STACK: Yes.

14

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1 OTHER BUSINESS:

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3 MR. DIAZ: Mayor, if I may, before Mr.
4 Farmer proceeds?

5 I missed the -- the open -- open ground
6 meeting and I'd like to bring some good news to
7 the Board and to the -- and to the public. I
8 know we have had some sad events in the last
9 couple of weeks.

10 My partner, Anna Noris, is the coach and
11 moderator of the Union Hill Mock Trial Debate
12 Team. For the second year in a row they are
13 County champs. Three out of the last four years
14 and now this is the second year in a row.

15 Just goes to show the steps that the
16 educational system of Union City has taken. They
17 debate kids from some of the better schools in
18 the area; Saint Peter's Prep, Hudson Catholic,
19 North Bergen.

20 And, again, two years in a row, County
21 champs.

22 COMMISSIONER VALDIVIA: I also --

23 MAYOR STACK: Great.

24 COMMISSIONER VALDIVIA: -- want to add --
25 add to that. They -- they're going to be

1 competing tomorrow in Princeton University.

2 MR. DIAZ: That's correct.

3 COMMISSIONER VALDIVIA: Right?

4 Four -- four of our students from the high
5 school, Mayor.

6 MAYOR STACK: That's great.

7 MR. DIAZ: Um-hum.

8 COMMISSIONER VALDIVIA: Because I ordered
9 the transportation for them, so --

10 MAYOR STACK: Excellent.

11 COMMISSIONER VALDIVIA: -- I'm aware --

12 MAYOR STACK: Thank you, Mr. Diaz.

13 COMMISSIONER VALDIVIA: Some very --

14 MAYOR STACK: Thank you for bringing
15 that --

16 COMMISSIONER VALDIVIA: -- we're very --

17 MAYOR STACK: -- up tonight.

18 Thank you.

19 MR. DIAZ: You're welcome.

20 COMMISSIONER MARTINETTI: Thank you, Mr.
21 Diaz.

22 MR. DIAZ: Have a good night.

23 COMMISSIONER VALDIVIA: Thank you, Mr.
24 Diaz.

25 MAYOR STACK: Thank you also.

1 Thank you.

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1 MARVINA, INC.

2 T/A EL COBRE RESTAURANT

3 Location: 4413-4415 Bergenline Avenue

4 License No. 0910-33-208-010

5

6 MR. FARMER: The next one is El Cobre.

7 The licensee is represented by Mr. Diaz.

8 He and I have discussed this. I would expect
9 this -- they'll be a plea on this and I would ask
10 that it be carried to the next hearing day.

11 MAYOR STACK: You got it.

12 We'll carry that to the next Commission
13 Meeting.

14

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1 NIEL AKSHAR

2 T/A REUBEN LIQUORS

3 Location: 2117 Summit Avenue

4 License No. 0910-33(SIC)-178-005

5

6 MR. FARMER: Now we go back to the first
7 one, Reuben Liquor.

8 It's my understanding that everybody's
9 here.

10 MR. ESPINOSA: Everybody's here.

11 MR. FARMER: Okay.

12 MAYOR STACK: Are you ready to go on this?

13 MR. FARMER: Yeah.

14 MAYOR STACK: Or you need a few minutes?

15 MR. FARMER: Mr. Sapienza --

16 MAYOR STACK: Okay.

17 MR. FARMER: -- is handling it.

18 MAYOR STACK: Okay.

19 MR. FARMER: So we can ask him the posture
20 of the case.

21 MAYOR STACK: Mr. Sapienza, are you and Mr.
22 Espinosa ready?

23 MR. SAPIENZA: I'm ready.

24 MR. ESPINOSA: I'm ready.

25 MR. SAPIENZA: As soon as he takes his hat

1 off we'll be ready.

2 (Whereupon, there was a pause in the
3 proceedings.)

4 MR. SAPIENZA: This is a disciplinary
5 charge against Reuben Liquors. The correct name
6 of the license is Niel Akshar Inc., License
7 number 0910-032-178-005. It's a license located
8 at 2117 Summit Avenue in Union City, New Jersey.

9 We're ready to proceed. First witness is
10 Sergeant Cetinich.

11 MS. DILLON: Right here, Sergeant.

12 Please raise your right hand.

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

15 SERGEANT CETINICH: Yes.

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

18 SERGEANT CETINICH: Raymond Cetinich, C-E-
19 T-I-N-I-C-H.

20 MS. DILLON: I'm sorry. C-E-T- --

21 SERGEANT CETINICH: I-N-I-C-H.

22 MS. DILLON: And Raymond, R-A-Y-M--

23 SERGEANT CETINICH: M-O-N-D.

24 MS. DILLON: Okay.

25 Thank you.

1 MR. SAPIENZA: Sergeant, you're employed as
2 a Police Officer in the City of Union City.

3 Correct?

4 SERGEANT CETINICH: Yes.

5 MR. SAPIENZA: How many years have you been
6 so employed?

7 SERGEANT CETINICH: Twenty-one years.

8 MR. SAPIENZA: And were you employed as a
9 Union City Officer on July 17th, 2016?

10 SERGEANT CETINICH: Yes I was.

11 MR. SAPIENZA: This case involves a charge
12 that the licensee violated the hours of sale
13 Ordinance in the City.

14 Are you familiar with the hours of sale
15 that an alcoholic beverage distributor is allowed
16 to sell alcohol on a Sunday --

17 SERGEANT CETINICH: Yes.

18 MR. SAPIENZA: -- in the City?

19 SERGEANT CETINICH: Yes.

20 MR. SAPIENZA: What are those hours?

21 SERGEANT CETINICH: Between two a.m. and 12
22 noon there's no sale of alcohol, consumption, or
23 delivery to licensed premises.

24 MR. SAPIENZA: Now the policy of the Union
25 City Police Force is to enforce this Ordinance,

1 that is whenever it -- it comes before them.

2 Is that correct?

3 SERGEANT CETINICH: Yes.

4 MR. SAPIENZA: Now on -- on July 17th, were
5 you on patrol in the City of Union City?

6 SERGEANT CETINICH: Yes I was.

7 MR. SAPIENZA: Were you alone or were you
8 with someone else?

9 SERGEANT CETINICH: I was with Lieutenant
10 Loaces.

11 MR. SAPIENZA: Did there come some activity
12 at 2117 Summit Avenue that came to your attention
13 while you were on patrol?

14 SERGEANT CETINICH: Yes.

15 MR. SAPIENZA: All right.

16 What time was that?

17 SERGEANT CETINICH: That was at 2:05.

18 MR. SAPIENZA: And what did you see that
19 drew your attention?

20 SERGEANT CETINICH: We were driving in an
21 unmarked vehicle, driving north to the
22 intersection of 22 and Summit. I was stopped at
23 a red light. I looked over to the left and I saw
24 two men standing outside of the liquor store and
25 I saw people inside the liquor store. And Loaces

1 -- Lieutenant Loaces observed the same thing and
2 we noticed it was after two a.m.

3 So, we -- and I -- I made an observation
4 that I saw the proprietor of the -- a female of
5 the liquor store open the door, hand two shopping
6 bags to a patron -- that I believed it was a
7 patron and then I saw another patron give her
8 money and he got a 12-pack of Corona beer.

9 As soon as we saw that we pulled over and
10 Lieutenant called out for a time check and an ABC
11 violation at that location.

12 MR. SAPIENZA: What was the time check
13 replied?

14 SERGEANT CETINICH: That it was 2:05 hours.

15 MR. SAPIENZA: Now, --

16 SERGEANT CETINICH: 0205 a.m.

17 MR. SAPIENZA: -- what's the name of the
18 liquor store there?

19 SERGEANT CETINICH: Reuben Liquors.

20 MR. SAPIENZA: Did you do anything further
21 with regards to the incident?

22 SERGEANT CETINICH: Yes.

23 MR. SAPIENZA: What did you do?

24 SERGEANT CETINICH: The -- we -- we pulled
25 over to that corner. I prevented the person with

1 the Corona from walking away and Lieutenant
2 Loaces began to speak with the proprietor of the
3 liquor store.

4 MR. SAPIENZA: Did you take any further
5 action with regards to what you saw?

6 SERGEANT CETINICH: Yes I detained the
7 party. His name was --

8 Let me just check.

9 Give me one second.

10 Alejandro Jimenez.

11 I asked him for ID and he -- he gave me --

12 What did he --

13 -- he provided me with a resident alien
14 card and a social security card. And I told him
15 to wait because he didn't speak English and I
16 requested a Spanish-speaking officer to the
17 scene. And Detective Aranzazu responded and he
18 assisted me with speaking to Mr. Jimenez.

19 MR. SAPIENZA: Did Mr. Jimenez have any
20 alcoholic beverages with him when you stopped and
21 spoke with him?

22 SERGEANT CETINICH: Yes he had the 12-pack
23 of Corona beer.

24 MR. SAPIENZA: And did you do anything
25 further?

1 Did you take a picture of that 12-pack of
2 Corona beer?

3 SERGEANT CETINICH: Detective Aranzazu
4 photographed the beer. We asked him how much he
5 paid. He said he paid \$19.00.

6 MR. SAPIENZA: What else, if anything,
7 happened after that?

8 SERGEANT CETINICH: Lieutenant Loaces spoke
9 with Detective Mendoza who also arrived to the
10 scene and he had him enter the liquor store to
11 conduct a tavern check --

12 MR. SAPIENZA: All right.

13 And what was --

14 SERGEANT CETINICH: -- and check the
15 documents and --

16 MR. SAPIENZA: And for you --

17 SERGEANT CETINICH: -- do a tavern report.

18 MR. SAPIENZA: -- for you was there
19 anything further that you did in the case?

20 SERGEANT CETINICH: No, once I spoke to the
21 gentleman, he provided ID, we let him go, he went
22 on his way. And I remained, you know, outside.

23 MR. SAPIENZA: That's all from this
24 witness.

25 MR. ESPINOSA: Done?

1 MR. SAPIENZA: Um-hum.

2 MR. ESPINOSA: You said that you saw --
3 well --

4 MS. DILLON: Just put your appearance on
5 the record.

6 MR. ESPINOSA: I'm sorry.

7 Tomas Espinosa on behalf of Reuben Liquors.
8 You said that you saw someone --

9 MS. DILLON: A little closer, Mr. Espinosa;
10 it's a very tall ceiling.

11 MR. ESPINOSA: Okay, yeah.

12 You -- you say that you saw someone
13 purchasing, or being delivered liquor at 2:06 in
14 the morning.

15 Is that correct?

16 SERGEANT CETINICH: We called out what we
17 observed for a time check at 2:05.

18 MR. ESPINOSA: No, I am asking if you -- if
19 you said that, yes or no?

20 I'm not asking about time check. I have
21 not used the word time check.

22 MR. SAPIENZA: Well, I think we could let
23 the witness answer the question as best as he can
24 and if you'd like to ask a follow-up question you
25 can.

1 MR. ESPINOSA: My -- my -- now, my question
2 is very specific. I didn't speak about time
3 check.

4 I said did you see at 2:06, -- okay and
5 then I will follow with a question -- did you see
6 at 2:06 somebody purchasing a liquor?

7 SERGEANT CETINICH: Yes I did.

8 MR. ESPINOSA: Okay.

9 And did you check your -- did you -- did
10 you have at the time a watch?

11 SERGEANT CETINICH: Yes.

12 MR. ESPINOSA: Did you check your watch?

13 SERGEANT CETINICH: We checked the vehicle
14 time and then -- we checked the time on the
15 vehicle. We noticed it was after two.

16 MR. ESPINOSA: Have -- have that vehicle
17 been -- how often is that vehicle calibrated for
18 time?

19 SERGEANT CETINICH: I wouldn't know that
20 answer.

21 MR. ESPINOSA: So you don't know if that
22 vehicle was calibrated -- the -- the clock was
23 calibrated in anyway.

24 Is that correct?

25 SERGEANT CETINICH: I wouldn't know that.

1 MR. ESPINOSA: And you said that you called
2 then and someone at the Dispatch told you 2:0--
3 that it was 2:06?

4 SERGEANT CETINICH: No, the Lieutenant
5 requested a time check and they gave out 2:05.

6 MR. ESPINOSA: And you don't have here the
7 person who checked and -- and -- and saw what it
8 is and talked to the Lieutenant.

9 Is that correct?

10 SERGEANT CETINICH: Do I know who that is?

11 MR. ESPINOSA: No.

12 SERGEANT CETINICH: No.

13 MR. ESPINOSA: No.

14 I said you don't have it here to testify,
15 is that correct, that what he saw was at 2:06
16 when he received the call of the Lieutenant?

17 SERGEANT CETINICH: I'm not following the
18 question.

19 MR. ESPINOSA: My question is you don't
20 have the person the Lieutenant call and saw --

21 SERGEANT CETINICH: No, they're not here.
22 No.

23 MR. ESPINOSA: They are not. That's all.
24 That's all.

25 So the 2:06 time was because you heard the

1 Lieutenant -- the Lieutenant call and then
2 someone answer to the Lieutenant.

3 Did you hear who answer to the Lieutenant?

4 SERGEANT CETINICH: The dispatcher.

5 MR. ESPINOSA: And you heard the dispatcher
6 speak?

7 SERGEANT CETINICH: That it was 2:05.

8 MR. ESPINOSA: I have no further questions
9 of this gentleman.

10 MR. SAPIENZA: That's all.

11 MAYOR STACK: Thank you, Sergeant.

12 MR. SAPIENZA: Lieutenant Loaces, please
13 step forward.

14 You're going to swear the witness? Do you
15 swear --

16 MS. DILLON: Yeah, I have -- I swore the
17 other one.

18 Please raise your right hand.

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

21 LIEUTENANT LOACES: I do.

22 MS. DILLON: Please state your name and
23 spell it for the record.

24 LIEUTENANT LOACES: Lieutenant Loaces, L-O-
25 A-C-E-S.

1 MS. DILLON: Thank you.

2 MR. SAPIENZA: Lieutenant Loaces, how long
3 have you been employed as a Police Officer in
4 the --

5 MR. ESPINOSA: I --

6 MR. SAPIENZA: -- City of Union City?

7 MR. ESPINOSA: -- I --

8 MS. DILLON: Come forward.

9 MR. ESPINOSA: I -- I admit that Lieutenant
10 Loaces has been many, many years. I've been with
11 him here. I know that he is a Police Officer and
12 that he is experienced and all of those things
13 have -- we can't object.

14 MAYOR STACK: I know but we just got to put
15 it on the record though, Mr. Espinosa.

16 You could proceed, Mr. Sapienza;
17 Lieutenant.

18 MR. SAPIENZA: How long have you been a
19 Police Officer in the City of Union City?

20 LIEUTENANT LOACES: Since July 23rd, 1990.

21 MR. SAPIENZA: And on July 17th, 2016, were
22 you a Police Officer in the City?

23 LIEUTENANT LOACES: I was.

24 MR. SAPIENZA: Were you out on patrol that
25 evening with Sergeant Cetinich?

1 LIEUTENANT LOACES: Sergeant Cetinich and I
2 were driving throughout the City.

3 MR. SAPIENZA: Were you dressed in uniform
4 or were you in plain clothes?

5 LIEUTENANT LOACES: Plain clothes.

6 MR. SAPIENZA: What kind of vehicle were
7 you in?

8 LIEUTENANT LOACES: I believe we were
9 driving a unmarked Ford Explorer.

10 MR. SAPIENZA: And did you come to a
11 location in Union City at 2117 Summit Avenue?

12 LIEUTENANT LOACES: Specifically at the
13 intersection of 22nd and Summit Avenue, northbound
14 lane.

15 MR. SAPIENZA: Was there a specific
16 building or business that your attention was
17 called to?

18 LIEUTENANT LOACES: Yes. The business on
19 the southwest corner known as Reuben Liquors.

20 MR. SAPIENZA: What called your attention
21 to that place?

22 LIEUTENANT LOACES: Approximately two weeks
23 prior to the date in question Reuben Liquors had
24 been the victim of an armed robbery.

25 When we noticed -- well, I specifically, --

1 I can only speak for myself. When I noticed two
2 gentleman standing outside the location on my --
3 past two o'clock, I found it odd that these two
4 gentlemen, considering the fact that they had
5 just been robbed two weeks before at gunpoint, I
6 found that suspicious.

7 I -- I alerted Sergeant Cetinich and we
8 watched them at the red light for 30 seconds, 45
9 seconds, a minute. At which point I also noticed
10 there was some movement inside the establishment.
11 I couldn't tell if there was -- if these were the
12 lookouts, if there were other people inside
13 getting rob the place but I did notice there was
14 movement inside.

15 Within 35, 45 seconds I observed -- as the
16 door now opened and the female licensee --

17 I apologize; I don't know her name.

18 -- she opened the door and handed two bags
19 to, I believe, one gentleman and then took what
20 appeared to be U.S. currency from a second
21 gentleman and in return she handed that gentleman
22 who handed her U.S. currency a box of Corona
23 beer.

24 MR. SAPIENZA: And what did you do next?

25 LIEUTENANT LOACES: At this point I looked

1 at my watch. It said it was past two o'clock. I
2 got on the radio and I called for -- I called our
3 Dispatcher, our Communication Division, and I
4 asked for a radio check.

5 MR. SAPIENZA: Is this a common service
6 that you asked a dispatcher to provide when time
7 is needed?

8 LIEUTENANT LOACES: I do. And the reason I
9 believe it's important is because I believe
10 that's the most factually accurate time that we
11 can go by.

12 Right now there's 25 people seated in this
13 room. I'm sure if we all look at our watches we
14 would be off by a minute two. However, our
15 Dispatch clock runs 24 hours a day, 365 days a
16 year and it's about as accurate as it gets.

17 On the other hand, if we were to look at
18 our cell phones right now, if we have any of the
19 major carriers -- whether it be AT&T, T-Mobile,
20 Verizon, or Sprint, they would all pretty much
21 agree that it would be the exact same time.

22 So that's why I always go by Communication;
23 what their time is.

24 MR. SAPIENZA: And what was the reply that
25 you received from the Dispatcher?

1 LIEUTENANT LOACES: Zero two zero five;
2 2:05.

3 MR. SAPIENZA: Now I don't have to ask this
4 question but are you familiar with the Ordinances
5 in the City of Union City that say when alcoholic
6 beverages may be served, sold or delivered on a
7 Sunday?

8 LIEUTENANT LOACES: Yes.

9 MR. SAPIENZA: And we're talking here about
10 July 17th, 2016; that was a Sunday.

11 Correct?

12 LIEUTENANT LOACES: Correct.

13 MR. SAPIENZA: Now, do those Ordinances
14 permit the sale, service or delivery of alcoholic
15 beverages after two a.m.?

16 LIEUTENANT LOACES: No they do not.

17 MR. SAPIENZA: What was the next thing that
18 you did or observed after you received the reply
19 from the Dispatcher?

20 LIEUTENANT LOACES: Well, at this point, I
21 exited my vehicle and I approached the front of
22 Reuben Liquors where I was greeted by the female
23 licensee. She immediately recognized me as I had
24 been there two weeks prior when they had been
25 robbed at gunpoint.

1 I asked her what was going on. I -- I made
2 reference to the time. She then started to
3 explain to me that she did not sell alcohol.
4 That she knows that the law is that she cannot
5 sell alcohol between two and three; only beer and
6 wine.

7 I asked her again, I go, I'm sorry, what do
8 you -- what do you mean? She said, no, no, I do
9 not sell alcohol after two o'clock. I understand
10 the law. The law says that I cannot sell alcohol
11 after two a.m. From two a.m. to three a.m. I can
12 only sell beer and wine. She insisted that that
13 was her understanding of what our ABC Ordinance
14 was.

15 I reached out to the Detectives to respond
16 to the location. Detective Mendoza arrived at
17 the location within a minute or so. I explained
18 to him my conversation with the licensee outside
19 and I directed him to go inside and speak to the
20 licensee and in doing so to record the
21 conversation, so as to have a record of what
22 exactly the conversation or exchange was between
23 the licensee and Detective Mendoza.

24 MR. SAPIENZA: What happened next?

25 LIEUTENANT LOACES: At that point Detective

1 | Mendoza -- after a few minutes Detective Mendoza
2 | exited and I asked him what he had been told by
3 | the licensee and he once again reiterated the
4 | same thing that the licensee had told me
5 | personally outside the establishment, which was
6 | that she did not sell alcohol; she only sold beer
7 | and wine between two and three and that it wasn't
8 | after two o'clock, it was only 2:03.

9 | MR. SAPIENZA: Did you have any
10 | conversation with anyone else inside the liquor
11 | store?

12 | LIEUTENANT LOACES: I believe I spoke to
13 | the gentleman who I suspect is her husband.

14 | MR. SAPIENZA: Was that conversation
15 | relevant to the events that you observed?

16 | LIEUTENANT LOACES: It was relevant in the
17 | sense that he was present. He observed
18 | everything I observed. He did not go into
19 | specifics as much as his wife did about being
20 | able to sell beer and wine between two and three.
21 | He just said -- he just kept basically repeating,
22 | -- I don't remember exactly what words he used
23 | but that -- that basically they -- they did
24 | nothing wrong. That was pretty much the gist of
25 | it.

1 MR. SAPIENZA: And what did you do next?

2 LIEUTENANT LOACES: At that point I
3 directed the Detectives on scene, as well as the
4 Sergeant, to take photos of the alcohol that was
5 purchased, get identifi-- get the identification
6 of the person we had actually stopped, and
7 document in their report what had transpired.

8 MR. SAPIENZA: That's all. No further
9 questions.

10 MR. ESPINOSA: When you -- when you entered
11 the store by what door did you enter?

12 LIEUTENANT LOACES: The main door. I --

13 MR. ESPINOSA: So, you mean --

14 LIEUTENANT LOACES: -- I only know there's
15 only one door. I don't know --

16 MR. ESPINOSA: So, --

17 LIEUTENANT LOACES: -- there's another
18 door.

19 MR. ESPINOSA: -- you're talking about the
20 -- do recall if that is the door that -- that is
21 in glasses --

22 LIEUTENANT LOACES: I believe -- any of it,
23 yes. My personal recollection of that evening,
24 yes it was a glass door. And my knowledge of the
25 establishment is there's only one door.

1 MR. ESPINOSA: And that -- and you entered
2 naturally after two o'clock?

3 LIEUTENANT LOACES: I did.

4 MR. ESPINOSA: Are you aware that the --
5 the place has cameras?

6 LIEUTENANT LOACES: I am.

7 MR. ESPINOSA: Do you know also that the
8 cameras have a timing?

9 LIEUTENANT LOACES: Most cameras do.

10 MR. ESPINOSA: And did you observe the
11 timing?

12 LIEUTENANT LOACES: No.

13 MR. ESPINOSA: Did you go to the place
14 where there is the -- the screen for -- for the
15 -- for lottery?

16 Did you look at the timing in the -- in the
17 lottery?

18 LIEUTENANT LOACES: In the lottery?

19 MR. ESPINOSA: Yeah, the lottery screen.
20 There is a -- a --

21 LIEUTENANT LOACES: No, I don't play the
22 lottery. I'm sorry.

23 MR. ESPINOSA: Oh, okay. But you -- but
24 you enter it?

25 LIEUTENANT LOACES: I did.

1 MR. ESPINOSA: Okay.

2 And did you go to any place when you enter
3 it?

4 Or it was right in there in the -- where
5 the -- the counter is -- the lottery is, in the
6 space in between -- between the counter and --
7 and the door.

8 LIEUTENANT LOACES: I don't understand.
9 You're asking me --

10 MR. ESPINOSA: Well, --

11 LIEUTENANT LOACES: -- where I entered?

12 MR. ESPINOSA: -- what --

13 LIEUTENANT LOACES: I don't understand.

14 MR. ESPINOSA: Yeah. You entered.

15 LIEUTENANT LOACES: Obviously.

16 MR. ESPINOSA: Okay.

17 And where did you talk with her? It was in
18 the space in between the door and the counter?

19 LIEUTENANT LOACES: When -- at which --
20 you're -- I'm getting confused. I -- you're
21 talk-- you're asking me when I spoke to the
22 licensee?

23 MR. ESPINOSA: Yeah.

24 LIEUTENANT LOACES: Outside.

25 MR. ESPINOSA: Oh. She was outside?

1 LIEUTENANT LOACES: Correct.

2 MR. ESPINOSA: Okay.

3 And both of you exited by the -- by the
4 glass door.

5 Isn't that correct?

6 LIEUTENANT LOACES: We hadn't entered yet.
7 We were outside.

8 MR. ESPINOSA: Oh. She -- you were
9 outside.

10 LIEUTENANT LOACES: Right.

11 MR. ESPINOSA: And if you were talking to
12 her outside, --

13 LIEUTENANT LOACES: Correct.

14 MR. ESPINOSA: -- okay, it was through the
15 glass and you would be talking with her outside
16 there and the camera will take it.

17 Is that correct?

18 LIEUTENANT LOACES: We were both standing
19 outside. I'm getting confused with your
20 depiction of --

21 MR. ESPINOSA: But --

22 LIEUTENANT LOACES: -- how it's happening.

23 MR. ESPINOSA: Yeah.

24 LIEUTENANT LOACES: But we --

25 MR. ESPINOSA: But where were you standing?

1 In front of the door?

2 LIEUTENANT LOACES: A few feet. Yes,
3 not --

4 MR. ESPINOSA: And that is the glass door.
5 Is that correct?

6 LIEUTENANT LOACES: I believe it is glass.

7 MR. ESPINOSA: Yeah.

8 And -- and you were talking, --

9 LIEUTENANT LOACES: Um-hum.

10 MR. ESPINOSA: -- naturally, after two --
11 after two outside?

12 LIEUTENANT LOACES: Correct.

13 MR. ESPINOSA: Okay.

14 And if there were cameras that looked at
15 that door it will identify that you were outside
16 together with her talking after 2:06.

17 Is that correct?

18 MR. SAPIENZA: That's not a question.
19 That's a --

20 MR. ESPINOSA: You know, I am asking a
21 question to him.

22 MR. SAPIENZA: I know but you're asking --

23 MR. ESPINOSA: You said that there are
24 camera.

25 MR. SAPIENZA: -- you're asking --

1 MR. ESPINOSA: Do you know --

2 MS. DILLON: Come forward, Mr. Sapienza.

3 MR. ESPINOSA: Do you know if that camera,
4 okay, is there a camera that would look at the
5 door -- at the glass door that is the entrance to
6 the establishment?

7 LIEUTENANT LOACES: To answer your --

8 MR. SAPIENZA: Just -- just --

9 MAYOR STACK: Okay, just -- just let Mr.
10 Sapienza --

11 MR. SAPIENZA: My -- my --

12 MAYOR STACK: -- go ahead with his
13 objection.

14 MR. SAPIENZA: -- objection is that --

15 MS. DILLON: Come forward, Mr. Sapienza.

16 MR. SAPIENZA: -- the question asks this
17 witness to speculate on what a camera has seen.
18 And he can't speculate that way.

19 He can say what he saw, what he did, and
20 what other people did that he observed.

21 MAYOR STACK: I agree.

22 Mr. Espinosa, if you could just rephrase
23 the question.

24 MR. ESPINOSA: Yeah. I will --

25 MAYOR STACK: Because you're asking --

1 MR. ESPINOSA: -- rephrase the question.

2 MAYOR STACK: All right.

3 MR. ESPINOSA: If you enter to the place
4 and there were cameras there and the cameras were
5 working they will take you entering to the place.

6 Is that correct?

7 LIEUTENANT LOACES: Assuming the
8 camera's --

9 MR. ESPINOSA: Yes, assuming that they're
10 working.

11 LIEUTENANT LOACES: -- pointed at the door,
12 I would assume so.

13 MR. ESPINOSA: Okay.

14 And if there were cameras that would be
15 looking at the door and you were in the outside
16 talking with her, they will be -- that camera
17 will take you also talking with her outside.

18 Is that correct?

19 MR. SAPIENZA: No, I -- see I object to
20 this because he's asking the witness really to
21 speculate on what the camera picture would be.
22 When we have the tape that Mr. -- that your --
23 that Mr. Espinosa's referring to and -- and I
24 assume that Mr. Espinosa's going to play it for
25 you so that you can see that.

1 MR. ESPINOSA: Well, --

2 MR. SAPIENZA: I -- I object to the idea
3 that you're asking this witness to speculate on
4 what a camera will show.

5 MR. ESPINOSA: So when you entered you
6 never talk to the -- to -- to Mrs. Patel and to
7 -- and to her husband in the space between the
8 door and the -- and the -- and the counter.

9 Is that correct?

10 You said that you only spoke with her
11 outside.

12 LIEUTENANT LOACES: No. I said initially I
13 spoke to her outside.

14 MR. ESPINOSA: And then eventually you
15 went --

16 LIEUTENANT LOACES: And then at that point
17 after -- at some point I did enter --

18 MR. ESPINOSA: And that was after two --
19 after two?

20 LIEUTENANT LOACES: All of this was after
21 two.

22 MR. ESPINOSA: And there was no entrance by
23 any police officer by any other door?

24 LIEUTENANT LOACES: I certainly did not
25 enter through any other door. I'm not aware of

1 | there being any other door.

2 | MR. ESPINOSA: Okay. I am asking you the
3 | questions.

4 | But you -- but you are aware that all of
5 | these things that happen in there, if the cameras
6 | were working, the -- the cameras will take all of
7 | what happened before two o'clock to the time in
8 | which you enter.

9 | Is that correct?

10 | LIEUTENANT LOACES: I would assume if the
11 | cameras are working --

12 | MR. ESPINOSA: Okay.

13 | LIEUTENANT LOACES: -- they would record
14 | what is occurring in the area that the cameras
15 | are pointing.

16 | MR. ESPINOSA: Okay.

17 | No further questions for this witness.

18 | LIEUTENANT LOACES: Thank you.

19 | MR. SAPIENZA: Officer Mendoza, please step
20 | forward.

21 | MS. DILLON: Please raise your right hand.

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

24 | DETECTIVE MENDOZA: Yes, ma'am.

25 | MS. DILLON: Please state your name and

1 spell it for the record.

2 DETECTIVE MENDOZA: Detective Mendoza, M-E-
3 N-D-O-Z-A.

4 MS. DILLON: First name?

5 DETECTIVE MENDOZA: Peter.

6 MS. DILLON: Thank you.

7 MR. SAPIENZA: Officer, you're a police
8 officer in the City of Union City.

9 DETECTIVE MENDOZA: Yes.

10 MR. SAPIENZA: Correct?

11 DETECTIVE MENDOZA: Yes.

12 MR. SAPIENZA: How long have you been a
13 police officer?

14 DETECTIVE MENDOZA: Eleven years.

15 MR. SAPIENZA: And I take it you were a
16 police officer on July 17th, 2016, when these
17 events that we've been asking questions about
18 occurred?

19 DETECTIVE MENDOZA: Yes.

20 MR. SAPIENZA: Were you asked to respond to
21 the area at 2117 Summit Avenue in Union City on
22 that -- on that night?

23 DETECTIVE MENDOZA: Yes.

24 MR. SAPIENZA: Approximately what time did
25 you respond there?

1 DETECTIVE MENDOZA: Oh, I was -- I was told
2 to respond. I -- I got the transmission at 2:06,
3 0206 hours.

4 MR. SAPIENZA: And -- and what time did you
5 get there approximately?

6 DETECTIVE MENDOZA: A few minutes after.

7 MR. SAPIENZA: Were you alone or did you go
8 with someone else?

9 DETECTIVE MENDOZA: I was by myself. We
10 were in all separate vehicles.

11 MR. SAPIENZA: What is at the location of
12 2117 Summit Avenue?

13 DETECTIVE MENDOZA: Reuben Liquors.

14 MR. SAPIENZA: When you got there what did
15 you see?

16 DETECTIVE MENDOZA: Well, Lieutenant Loaces
17 approached me while I was outside, while I was
18 getting out of my vehicle, and he asked me to go
19 inside to -- to conduct a tavern check. He also
20 asked me to record the conversation with Miss
21 Patel.

22 MR. SAPIENZA: All right.

23 Did you go inside to the liquor store?

24 DETECTIVE MENDOZA: Yes.

25 MR. SAPIENZA: Who else was there when you

1 entered it?

2 DETECTIVE MENDOZA: Mrs. Patel and Mr.
3 Patel.

4 MR. SAPIENZA: Did you -- who did you first
5 have conversation with?

6 DETECTIVE MENDOZA: Miss Patel.

7 MR. SAPIENZA: Did you record that
8 conversation?

9 DETECTIVE MENDOZA: Yes I did.

10 MR. SAPIENZA: What did you say to her and
11 what did she say to you?

12 DETECTIVE MENDOZA: Well I asked --
13 basically asked her what happened. She explained
14 to me that there was a black gentleman outside.
15 That she had them wait outside and also admitted
16 to selling liquor after two a.m.

17 MR. SAPIENZA: In that regard did you ask
18 her if she told after two a.m.?

19 DETECTIVE MENDOZA: Yes I did.

20 MR. SAPIENZA: What was her reply as close
21 as you call recall?

22 DETECTIVE MENDOZA: She says that she's
23 allowed to sell beer between two and three a.m.

24 MR. SAPIENZA: Are you familiar with the
25 Ordinances, in the City of Union City?

1 DETECTIVE MENDOZA: Yes, sir.

2 MR. SAPIENZA: On a Sunday when can beer
3 legally be sold or served or consumed on licensed
4 premises?

5 DETECTIVE MENDOZA: Between 12 p.m. and two
6 a.m.

7 MR. SAPIENZA: Did you tell her that?

8 DETECTIVE MENDOZA: Yes I did tell her that
9 the -- the City Ordinance is that she's not
10 allowed to sell alcohol after two a.m.

11 MR. SAPIENZA: What other conversation, if
12 any, did you --

13 DETECTIVE MENDOZA: Well, she had mentioned
14 that she had sold liquor between -- I can't
15 recall the times exactly, I believe they were
16 like 2:15, 2:10. She mentioned several times.

17 MR. SAPIENZA: Did you capture this on a
18 recording?

19 DETECTIVE MENDOZA: Yes I did.

20 MR. SAPIENZA: Are you able to play that
21 recording for --

22 DETECTIVE MENDOZA: I believe Sergeant
23 Dunlay has the recording.

24 MR. SAPIENZA: I'd like to ask Sergeant
25 Dunlay to come forward and --

1 MAYOR STACK: Sure.

2 MR. SAPIENZA: -- participate in the
3 hearing.

4 MAYOR STACK: Sergeant?

5 MR. ESPINOSA: I -- I have to -- to bring
6 an objection with respect to that tape.

7 MS. DILLON: Just step forward, Mr.
8 Espinosa.

9 MR. ESPINOSA: I don't believe that that
10 tape was provided to us and I don't believe that
11 the tape is even mentioned in the police report.

12 So I object to that one.

13 MAYOR STACK: Mr. Sapienza, --

14 MR. ESPINOSA: But you can do whatever
15 you --

16 MAYOR STACK: -- your response?

17 MR. ESPINOSA: -- want.

18 MAYOR STACK: Your response to that?

19 MR. SAPIENZA: I don't know if the tape was
20 ever provided to Mr. Espinosa. And I don't know
21 whether he asked for it. It is referred to in
22 the police report.

23 But I think the important thing is that he
24 graciously offered that we could do as we wanted.
25 We have a hearing; --

1 MR. ESPINOSA: Well, no, I --

2 MR. SAPIENZA: -- we just want to --

3 MR. ESPINOSA: -- you --

4 MR. SAPIENZA: -- find out what happened on
5 the late night of July 17th, 2016.

6 MR. ESPINOSA: To say that you can do
7 whatever you want is not a waiver of my
8 objection. It is that you are going to do
9 whatever you want anyway.

10 MR. SAPIENZA: Well, I think the -- the
11 point of this hearing is to -- is to be fair to
12 both sides.

13 So I've not heard this tape before and Mr.
14 Espinosa's not heard the tape before but I -- I
15 know that it's important that you hear it.

16 MR. ESPINOSA: Yeah but I provided the tape
17 of the -- of the videotape, which will speak by
18 itself. And that is the reason why I have asked
19 the question.

20 You -- my -- my only -- when I -- when my
21 case come I will ask my client about the -- the
22 system that they have and what they have in there
23 and what they -- and if it is functioning
24 constantly. And you will see the time and what
25 happened. That's all.

1 But this tape was never provided. What I
2 did -- my responsibility, in giving evidence.
3 Evidence that they say is evidence, has not been
4 provided to me.

5 I have had no opportunity to look -- to
6 hear that tape or to know even if that tape is
7 authentic.

8 MAYOR STACK: Was the tape mentioned in the
9 police reports?

10 MR. SAPIENZA: I believe so. Let me see if
11 I can find it.

12 I'm going to have an expert help here in
13 finding it.

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

16 MR. SAPIENZA: I'll just -- I'll offer the
17 police reports as an exhibit for the ABC Board to
18 consider as it makes up its mind in this
19 particular case.

20 But just in response to Mr. Espinosa and
21 with the help of Detective Mendoza, I see that
22 Mr. Mendoza -- or Detective Mendoza put in his
23 report that there was a recorded conversation --

24 MAYOR STACK: Okay.

25 MR. SAPIENZA: -- with Mrs. Patel on --

1 MR. ESPINOSA: Even --

2 MR. SAPIENZA: -- this date.

3 MR. ESPINOSA: I will say one thing.

4 MR. SAPIENZA: So you read that, didn't
5 you, Tomas?

6 MR. ESPINOSA: I will say one thing. Okay.

7 Even if it is mentioned as recorded, in
8 which my client -- if -- if it is -- and I -- and
9 -- and I will -- I will confront her with that,
10 even if it is, which I have had not the
11 opportunity to confirm if that is her voice at
12 all, even if it's so, I believe that the video
13 will speak by itself.

14 MR. SAPIENZA: Well, your video will speak
15 and it will -- we will hear it. But right now
16 we'd like to hear the tape of Mrs. Patel.

17 MR. ESPINOSA: Well, I'm -- as I said, you
18 finish up --

19 MR. SAPIENZA: I'm not asking you. I'm
20 just saying that this is how we're proceeding and
21 we're about to proceed.

22 Thank you.

23 MAYOR STACK: First? Or now with
24 everybody?

25 MS. NOVA: First.

1 MAYOR STACK: Okay.

2 MS. NOVA: Separately.

3 MAYOR STACK: Mr. Sapienza, would you have
4 any objection to allowing Mr. Espinosa and
5 yourself maybe to step off to the side and -- and
6 listen to it first?

7 And then we'll come back and we'll all
8 listen to it?

9 MR. SAPIENZA: None at all.

10 MAYOR STACK: Okay. So why don't you do
11 that then.

12 MR. SAPIENZA: We'll be glad to do that.

13 MAYOR STACK: We'll -- we'll wait here.
14 You and Mr. Espinosa maybe go off with his
15 clients, maybe go off to the --

16 I don't know if there's like a spot there
17 in the corner but --

18 MS. NOVA: And could we make a motion to go
19 off the record?

20 DEPUTY CITY CLERK: Yes.

21 May I have a motion?

22 COMMISSIONER FERNANDEZ: Motion to go off
23 the record.

24 DEPUTY CITY CLERK: Motion by Commissioner
25 Fernandez.

1 COMMISSIONER MARTINETTI: Second.

2 DEPUTY CITY CLERK: Second by Commissioner
3 Martinetti.

4 All in favor?

5

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

7

8 DEPUTY CITY CLERK: Any opposed?

9

10 (Off the record at 7:43 p.m.)

11 (On the record at 7:46 p.m.)

12

13 DEPUTY CITY CLERK: Commissioner Rivas.

14 Second by --

15 MS. DILLON: Wait, wait, wait, wait. Start
16 over.

17 On the record.

18 DEPUTY CITY CLERK: Motion by Commissioner
19 Rivas.

20 Second by Commissioner Fernandez.

21 All in favor?

22

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

24

25 DEPUTY CITY CLERK: Any opposed?

1 Okay.

2 MAYOR STACK: Mr. Espinosa?

3 MR. ESPINOSA: Mr. Mayor, I don't have any
4 problem on you and the Commission hearing the --
5 the tape.

6 MAYOR STACK: Okay.

7 MR. SAPIENZA: All right.

8 I'd like to -- to ask Detective Mendoza, as
9 he listens to the tape along with you, to be able
10 to stop and narrate whatever he thinks is
11 necessary for full understanding of what's going
12 on.

13 MR. ESPINOSA: I believe that the tape
14 speak by itself. There is no -- any need to
15 enhance the tape. The tape will speak by itself.

16 What the tape says is what it says.

17 MAYOR STACK: Okay, let's proceed.

18 MR. SAPIENZA: All right.

19 I'm -- I'm willing to proceed in that
20 fashion, as long as we don't reach a point where
21 we can't be really certain what's being said or
22 anything else about it. But we'll get back to
23 that.

24 Let's play it.

25 MR. ESPINOSA: Well, then -- then I believe

1 | that if the tape cannot be understood in a
2 | portion then it is not understood at all.
3 | Nobody's going to be substituting what the tape
4 | said.

5 | I believe that the tape was taken for the
6 | purpose of substantiating whatever conversation
7 | happened.

8 | MAYOR STACK: Right. I mean if we can't
9 | hear what the tape says, to have somebody say
10 | what they -- what they believe it says, if that's
11 | the case then we got to send the tape out and get
12 | it enhanced or whatever law enforcement has to do
13 | and we'll do that.

14 | But to have somebody narrate it, I don't --
15 | I don't think that's fair.

16 | MR. SAPIENZA: No, I'm -- I'm fine with
17 | playing the tape now so that everyone here can
18 | hear it.

19 | DETECTIVE MENDOZA: Okay?

20 | (Whereupon, the audio recording playback of
21 | the conversation between Detective Mendoza and
22 | Mayuri Patel began.)

23 | A Voice: (Indiscernible).

24 | Detective Mendoza: (Indiscernible). No.
25 | I left it in the car.

1 (Pause; background noise.)

2 Detective Mendoza: (Indiscernible). So
3 what happened today?

4 Mrs. Patel: Nothing. Just two black guys
5 outside --

6 Detective Mendoza: (Indiscernible).

7 Mrs. Patel: -- and I don't want to --
8 (indiscernible) -- people want to drink before
9 two, right? So I say leave it outside,
10 everybody, because two people inside -- I don't
11 want inside -- (indiscernible). So, he wait.
12 You know because people are waiting and -- three
13 people outside.

14 Detective Mendoza: Right.

15 Mrs. Patel: But I -- I don't want trouble
16 -- I don't want no trouble. So one guy late
17 because I have to change my -- you know, one by
18 one I give outside. I don't want inside the
19 people.

20 Detective Mendoza: Yeah but you're
21 supposed to close at two.

22 Mrs. Patel: Supposed to be three o'clock I
23 know.

24 Detective Mendoza: No, --

25 Mrs. Patel: So, --

1 Detective Mendoza: -- two o'clock, ma'am.

2 It's always been two o'clock.

3 Mrs. Patel: No, before we have 2:10, 2:15.

4 Always because we --

5 Detective Mendoza: Ma'am, --

6 Mrs. Patel: -- (indiscernible).

7 Detective Mendoza: Ma'am, --

8 Mrs. Patel: I know -- (indiscernible).

9 Detective Mendoza: -- Union City the law
10 is two o'clock.

11 Mrs. Patel: Okay, now I know.

12 Detective Mendoza: City law is --

13 Mr. Patel: Now we know.

14 Mrs. Patel: We close at two.

15 Detective Mendoza: It's been like that for
16 years.

17 Mrs. Patel: Year? Before long -- how
18 long?

19 Detective Mendoza: Long time.

20 Mrs. Patel: (Indiscernible).

21 Detective Mendoza: Before I worked here.

22 Mrs. Patel: How long?

23 Detective Mendoza: I've been here ten
24 years.

25 Mrs. Patel: (Indiscernible) --

1 Mr. Patel: So, -- (indiscernible) --

2 Mrs. Patel: -- (indiscernible) -- years --

3 (indiscernible) -- I know. (Indiscernible) --

4 ten, later or anything --

5 Detective Mendoza: Can I have your
6 driver's license please?

7 Mrs. Patel: Yeah. And the guy was, you
8 know, changing.

9 Detective Mendoza: Because you were
10 selling alcohol after two o'clock.

11 Mrs. Patel: No. It's beer.

12 Detective Mendoza: That's alcohol.

13 Mrs. Patel: Yeah.

14 Detective Mendoza: You were selling
15 alcohol after two o'clock.

16 Correct? Yes? Or no?

17 Mrs. Patel: Yes.

18 Detective Mendoza: Okay.

19 Mrs. Patel: Because -- (indiscernible).

20 Detective Mendoza: I'm sorry?

21 Mrs. Patel: Two and two minutes is going
22 to be --

23 Detective Mendoza: Well, ma'am, no.

24 Mrs. Patel: He's already out.

25 Detective Mendoza: The City Ordinance is

1 two o'clock.

2 Mrs. Patel: But 2:02 is out.

3 Detective Mendoza: No. Two -- two
4 o'clock.

5 Mrs. Patel: (Indiscernible) --

6 Detective Mendoza: Not 2:01, not 2:02.

7 Mrs. Patel: No, no, but he's outside. And
8 he -- he -- he doesn't inside. He doesn't
9 inside. I want to change my money.

10 Detective Mendoza: So you sold it to him
11 while he was standing outside?

12 Mrs. Patel: Outside -- (indiscernible) --
13 I want to change --

14 Detective Mendoza: You can't sell after
15 two o'clock.

16 Mrs. Patel: No, no, two o'clock already
17 sell before that, two. But my money's not here.
18 Because I said, wait. Wait. That's what I say.
19 And, you know, you know, --

20 Detective Mendoza: Can I have your
21 driver's license, ma'am, please? Your driver's
22 license?

23 Mrs. Patel: Yes. And the last week ago we
24 have a problem. You know the police officer; the
25 black guy. I don't want no trouble. That's why

1 I don't want -- (indiscernible) -- anybody. No
2 trouble. I don't need the trouble. I just give
3 the money to him.

4 Detective Mendoza: Why'd you give him
5 money?

6 Mrs. Patel: Because change. I don't have
7 a change, so I -- (indiscernible).

8 Detective Mendoza: You gave him change
9 why?

10 Mrs. Patel: Already I give the beer but he
11 gave me the \$50.00 bill. That's why. See,
12 \$50.00 bill here. And I have to change for --
13 (indiscernible) -- I said wait. For change I
14 have to wait. Already I give before two. But
15 the change I give later. Oh, dear, now I don't
16 know. We are good people and we got big trouble.

17 Detective Mendoza: What's the telephone
18 number?

19 Mr. Patel: Home phone number or me?

20 Detective Mendoza: Whatever number you
21 want to provide.

22 Mr. Patel: 867 -- 201 --

23 Detective Mendoza: 867? 201? 867?

24 Mr. Patel: 6119.

25 Detective Mendoza: 6119?

1 Mrs. Patel: You -- (indiscernible).

2 (Whereupon, there was a police radio
3 transmission.)

4 Mrs. Patel: You put wrong --
5 (indiscernible). My -- (indiscernible).

6 Detective Mendoza: Oh, okay. Sorry. I'm
7 sorry.

8 (Whereupon, there was a police radio
9 transmission.)

10 Mrs. Patel: You know -- (indiscernible) --

11 (Whereupon, there was a police radio
12 transmission.)

13 Detective Mendoza: That's the phone number
14 for -- (indiscernible).

15 (Whereupon, there was a police radio
16 transmission.)

17 Detective Mendoza: I'm just waiting for --
18 I need the camera.

19 (Whereupon, there was a police radio
20 transmission.)

21 (Whereupon, the audio recording playback
22 was concluded.)

23 (Whereupon, there was a pause in the
24 proceedings.)

25 MR. SAPIENZA: What happened after you took

1 that recorded statement from Mrs. Patel?

2 DETECTIVE MENDOZA: Well I left the store
3 and Detective Aranzazu went in and photographed
4 the paperwork and he did the tavern check,
5 basically.

6 MR. SAPIENZA: All right.

7 That's all. No further questions for this
8 witness.

9 MR. ESPINOSA: I have no question to this
10 witness. None.

11 MR. SAPIENZA: Detective Aranzazu?

12 And I -- I know I'm mispronouncing that and
13 I apologize.

14 DETECTIVE ARANZAZU: You said it right
15 including the accent.

16 How are you?

17 MS. DILLON: Please raise your right hand.

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

20 DETECTIVE ARANZAZU: Yes.

21 MS. DILLON: Please state your name and
22 spell it for the record.

23 DETECTIVE ARANZAZU: Detective Freddie
24 Aranzazu.

25 First name is F-R-E-D-D-I-E. The last

1 name, A-R-A-N-Z-A-Z-U.

2 MS. DILLON: A-R-A-N--

3 DETECTIVE ARANZAZU: --Z-A-Z-U.

4 MS. DILLON: Thank you very much.

5 DETECTIVE ARANZAZU: You're welcome.

6 MR. SAPIENZA: Detective, how long have you
7 been a police officer in the City of Union City?

8 DETECTIVE ARANZAZU: Seventeen years.

9 MR. SAPIENZA: I take it then you were a
10 police officer on July 17th, 2016, when this
11 incident occurred?

12 DETECTIVE ARANZAZU: Correct.

13 MR. SAPIENZA: On the -- that was a Sunday.
14 Is that correct?

15 DETECTIVE ARANZAZU: Yes, sir.

16 MR. SAPIENZA: And did you have occasion to
17 respond to 2117 Summit Avenue?

18 DETECTIVE ARANZAZU: Correct.

19 MR. SAPIENZA: Is there a business located
20 there?

21 DETECTIVE ARANZAZU: Yes, sir.

22 MR. SAPIENZA: What business is that?

23 DETECTIVE ARANZAZU: Reuben Liquors.

24 MR. SAPIENZA: Were you the first officer
25 on the scene?

1 DETECTIVE ARANZAZU: No, sir.

2 MR. SAPIENZA: Other officers --

3 Approximately what time did you arrive at
4 the scene?

5 DETECTIVE ARANZAZU: I was requested on the
6 scene approximately 2:05; I arrived a few minutes
7 after that.

8 MR. SAPIENZA: What was your job at the
9 scene?

10 DETECTIVE ARANZAZU: Once I got on scene I
11 met with Lieutenant Loaces and Detective Sergeant
12 Cetinich and they directed me to speak to a
13 gentleman that was standing outside.

14 MR. SAPIENZA: Did that gentleman identify
15 himself?

16 DETECTIVE ARANZAZU: Yes, he provided me
17 with ID. His name was Alejandro Jimenez I
18 believe it is.

19 MR. SAPIENZA: And did you speak with him?

20 DETECTIVE ARANZAZU: Yes I did.

21 MR. SAPIENZA: Did he speak English? Or
22 did you speak Spanish?

23 DETECTIVE ARANZAZU: In Spanish.

24 MR. SAPIENZA: And what did you say to him
25 and what did he say to you?

1 DETECTIVE ARANZAZU: Well, I asked him how
2 he came about the case of beer that he was
3 holding when I got there.

4 MR. SAPIENZA: Um-hum.

5 DETECTIVE ARANZAZU: He said he purchased
6 it from the liquor store -- from Reuben Liquors.
7 The female was wearing a green dress that was
8 behind the counter. And he paid \$19.00 for it.

9 MR. SAPIENZA: Did he have anything else to
10 say about that transaction?

11 DETECTIVE ARANZAZU: Well, he --

12 MR. ESPINOSA: At that I will -- I will
13 object.

14 Because the -- the fact that he saw him
15 with this and the other person said something,
16 you don't have that person -- it's hearsay.

17 And although hearsay in hearings like this
18 is -- is relaxed, okay, because of the -- but
19 that is too obvious that we don't have a person
20 here stating anything at all about what they --
21 what -- what --

22 MS. DILLON: Mr. Espinosa, to the
23 microphone please.

24 MR. ESPINOSA: -- purchasing it.

25 MS. DILLON: Thank you.

1 MR. SAPIENZA: Just in reply, the -- in
2 administrative hearings hearsay is permitted to
3 be introduced. If it's the only thing that you
4 would have to make a decision with, you probably
5 shouldn't rely on it. But if it fits in your
6 judgment with all the -- else that's been said,
7 with the police reports and with the other
8 evidence, then it's perfectly lawful for you to
9 take it into consideration and make your judgment
10 based on it.

11 And so I'd like to just proceed in that
12 fashion.

13 MAYOR STACK: Please.

14 MR. SAPIENZA: Did Mr. Jimenez say anything
15 else to you or did you say anything else to him?

16 DETECTIVE ARANZAZU: Yes. He said he was
17 aware that --

18 I asked him if he was aware that you're not
19 supposed to purchase alcohol after two a.m. And
20 he said he was aware of that but they sold it to
21 him anyway.

22 MR. SAPIENZA: He wasn't arrested was he?

23 DETECTIVE ARANZAZU: No, sir.

24 MR. SAPIENZA: He was released?

25 DETECTIVE ARANZAZU: Yes, sir.

1 MR. SAPIENZA: The product that he had, the
2 beer that he had, what happened to that?

3 DETECTIVE ARANZAZU: He took it with him
4 after we photographed.

5 MR. SAPIENZA: When you photographed?

6 DETECTIVE ARANZAZU: Yes, sir.

7 MR. SAPIENZA: Did you take the photograph?

8 DETECTIVE ARANZAZU: Yes, sir.

9 MR. SAPIENZA: And did you take any other
10 photographs besides that?

11 DETECTIVE ARANZAZU: When I went inside the
12 liquor store I -- I needed to do a tavern check,
13 I took a photograph of all the requested
14 paperwork.

15 MR. SAPIENZA: Did they have all their
16 requested paperwork?

17 DETECTIVE ARANZAZU: Yes, sir.

18 MR. SAPIENZA: And no charges have been
19 leveled --

20 DETECTIVE ARANZAZU: No, all their
21 paperwork is in order.

22 MR. SAPIENZA: We heard the tape of Mrs.
23 Patel speaking with the other officer. And there
24 was something about \$50.00 and change being
25 necessary.

1 Did anyone say anything to you about Mr.
2 Jimenez not getting change?

3 DETECTIVE ARANZAZU: No.

4 MR. SAPIENZA: All right.

5 Did that even come up? You were not aware
6 of that?

7 DETECTIVE ARANZAZU: I wasn't even aware of
8 that, sir, no.

9 MR. SAPIENZA: All right.

10 All right, that's all I have.

11 MR. ESPINOSA: Just a question.

12 Did you ask him about the \$50.00?

13 DETECTIVE ARANZAZU: Ask who?

14 MR. ESPINOSA: Mr. Jimenez.

15 DETECTIVE ARANZAZU: No, sir, I didn't.

16 MR. ESPINOSA: Okay.

17 So in your conversation with him you didn't
18 touch anything with respect to how much they paid
19 for anything.

20 Is that correct?

21 DETECTIVE ARANZAZU: I asked him how much
22 he paid for it. He said he paid \$19.00 for the
23 beer.

24 MR. ESPINOSA: And when did you arrive
25 there?

1 DETECTIVE ARANZAZU: A few minutes after I
2 was dispatched there.

3 MR. ESPINOSA: And when were you dispatched
4 there?

5 DETECTIVE ARANZAZU: Approximately 2:05.

6 MR. ESPINOSA: Two oh five?

7 DETECTIVE ARANZAZU: Approximately, not an
8 exact time.

9 MR. ESPINOSA: You were not dispatched at
10 2:06.

11 Is that correct?

12 DETECTIVE ARANZAZU: I wasn't aware of the
13 time when I said.

14 MR. ESPINOSA: Oh but you said --

15 DETECTIVE ARANZAZU: That's why --

16 MR. ESPINOSA: -- 2:05.

17 DETECTIVE ARANZAZU: Because it's an
18 approximation, sir.

19 MR. ESPINOSA: Could -- could it have been
20 2:04?

21 DETECTIVE ARANZAZU: No.

22 MR. ESPINOSA: Then that is not an
23 approximation.

24 DETECTIVE ARANZAZU: Well it is because the
25 radio transmissions are at 2:05. They're

1 | documented at 2:05. So I responded after the
2 | radio transmission.

3 | MR. ESPINOSA: So they documented the --
4 | the radio transmission at 2:05, not at 2:06.

5 | Is that correct?

6 | DETECTIVE ARANZAZU: Yes.

7 | MR. ESPINOSA: So you were saying at the
8 | same time that the communication happened with
9 | the -- with the police desk.

10 | Is that correct?

11 | DETECTIVE ARANZAZU: I'm not understanding
12 | your question.

13 | MR. ESPINOSA: Well, how do you know that
14 | -- that there was a communication with --
15 | (indiscernible)?

16 | DETECTIVE ARANZAZU: That's my obligation
17 | to monitor the radio and when a call comes in it
18 | is my responsibility to respond to the job.

19 | MR. ESPINOSA: So they told you to go
20 | immediately.

21 | Is that correct?

22 | MAYOR STACK: Just -- just, Detective, if
23 | both you and Mr. Espinosa could just move a
24 | little bit closer --

25 | MR. ESPINOSA: I'm -- I'm sorry.

1 MAYOR STACK: -- just so everyone can hear.

2 MR. ESPINOSA: So, you -- you -- there was
3 no -- no call to you that you go over there and
4 -- and -- by anyone, by the dispatcher or by
5 anyone?

6 DETECTIVE ARANZAZU: I don't remember.
7 There might have been. But I know I responded
8 because that's what I'm supposed to do.

9 MR. ESPINOSA: And you did it on the dot at
10 2:0-- 2:05.

11 Is that correct?

12 DETECTIVE ARANZAZU: No, sir,
13 approximately.

14 MR. ESPINOSA: Did you enter the -- the
15 establishment?

16 DETECTIVE ARANZAZU: Yes, sir.

17 MR. ESPINOSA: And did you enter the
18 establishment after 2:05?

19 DETECTIVE ARANZAZU: Yes, sir.

20 MR. ESPINOSA: Did you enter the
21 establishment by what door?

22 DETECTIVE ARANZAZU: The only door that I'm
23 aware of, the front door.

24 MR. ESPINOSA: Which one is that one?

25 DETECTIVE ARANZAZU: The main door.

1 MR. ESPINOSA: And by the main door you
2 mean the glass door.

3 Is that correct?

4 DETECTIVE ARANZAZU: Yes, sir.

5 MR. ESPINOSA: I have no further questions.

6 MR. SAPIENZA: That's all.

7 MR. ESPINOSA: That's all.

8 DETECTIVE ARANZAZU: Thank you.

9 MAYOR STACK: Do you have anything further,
10 Mr. Sapienza?

11 MR. SAPIENZA: No, I don't. We rest --
12 (indiscernible).

13 MR. ESPINOSA: I call Mrs. Patel.

14 Let me ask you a question.

15 Who is the person who knows more about the
16 system in your -- in your --

17 MS. DILLON: Is this --

18 MR. ESPINOSA: -- in your building --

19 MS. DILLON: Wait.

20 MS. NOVA: You need to --

21 MR. SAPIENZA: She has to be sworn.

22 MS. NOVA: -- put her --

23 MR. ESPINOSA: Well, -- okay.

24 MS. NOVA: -- appearance on the record.

25 MR. ESPINOSA: Okay. No, I just want to --

1 MS. DILLON: Are you on the record? Or --
2 MR. ESPINOSA: No. I'm --
3 MAYOR STACK: Mr. Espinosa, --
4 MR. ESPINOSA: Yes, I --
5 MAYOR STACK: -- do you want to take a
6 minute -- do you want to take a minute --
7 MR. ESPINOSA: Yes, by all means.
8 MAYOR STACK: -- with your client?
9 MR. ESPINOSA: Thank you.
10 DEPUTY CITY CLERK: May I have a motion to
11 go off the record?
12 COMMISSIONER FERNANDEZ: Motion.
13 COMMISSIONER MARTINETTI: Motion.
14 DEPUTY CITY CLERK: Motion by --
15 COMMISSIONER MARTINETTI: Second.
16 MR. ESPINOSA: Mrs. Patel?
17 DEPUTY CITY CLERK: -- Commissioner
18 Fernandez.
19 Second by Commissioner Martinetti.
20 All in favor?
21
22 (Whereupon, there was a chorus of ayes.)
23
24 (Off the record at 8:03 p.m.)
25 (On the record at 8:05 p.m.)

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MS. DILLON: On the record.

DEPUTY CITY CLERK: Okay.

May I have a motion to go back on?

COMMISSIONER MARTINETTI: Motion.

COMMISSIONER FERNANDEZ: Motion.

DEPUTY CITY CLERK: Motion by Commissioner
Martinetti.

Second by Commissioner Fernandez.

All in favor?

(Whereupon, there was a chorus of ayes.)

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

MS. DILLON: Okay. Please raise your right
hand.

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

MRS. PATEL: Yes.

MS. DILLON: You have to answer verbally
and keep --

MRS. PATEL: Yes.

MS. DILLON: -- your voice up.

MRS. PATEL: Yes. Yes.

1 MS. DILLON: Please state your name and
2 spell it for the record.

3 MRS. PATEL: Mayuri Patel. M-A-Y-U-R-I.

4 MS. DILLON: M-A--

5 MRS. PATEL: Patel.

6 MS. DILLON: --Y--

7 MRS. PATEL: U-R-I. P-A-T-E-L.

8 MS. DILLON: Okay.

9 The ceilings are very high in this room,
10 Mrs. Patel, so I'm going to ask you to keep your
11 voice loud so the Board can hear you and that
12 microphone is recording you.

13 MRS. PATEL: Yeah.

14 MS. DILLON: Okay?

15 MRS. PATEL: Yeah.

16 MS. DILLON: Thank you.

17 MR. ESPINOSA: Mrs. Patel, okay, could you
18 tell the Commission where is the business that --
19 the particular business of which this -- I'm
20 talking about Reuben Liquors; where is it
21 located?

22 MRS. PATEL: 2117 Summit Avenue.

23 MR. ESPINOSA: Okay.

24 And that is owned by whom? By you or by
25 your husband?

1 MRS. PATEL: My husband.

2 MR. ESPINOSA: Okay. Is that an LLC or a
3 company?

4 And when you -- no you have to speak up.

5 MRS. PATEL: LLC, right?

6 MR. PATEL: No, it's incorporated.

7 MRS. PATEL: Incorporated.

8 MR. ESPINOSA: And I -- do you know who is
9 the -- the -- who are -- who is the owner of the
10 shares?

11 MRS. PATEL: My husband.

12 MR. ESPINOSA: Your husband.

13 For how long have your husband been the
14 owner of Reuben Liquors?

15 MRS. PATEL: We bought in 1995, May 11.

16 MR. ESPINOSA: And who works at the place?

17 MRS. PATEL: Me and my husband.

18 MR. ESPINOSA: And what is your
19 understanding of the hours in which you have to
20 work?

21 MRS. PATEL: Two, actually is two but West
22 New York my family works there so he open up till
23 three, so we can open also three, maybe the Union
24 City and West New York. I don't know is it three
25 o'clock or two o'clock. You know.

1 MR. ESPINOSA: So, you don't know the --
2 the --

3 MRS. PATEL: Right.

4 MR. ESPINOSA: -- the time?

5 MRS. PATEL: Right. Actually it's two but
6 now then I read the -- after -- and then I check
7 it, --

8 MS. DILLON: Closer.

9 MRS. PATEL: -- 1:57.

10 MS. DILLON: Closer. Okay, closer.

11 MRS. PATEL: Yeah.

12 MR. ESPINOSA: Okay.

13 Now, is there a system in the -- in the
14 store --

15 MRS. PATEL: Um-hum.

16 MR. ESPINOSA: -- that has cameras to see
17 what happened inside the store?

18 MRS. PATEL: Yeah.

19 MR. ESPINOSA: How many cameras do you
20 have?

21 MRS. PATEL: Eleven or 12 cameras.

22 MR. ESPINOSA: Is there any camera of those
23 that will look at the entrance of the -- of the
24 establishment?

25 MRS. PATEL: Yes.

1 MR. ESPINOSA: And is there a time
2 system --

3 MRS. PATEL: Yeah.

4 MR. ESPINOSA: -- for the -- for the -- for
5 the -- for -- for the camera system to have a
6 time system?

7 MRS. PATEL: Yes.

8 MR. ESPINOSA: And that time system does it
9 shows in -- in any of the cameras?

10 MRS. PATEL: Yeah, all those is, right.
11 Yes.

12 MR. ESPINOSA: And how that system is
13 coordinated? If the time is in there, how did
14 you coordinate by -- how it is that time set?

15 MRS. PATEL: Set with -- by the State
16 Lottery. State Lottery my -- my register and the
17 camera. We put same time.

18 MR. ESPINOSA: So -- so that I -- that --
19 are you saying that the time that appear in the
20 camera is set in coordination with the State
21 Lottery?

22 MRS. PATEL: Yes.

23 MR. ESPINOSA: And that the time that the
24 State Lot-- that appear in there is the time that
25 is the State Lottery time?

1 MRS. PATEL: Yes.

2 MR. ESPINOSA: So when you go to the
3 register, okay, they will know when you did the
4 transaction with the lottery?

5 MRS. PATEL: Right.

6 MR. ESPINOSA: And that is the one that
7 appear in the cameras, too?

8 MRS. PATEL: Yeah. All those three same.

9 MR. ESPINOSA: On that date were the
10 cameras on? Were the cameras working on that
11 date?

12 MRS. PATEL: Yes. Yes.

13 MR. ESPINOSA: Okay.

14 Did you at any time stop -- stop the
15 cameras?

16 MRS. PATEL: No.

17 When two day -- two weeks ago is -- the
18 police officer need some record, he take it and
19 that's it. We don't touch after that.

20 MR. ESPINOSA: But that is an ongoing
21 camera system that is coordinated with the
22 State --

23 MRS. PATEL: Yes.

24 MR. ESPINOSA: -- Lottery time?

25 MRS. PATEL: Yes. Yes. Yes.

1 MR. ESPINOSA: Were -- at -- on that date,
2 the date of July --

3 MRS. PATEL: Even I can see --

4 MR. ESPINOSA: No, no, I have no question
5 yet.

6 Okay.

7 Is that -- on July 27, 2016, --

8 MRS. PATEL: Um-hum.

9 MR. ESPINOSA: -- were the cameras working
10 at the time? Was the camera system working at
11 the time?

12 MRS. PATEL: Yes. Yes. Yes. Yes.

13 MR. ESPINOSA: And everything that happened
14 prior to the Police arriving was taken by the
15 cameras?

16 MRS. PATEL: No. I did.

17 MR. ESPINOSA: No, I am --

18 MRS. PATEL: I don't understand what you
19 say.

20 MR. ESPINOSA: You don't understand my
21 question.

22 What I say is if somebody -- the Police or
23 anybody, people who came to purchase, --

24 MRS. PATEL: Uh-hum.

25 MR. ESPINOSA: -- will have entered into

1 the establishment, the cameras would take it.

2 Is that correct?

3 MRS. PATEL: Yes.

4 MR. ESPINOSA: Will take the picture of
5 them?

6 MRS. PATEL: Yes.

7 MR. ESPINOSA: And will frame them?

8 Frame, you know?

9 MRS. PATEL: Yeah.

10 MR. ESPINOSA: And in the frame in the
11 pictures there will appear, isn't it, --

12 MRS. PATEL: Yeah.

13 MR. ESPINOSA: -- the time?

14 MRS. PATEL: Yes. All time is there.

15 MR. ESPINOSA: Okay.

16 You provided me, isn't it, --

17 MRS. PATEL: Yes.

18 MR. ESPINOSA: -- a copy through your
19 husband --

20 MRS. PATEL: Uh-huh.

21 MR. ESPINOSA: -- of the frame that was
22 taken on that date?

23 MRS. PATEL: Right.

24 MR. ESPINOSA: And I make the -- the
25 proffer that I have provided Mr. Farmer of that

1 tape. Okay, it is in a disk. We are going to
2 offer that to be looked at by them.

3 MRS. PATEL: Yes.

4 MR. ESPINOSA: Okay.

5 I will stop and then I'll continue.
6 Please.

7 MAYOR STACK: Okay, I -- I just have one
8 question. Just one thing I'm a little confused
9 about.

10 The cameras are connected to the lottery
11 machine? Are they connected to the lottery
12 machine?

13 MR. PATEL: No.

14 MRS. PATEL: No. No.

15 MAYOR STACK: So, how -- how would the
16 camera time connect to the lottery machine?

17 Just so that clears it up for me.

18 MRS. PATEL: No, no, we put all same time.
19 Because we have to -- you know, --

20 MAYOR STACK: So you --

21 MRS. PATEL: -- if something happen, if
22 anything happen, you know, that's why we keep it
23 all same thing. All three same things. We sat
24 down the result and this and that, so all of them
25 is same time.

1 MAYOR STACK: Right.

2 But, Mrs. Patel, let me just ask this
3 question.

4 There's no way that the -- the lottery
5 machine is connected to the cameras.

6 Right? There's no connection? No.

7 MRS. PATEL: No. No. No.

8 MAYOR STACK: You use -- you use the camera
9 -- I'm sorry.

10 You use the lottery machine as your guide
11 with the time that's on there --

12 MRS. PATEL: Yeah.

13 MAYOR STACK: -- to set all your other
14 devices?

15 MR. PATEL: Yes.

16 MRS. PATEL: Yes.

17 MAYOR STACK: Okay, just so I got that.

18 MR. ESPINOSA: Thank you very much.

19 MAYOR STACK: I want to just make sure I
20 got that. Okay.

21 MRS. PATEL: Yeah.

22 COMMISSIONER FERNANDEZ: And I want to make
23 sure, you -- you yourself set it manually?

24 MR. PATEL: Yes.

25 MRS. PATEL: Yes we set all manually for

1 that.

2 MAYOR STACK: Okay.

3 MRS. PATEL: You know, when we start the
4 camera we all -- does -- one day light is off, so
5 we set again with the camera system with this and
6 that because we have to do. Any -- it happen so
7 we have to do all the camera system on that
8 particular time for the State Lottery. Okay.

9 MAYOR STACK: I got it. Okay.

10 So, --

11 MR. ESPINOSA: Now, --

12 MAYOR STACK: -- what we're going to see now
13 is -- is the video?

14 MR. ESPINOSA: That's correct.

15 And let me make an observation, on the
16 right hand side, --

17 MS. DILLON: At the microphone. Right
18 here. Right from there.

19 MR. ESPINOSA: On the right hand side you
20 will see the time in there.

21 And by the way you will see also who was
22 in, who was out, and who came in.

23 SERGEANT DUNLAY: Mr. Espinosa?

24 MR. ESPINOSA: Yes, by all means.

25 SERGEANT DUNLAY: Which video do you want

1 to show, sir?

2 (Whereupon, there was a pause in the
3 proceedings; setting up video.)

4 MR. ESPINOSA: And you will see on the
5 right hand side, the time.

6 MAYOR STACK: Okay.

7 MR. SAPIENZA: You have to stand by the
8 microphone.

9 MR. ESPINOSA: Oh, I'm -

10 Well, okay.

11 MS. NOVA: There's a microphone right there
12 as well.

13 DEPUTY CITY CLERK: There's a microphone
14 right there.

15 MAYOR STACK: Right there.

16 COMMISSIONER RIVAS: This one.

17 SERGEANT DUNLAY: What's he referring to is
18 the little time here in the top right hand
19 corner.

20 MR. ESPINOSA: You will observe that at the
21 time that she close the door and there was nobody
22 coming in it was 1:57.

23 (Whereupon, there was a pause in the
24 proceedings; video recording was played.)

25 MR. ESPINOSA: I ask -- I ask Commission --

1 MS. DILLON: Mr. Espinosa, --

2 MR. ESPINOSA: -- to see the people who
3 enter and who exit.

4 MS. DILLON: Mr. Espinosa, you're like --

5 MR. ESPINOSA: Okay. I'm sorry.

6 MS. DILLON: -- in no-man's land there.

7 MR. ESPINOSA: The people that enter and
8 exit and the time on the machine.

9 COMMISSIONER VALDIVIA: What time is it
10 now?

11 MAYOR STACK: One fifty-seven.

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

14 MAYOR STACK: He's going to -- he's going
15 to put this on the projector.

16 MR. ESPINOSA: Oh, great.

17 MAYOR STACK: It would be better. All
18 right?

19 MR. ESPINOSA: Great.

20 MAYOR STACK: It would be better.

21 This way you could see it. Because it's
22 impossible to see it. I -- I mean I can see it.
23 But I don't know if everybody else can.

24 COMMISSIONER MARTINETTI: What time is
25 there now?

1 MAYOR STACK: Can you do that?

2 SERGEANT DUNLAY: One fifty-seven. I'm
3 just going to pause this, if that's okay.

4 MAYOR STACK: Just go back. Go back like a
5 minute or so.

6 SERGEANT DUNLAY: Okay.

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

9 DEPUTY CITY CLERK: Can I have a motion to
10 go off the record?

11 MAYOR STACK: Motion.

12 COMMISSIONER FERNANDEZ: Second.

13 DEPUTY CITY CLERK: Motion by Mayor Stack.

14 COMMISSIONER MARTINETTI: Second.

15 DEPUTY CITY CLERK: Second by Commissioner
16 Fernandez.

17 All in favor?

18

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

20

21 (Off the record at 7:19 p.m.)

22 (On the record at 7:23 p.m.)

23

24 (Whereupon, there was a pause in the
25 proceedings.)

1 DEPUTY CITY CLERK: All right.

2 Commissioners, may I have a motion to go
3 back on the record?

4 COMMISSIONER MARTINETTI: Motion.

5 COMMISSIONER VALDIVIA: Motion.

6 DEPUTY CITY CLERK: Motion by Commissioner
7 Martinetti.

8 Second by Commissioner Valdivia.

9 All in favor?

10

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

12

13 DEPUTY CITY CLERK: Okay.

14 (Whereupon, there was a pause in the
15 proceedings; setting up video.)

16 DEPUTY CITY CLERK: Debbie, we're good?

17 MS. DILLON: Yes. Yes.

18 DEPUTY CITY CLERK: Okay. Go ahead. Go
19 on.

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

22

23 (Off the record at 7:32 p.m.)

24 (On the record at 7:33 p.m.)

25

1 MS. DILLON: Okay, we're back.

2 (Whereupon, there was a pause in the
3 proceedings.)

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

6 MR. ESPINOSA: Now prior to that it's
7 showing the closing of the place at 1:5--

8 MS. DILLON: Where are you at, Mr.
9 Espinosa?

10 MR. ESPINOSA: Yeah.

11 MS. DILLON: To the microphone.

12 MR. ESPINOSA: I said prior to that there
13 is the closing of the place by her at 1:57, I
14 believe.

15 It is a pity that, you know, you could not
16 all of you be with the sequence because this is
17 not flow.

18 (Whereupon, the video playback continued.)

19 MR. ESPINOSA: If you observe after 1:57
20 there was no sale in there. And the person that
21 enter that you saw was the police officer.

22 (Whereupon, the video playback continued.)

23 MR. ESPINOSA: As I said it's a pity that
24 this is not flowing. It should be in the manner
25 in which was in here in front of you, you will

1 | see all of the movement with the time and when
2 | she closed the door, 1:57.

3 | I believe that when it was in front of the
4 | Mayor the Mayor saw it. And I say that because
5 | he stated that I can see it but you could not.

6 | MAYOR STACK: I could see the -- I could
7 | see the screen but everybody else couldn't see
8 | it.

9 | MR. ESPINOSA: Yeah.

10 | (Whereupon, the video playback continued.)

11 | SERGEANT DUNLAY: That's where it stops.

12 | MAYOR STACK: Okay.

13 | SERGEANT DUNLAY: Is there any other angles
14 | you want to see? The outside? Or inside?

15 | MAYOR STACK: Is there any other angles
16 | inside -- inside the establishment or no?

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

19 | COMMISSIONER FERNANDEZ: That's the only
20 | other angle, Dave?

21 | SERGEANT DUNLAY: Two inside and two
22 | outside that we have.

23 | (Whereas, the video playback continued.)

24 | MR. ESPINOSA: Look at the time.

25 | (Whereupon, the video playback continued.)

1 MAYOR STACK: We're just seeing the same
2 thing that we saw before?

3 SERGEANT DUNLAY: Yes, there's just
4 different angles of the camera.

5 MAYOR STACK: Different --

6 All right. I -- I think I'm -- I'm okay
7 with it. Unless any other Commissioner wants to
8 continue.

9 COMMISSIONER RIVAS: I'm okay.

10 MAYOR STACK: Okay.

11 Is there any other videos that we need to
12 see other than this?

13 SERGEANT DUNLAY: There's just outside
14 video of the same timeframe, sir.

15 MAYOR STACK: Okay.

16 SERGEANT DUNLAY: Would you like to see the
17 outside video?

18 MAYOR STACK: No, I'm fine with that.
19 That's fine.

20 MR. ESPINOSA: After 1:57 you won't see any
21 sale of any kind. And if you can see, the police
22 officer enter after that 1:57. And if you look
23 at the time it's not exactly the time that they
24 say.

25 MAYOR STACK: The only question I have, --

1 the only -- is why, if it was before two o'clock,
2 why were they serving it at the door outside?

3 MR. ESPINOSA: That I don't know.

4 MR. SAPIENZA: We need testimony.

5 MR. ESPINOSA: They -- they are here and I
6 can -- they can answer. Because I -- I -- you
7 know?

8 MAYOR STACK: Okay.

9 MS. DILLON: To the --

10 MR. SAPIENZA: We need testimony --

11 MS. DILLON: -- to the microphone. Guys.

12 MR. SAPIENZA: -- from the witness.

13 MAYOR STACK: Want to turn the lights back
14 on?

15 DEPUTY CITY CLERK: Yeah.

16 MR. ESPINOSA: No, I understand. He's
17 asking --

18 MR. SAPIENZA: Want to be the witness?

19 COMMISSIONER MARTINETTI: Okay.

20 MAYOR STACK: Want to turn the lights --
21 okay.

22 MR. ESPINOSA: There is -- no -- there is a
23 question by him and I said I cannot testify with
24 respect to that.

25 If -- if you have a question, Mr. Mayor, --

1 MAYOR STACK: Yeah.

2 MR. ESPINOSA: -- she can answer.

3 MAYOR STACK: I -- I --

4 MR. ESPINOSA: Why?

5 MAYOR STACK: If you could just maybe
6 come --

7 MR. ESPINOSA: Come here.

8 MAYOR STACK: -- back up, Ms. Patel.

9 I'm just curious that if it -- my question
10 is that if it was before two a.m. why -- why were
11 you serving it at the door and going outside?
12 Why?

13 MRS. PATEL: Because is really -- I entered
14 the people before -- 1:55 that's -- is you out
15 all.

16 But the week ago we have that problem, you
17 know, so I don't -- I stop everyone outside, just
18 wait, and I see the one guy -- black, completely
19 black so I didn't enter.

20 So everybody -- if I enter the other
21 person, so everybody's going to be enter inside.
22 And people take out the money very slow, you
23 know. Even I sell but slow money and they going
24 to look inside. I said outside, stay, better
25 outside. Ten, 15 minutes is outside there's

1 people standing so many. I don't know what
2 happened that day. So it's too much crowd. You
3 know, so I just care -- I said, no, I don't want
4 to enter the people in.

5 And week ago two -- one -- one or two week
6 ago we got a gunpoint. You know.

7 MAYOR STACK: I'm -- I was just going to
8 say to you though I don't think it's a good
9 policy though to do it at the door and go outside
10 because you put yourself more at risk also.

11 MRS. PATEL: But that -- all three people I
12 know. They -- the three people I know. The one
13 guy I don't know. That's why I say you just
14 standing here and he left and then I saw that
15 three guy. You know, I don't want to enter the
16 other guy.

17 MAYOR STACK: Okay.

18 Thank you.

19 MRS. PATEL: If I know the person I -- yes,
20 okay, you come.

21 MAYOR STACK: I got it.

22 Thank you very much.

23 COMMISSIONER FERNANDEZ: I'm confused too.
24 I have a question for Miss Patel.

25 Miss Patel, I'm confused too. Then, when

1 the officer interviewed you, why did you believe
2 that you could sell liquor from two to three?

3 MRS. PATEL: That's what I -- I scare.

4 COMMISSIONER FERNANDEZ: I -- I'm --

5 MRS. PATEL: Always I see --

6 COMMISSIONER FERNANDEZ: But -- but I'm
7 confused. You -- you --

8 MRS. PATEL: -- the police officer, I
9 scared right away.

10 COMMISSIONER FERNANDEZ: But -- but --

11 MRS. PATEL: What I have to go to, answer
12 this and that.

13 COMMISSIONER FERNANDEZ: But my concern is
14 that you're -- you're agreeing that -- you're
15 saying that you -- you believe you can sell
16 alcohol from two to three but yet at two o'clock
17 you're locking the door and you're selling in the
18 door. It doesn't --

19 MRS. PATEL: We close always before two.

20 COMMISSIONER FERNANDEZ: It's a
21 contradiction.

22 MRS. PATEL: Always. Always.

23 But that day so much problem outside and
24 too much loud and I said, please no enter in my
25 store, no enter in my store right now.

1 And -- and I always give the police
2 officer, you know, hey police outside, just look
3 yourself. You know, they going to put you in
4 jail. That's -- I always protect myself to
5 police officer. Always I take the police
6 officer's side.

7 Hey, look, undercover lot of undercover
8 because they going to bother me. Give me please
9 after 10 o'clock, this, that but I say, no look,
10 police outside, undercover, undercover. Always I
11 say no bother me and no -- they scared, too. You
12 know because the police officer. They're going
13 to check you and this and that. So better you
14 quiet and go. Take a beer.

15 MAYOR STACK: Just -- if I was you though,
16 I'm just telling you from a public safety
17 standpoint, I don't think it's a good policy you
18 go out the door like that with the people
19 outside.

20 MRS. PATEL: I don't do that no more.

21 MAYOR STACK: Maybe it's not even right for
22 me to say it at this point of the hearing but I
23 would be very, very careful because you're
24 putting yourself --

25 MRS. PATEL: Yes. Yes. Yes.

1 MAYOR STACK: -- in harms way.

2 MRS. PATEL: I do.

3 MAYOR STACK: You never know who's at that
4 door.

5 MRS. PATEL: Yeah.

6 MAYOR STACK: You never know.

7 MRS. PATEL: Yeah.

8 MR. PATEL: After this ticket no more.

9 MRS. PATEL: No more.

10 MAYOR STACK: Okay. Okay. Okay.

11 MR. SAPIENZA: I have a couple of
12 questions.

13 MRS. PATEL: Yes.

14 MAYOR STACK: Sure.

15 MS. DILLON: Just -- you have to stand up,
16 Mr. Sapienza.

17 Thank you.

18 MR. SAPIENZA: Mrs. Patel, did you set the
19 timer on the cameras the morning of July 17th?

20 MRS. PATEL: No.

21 MR. SAPIENZA: Who did?

22 MR. PATEL: Nobody set them.

23 MRS. PATEL: Set them; nothing. Nobody set
24 up the camera.

25 MR. SAPIENZA: But you set them every day

1 | don't you?

2 | MRS. PATEL: No.

3 | MR. SAPIENZA: I -- I can't ask you
4 | questions. No.

5 | All right.

6 | When you open in the morning, --

7 | MRS. PATEL: Uh-huh.

8 | MR. SAPIENZA: -- first thing you do, --

9 | MRS. PATEL: That's it.

10 | MR. SAPIENZA: -- is the lottery machine
11 | off or on?

12 | MRS. PATEL: Lottery machine off.

13 | MR. SAPIENZA: Okay.

14 | MRS. PATEL: But the machine is -- only the
15 | sign is off. Okay? The machine is always on.

16 | MR. SAPIENZA: So the machine is on when
17 | you came in --

18 | MRS. PATEL: Always on.

19 | MR. SAPIENZA: -- the morning?

20 | And it has a time --

21 | MRS. PATEL: Uh-huh.

22 | MR. SAPIENZA: -- on the machine?

23 | MRS. PATEL: Yes.

24 | MR. SAPIENZA: Do you then take the time
25 | that's on the machine and set your cameras

1 according to that time?

2 MRS. PATEL: Every day, no, we don't have
3 to set up. One time we set up, that's it.

4 MR. SAPIENZA: Well, when do you do that?
5 When is the one time that you set them?

6 MRS. PATEL: If light's off, then it's
7 problem. Otherwise we set them all together.
8 You know.

9 MR. SAPIENZA: The -- the time that we
10 saw --

11 MRS. PATEL: Um-hum.

12 MR. SAPIENZA: -- on this camera showed
13 things happening just before two a.m.

14 MRS. PATEL: Look my -- this camera --

15 MR. SAPIENZA: Correct?

16 MRS. PATEL: -- is perfect. All three is
17 perfect. But my watch is 2:02. That's why I
18 say, oh, 2:02, 2:02, because I see only my watch.
19 I never see the camera system.

20 MR. SAPIENZA: All right, why is the camera
21 time perfect?

22 MRS. PATEL: Camera time perfect.

23 MR. SAPIENZA: Why? Why do you say that?

24 MRS. PATEL: Because any happen -- sometime
25 police officer need, sometime anybody need. So I

1 have to keep everything accurate. You know?

2 MR. SAPIENZA: But you -- you said before
3 that you used the time on the lottery machine to
4 set the time on the camera.

5 Is that correct?

6 MRS. PATEL: When we got the system that
7 time we put all camera systems and all those
8 things like set up.

9 MR. SAPIENZA: When was that, 1995?

10 MRS. PATEL: No, no, no. We got the -- so
11 many time -- three times different camera come
12 in. Is one time is -- I got happen before also
13 Mr. -- he know about -- and you were also there
14 -- my camera works, doesn't work. And I didn't
15 serve the hard liquor and I got the one ticket
16 from many years ago. About 16 years ago. Later
17 I got one ticket and they --

18 MR. SAPIENZA: Well, I'm not interested in
19 that.

20 MRS. PATEL: Yeah.

21 MR. SAPIENZA: I want to know when you last
22 set the time on your cameras?

23 MRS. PATEL: I don't remember that.

24 MR. SAPIENZA: Did you do it?

25 MRS. PATEL: No.

1 MR. SAPIENZA: Did you set the time?

2 MRS. PATEL: No.

3 MR. SAPIENZA: Did your husband do it?

4 MRS. PATEL: Yeah, he --

5 MR. SAPIENZA: Did he set the time?

6 MRS. PATEL: -- he set the time before. We
7 don't do anything.

8 MR. SAPIENZA: And how did he do it? Did
9 he punch in on a pad? How did he set the time?

10 Were you there?

11 MRS. PATEL: No.

12 MR. SAPIENZA: Okay.

13 But it was a long time ago?

14 MRS. PATEL: Yes.

15 MR. SAPIENZA: And where did he get the
16 time that he punched in on that pad?

17 MRS. PATEL: We check in the State Lottery.

18 MR. SAPIENZA: State Lottery?

19 MRS. PATEL: State Lottery.

20 MR. SAPIENZA: Well when's the last time
21 you checked the State Lottery?

22 MRS. PATEL: State Lottery we have to check
23 every day.

24 MR. SAPIENZA: Yes, but the State Lottery
25 machine has a time on it.

1 MRS. PATEL: Yes.

2 MR. SAPIENZA: Do you ever check about
3 whether your cameras have the same time as the
4 lottery --

5 MRS. PATEL: Yes. Yes.

6 MR. SAPIENZA: When do you make that check?

7 MRS. PATEL: (Indiscernible) -- I don't
8 know. That I don't know.

9 MR. SAPIENZA: Has there ever been a time
10 when the time on your cameras --

11 MRS. PATEL: Yes. Yes.

12 MR. SAPIENZA: -- was different?

13 MRS. PATEL: Always. Always.

14 MR. SAPIENZA: No, no, no, listen to me.

15 MRS. PATEL: About two weeks ago.

16 MR. ESPINOSA: No, no, listen to his --

17 MRS. PATEL: Yes.

18 MR. ESPINOSA: -- question.

19 MRS. PATEL: Okay.

20 MR. SAPIENZA: Has there ever been a time
21 when the time on the camera was different than
22 the time on the State Lottery machine?

23 MRS. PATEL: No.

24 MR. SAPIENZA: Never?

25 MRS. PATEL: Never. Never.

1 MR. SAPIENZA: Where did you get the camera
2 from?

3 MRS. PATEL: Amazon.

4 MR. SAPIENZA: Who -- where did you buy the
5 cameras?

6 MR. PATEL: Amazon.com.

7 MR. SAPIENZA: And who installed them for
8 you?

9 You installed.

10 So, when you installed them you put a time
11 in the camera.

12 Right? When was that?

13 MR. PATEL: It's December or November or
14 December.

15 MS. DILLON: Wait. Wait. He hasn't been
16 sworn yet.

17 MS. NOVA: Yeah, we have to --

18 MR. SAPIENZA: Oh, you're right.

19 MS. NOVA: -- swear him in and we have to
20 put his name on the record.

21 MR. ESPINOSA: Okay.

22 You finished with her?

23 MR. SAPIENZA: No.

24 MS. NOVA: But he --

25 MR. SAPIENZA: I can recall her.

1 MS. NOVA: -- if he's going to be talking

2 --

3 MR. SAPIENZA: I want to go to --

4 MR. ESPINOSA: Okay. Well, --
5 Okay.

6 MS. DILLON: He has been making --

7 MS. NOVA: If he's going to be talking --

8 MS. DILLON: -- comments, Mr. Espinosa.

9 MS. NOVA: -- we have to put him on the
10 record.

11 MR. ESPINOSA: I -- I understand.

12 MS. DILLON: I do know he's her husband.

13 MR. ESPINOSA: Yes, I -- no, you're -- I
14 understand.

15 MS. DILLON: Please raise your right hand.

16 MR. PATEL: Okay.

17 MS. DILLON: Do you affirm the testimony
18 you're about to give this Board is the whole
19 truth?

20 MR. PATEL: Yes.

21 MS. DILLON: And any statements you've made
22 to this point?

23 MR. PATEL: Yes.

24 MR. ESPINOSA: Since this --

25 MS. DILLON: Okay.

1 MR. ESPINOSA: -- witness has not testified
2 before, let me ask a question then on direct
3 examination.

4 MS. DILLON: Well let me get his name.

5 MR. ESPINOSA: Yeah. Okay.

6 MS. DILLON: Your name?

7 MR. ESPINOSA: Okay.

8 MS. DILLON: And please spell it for the
9 record.

10 MR. PATEL: Divyesh Patel. D-I-V-Y-E-S-H.
11 P-A-T-E-L.

12 MS. DILLON: Okay, let me just state back
13 your first name.

14 D-I-V as in Victor, Y-E-S-H.

15 Thank you.

16 MR. SAPIENZA: Mr. Patel, --

17 MR. ESPINOSA: Oh, no, let me ask -- I the
18 question and then you will ask the question
19 after.

20 MR. SAPIENZA: Well, I've -- I've called
21 him as a witness.

22 MR. ESPINOSA: Well, you're calling him as
23 a witness how? How?

24 MR. SAPIENZA: Right here. I just called
25 him.

1 MR. ESPINOSA: You're -- as a hostile
2 witness? How?

3 Because he has not been testifying --

4 MR. SAPIENZA: Someone who --

5 MR. ESPINOSA: -- before.

6 MR. SAPIENZA: Someone who is speaking.

7 MR. ESPINOSA: No, I -- I didn't have the
8 opportunity to call him.

9 MS. NOVA: Gentlemen, --

10 MR. ESPINOSA: And I haven't --

11 MS. NOVA: -- is Ms. Patel done --

12 MR. ESPINOSA: -- finished my -- my
13 examination.

14 MS. NOVA: -- with her --

15 MR. ESPINOSA: You were all done.

16 MR. SAPIENZA: Oh, are you calling him as
17 your --

18 MR. ESPINOSA: Let me call. Yes.

19 MR. SAPIENZA: Go ahead.

20 MS. NOVA: Are you done with Ms. Patel
21 first?

22 MR. ESPINOSA: Well, --

23 MR. SAPIENZA: I am. I am.

24 MR. ESPINOSA: Okay, then -- then I have no
25 problem with her. I'm done with her, too.

1 MS. NOVA: Okay.

2 MAYOR STACK: Okay.

3 MR. ESPINOSA: Okay?

4 MS. NOVA: So, now Mr. Patel's --

5 MR. ESPINOSA: Mr. Patel, --

6 MS. NOVA: -- going to be called?

7 Okay.

8 MR. ESPINOSA: -- you heard your wife
9 testify and you said so that you purchased this
10 system in Amazon.

11 Is that correct?

12 MR. PATEL: Yes.

13 MR. ESPINOSA: Okay, who install the system
14 at the --

15 MR. PATEL: Myself.

16 MR. ESPINOSA: And you installed the
17 cameras?

18 MR. PATEL: Yes.

19 MR. ESPINOSA: And you heard that the --
20 the cameras has a timing.

21 Is that correct?

22 MR. PATEL: Yes.

23 MR. ESPINOSA: And how did you -- how is
24 this timing of the camera put in place?

25 MR. PATEL: It is a recorder and recorder

1 they have to change.

2 MR. ESPINOSA: And -- and did you --

3 MR. PATEL: Each camera, no. Each camera
4 you don't have to change. You have to change in
5 the recorder.

6 MR. ESPINOSA: Only in the recorder.

7 MR. PATEL: Recorder.

8 MR. ESPINOSA: Okay.

9 And what is -- in the recorder, what time
10 you put, is that the Lottery one?

11 MR. PATEL: Lottery machine.

12 MR. ESPINOSA: Your witness.

13 MR. SAPIENZA: When did you install --

14 MS. DILLON: You -- you need to stand up,
15 Mr. Sapienza. I'm sorry.

16 MR. SAPIENZA: When did you install the
17 camera system?

18 Thank you.

19 MR. PATEL: I have no idea but like in
20 November or December.

21 MR. SAPIENZA: Of 2016?

22 MR. PATEL: No, '15.

23 MR. SAPIENZA: 2015.

24 So, when -- when you install the camera you
25 inputted a time that the camera would reflect.

1 MR. PATEL: Um-hum.

2 MR. SAPIENZA: Where did you get that time
3 from?

4 MR. PATEL: The lottery machine.

5 MR. SAPIENZA: You got it from your lottery
6 machine.

7 MR. PATEL: Um-hum.

8 MR. SAPIENZA: And did your lottery machine
9 -- did it ever breakdown since 2015 your lottery
10 machine?

11 MR. PATEL: Once.

12 MR. SAPIENZA: Once.

13 Well, what happened then?

14 MR. PATEL: The lights went off. All the
15 lights, --

16 MR. SAPIENZA: Did it stop showing the
17 time?

18 MR. PATEL: Yes. Everything was erased in
19 there.

20 MR. SAPIENZA: All right.

21 How long did it take for your lottery
22 machine to be repaired?

23 MR. PATEL: I -- no, no, no.

24 MR. ESPINOSA: Objection.

25 MR. PATEL: No, no.

1 MR. ESPINOSA: He didn't say repair.

2 MR. PATEL: No, no. No, no, no.

3 MR. ESPINOSA: He said it went off.

4 Go ahead; I'm sorry.

5 MR. SAPIENZA: All right.

6 MR. PATEL: Machine is not broke; just the
7 lights went off.

8 MS. DILLON: Keep your voice up, Mr. Patel.

9 MR. PATEL: Light went off. Not machine --
10 is not broke. Machine is on but we have to turn
11 it on all the powers. And then after that it
12 come up. It takes about five minutes.

13 MR. SAPIENZA: And when it came up did you
14 have to change anything --

15 MR. PATEL: Yes.

16 MR. SAPIENZA: -- on the machine such as --

17 MR. PATEL: Yes.

18 MR. SAPIENZA: -- the time?

19 MR. PATEL: Yes. Yes. All the -- all the
20 machine. The credit -- lot -- I mean lot three
21 times to check the -- and the cash register and
22 the camera system.

23 MR. SAPIENZA: So you made a change to the
24 camera system at some point in time?

25 MR. PATEL: Yes.

1 MR. SAPIENZA: When was that?

2 MR. PATEL: Somewhere in March last year.

3 MR. SAPIENZA: So -- so when you changed
4 the camera system and the machine in March, did
5 you have any help?

6 MR. PATEL: No.

7 MR. SAPIENZA: Would the machine reflect
8 what change you made if I examine the machine?

9 MR. PATEL: I have no idea.

10 MS. DILLON: I'm sorry, sir, I can't hear
11 you.

12 MR. PATEL: I have no idea.

13 MS. DILLON: Thank you.

14 MR. SAPIENZA: Has there ever been an
15 occasion when the time reflected on the camera
16 was different than the time that was reflected on
17 your cash register?

18 MR. PATEL: No.

19 MR. SAPIENZA: Never.

20 MR. PATEL: Because police officer comes
21 sometime. Something happening outside, they come
22 to check my camera. And that -- that time
23 they're telling me time is different and I can't
24 check it then at that time.

25 MR. SAPIENZA: All right, that's all.

1 That's all.

2 COMMISSIONER VALDIVIA: Can I ask a
3 question?

4 MR. PATEL: Yes.

5 COMMISSIONER VALDIVIA: On the recording it
6 records for how many weeks or days?

7 MR. PATEL: I think one week.

8 COMMISSIONER VALDIVIA: And then it
9 erases --

10 MR. PATEL: Erase.

11 COMMISSIONER VALDIVIA: -- by itself?

12 MR. PATEL: Yeah.

13 COMMISSIONER VALDIVIA: Does it erase by
14 itself?

15 MR. PATEL: Yeah.

16 COMMISSIONER VALDIVIA: Okay, that's all.

17 MR. ESPINOSA: I have no further question.
18 You can sit.

19 COMMISSIONER FERNANDEZ: I -- I -- where's
20 -- where's the monitor or the -- or the cameras
21 compared to where your Lotto machine is?

22 The monitor?

23 MR. PATEL: Lottery is this side of the --
24 the counter and this side is the monitor for the
25 video camera. They're two -- two different

1 sides.

2 COMMISSIONER FERNANDEZ: Now you're aware
3 that it doesn't need -- the electricity need not
4 go out; it could be a flicker for it to affect
5 the time stamp on a -- on a --

6 MR. PATEL: What?

7 COMMISSIONER FERNANDEZ: -- on a VCR.
8 Right?

9 MR. PATEL: What he say? I -- I don't
10 under--

11 COMMISSIONER FERNANDEZ: Even if the
12 electricity doesn't go out, if there's a flicker
13 -- in and out very quick --

14 MR. PATEL: It don't happen --

15 COMMISSIONER FERNANDEZ: -- it can -- it
16 can -- it can --

17 MR. PATEL: It happened to one minute or
18 two minutes.

19 COMMISSIONER FERNANDEZ: Right. Exactly.
20 It can affect it by one or two minutes.

21 MR. PATEL: But I -- I don't know it
22 happened during the day. When I'm there it's not
23 happening.

24 COMMISSIONER FERNANDEZ: So every day --

25 MR. PATEL: Maybe night it happened; I

1 don't know.

2 COMMISSIONER FERNANDEZ: So every day you
3 look at it and every day you're aware of it that
4 it's the same --

5 MR. PATEL: Yes.

6 COMMISSIONER FERNANDEZ: -- time?

7 MR. PATEL: Every day I turn on the
8 monitor.

9 COMMISSIONER FERNANDEZ: You turn on the
10 monitor, you look at the time and -- and the
11 date?

12 MR. PATEL: Yeah. And the -- and the
13 lottery machine I turn it on, too.

14 MR. ESPINOSA: No further questions.

15 Any other question from --

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

18 MR. SAPIENZA: There -- there is one
19 witness I'd like to recall.

20 I'd like to recall Lieutenant Loaces for a
21 very brief question.

22 MAYOR STACK: Sure.

23 MR. SAPIENZA: Lieutenant, you've been
24 recalled as a witness. You continue to be under
25 oath.

1 LIEUTENANT LOACES: Very well.

2 MR. SAPIENZA: So the -- what's been called
3 into question is the accuracy of the time check
4 versus the accuracy of the camera that you just
5 watched with us.

6 When you call in for a time check to the
7 dispatcher, how does the dispatcher receive the
8 time that he relays to you?

9 LIEUTENANT LOACES: He gets it off our
10 central board.

11 MR. SAPIENZA: And what do you mean by a
12 central board?

13 LIEUTENANT LOACES: It's a central clock
14 where all police communications, emergency
15 response communications and everything else are
16 monitored through this one main system that
17 maintains constant vigilance on the time to the
18 second.

19 MR. SAPIENZA: And if you were to call in
20 for a time check now, would you -- are you
21 confident that you -- the time you get -- you get
22 back the reply would be accurate to a second?

23 LIEUTENANT LOACES: I am confident that if
24 I were to call a radio check right now on my
25 radio --

1 MR. SAPIENZA: Um-hum.

2 LIEUTENANT LOACES: -- it would be the
3 exact same time that shows up on my cell phone
4 and pretty much the cell phone of everyone else
5 in this room.

6 MR. SAPIENZA: Would you make that call now
7 please for a time?

8 LIEUTENANT LOACES: Certainly.

9 MR. ESPINOSA: I -- I will object to this.
10 And the reason why I will object is because we
11 don't know, okay, what happened to this telephone
12 before. And I -- and, plus, -- and what happened
13 to that telephone before we have here and you
14 have seen objectively there what is the time of
15 what happened at that time.

16 If the Police is going to -- to be -- if
17 everyone -- you have to go to the police wall in
18 order to find out what is the time and coordinate
19 it with the police, then I believe that -- that
20 it -- it will be a -- an extraordinary demand.

21 There is a system that is public and that
22 system is the lottery in which every transaction
23 has to be made on the basis of that. And I
24 believe that my client had been as much -- as
25 much possible accurate and -- and in their -- in

1 their running. And it's 57 -- 1:57 and you saw
2 it.

3 I know that -- that this is like if it were
4 a closing statement but I would -- but -- but I
5 object and I want the -- the objection to be --
6 to be -- (indiscernible) --

7 MS. DILLON: I -- Mr. Espinosa, I -- I lost
8 that last sentence.

9 MR. ESPINOSA: I said -- I said I object to
10 this line of questioning.

11 And -- and the reason why I object is
12 precisely because it was not -- there is -- there
13 is no proof that at the time, like here we saw
14 it, that at the time this telephone was
15 functioning. Correct.

16 MR. SAPIENZA: I agree with Mr. Espinosa
17 that this is a search for the truth. And I think
18 I recognize that the issue for the Board and
19 everyone else in the room is accuracy of -- of
20 time.

21 And the Police Department have said and
22 they really put on the line a deep feeling here
23 that their time check is the most accurate
24 procedure available to us.

25 And I just simply want to have this

1 demonstration, as part of the record for you,
2 that the time check that we do today will be
3 absolutely accurate.

4 And I think it's reasonable to -- to take
5 that little experiment and put it into all of the
6 other things that you have to consider.

7 MR. ESPINOSA: And my objection again, --

8 LIEUTENANT LOACES: A-6.

9 MR. ESPINOSA: -- because that police
10 officer --

11 DISPATCH: Go ahead, sir.

12 MR. ESPINOSA: My objection again, because
13 that police officer, --

14 LIEUTENANT LOACES: May I have a radio
15 check please?

16 MR. ESPINOSA: -- timing, whatever it
17 is, which --

18 DISPATCHER: (Indiscernible).

19 MR. ESPINOSA: -- nobody has coming in here
20 to testify about it, --

21 LIEUTENANT LOACES: Time check please.

22 MR. ESPINOSA: -- would be -- is not
23 available to the public.

24 POLICE RADIO BROADCAST: (Indiscernible).

25 DISPATCHER: Received. Your time is 21:03.

1 LIEUTENANT LOACES: A-6, can I have a time
2 check please?

3 DISPATCHER: Yes, sir, your time is 21:04.

4 LIEUTENANT LOACES: Again please?

5 DISPATCHER: 21:04.

6 LIEUTENANT LOACES: Received.

7 Thank you.

8 DISPATCHER: Received, -- (indiscernible).

9 LIEUTENANT LOACES: It should be noted that
10 that's the exact time that was on my cell phone.

11 MR. ESPINOSA: Again, my objection --
12 (indiscernible) -- and that is not the time that
13 is available to the public.

14 MR. SAPIENZA: Mr. Espinosa, do you have a
15 cell phone?

16 Do you have a cell phone?

17 MR. ESPINOSA: I am not a witness here.

18 MR. SAPIENZA: But --

19 MR. ESPINOSA: I am not a witness.

20 MR. SAPIENZA: All right.

21 So we have no more evidence either from the
22 prosecution side on the ticket.

23 Do you have other witnesses, Mr. --

24 MR. ESPINOSA: I have no other witness.

25 MR. SAPIENZA: We rest.

1 MAYOR STACK: Mr. Espinosa?

2 MR. ESPINOSA: Oh. I --

3 MAYOR SACK: Are you ready to go?

4 MR. ESPINOSA: I have already stated I
5 believe that a picture is -- is much more
6 stronger than any -- any statement. Humans are
7 fallible. There are calls -- there are people --
8 you see that call in here, we have only the
9 statement about what was the time over there at
10 that time. We have here the -- a public system
11 by which you guy yourself with respect to putting
12 a -- a -- a video system. The video system was
13 precisely in order to avoid things like what
14 crimes, what happens inside, and the system it
15 speak by itself.

16 There is -- there is the testimony that it
17 was -- it was put in place and checked and was
18 question made by everyone in here to the point of
19 I might say almost certitude speaking there.

20 Now, even when one of the Commissioners
21 spoke about flicker, in which there could be one
22 -- one or two minutes, which would bring it in
23 the plus side to 1:59 and on the minus side to
24 1:55, it was shown in there that there was no --
25 no violation of the time in which a purchase was

1 made.

2 Okay. The -- the Ordinance is clear on the
3 statute, it is no purchase at two o'clock in the
4 morning and -- and the closing by two o'clock in
5 the morning and that was happen. It was closed.

6 As I said a picture is greater than
7 anything. We show the -- the entrance of one
8 single police officer in the picture and the time
9 in which he entered was posterior to the 1:57,
10 not exactly, okay, prior to that.

11 Why I didn't -- why I didn't question like
12 I usually do, completely on cross-examination,
13 because I believe that this is not a case of
14 going -- about testimony and so on. Those
15 cameras are in there in order to avoid problem
16 and to be able to give to the Police a timing
17 when things occur. And these are people who had
18 been held up. And that system is a very
19 important system for them for giving the precise
20 of what happened.

21 It has happened not because I believe that
22 the Police had any -- any intention to go after
23 these people but because I believe that they were
24 mistaken.

25 MR. SAPIENZA: Well, this is a close

1 question. And it's -- it's always our desire to
2 get it right. And if we -- if we're not sure,
3 we're not sure, we have to ask why aren't we sure
4 because there is a burden of proof in these
5 hearings.

6 It's incumbent upon myself to convince you
7 by a preponderance of the available evidence that
8 there was a violation of the Ordinance.

9 So you've seen the evidence that I've
10 produced. It's the Police telling you how they
11 do their time checks and -- and showing you as a
12 demonstration here that it worked this evening,
13 that the time check was accurate.

14 They've shown you that -- the other side
15 has shown you that they have a tape and it -- and
16 it shows that the time that this particular
17 incident was two minutes earlier.

18 I do see that this was a sale that still is
19 a violation, of course. This was a sale off the
20 licensed premises. No sale can take place
21 outside the store.

22 So, my only recommendation here is that you
23 -- you look at the evidence, you apply the
24 standard preponderance of the evidence and -- and
25 you reach a decision that you're comfortable

1 with, not whether or not -- without trying to
2 understand all the intricacies of the technology
3 involved in these time checks. It's very
4 difficult to understand and we really don't have
5 much expert testimony to help you.

6 MR. ESPINOSA: That's correct.

7 MAYOR STACK: What -- what was the
8 recommended penalty, Mr. Sapienza?

9 MR. SAPIENZA: Recommended penalty was ten
10 days suspension.

11 MAYOR STACK: Do you have -- you have
12 anything further? Mr. Espinosa, do you have
13 anything further?

14 Mr. Sapienza?

15 MR. SAPIENZA: I have nothing further.

16 MR. ESPINOSA: I believe that that will be
17 harsh. I believe that -- that -- that this
18 Commission should send my client without any
19 penalty.

20 You saw the effort, not only with the
21 camera but the effort to be on time in
22 everything. We have here now, as Mr. Sapienza
23 said, a problem of was working the technology
24 correctly.

25 We don't know, for example, if -- if a --

1 what had happened to any of the devices that the
2 Police use. We don't know anything with respect
3 to the dispatcher except the testimony of the
4 Police. We don't know if the dispatcher is even
5 working correctly, which would require expert
6 testimony.

7 What we do know, however, is that there is
8 the timing of the lottery and that that timing
9 was coordinated with the camera and we have the
10 cameras in here and the pictures in here.

11 We don't have a picture of the Police
12 board. We don't have a picture -- we have Mr.
13 Loaces using his telephone today; we don't know
14 if it was at the time. But we know what happened
15 at the time by a video.

16 You know I -- one of the Commissioner bring
17 -- brought up the question of flicker, for
18 example. Are we going to penalize people if, for
19 example, there was a flicker, which in this case
20 would have been two -- two to 1:59 or less. In
21 which he testified, no, when something of that
22 nature does, I put on the monitor and I correct
23 it and I use the -- the -- the lottery.

24 Are we going to penalize people for a -- a
25 -- a one minute, a two minute of going out in a

1 -- in a -- in a clock?

2 She said I have clock at 2:02 and because
3 of that I made mistake and I was very nervous
4 when I spoke with your police officer. But you
5 saw the consistency of her statement with respect
6 to the system that they have there and you saw
7 also the consistency of the answer of the
8 husband, too.

9 Now, I -- I think that this is one of the
10 time in which I hope I don't have to appeal.

11 MAYOR STACK: Okay.

12 We'll -- we'll have a decision at the next
13 Commission Meeting.

14

15 * * *

16

17 **ADJOURNMENT:**

18

19 DEPUTY CITY CLERK: Okay.

20 Mayor, at this point there's no other items
21 on the agenda.

22 May I have a motion to adjourn?

23 MAYOR STACK: Motion.

24 COMMISSIONER MARTINETTI: Second.

25 DEPUTY CITY CLERK: Motion by Mayor Stack.

1 Second by --

2 MR. ESPINOSA: One thing I bring --

3 DEPUTY CITY CLERK: -- Commissioner
4 Martinetti.

5 MR. ESPINOSA: Allow me.

6 -- came to my mind, Mr. Sapienza, though
7 there were not charge it -- charge with that
8 about selling out of the premise, but your --
9 your -- the Mayor brought something up.

10 The testimony of her is that after they
11 were already in the situation of a hold-up, they
12 didn't want to -- to have people to come in at
13 the last minute.

14 And so she, in order to keep them out, did
15 what she did. And I agree with you, that is
16 still dangerous; in fact, probably more
17 dangerous. Why? Because, as you saw, she was
18 out of the cameras. The cameras she has
19 installed for the purpose of not -- of avoiding
20 the problems there.

21 But, again, we don't have technical people.
22 We have business people that are trying to -- to
23 do the work of being within the parameters of the
24 law and at the same time protect themselves.

25 So, again I repeat, okay, this is the time

1 we should not go to an appeal.

2 DEPUTY CITY CLERK: Okay, motion was made
3 and seconded.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Yes.

6 DEPUTY CITY CLERK: Commissioner Rivas?

7 COMMISSIONER RIVAS: Yes.

8 DEPUTY CITY CLERK: Commissioner Valdivia?

9 COMMISSIONER VALDIVIA: Yes.

10 DEPUTY CITY CLERK: Commissioner
11 Martinetti?

12 COMMISSIONER MARTINETTI: Yes.

13 DEPUTY CITY CLERK: Mayor Stack?

14 MAYOR STACK: Yes.

15 DEPUTY CITY CLERK: Okay, we're adjourned.

16 Thank you.

17

18 (Whereupon, the proceedings were concluded
19 at 9:17 p.m.)

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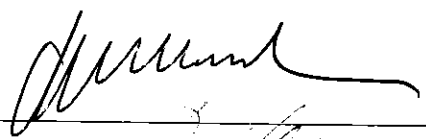
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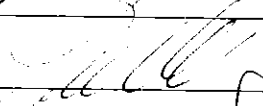
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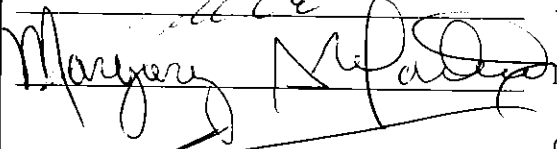
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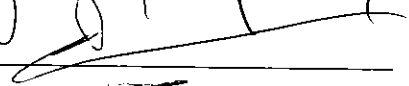
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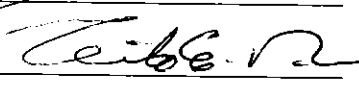
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Brian P. Stack


Lucio P. Fernandez


Maryury A. Martinetti


Celin J. Valdivia


Tilo E. Rivas

Board of Commissioners

Attest:

Dominick Cantatore,

Acting City Clerk

Attest:

Erin Knoedler,

Deputy 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 REGULAR
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 heard on Tuesday, March 21, 2017 and digitally
10 recorded.

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Karen A. Marino
Karen A. Marino

AOC 493

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25 Monitored and Proofread by: Deborah Dillon