

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

REGULAR MEETING

TRANSCRIPT OF
PROCEEDINGS

COLIN POWELL ELEMENTARY SCHOOL
1500 New York Avenue
Union City, New Jersey

Tuesday, June 16, 2026
Commencing at 5:00 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
BRIAN P. STACK, MAYOR

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

WENDY A. GRULLON, COMMISSIONER

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

SCARINCI HOLLENBECK
BY: SAMANTHA BLAKE, ESQ.
Corporation Counsel

RAMON GONZALEZ, ESQ.
Attorney for the Union City
Alcohol Beverage Control Commission

HILDA ROSARIO, City Clerk

SUSAN BISCHOFF CCR CO.
201-390-0583 SBischoffccr@yahoo.com

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

CHRISTOPHER CAMPOS, ESQ.
Attorney for El Chapin Corp.

EIKE PANEQUE, ESQ.
Attorney for Mil Amores, Inc.

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1 MS. ROSARIO: Can we please stand for the
2 Pledge of Allegiance.

3
4 (Whereupon, the Pledge of Allegiance was
5 recited.)

6
7 MS. ROSARIO: This is a regular public
8 meeting of the Union City Board of Commissioners
9 being held on Tuesday, June 16, 2026, at 5:00 p.m.
10 at the Colin Powell Elementary School, 1500 New
11 York Avenue in Union City.

12 This meeting has been called in
13 accordance with the Open Public Meetings Act.
14 Adequate notice was forwarded to The Bergen Record
15 and The Star Ledger, has been posted on the
16 bulletin board in the City Hall, and has been made
17 available to the public in the office of the
18 Municipal Clerk.

19
20 **ROLL CALL:**

21
22 MS. ROSARIO: Commissioner Fernandez.

23 COMMISSIONER FERNANDEZ: Here.

24 MS. ROSARIO: Commissioner Valdivia.

25 COMMISSIONER VALDIVIA: Here.

1 MS. ROSARIO: Commissioner Martinetti.

2 COMMISSIONER MARTINETTI: Here.

3 MS. ROSARIO: Mayor Stack.

4 MAYOR STACK: Here.

5 MS. ROSARIO: Commissioner Grullon will
6 not be attending this meeting today.

7 MAYOR STACK: Let's do this, we're going
8 to approve the previous minutes, we're going to do
9 the ordinance for introduction, go down the list,
10 then we'll go to the presentations.

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

14 **APPROVAL OF PREVIOUS MEETING MINUTES: June 1,**
15 **2026)**

16
17 MS. ROSARIO: Okay. So the first item
18 on the agenda is approving the previous meeting
19 minutes for the June 1, 2026, Board of
20 Commissioners meeting. May I have a motion to
21 approve?

22 MAYOR STACK: I'll move it.

23 COMMISSIONER MARTINETTI: Second.

24 MS. ROSARIO: Motion made by Mayor Stack,
25 second, Commissioner Martinetti.

1 Commissioner Fernandez.

2 COMMISSIONER FERNANDEZ: Yes.

3 MS. ROSARIO: Commissioner Valdivia.

4 COMMISSIONER VALDIVIA: Yes.

5 MS. ROSARIO: Commissioner Martinetti.

6 COMMISSIONER MARTINETTI: Yes.

7 MS. ROSARIO: Mayor Stack.

8 MAYOR STACK: Yes.

9

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

12 **ORDINANCE FOR INTRODUCTION:**

13 **1. AN ORDINANCE AMENDING CHAPTER 16**
14 **ENTITLED "VEHICLES AND TRAFFIC" TO AUTHORIZE THE**
15 **TOWING OF COMMERCIAL VEHICLES PARKED ON THE STREET**
16 **IN VIOLATION OF §16-3.11 OF THE UNION CITY**
17 **MUNICIPAL CODE.)**

18

19 MS. ROSARIO: We have one ordinance for
20 introduction. Adoption on first reading authorizes
21 the Municipal Clerk to advertise the ordinance with
22 a notice of the introduction, together with a
23 notice of the time and place when the ordinance
24 will be considered for the final passage. The
25 ordinance will be further considered at a meeting

1 of the Board of Commissioners to be held on
2 Tuesday, June 30, 2026, at the Union City municipal
3 court at 3715 Palisade Avenue at 8:00 a.m.

4 The first ordinance is an ordinance
5 amending Chapter 16 entitled "vehicles and traffic"
6 to authorize the towing of commercial vehicles
7 parked on the street in violation of §16-3.11 of
8 the Union City Municipal code.

9 May I have a motion to introduce?

10 MAYOR STACK: Motion.

11 MS. ROSARIO: Motion made by Mayor Stack.

12 COMMISSIONER VALDIVIA: Second.

13 MS. ROSARIO: Second, Commissioner
14 Valdivia.

15 Commissioner Fernandez.

16 COMMISSIONER FERNANDEZ: Yes.

17 MS. ROSARIO: Commissioner Valdivia.

18 COMMISSIONER VALDIVIA: Yes.

19 MS. ROSARIO: Commissioner Martinetti.

20 COMMISSIONER MARTINETTI: Yes.

21 MS. ROSARIO: Mayor Stack.

22 MAYOR STACK: Yes.

23
24 (Whereupon, the Board discussed and took
25 action on the following item:

ORDINANCE FOR INTRODUCTION:

**2. AN ORDINANCE AMENDING CHAPTER 58
ENTITLED "ALCOHOLIC BEVERAGES" TO ESTABLISH
REQUIREMENTS FOR BRING YOUR OWN BEVERAGE ("BYOB")
ESTABLISHMENTS WITHIN THE CITY OF UNION CITY.)**

MS. ROSARIO: The second ordinance is an ordinance amending Chapter 58 entitled "alcoholic beverages" to establish requirements for bring your own beverage ("BYOB") establishments within the City of Union City.

May I have a motion to introduce?

MAYOR STACK: Motion.

COMMISSIONER MARTINETTI: Second.

MS. ROSARIO: Motion made by Mayor Stack, second by Commissioner Martinetti.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Yes.

MS. ROSARIO: Commissioner Valdivia.

COMMISSIONER VALDIVIA: Yes.

MS. ROSARIO: Commissioner Martinetti.

COMMISSIONER MARTINETTI: Yes.

MS. ROSARIO: Mayor Stack.

MAYOR STACK: Yes.

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

CONSENT AGENDA:

(1) resolution approving the payment of claims

(2) resolution approving the payment of concurring claims

(3) Resolution Approving the Escrow Refunds

(4) Resolution Approving the City Payroll

05/22/2026-06/05/2026

(5) Resolution Approving the Library Payroll

05/22/2026-06/05/2026

(6) Resolution Authorizing the Refund of Duplicate Payments For Block 155, Lot 18

(7) Resolution Authorizing the Refund of Premium Monies Collected At the Tax Sale

(8) Resolution Authorizing Refund of Redemption Monies to Outside Lienholders

(9) Resolution Approving an Establishing of a New Petty Cash Fund

(10) Resolution Amending Contract With Chasan, Lamparello Mallon & Capuzzo, PC For Special Tax Appeal Counsel Services For 2026

(11) Resolution Amending Resolution Designating Palisade Avenue From 6th Street to 7th Street As "Ed Waleck Way"

1 (12) Resolution Designating 44th Street From
2 Bergenline Avenue to New York Avenue As "Jorge L.
3 Piney Way"

4 (13) Resolution Designating 39th Street From
5 Palisade Avenue to New York Avenue As "Hermandad
6 Del Senor De Los Milagros Way"

7 (14) Resolution Designating 49th Street Between
8 Hudson Avenue and Palisade Avenue As Jose Alberto
9 Justiniano Way "El Canario"

10 (15) Resolution Designating Summit Avenue Between
11 28th Street and 30th Street As "Stanley "Sandy"
12 Sanger Way"

13 (16) Resolution Amending Contract With William J.
14 Guarini, Inc., For City Hall Boiler Improvements
15 Project

16 (17) Resolution Amending Contract With Windsor
17 Mechanical, LLC For Plumbing Repairs As Union City
18 Hall

19 (18) Resolution Authorizing Execution and
20 Recording of a Declaration of Encumbrance

21 (19) Resolution Rescinding Resolution #12/6-15
22 Designating Palisade Avenue From 33rd Street to
23 34th Street As "Nick Galis Way"

24 (20) Resolution Reappointing Ydalia Genao to the
25 Union City Planning Board 2026-2030

- 1 (21) Resolution Reappointing Kennedy Ng As Member
- 2 of the Union City Board of Education 2026-2029
- 3 (22) Resolution Reappointing Alejandro Velazquez
- 4 As Member of the Union City Board of Education
- 5 (23) Resolution Authorizing Contract With KeyTech
- 6 Laboratories For Core Sampling and Testing
- 7 Services For the NJDOT 2025 - Hudson Avenue
- 8 Roadway Improvements Project
- 9 (24) Resolution Authorizing Contract With KeyTech
- 10 Laboratories For Core Sampling and Testing
- 11 Services For the NJDOT 2026 - 23rd Street and 24th
- 12 Street Improvements Project
- 13 (25) Resolution Amending Contract With RSC
- 14 Architects For Architectural Services For the 39th
- 15 Street Garage Repairs Project 2026
- 16 (26) Resolution to Authorize Bidding For the Peru
- 17 Park Improvements Project (Phase 2)
- 18 (27) Resolution Recognizing Commemorative Streets
- 19 and Roadway Dedications Throughout the City of
- 20 Union City (2020-2026)
- 21 (28) Resolution to Authorize Bidding For the
- 22 NJDOT 34th Street & 35th Street Improvements
- 23 Project
- 24 (29) Resolution to Authorize Bidding For the
- 25 NJDOT West Street Traffic Signal Improvements

1 Project

2 (30) Resolution to Authorize Bidding For the
3 NJDOT West Street Improvements Project

4 (31) Resolution Authorizing Contract With the Law
5 Offices of Wilfredo Ortiz For Tenant Advocacy
6 Attorney Services For 2026

7 (32) Resolution Authorizing Salvage of Various
8 Junk Vehicles (2026)

9 (33) Resolution Approving the PY 2026 Budget For
10 the Community Development Block Grant Program

11 (34) Resolution Authorizing Grant Application For
12 the NJDOT Safe Streets to Transit Program.)

13

14 MS. ROSARIO: There are 34 items on the
15 consent agenda. Mayor and Commissioners, would you
16 like to review, if there's any --

17 MAYOR STACK: Commissioners, please
18 review the consent agenda. If there's no questions
19 or any comments on the consent agenda? Anyone
20 wishing to comment on the consent agenda, please
21 step forward, state your name and address for the
22 record. Anyone wishing to comment on the consent
23 agenda, please step forward, state your name and
24 address for the record.

25 Seeing no one wishing to comment on the

1 consent agenda, I'll close the public comment
2 period.

3 COMMISSIONER VALDIVIA: Second.

4 MS. ROSARIO: Motion made by Mayor Stack,
5 second by Commissioner Valdivia.

6 Commissioner Fernandez.

7 COMMISSIONER FERNANDEZ: Yes.

8 MS. ROSARIO: Commissioner Valdivia.

9 COMMISSIONER VALDIVIA: Yes.

10 MS. ROSARIO: Commissioner Martinetti.

11 COMMISSIONER MARTINETTI: Yes.

12 MS. ROSARIO: Mayor Stack.

13 MAYOR STACK: Yes.

14 MS. ROSARIO: I would like to address on
15 resolution approving the payment of claims, Mayor,
16 you recuse to Chasan, Lamparello, Mallon and
17 Capuzzo, and on item 10 as well. Thank you.

18 May I have a motion to approve?

19 MAYOR STACK: Motion.

20 MS. ROSARIO: Mayor Stack. Second?

21 COMMISSIONER VALDIVIA: Second.

22 MS. ROSARIO: Commissioner Valdivia.

23 Commissioner Fernandez.

24 COMMISSIONER FERNANDEZ: Before we do, so
25 we are honoring Mr. Stanley Sanger, a longtime

1 educator from Union City. The Mayor is naming a
2 street after him, he's someone who worked in Union
3 City for a very long time as a teacher,
4 superintendent of schools, and a director of our
5 housing authority. A person that is a lifelong
6 resident of Union City and we're proud to honor
7 him. On behalf of the Mayor and the Commissioners,
8 congratulations, Mr. Sanger.

9 We're also honoring Alberto Canario, a
10 famous singer and salsa singer, also naming a
11 street for him. He represents the Hispanic
12 community with great pride, and we're honoring him.

13 With that said, I'm abstaining from
14 number 21 and 22, pertains to board of ed, also
15 number 33, redevelopment block grant. Otherwise,
16 yes.

17 MS. ROSARIO: Okay.

18 COMMISSIONER VALDIVIA: I'd also like to
19 say something about Sandy Sanger. As someone who
20 grew up in Union City, born here, I remember
21 hearing his name because he was a star, basketball
22 star for Emerson High School, though I went to
23 Union Hill, you know, his name was very well known.
24 But I became friends with him in 1982 when he was a
25 teacher. And he was made principal at Robert

1 Waters School, he was there for many, many, many
2 years. Later on, he became assistant
3 superintendent and a good superintendent, I
4 consider him a true friend.

5 MS. ROSARIO: Thank you.

6 MAYOR STACK: I agree. I don't think
7 there's many people that have contributed more to
8 our community than Sandy Sanger, both in his role
9 as a teacher, a principal, an assistant
10 superintendent, superintendent of schools, later on
11 as the housing authority director. No finer
12 gentleman, no more pro -- person that could be more
13 pro Union City for the community than Stanley
14 Sanger. So it is an honor and I welcome everyone
15 to come to that street naming.

16 MS. ROSARIO: So I'll do the roll call
17 now.

18 Commissioner Fernandez.

19 COMMISSIONER FERNANDEZ: Yes, with the
20 recusals.

21 MS. ROSARIO: Commissioner Valdivia.

22 COMMISSIONER VALDIVIA: Yes.

23 MS. ROSARIO: Commissioner Martinetti.

24 COMMISSIONER MARTINETTI: Yes.

25 MS. ROSARIO: Mayor Stack.

1 MAYOR STACK: Yes.

2
3 (Whereupon, the Board discussed and took
4 action on the following item:

5 **REGULAR AGENDA:**

6 1. Resolution for the payment of claims
7 to the Union City Board of Education.)

8
9 MS. ROSARIO. We have one item on the
10 regular agenda, resolution for the payment of
11 claims to the Union City Board of Education.

12 MS. BLAKE: Commissioner Fernandez is
13 recusing. Commissioner Martinetti is going to vote
14 pursuant to the doctrine of necessity.

15 MS. ROSARIO: May I have a motion?

16 COMMISSIONER VALDIVIA: Motion.

17 MS. ROSARIO: Motion made by Commissioner
18 Valdivia.

19 COMMISSIONER MARTINETTI: Second.

20 MS. ROSARIO: Second by Commissioner
21 Martinetti.

22 Commissioner Valdivia.

23 COMMISSIONER VALDIVIA: Yes.

24 MS. ROSARIO: Commissioner Martinetti.

25 COMMISSIONER MARTINETTI: Yes.

1 MS. ROSARIO: Mayor Stack.

2 MAYOR STACK: Yes.

3

4 (Whereupon, the Board discussed and took
5 action on the following item:

6 **ORDINANCE FOR HEARING AND ADOPTION CONSIDERATION:**

7 **1. ORDINANCE ACCEPTING THE DEED OF**
8 **DEDICATION FROM HUDSON YARDS WEST, LLC TO THE CITY**
9 **OF UNION CITY.)**

10

11 MS. ROSARIO: The next item is ordinance
12 for hearing and adoption consideration. It's an
13 ordinance accepting the deed of dedication from
14 Hudson Yards West, LLC, to the City of Union City.

15 Mayor, at this time, would you like to
16 take public comment on this ordinance?

17 MAYOR STACK: Yes. Anyone wishing to
18 comment on this ordinance at this time, please step
19 forward, state your name and address for the
20 record. Seeing no one wishing to comment on the
21 ordinance at this time, please close the public
22 comment.

23 MS. ROSARIO: Motion made by Mayor Stack.

24 COMMISSIONER VALDIVIA: Second.

25 MS. ROSARIO: Second by Commissioner

1 Valdivia.

2 Commissioner Fernandez.

3 COMMISSIONER FERNANDEZ: Yes.

4 MS. ROSARIO: Commissioner Valdivia.

5 COMMISSIONER VALDIVIA: Yes.

6 MS. ROSARIO: Commissioner Martinetti.

7 COMMISSIONER MARTINETTI: Yes.

8 MS. ROSARIO: Mayor Stack.

9 MAYOR STACK: Yes.

10 MS. ROSARIO: May I have a motion to

11 adopt?

12 MAYOR STACK: Motion.

13 MS. ROSARIO: Made by Mayor Stack.

14 Second?

15 COMMISSIONER VALDIVIA: Second.

16 MS. ROSARIO: Commissioner Valdivia.

17 Commissioner Fernandez.

18 COMMISSIONER FERNANDEZ: Yes.

19 MS. ROSARIO: Commissioner Valdivia.

20 COMMISSIONER VALDIVIA: Yes.

21 MS. ROSARIO: Commissioner Martinetti.

22 COMMISSIONER MARTINETTI: Yes.

23 MS. ROSARIO: Mayor Stack.

24 MAYOR STACK: Yes.

25

OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD:

MS. ROSARIO: Mayor, at this time, would you like to take public comment on any portion --

MAYOR STACK: Anyone wishing to comment at this time on any matter concerning municipal government in the City of Union City, please step forward. I'm proud of the fact that the Commissioners and myself have moved 100 percent of our meetings around the community. We hold them at mostly in the evening hours at various time to make it more accessible to the public. In addition to hundreds of police community meetings every year, global constituent days that we hold. But in this body, the Board of Commissioners meetings, moving them throughout the entire community, in all sections of the community. Anyone.

Wishing to comment in any matter concerning municipal government in the City of Union City, please step forward, state your name and address for the record. Seeing none, motion to close.

MS. ROSARIO: Motion made by Mayor Stack.

COMMISSIONER FERNANDEZ: Second.

MS. ROSARIO: Second, Commissioner

1 Fernandez.

2 Commissioner Fernandez.

3 COMMISSIONER FERNANDEZ: Yes.

4 MS. ROSARIO: Commissioner Valdivia.

5 COMMISSIONER VALDIVIA: Yes.

6 MS. ROSARIO: Commissioner Martinetti.

7 COMMISSIONER MARTINETTI: Yes.

8 MS. ROSARIO: Mayor Stack.

9 MAYOR STACK: Yes.

10

11 **PRESENTATIONS OF CITATIONS:**

12

13 MAYOR STACK: Now, we'll come over to the
14 presentation and citations.

15 MS. ROSARIO: Now we're going to be doing
16 the presentations of citations. The first one,
17 Commissioner Fernandez will be honoring Naida
18 Makar.

19

20 (Presentation to Naida Makar.)

21

22 (Presentation honoring the 2026 Mayor Cup
23 Champions:

24 1. Sara M. Gilmore Academy - Wildcats
25 girls basketball

1 2. Thomas A. Edison Elementary
2 School - Rams boys basketball

3 3. Union Hill Middle School - Lady
4 Hilliers girls basketball.

5 4. Emerson Middle School - Bulldogs boys
6 basketball.)

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LIQUOR LICENSE HEARINGS:

1. Jay Chehar Maa, LLC
T/a Crown Liquors
428 32nd Street
0910-44-037-007

2. Maria Mentiras Bar & Grill, LLC
T/a Maria Mentiras Bar & Grill
328 32nd Street
0910-33-030-015

3. **New permit application (filed with State ABC)
Premise expansion permit - annual 2026-2027
Licensing period)**
Maria Mentiras Bar & Grill Restaurant, Inc.
T/a Maria Mentiras Bar & Grill
328 32nd Street

4. **Transfer application
Person-to-person and place-to-place**
0910-33-080-009
Mil Amores Inc.
T/a El Paso 2
4709-11 Bergenline Avenue

El Chapin Corp.
T/a EL Cuscatleco
2118 Bergenline Avenue
0910-33-075-010
(Christopher Campos, Esq.)

1 1. Jay Chehar Maa, LLC
2 T/a Crown Liquors
3 428 32nd Street
4 0910-44-037-007

5 MAYOR STACK: This portion of the
6 meeting is the liquor hearings. Anybody that's
7 here for liquor hearings, anyone else, you could
8 go to the other room or you could stay for the
9 hearings.

10 MS. ROSARIO: Mr. Gonzalez, you ready?

11 MR. GONZALEZ: For the record, Ramon
12 Gonzalez, G-O-N-Z-A-L-E-Z.

13 MAYOR STACK: Ray, please keep your voice
14 up.

15 MR. GONZALEZ: Yes. Ramon Gonzalez on
16 behalf of the Union City ABC board. Today, we have
17 several matters. The first matter that we have is
18 Crown Liquors, located at 428 32nd Street. The
19 owner is here. Could you come up, sir, please give
20 your name for the record.

21 MR. PATEL: Kumar Patel.

22 K U M A R P A T E L, after having been duly
23 sworn or affirmed, did testify as follows:

24
25 MR. GONZALEZ: We're here today because

1 there was an issue where there was an owner and
2 employee that has the bar card, but were not
3 wearing it. This is their first violation, they
4 haven't had any violations. They also had failure
5 to maintain books, but it was only 23 days into the
6 first month of January, so that sort of excusable
7 under the circumstances, they would never have it.

8 Based on his record in the past of not
9 having any violations, showing that he, in fact,
10 did have the cards with him for the employees. He
11 now understands they have to be worn, he's
12 presented the books up to date now. It would be my
13 recommendation that this matter be dismissed with a
14 warning. In other words, if it comes back, it's
15 not treated as a first offense, it's treated as a
16 second offense. That would be my recommendation.

17 MAYOR STACK: Sure, okay. Is the
18 gentleman represented by counsel, Mr. Gonzalez.

19 MR. GONZALEZ: Do you want to adjourn
20 this, do you want to get a lawyer?

21 MR. PATEL: No.

22 MAYOR STACK: Okay. And what was the
23 address on this one?

24 MR. PATEL: 428 32nd Street, Crown
25 Liquor.

1 MAYOR STACK: Okay. Any Commissioners
2 have any questions? On Mr. Gonzalez's
3 recommendation, I'll move it.

4 MS. ROSARIO: Motion by Mayor Stack.
5 Second?

6 COMMISSIONER FERNANDEZ: Second.

7 MS. ROSARIO: Second by Commissioner
8 Fernandez.

9 Commissioner Fernandez.

10 COMMISSIONER FERNANDEZ: Yes.

11 MS. ROSARIO: Commissioner Valdivia.

12 COMMISSIONER VALDIVIA: Yes.

13 MS. ROSARIO: Commissioner Martinetti.

14 COMMISSIONER MARTINETTI: Yes.

15 MS. ROSARIO: Mayor Stack.

16 MAYOR STACK: Yes.

17 MR. GONZALEZ: Thank you, okay.

18 * * * *

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1 2. Maria Mentiras Bar & Grill, LLC
2 T/a Maria Mentiras Bar & Grill
3 328 32nd Street
4 0910-33-030-015

5 MR. GONZALEZ: The next matter, Maria
6 Mentiras Bar and Grill, 328 32nd Street. I think
7 we need the interpreter.

8
9 J O S E G O N Z A L E Z, an interpreter of the
10 SPANISH language, after having been duly sworn,
11 did interpret the following testimony:

12
13 MR. GONZALEZ: Please state your name for
14 the record.

15 MS. ZAPATA: Marta Zapata.

16 MR. GONZALEZ: What is your position at
17 the bar?

18 MS. ZAPATA: I'm the owner of the
19 restaurant.

20 MS. BLAKE: We can't hear you.

21
22 M A R T A Z A P A T A, after having been duly
23 sworn or affirmed, did testify as follows:

24
25 MR. GONZALEZ: Could you please state

1 your name for the record again louder?

2 MS. ZAPATA: Marta Zapata.

3 MR. GONZALEZ: And you're the owner; is
4 that correct?

5 MS. ZAPATA: Yes.

6 MR. GONZALEZ: And do you want to proceed
7 today or would you like to obtain an attorney to
8 represent you?

9 MS. ZAPATA: No, go ahead.

10 MR. GONZALEZ: Okay. We're present here
11 today because there's two violations. One
12 violation has to deal with paper, which is the book
13 entries from January 26th through February, there
14 was one portion that was missing. They presented
15 that to Detective Dunlay, that seems to be
16 satisfactory. We have two employees that had bar
17 cards, they presented them here, but they were not
18 wearing them.

19 As we did with the last case, I would
20 have moved to dismiss it, but it's not the first
21 violation they had. So this would be a normal ten
22 day suspension, I'm recommending only five days
23 since they did have bar cards, they were just not
24 wearing it. I did present that to them and they
25 advised me that if the Board accepts that, they

1 would be willing to accept those five days,
2 provided to me for the next hearing.

3 MAYOR STACK: That's the agreement that's
4 been made?

5 MR. GONZALEZ: That's the offer that was
6 made. They would accept it, but of course, it's
7 subject to whatever the Commissioners and the Mayor
8 would like.

9 MAYOR STACK: Has their position changed
10 today, are we accepting that?

11 MR. GONZALEZ: I would recommend it, that
12 would be my position. It usually would be ten
13 days, but since they actually had the cards, but
14 just weren't wearing them, I would recommend
15 five days under the circumstances.

16 MAYOR STACK: Okay. Any Commissioners
17 have any questions at this time? I'll make a
18 motion to approve.

19 MS. ROSARIO: Motion made by Mayor Stack.
20 Second?

21 COMMISSIONER FERNANDEZ: Second.

22 MS. ROSARIO: Second by Commissioner
23 Fernandez.

24 Commissioner Fernandez.

25 COMMISSIONER FERNANDEZ: Yes.

1 MS. ROSARIO: Commissioner Valdivia.

2 COMMISSIONER VALDIVIA: Yes.

3 MS. ROSARIO: Commissioner Martinetti.

4 COMMISSIONER MARTINETTI: Yes.

5 MS. ROSARIO: Mayor Stack.

6 MAYOR STACK: Yes.

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- 1
2 3. **New permit application (filed with State ABC)**
3 **Premise expansion permit - annual 2026-2027**
4 **Licensing period)**
5 Maria Mentiras Bar & Grill Restaurant, Inc.
6 T/a Maria Mentiras Bar & Grill
7 328 32nd Street

8
9 MR. GONZALEZ: Now, they are also here
10 for a permit application, which is required to be
11 done when they had Covid to allow them to use the
12 outside. They're allowed, since it's continuous
13 property to continue doing that, since it's not
14 somebody else's. Now, we've had that situation
15 with other applicants which we've denied because of
16 that reason.

17 They've actually been using this for
18 several years now and they're actually coming back
19 on a regular basis because that's what's required.
20 I know that this has been reviewed, I looked at the
21 map that they presented. I was pretty impressed
22 that they actually presented that to show that
23 they're not taking any parking spaces away, it's in
24 the same location. And I've had Detective Dunlay
25 actually do an inspection and there's a
recommendation by the police department. Could we
have you up here, Detective?

1 L T. D A V I D D U N L A Y, after having been
2 duly sworn or affirmed, did testify as follows:

3

4 MR. GONZALEZ: State your name for the
5 record.

6 LT. DUNLAY: David Dunlay.

7 MR. GONZALEZ: What is your position in
8 the Union City Police Department?

9 LT. DUNLAY: I am lieutenant and the ABC
10 enforcement supervisor.

11 MR. GONZALEZ: How long have you been the
12 ABC supervisor?

13 LT. DUNLAY: Going on 15 years.

14 MR. GONZALEZ: Did you have an
15 opportunity to look at the application for
16 expansion located at 328 32nd Street?

17 LT. DUNLAY: Yes, sir.

18 MR. GONZALEZ: And after you've made the
19 review of their application and their presentation
20 that they've given, is there a recommendation by
21 the Union City Police Department?

22 LT. DUNLAY: Yes, sir.

23 MR. GONZALEZ: And what is that?

24 LT. DUNLAY: It's approval with special
25 conditions.

1 MR. GONZALEZ: And what are those special
2 conditions?

3 LT. DUNLAY: That the environment cease
4 all operations before 10:00 every evening.

5 MR. GONZALEZ: Every outdoor operations?

6 LT. DUNLAY: Outdoor, correct.

7 MR. GONZALEZ: And, likewise, there would
8 be further condition; is that correct?

9 LT. DUNLAY: Yes.

10 MR. GONZALEZ: And what was that?

11 LT. DUNLAY: The music or -- actually, no
12 music or anything to be played on the outside of
13 the establishment.

14 MR. GONZALEZ: And if they complied with
15 that, it would be your recommendation that this be
16 approved; is that correct?

17 LT. DUNLAY: Yes, sir.

18 MR. GONZALEZ: Ma'am, did you understand
19 the conditions that the police department placed on
20 it?

21 MS. ZAPATA: Yes.

22 MR. GONZALEZ: And if it would be
23 approved, you would comply with that?

24 MS. ZAPATA: Yes, of course.

25 MR. GONZALEZ: I would, under the

1 circumstances, and the review that was done by the
2 Union City Police Department, I would make that
3 recommendation with those conditions.

4 MAYOR STACK: Great. I'll make the
5 motion to approve with the recommendations made by
6 Mr. Gonzalez.

7 MS. ROSARIO: Motion made by Mayor Stack.
8 Second?

9 COMMISSIONER VALDIVIA: Second.

10 MS. ROSARIO: By Commissioner Valdivia.
11 Commissioner Fernandez.

12 COMMISSIONER FERNANDEZ: Yes.

13 MS. ROSARIO: Commissioner Valdivia.

14 COMMISSIONER VALDIVIA: Yes.

15 MS. ROSARIO: Commissioner Martinetti.

16 COMMISSIONER MARTINETTI: Yes.

17 MS. ROSARIO: Mayor Stack.

18 MAYOR STACK: Yes.

19 MR. GONZALEZ: Thank you.

20 MS. ZAPATA: Thank you. Thank you so
21 much.

22 * * * *

23

24

25

1 4. **Transfer application**
2 **Person-to-person and place-to-place**

3 0910-33-080-009

4 Mil Amores Inc.

5 T/a El Paso 2

6 4709-11 Bergenline Avenue

7 MR. GONZALEZ: The next matter we have is
8 a return that was present during the last
9 application --

10 MAYOR STACK: Mr. Gonzales, you know what
11 I think would be good, if you just moved up a
12 little bit because the sun is in the eyes of the
13 people when they're testifying. Maybe we could
14 move it up, maybe to like here.

15 MR. GONZALEZ: The next matter we have is
16 number 4 on the agenda. It is El Paso and it's a
17 person-to-person and place-to-place, located the at
18 4709-11 Bergenline Avenue, they're represented by
19 Ms. Paneque who is here. Do they need the
20 interpreter?

21 Please state your name and place it on
22 the record.

23 MS. PANEQUE: Good evening, Eike Paneque
24 for the Mil Amores.

25 MR. GONZALEZ: Who do you have present?

 MS. TEPETITLA: Fatima Tepetitla.

 MR. TEPETITLA: Masso Tepetitla.

1 MR. GONZALEZ: That's all cumulative? If
2 you could just be sworn, please.

3
4 F A T I M A T E P E T I T L A, after having
5 been duly sworn or affirmed, did testify as
6 follows:

7
8 MR. GONZALEZ: Just so the Board's aware
9 of what's going on, they were present here at the
10 last meeting. They made an application for the
11 person-to-person, place-to-place and there was some
12 consideration that the Mayor and the Commissioners
13 had as to what activity was going to go on there
14 and if it was a restaurant or a bar and any
15 problems that they have.

16 I know Ms. Paneque has contacted me and
17 would like to present to the Board certain -- in
18 the application, the history of who would be
19 operating it and how they would be operating it. I
20 think that would be helpful for the record and then
21 we can go from that point on so.

22 MS. PANEQUE: Thank you. Just wanted to
23 let you know, I know the previous meeting, Mayor,
24 you had brought up concerns about their experience
25 and the possibility of maybe bringing in a manager.

1 What they've done is they brought in two managers.
2 I don't know if you received it, but I had a resume
3 for one person who has extensive experience in
4 restaurants and bars.

5 MAYOR STACK: They hired two managers?

6 MS. PANEQUE: Two different managers and
7 then --

8 MAYOR STACK: Two managers. What type of
9 experience, what have they managed?

10 MS. PANEQUE: Gaby, if you want to come
11 forward.

12

13 G A B Y C U C U, after having been duly sworn or
14 affirmed, did testify as follows:

15

16 MR. CUCU: So I work in the restaurant
17 business since I came in this country in 1995, all
18 the way through 2005, so that's 20 years. And then
19 on and off, I've been in the business. So I know
20 the business inside out.

21 MAYOR STACK: What is the business?

22 MR. CUCU: Responsible establishments. I
23 started with a restaurant on Madison Avenue and
24 62nd Street, it was called Melo. I was there for
25 about six years. Then I bounced back a few other

1 places in Manhattan, Park Avenue, reputable
2 locations. Second Avenue right by Pfizer, I was
3 there. Then I was at Spark Steakhouse on 42nd
4 between 1st and 2nd, the famous steakhouse, I'm
5 sure everybody knows it.

6 MR. GONZALEZ: If I could ask a question?
7 What is your knowledge of having a restaurant that
8 has a liquor license?

9 MR. CUCU: They all served alcohol.

10 MR. GONZALEZ: All the locations --

11 MR. CUCU: All locations served alcohol.
12 And we're all trained you could tell if somebody
13 is, you know, not in the right state to, you
14 know -- you stop serving them. Then you ask them
15 politely to, you know. And then pretty much, you
16 know, there's a limit. You kind of like know when
17 to cut them.

18 MR. GONZALEZ: Have you been contracted
19 or hired or proposed to be employed by the
20 applicant here at the restaurant?

21 MR. CUCU: Yes.

22 MR. GONZALEZ: Have you had a chance to
23 go see the location?

24 MR. CUCU: Yes.

25 MR. GONZALEZ: So you understand that the

1 surroundings of the location involves a lot of
2 residential homes. Across the street there's an
3 apartment building.

4 MR. CUCU: Yes.

5 MR. GONZALEZ: Behind it, there's
6 apartment buildings, parking lots.

7 MR. CUCU: Yes.

8 MR. GONZALEZ: And how do you plan on
9 making sure that we don't have a spill of
10 individuals that are drinking in the establishment
11 going outside, how would you take care of that?

12 MR. CUCU: So besides me, the whole team
13 is very responsible. When we come across -- let's
14 say, we come across a person that is at a state
15 where they cannot be served alcohol, we politely
16 tell them that we're not allowed to serve no more,
17 that's it. We present the check, please come back
18 the next day.

19 The our idea is to make the place
20 appealing to the locals. So not only in the new
21 buildings that are being developed, also to the
22 existing buildings, you know, to have reasonable
23 menu, good food at reasonable prices, and have a
24 lot of regulars there. When you have regulars,
25 it's easier to manage versus people that --

1 MR. GONZALEZ: If you had a percentage of
2 what was restaurant, what was alcohol, where would
3 you say your target would be? Is this a bar or is
4 this a restaurant?

5 MR. CUCU: It's a restaurant. It's a
6 restaurant with a bar. So when you have certain
7 meals, you know, certain meal would go well with a
8 glass of wine or a glass of beer. That's all.

9 MAYOR STACK: There will be no bar?

10 MR. CUCU: It's not that type of place.

11 MAYOR STACK: There will be no bar set
12 up?

13 MS. PANEQUE: I believe there will be a
14 bar set up.

15 MR. CUCU: In front of the bar.

16 MAYOR STACK: So there will still be a
17 bar there?

18 MR. CUCU: There is a bar there.

19 MAYOR STACK: That's what I'm asking.
20 You're saying it's a restaurant, it's going to
21 still remain with a bar?

22 MR. CUCU: It's a restaurant that has a
23 bar. Like most of the restaurants, they have a bar
24 section.

25 MAYOR STACK: Most of the restaurants I

1 know don't have that, but that's why I'm asking.
2 So I understand what's there right now. How many
3 seats are at that bar?

4 MR. CUCU: So bar seats, we can put six
5 chairs.

6 MAYOR STACK: How many?

7 MR. CUCU: Six.

8 MAYOR STACK: Six. And how many can you
9 fit there? How many seats can you fit at the bar?

10 MR. GONZALEZ: He said six.

11 MAYOR STACK: That's the max amount you
12 could sit at that bar?

13 MR. CUCU: Between six and eight.

14 MAYOR STACK: How many?

15 MR. CUCU: Six to eight.

16 MR. GONZALEZ: And how many tables would
17 you have in the restaurant?

18 MS. PANEQUE: So 15 tables of two.

19 MR. GONZALEZ: Fifteen tables.

20 MS. PANEQUE: But you can move them
21 together and get groups.

22 MR. CUCU: Fifteen to 20 tables.

23 MR. GONZALEZ: And let me ask you if it's
24 a restaurant, there's no need to be open past
25 midnight, isn't that fair to say? It closes at

1 midnight?

2 MS. PANEQUE: It does close at midnight.

3 MR. GONZALEZ: That's one of the
4 conditions that we have.

5 MR. CUCU: Yeah.

6 MS. PANEQUE: If you see the menu, it's
7 an extensive menu, it's not just bar food.

8 MAYOR STACK: With all due respect, you
9 know what concerns me and this is what I worry
10 about, the management of the facility. You come
11 here today, you're asking for permission to do
12 this, right. We don't have a definitive number on
13 the bar, we don't have a definitive number on the
14 number of tables and chairs within the
15 establishment.

16 With all due respect, Counselor, that's
17 something that's like 101, you got to know that
18 coming in. That concerns me in itself.

19 MS. PANEQUE: I understand. I think
20 they're just looking from the perspective of --

21 MAYOR STACK: I understand, but he's
22 going to be manager, that's what you're
23 representing to me. I think there would be a study
24 and a presentation done, at least the preparation
25 before you come here tonight. Is it 15 tables, is

1 it 20 tables, is it 17, is it 25 tables? Is it ten
2 people at the bar? Those are all concerns.

3 I understand you have a client to
4 represent, your interest is moving that license
5 there, right? Our interest is that the people who
6 live in that office and call my office and call
7 Union City police. The police department is
8 answering 150,000 calls for service now, right. We
9 have to be concerned with that because it's densely
10 populated, like the rest of the City. We want to
11 make sure, we're approving a liquor license, which
12 is a privilege, that that license is not going to
13 be abused. Because once they get the license, it's
14 very, very difficult for us to handle and manage it
15 from there.

16 That's the concern we have. There's
17 people who live upstairs. Mr. Gonzalez did a job
18 pointing out what's behind there, a parking lot,
19 which we have issues with with the prior place that
20 was there. And that's our concern.

21 There's other liquor establishments right
22 in that area. We have problems there, when I tell
23 people another liquor license is coming back, I
24 have to make 100 percent sure we're not going to
25 have an issue. That's my job as the Mayor, it's

1 the job of the Board of Commissioners and the
2 police department.

3 MR. CUCU: True.

4 COMMISSIONER FERNANDEZ: We have a house
5 of worship right around the corner with a daycare.
6 If you ask how many chairs and tables at Dunkin'
7 Donuts on 32nd Street, I've been there twice, I can
8 tell you how many. And you're going to manage the
9 place and you don't have the numbers, how many
10 chairs, how many people at the bar. How many --
11 you have to come in with that information.

12 Like the Mayor said, it's taking us a
13 long time to clean up that area and to go
14 backwards, I don't know. I hold the Mayor's
15 concern as well.

16 MR. CUCU: Totally understandable. I was
17 asking just to make sure the capacity, you know,
18 like, he's the owner at the end of the day.

19 MAYOR STACK: You have a contract signed
20 that you're going to be the manager?

21 MR. CUCU: Yeah -- no, no contract signed
22 yet, but I'll be taking care of the place.

23 MS. PANEQUE: It's contingent, obviously,
24 on them getting the transfer of the license.

25 MR. CUCU: It's an opportunity for me,

1 too.

2 MAYOR STACK: Do you live in the area?

3 MR. CUCU: I live relatively -- ten
4 minutes away.

5 MAYOR STACK: I'm sorry?

6 MR. CUCU: Like ten minutes away.

7 MS. PANEQUE: I think just to
8 interject --

9 MR. CUCU: Yeah, the confusion --

10 MS. PANEQUE: I think that -- I think
11 they didn't -- misunderstood your question. I
12 think they thought you were asking generally. They
13 right now have six seats there and they have 15
14 tables. I don't think they have any plans to add
15 more or add more tables. I think the space is big
16 enough, if they could, but I don't think they have
17 any plans to do so. And if it were necessary for
18 you to say we want to limit something, that would
19 be a consideration, if it makes it smoother in the
20 transfer.

21 MAYOR STACK: What's the total occupancy
22 of the establishment that's approved?

23 MS. PANEQUE: Unfortunately, I don't know
24 that.

25 MAYOR STACK: I'm asking your client

1 through you, what's the total occupancy that's
2 approved under the fire code? This is something
3 that's listed in the establishment. Mr. Gonzalez,
4 you see my concerns, right?

5 My other issue is that running two
6 establishments, ten blocks apart, it concerns me.
7 Especially when the other establishment has a
8 liquor license for a very, very short period of
9 time. That concerns me. That the focus is not on
10 one establishment. At least give it several years
11 before we go to a second establishment. And I
12 don't know, I mean if that was me, I would build my
13 business to make sure I'm focused on that one
14 first. Now, we're going to a second one and I
15 appreciate your business model that you want to go
16 to a second one, I do. I appreciate that and I
17 think it's wonderful. But having said that, we
18 have to be concerned about the neighborhood.
19 That's my concern. This is a different
20 establishment than what you own now. It's a
21 smaller establishment, what you own now. It used
22 to be a pizzeria years ago, you took it over. I
23 know it's a different type of an establishment.
24 You're going to a much larger establishment. Is
25 there one level or two levels in the establishment

1 that --

2 MR. CUCU: Two levels.

3 MAYOR STACK: Two levels.

4 MR. CUCU: The first level is mainly like
5 an entrance, you've been --

6 MR. GONZALEZ: I've never been there.

7 MR. CUCU: So the main restaurant is
8 upstairs.

9 MAYOR STACK: Right.

10 MS. PANEQUE: If you're not satisfied
11 with what --

12 MAYOR STACK: I'm sorry?

13 MS. PANEQUE: If the Board isn't
14 satisfied with our current model and what we have,
15 we would like to be able to come back --

16 MAYOR STACK: Maybe what might be a good
17 idea is to meet with Mr. Gonzalez and go over what
18 our concerns are a little bit deeper and then we'll
19 come back again.

20 MR. CUCU: Sounds like a good.

21 MAYOR STACK: That might be the best
22 thing to do. I think it's probably better that
23 way. The way it is right now, if I voted on it
24 tonight, it's up to the Commissioners, but I would
25 put a motion to deny. I think it's better you meet

1 with Mr. Gonzales and see -- I'm not sure we can
2 work this out, but let's see. You want me to
3 adjourn this?

4 MR. GONZALEZ: I think it's appropriate,
5 if they could adjourn it. And maybe if they can
6 come up with a plan that they could present and
7 maybe conditions that we could impose, we could
8 consider it. But I understand. I'll actually make
9 a site visit.

10 MAYOR STACK: Yeah. I have concerns
11 about the bar remaining in there, obviously I have
12 concerns about that. I have concerns about closing
13 times and stuff like that, I do. But then we'll
14 come back. If you can't work it out in two weeks
15 or four weeks, then call me. Whenever we have the
16 next meeting, we can do it in two.

17 MS. PANEQUE: Okay.

18 MR. GONZALEZ: Fair enough.

19 MAYOR STACK: Thank you. I'll make a
20 motion to adjourn this application.

21 COMMISSIONER FERNANDEZ: Second.

22 MS. ROSARIO: Motion made by Mayor Stack,
23 second by Commissioner Fernandez.

24 Commissioner Fernandez.

25 COMMISSIONER FERNANDEZ: Yes.

1 MS. ROSARIO: Commissioner Valdivia.

2 COMMISSIONER VALDIVIA: Yes.

3 MS. ROSARIO: Commissioner Martinetti.

4 COMMISSIONER MARTINETTI: Yes.

5 MS. ROSARIO: Mayor Stack.

6 MAYOR STACK: Yes.

7 Thank you very much, thank you, everyone.

8 Thank you for your testimony, sir. Thank you.

9 * * * *

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1 El Chapin Corp.
2 T/a El Cuscatleco
2118 Bergenline Avenue
0910-33-075-010
3 (Christopher Campos, Esq.)
4

5 MR. GONZALEZ: The last matter we have is
6 an actual trial. It's for El Chapin Corp. trading
7 as El Cuscatleco Bar and Restaurant, located at
8 2118 Bergenline Avenue. I have all my witnesses
9 and I think they're here. They're represented by
10 Mr. Campos.

11 MR. CAMPOS: Good evening, Members of the
12 Board, Christopher Campos on behalf of El Chapin.
13 Unfortunately, I was scheduled for a medical
14 procedure this evening, I had communicated that to
15 counsel. When I communicated to my client that I
16 would be here by 6:30, they thought they should be
17 by 6:30, they're about ten minutes away. I just
18 want to alert the Board that they're en route, but
19 it is my fault because I had a previously
20 scheduled --

21 MAYOR STACK: What time did we notify
22 them for?

23 MR. CAMPOS: 5:30, they did notify me for
24 5:30, I explained to the Board and to Ms. Horowitz
25 that I had a medical procedure that was prior to

1 this, I was supposed to get a shoulder done. It
2 didn't end up happening, I got it cancelled, I got
3 here on time, but my client didn't.

4 MAYOR STACK: Where are they?

5 MR. CAMPOS: They're on 45th and
6 Broadway, last text message I received. It wasn't
7 my client's fault, it was my fault.

8 MAYOR STACK: Okay. Mr. Gonzalez.

9 MR. GONZALEZ: I guess we could wait
10 about ten minutes. Procedurally, I guess I could
11 ask a couple questions. I've given everybody
12 copies of the exhibits to make it easier and I did
13 give it to Mr. Campos.

14 The first portion, which is page 1
15 through 16 are the charges that I'm presenting
16 before this Board for violations that occurred at
17 that location. I have a police officer who did the
18 investigation, she's present. I don't want to put
19 this off because I might lose her because she's
20 going on maternity leave. So I do not want to
21 adjourn this and I want to proceed with this
22 tonight.

23 MAYOR STACK: Without question, we're
24 proceeding tonight.

25 MR. GONZALEZ: So I believe that there's

1 no question, if it could be accepted by counsel
2 now, that I don't have to go through each one of
3 the complaints, this is the actual notice that's
4 required to be given. And I think if we
5 acknowledge that, that's one step that would have
6 taken at least ten minutes for me.

7 MR. CAMPOS: I can absolutely accept and
8 stipulate that I received it, I acknowledge it.
9 And there's no objection.

10 MR. GONZALEZ: So, if so stipulated, page
11 1 through 16 of the charges and violations that
12 I've presented for the Board, the rest I really
13 need the officer to testify. And I guess if we can
14 wait maybe ten minutes, I don't think it's going to
15 be too long considering that counsel accepted these
16 complaints as stipulated.

17

18 (Whereupon a short recess was taken.)

19

20 MR. GONZALEZ: Place your name on the
21 record for the licensee.

22 MR. CAMPOS: Good evening, Members of the
23 Board, Christopher Campos on behalf of El Chapin,
24 doing business as El Cuscatleco Bar and Restaurant.

25 MR. GONZALEZ: And just so I'm clear, is

1 there a representative from the --

2 MAYOR STACK: Mr. Campos, if you could
3 keep your voice up, I'd appreciate.

4 MR. GONZALEZ: Is there a representative
5 of the licensee here?

6 MR. CAMPOS: Yes, the owner of the
7 license is here.

8 MR. CHICAS: Present.

9 MR. GONZALEZ: If he could place his name
10 on the record.

11 MR. CHICAS: Jose Lionel Chicas.

12 MAYOR STACK: What is the gentleman's
13 role with the establishment?

14 MR. CAMPOS: He's the owner of the
15 license.

16 MR. GONZALEZ: Thank you. I'm going to
17 proceed further.

18 MR. CAMPOS: Before Mr. Gonzalez
19 proceeds, I just want to apologize to the Mayor
20 publicly because this is such an emotional
21 situation for my client, I was trying to explain
22 that it was my fault, not the client's fault. And
23 so I apologize for interrupting you and I was just
24 trying to let you know that the meeting originally
25 had been scheduled for a different time. I had

1 received different scheduled notices. When I
2 explained that I already had previously something
3 scheduled in Florham Park, that was the challenge.
4 But I was able to cancel it and get here on time.
5 That's all I was trying to get to the Mayor, that
6 it wasn't -- so I apologize.

7 MAYOR STACK: No issue whatsoever, I
8 appreciate that.

9 MR. GONZALEZ: All right. Just so we can
10 proceed forward, Mr. Campos, you've acknowledged
11 receipt of the notice of charges and the hearing
12 for today; is that correct?

13 MR. CAMPOS: Correct.

14 MR. GONZALEZ: All right. I'd like
15 everybody to turn to the pages that consist of
16 complaint and exhibit S-1. I would like to call
17 Lieutenant Dunlay at this time.

18

19 L T. D A V I D D U N L A Y, previously sworn:

20

21 MR. GONZALEZ: Lieutenant Dunlay, can you
22 just please state your name for the record and your
23 position that you hold in Union City?

24 LT. DUNLAY: Sure. David Dunlay,
25 D-U-N-L-A-Y, lieutenant in charge of ABC

1 enforcement.

2 MR. GONZALEZ: And how long have you been
3 in charge of ABC enforcement?

4 LT. DUNLAY: 15 years.

5 MR. GONZALEZ: Are you familiar with the
6 investigation that occurred at El Cuscatleco at
7 2118 Bergenline Avenue?

8 LT. DUNLAY: Yes, sir.

9 MR. GONZALEZ: I want to show you what's
10 been marked S-1 as an exhibit. Are you familiar
11 with this?

12 LT. DUNLAY: Yes.

13 MR. GONZALEZ: And what is it?

14 LT. DUNLAY: It's an incident report
15 authored by Detective Valladares-Nolasco.

16 MR. GONZALEZ: Is that as a result of
17 complaints that there were after hours use of the
18 premises?

19 LT. DUNLAY: Correct, it was --

20 MAYOR STACK: Lieutenant, if you could
21 keep your voice up, we appreciate it. There's an
22 air conditioner.

23 LT. DUNLAY: Yes, sir.

24 MR. GONZALEZ: Could you tell me what the
25 complaint was about?

1 LT. DUNLAY: So I received a citizen
2 complaint regarding possible after hours operations
3 occurring at El Cuscatleco. I had Detective
4 Valladares start an investigation into that matter,
5 specifically for that weekend, I believe it was
6 March 21st, I'm not a hundred -- I'm sorry, March
7 13th. It was March 12th, 13th and 14th was the
8 complaint.

9 MR. GONZALEZ: So you assigned her to do
10 the investigation into the complaints received?

11 LT. DUNLAY: Correct.

12 MR. GONZALEZ: And just so I'm clear,
13 what is the hour that the bar is supposed to be
14 closing?

15 LT. DUNLAY: Union City ordinance is 2
16 a.m.

17 MR. GONZALEZ: Okay. Based on that, you
18 had an investigation started by Detective
19 Valladares-Noiasco; is that correct?

20 LT. DUNLAY: Yes.

21 MR. GONZALEZ: My next witness will be
22 Detective Valladares-Noiasco.

23

24 D E Y B Y V A L L A D A R E S - N O L A S C O,
25 after having been duly sworn or affirmed, did

1 testify as follows:

2

3 MR. GONZALEZ: And, Detective Valladares,
4 can you please state your position in the Union
5 City Police Department?

6 DET. VALLADARES-NOLASCO: I am a
7 detective of the Union City Police Department.

8 MR. GONZALEZ: And how long have you been
9 employed by the Union City Police Department?

10 DET. VALLADARES-NOLASCO: For
11 approximately nine years.

12 MR. GONZALEZ: And as a result of your
13 employment, you received training to conduct police
14 investigation; is that correct?

15 DET. VALLADARES-NOLASCO: Yes, I have.

16 MR. GONZALEZ: And on this particular
17 day, involving 2118 Bergenline Avenue, did you
18 receive an order or command from Lieutenant Dunlay?

19 DET. VALLADARES-NOLASCO: Yes, I have.

20 MR. GONZALEZ: And what was that?

21 DET. VALLADARES-NOLASCO: To conduct an
22 investigation regarding the citizens' complaint of
23 this establishment.

24 MR. GONZALEZ: And what was the first
25 step that you took during this investigation?

1 DET. VALLADARES-NOLASCO: I reviewed CCTV
2 cameras.

3 MR. GONZALEZ: Okay. I just want to slow
4 you down a little bit, just repeat that? CCTV
5 cameras; is that right?

6 DET. VALLADARES-NOLASCO: Yes.

7 MR. GONZALEZ: And what is that, just so
8 everybody knows?

9 DET. VALLADARES-NOLASCO: Those are the
10 cameras that are placed by the City throughout the
11 streets of the City.

12 MR. GONZALEZ: Okay. And the purpose of
13 you doing that was to investigate what?

14 DET. VALLADARES-NOLASCO: To investigate
15 and see if the establishment was open beyond the
16 hours of operation.

17 MR. GONZALEZ: And during your
18 investigation, you conducted this for a period of
19 time that started March 2nd, is that correct --
20 March 12th, I'm sorry?

21 DET. VALLADARES-NOLASCO: Yes, that is
22 correct.

23 MR. GONZALEZ: And that continued through
24 I believe March 26th, thereabouts?

25 DET. VALLADARES-NOLASCO: Approximately,

1 yes.

2 MR. GONZALEZ: Okay. And when you
3 reviewed the CCTV, what did you see?

4 DET. VALLADARES-NOLASCO: I observed that
5 there was one CCTV camera with a view of the
6 entrance of the establishment. And I observed that
7 for the dates of the complaint, there was patrons
8 exiting the establishment past the hours of
9 operation.

10 MR. GONZALEZ: And you prepared a report
11 to that effect; is that right?

12 DET. VALLADARES-NOLASCO: Yes, I did.

13 MR. GONZALEZ: You didn't just continue
14 and make a complaint based on that, you did more
15 investigation; is that right?

16 DET. VALLADARES-NOLASCO: That is correct.

17 MR. GONZALEZ: Did you obtain the videos
18 of the liquor license establishment, El Cuscatleco?
19 Did you obtain the video images from the cameras
20 within the bar?

21 DET. VALLADARES-NOLASCO: Yes. After I
22 reviewed the CCTV cameras, I continued the
23 investigation by conducting -- obtaining video
24 footage from inside the establishment.

25 MR. GONZALEZ: Okay. I want to go to the

1 investigation period of March 12th through
2 March 13th. There's a document that's marked S-2,
3 is that authored by you?

4 DET. VALLADARES-NOLASCO: Yes.

5 MR. GONZALEZ: And that's your
6 signature -- not your signature, but your --

7 DET. VALLADARES-NOLASCO: Sign off, yes.

8 MR. GONZALEZ: Okay. And this was the
9 investigation report during what period?

10 DET. VALLADARES-NOLASCO: That is for the
11 date covering March 12th through the early morning
12 hours of March 13th.

13 MR. GONZALEZ: And as a result of your
14 reviewing that video, what did you find out?

15 DET. VALLADARES-NOLASCO: I found out
16 that there were several violations made on these
17 dates.

18 MR. GONZALEZ: Okay. Let's go to what
19 your report says. It states here that on camera 8,
20 at 11:36, you observed a female closing the
21 curtains; is that right?

22 DET. VALLADARES-NOLASCO: That is correct.

23 MR. GONZALEZ: And that would be a
24 violation because the curtains have to be opened or
25 closed?

1 DET. VALLADARES-NOLASCO: They have to be
2 open.

3 MR. GONZALEZ: Okay. And what else did
4 you find during that investigation, just for that
5 period of time?

6 DET. VALLADARES-NOLASCO: Between what
7 hours, I'm sorry?

8 MR. GONZALEZ: Whatever you reported,
9 tell me what you saw.

10 DET. VALLADARES-NOLASCO: So for camera
11 8, I reviewed video footage between the hours of
12 11 -- I have multiple viewings, I don't know if you
13 want me to just read it. I'm not sure how you want
14 me to read it.

15 MR. GONZALEZ: Well, let's go to
16 something -- at 12:39 on the 13th, which is
17 contained in the same exhibit.

18 DET. VALLADARES-NOLASCO: Okay.

19 MR. GONZALEZ: It says that you observed
20 Rosalinda Ventura seated with a male patron
21 consuming drinks; is that right?

22 DET. VALLADARES-NOLASCO: Yes.

23 MR. GONZALEZ: Is Rosalinda Ventura the
24 manager?

25 DET. VALLADARES-NOLASCO: Yes.

1 MR. GONZALEZ: And, obviously, you were
2 able to see her consuming alcohol; is that correct?

3 DET. VALLADARES-NOLASCO: That is correct.

4 MR. GONZALEZ: In addition to that, on
5 that date, you observed further incidents; is that
6 right?

7 DET. VALLADARES-NOLASCO: That is correct.

8 MR. GONZALEZ: Where Rosalinda Ventura is
9 seen drinking with other patrons; is that right?

10 DET. VALLADARES-NOLASCO: That is correct.

11 MR. GONZALEZ: She was drinking beer?

12 DET. VALLADARES-NOLASCO: She was
13 drinking -- I didn't know what type of alcohol it
14 was, but it was alcohol.

15 MR. GONZALEZ: And you also saw at 1:46,
16 Rosalinda open up a bottle of champagne for a group
17 and started drinking with that group; is that
18 right?

19 DET. VALLADARES-NOLASCO: That is correct.

20 MR. GONZALEZ: So now let's go to 2:00.

21 DET. VALLADARES-NOLASCO: Okay.

22 MR. GONZALEZ: At 2:00, were there still
23 patrons observed bring drinking alcohol?

24 DET. VALLADARES-NOLASCO: Yes, at 2:02 in
25 the morning.

1 MR. GONZALEZ: And at 2:06, what did you
2 see?

3 DET. VALLADARES-NOLASCO: Rosalinda
4 Ventura continued serving champagne and I observed
5 her actively drinking with the patrons.

6 MR. GONZALEZ: And at 2:19:59 in the
7 morning, what did you see?

8 DET. VALLADARES-NOLASCO: Patrons are
9 still served inside the establishment, actively
10 consuming alcohol.

11 MR. GONZALEZ: Let's go to the next page,
12 it's Exhibit 3. This is a continuation of your
13 report; is that correct?

14 DET. VALLADARES-NOLASCO: That is correct.

15 MR. GONZALEZ: And what did you see
16 between the hours of 2:05 and 2:31 in the morning?

17 DET. VALLADARES-NOLASCO: At 2:05, I
18 observed two patrons entering the establishment.
19 You said between 2:05 and what?

20 MR. GONZALEZ: From the beginning of your
21 report to the end of your report, what did you see?

22 DET. VALLADARES-NOLASCO: At 2:11, it was
23 two patrons exiting the establishment; at 2:12, one
24 patron reenters; 2:16, one patron exits; 2:17, one
25 exits; 2:21, one exits; 2:27:48, one female, one

1 male exit; 2:28:29, four patrons exit; and at
2 2:31:36, the establishment is finally closed.

3 MR. GONZALEZ: What time are patrons
4 supposed to be out of the bar?

5 DET. VALLADARES-NOLASCO: By 2 a.m.

6 MR. GONZALEZ: 2 a.m. Let's go to what's
7 been marked S-4. S-4 is another surveillance
8 footage that you watched and that was for the
9 period between March 13th and March 14th also; is
10 that right?

11 DET. VALLADARES-NOLASCO: That is correct.

12 MR. GONZALEZ: Okay. Where it says
13 camera 8, under 3/13/26, at 11:40 -- strike that --
14 11:42, you observed a female carrying a full bucket
15 of beer; is that correct?

16 DET. VALLADARES-NOLASCO: That is correct.

17 MR. GONZALEZ: And is that beyond what's
18 allowable in the town ordinance?

19 DET. VALLADARES-NOLASCO: She's allowed a
20 bucket of beer, to my understanding. I'm sorry, I
21 don't understand the question.

22 MR. GONZALEZ: No, no, maybe my question
23 was wrong, I'm sorry. Did you see the servers
24 wearing bar cards?

25 DET. VALLADARES-NOLASCO: I did not.

1 MR. GONZALEZ: You did not. At 1:40,
2 were patrons still being served alcohol?

3 DET. VALLADARES-NOLASCO: Yes, they were.

4 MR. GONZALEZ: Okay. And at 2:00, did
5 you see Rosalinda Ventura turning off the interior
6 lights while patrons remained inside?

7 DET. VALLADARES-NOLASCO: That is correct.

8 MR. GONZALEZ: You continued to watch the
9 video?

10 DET. VALLADARES-NOLASCO: Yes.

11 MR. GONZALEZ: What did you observe?

12 DET. VALLADARES-NOLASCO: At 2:09:31, a
13 group of patrons exit the establishment, along with
14 one of the unidentified females, Katherine
15 Hernandez, who is known to be an employee at that
16 location, she remained seated at a table consuming
17 a beer with a patron and receiving a massage.

18 MR. GONZALEZ: What?

19 DET. VALLADARES-NOLASCO: Receiving a
20 massage.

21 MR. GONZALEZ: Okay.

22 DET. VALLADARES-NOLASCO: At 2:11:50
23 hours, the male patron exits the establishment,
24 Katherine Hernandez, Female 1, who's unidentified,
25 and a male security guard are observed cleaning the

1 premises. At 2:19, Katherine Hernandez and Female
2 1, who's unidentified, exit the establishment.

3 At 2:22:35, Rosalinda Ventura and the
4 male security guard exit the establishment and lock
5 the door.

6 MR. GONZALEZ: Okay. So during your
7 investigation, during that period of time, you saw
8 multiple violations; is that correct?

9 DET. VALLADARES-NOLASCO: That is correct.

10 MR. GONZALEZ: Let's go to S-5, that was
11 for -- this is now for an incident occurring --
12 same day, March 14th.

13 DET. VALLADARES-NOLASCO: Yes.

14 MR. GONZALEZ: It's after 2:00 and you
15 still see patrons in the establishment leaving; is
16 that correct?

17 DET. VALLADARES-NOLASCO: That is correct.

18 MR. GONZALEZ: I want to go to the next
19 part, the investigation report that's dated
20 March 21st through March 22nd, S-6, that still
21 continued your investigation -- as a matter of
22 fact, all of these are your investigative reports;
23 is that right?

24 DET. VALLADARES-NOLASCO: That is correct.

25 MR. GONZALEZ: Okay. What did you see on

1 March 21st?

2 DET. VALLADARES-NOLASCO: Friday night,
3 closing date, you said March 21st?

4 MR. GONZALEZ: March 21st.

5 DET. VALLADARES-NOLASCO: Okay. At
6 1:58:31 hours, the manager, Rosalinda Ventura is
7 seen serving what appears to be vodka shots to
8 patrons. At 1:59, the manager is seen serving
9 patrons two beers. 2:01:45, the manager is seen
10 taking what appears to be a whiskey shot with a
11 patron. At 2:06, patrons are still seen drinking
12 inside of the establishment. 2:15, patrons and
13 employees are still seen inside the establishment.
14 2:18, one of the employees is seen locking the door
15 to the establishment.

16 MR. GONZALEZ: Let me just stop you
17 there. He locks the door, but there's still people
18 inside drinking?

19 DET. VALLADARES-NOLASCO: That is correct.

20 MR. GONZALEZ: And some of those people
21 were managers; is that correct?

22 DET. VALLADARES-NOLASCO: Well --

23 MR. GONZALEZ: Not managers, workers?

24 DET. VALLADARES-NOLASCO: Well, the door
25 hadn't been necessarily locked.

1 MR. GONZALEZ: Go ahead, I'm sorry.

2 DET. VALLADARES-NOLASCO: 2:18, one of
3 the employees is seen locking the door of the
4 establishment, that's when he locks. At 2:20, the
5 manager of the establishment is seen entering once
6 again. 2:27, a male is seen entering the
7 establishment. 2:31, the manager is seen locking
8 the door and leaving.

9 MR. GONZALEZ: Let me just slow you down
10 there. At 2:27:39 in the morning, a male is seen
11 entering the establishment?

12 DET. VALLADARES-NOLASCO: That is correct.

13 MR. GONZALEZ: Okay. Let's go to 3/22,
14 you what did you observe at that time?

15 DET. VALLADARES-NOLASCO: That is 1:50,
16 the bartender is still serving what appears to be
17 whiskey shots. 2:00, patrons are still seen
18 drinking inside of the establishment. 2:03:20, the
19 bartender is seen sitting on the other side of the
20 bar and drinking beer with the patrons. 2:10:24,
21 patrons are still seen inside of the establishment.
22 2:19, all patrons exit the establishment. 2:24,
23 the manager is seen locking the door to the
24 establishment.

25 MR. GONZALEZ: Okay. Let's go to the

1 next page. This is the investigation that you
2 conducted between the dates of March 23rd to
3 March 24th?

4 DET. VALLADARES-NOLASCO: That is correct.

5 MR. GONZALEZ: S-7, still your reports;
6 is that correct?

7 DET. VALLADARES-NOLASCO: Correct.

8 MR. GONZALEZ: What did you find during
9 that review of the cameras?

10 DET. VALLADARES-NOLASCO: From what time
11 to what time?

12 MR. GONZALEZ: I'm going to cut to the
13 chase, let's get to 1:51, where it says Rosalinda
14 Ventura, what did you see?

15 DET. VALLADARES-NOLASCO: At 1:51,
16 Rosalinda Ventura is observed seated at a table
17 with a drink. At 1:54:31, Katherine Hernandez is
18 observed serving a beer to a table. 1:54:59,
19 Katherine Hernandez is observed seated at a table
20 holding a drink. 1:58:54, Female 1 is observed
21 turning off interior lights while patrons continue
22 consuming alcoholic beverages. 2:03:48 hours, a
23 male patron exits the establishment, while
24 Rosalinda Ventura, Katherine Hernandez, Female 1,
25 who's unidentified, Female 2, who's unidentified,

1 and two male patrons remain seated consuming
2 drinks.

3 MR. GONZALEZ: After 2:00, am I correct?

4 DET. VALLADARES-NOLASCO: That is correct.

5 At 2:08:26, another male patron exits the
6 establishment, briefly returns approximately two
7 minutes later and takes a final sip of his drink
8 before leaving again. At 2:14:19, multiple
9 individuals are observed exiting the establishment
10 with Female 1 remaining inside. 2:16:20 Female 1
11 is observed exiting and locking the establishment.

12 MR. GONZALEZ: All right. If we go to
13 the next page, we have several observations of
14 Rosalinda Ventura; is that correct?

15 DET. VALLADARES-NOLASCO: That is correct.

16 MR. GONZALEZ: At 1:46, 1:47, she's
17 observed drinking or having shots, either beer or
18 shots; is that right?

19 DET. VALLADARES-NOLASCO: Yes, that is
20 correct.

21 MR. GONZALEZ: Let's go to S-8. S-8 has
22 to deal with the footage time of 2:00. Can you
23 tell me what you saw at 2:00 at the location?

24 DET. VALLADARES-NOLASCO: One patron
25 exits the establishment. At 02:03:54, another

1 patron exits at 2:08:27, one patron exits.

2 2:10:14, one patron enters, 2:11:26, one patron
3 exits --

4 MR. GONZALEZ: This is like a revolving
5 door, people going in and people coming out?

6 DET. VALLADARES-NOLASCO: That is correct.

7 MR. GONZALEZ: After 2:00?

8 DET. VALLADARES-NOLASCO: Yes, that is
9 correct. At 2:14:33, two female employees and two
10 males exit. 2:15, the manager is seen exiting. At
11 2:16:32, an employee is seen locking the door.

12 MR. GONZALEZ: Okay. Let's go to the
13 next page, to your investigation for March 22nd to
14 March 23rd, S-9. What did you observe during this
15 investigative period -- and you know what, I'm not
16 going to even ask you what happened before. Let's
17 just go to the 1:22 hour.

18 DET. VALLADARES-NOLASCO: Okay. At
19 1:22 hours, Female 4, who is unidentified, is
20 observed serving a bucket of beers to patrons
21 02:14:15, Female 1 is observed turning off interior
22 lights while the establishment remains occupied.
23 At 2:19:30, a male patron is observed exiting the
24 establishment. At 2:20:35, a male patron and
25 Female 1 are observed exiting the establishment.

1 At 2:20:35, a male patron and Female 1 are observed
2 exiting the establishment. At 2:22:10, Katherine
3 Hernandez and Rosalinda Ventura are observed
4 exiting and locking the establishment.

5 MR. GONZALEZ: Okay. Let's go to the
6 last page of that exhibit.

7 DET. VALLADARES-NOLASCO: Starting from?

8 MR. GONZALEZ: Let's say at 1:30,
9 Rosalinda Ventura, what did you observe that day?

10 DET. VALLADARES-NOLASCO: 1:30:55,
11 Rosalinda Ventura is observed serving drinks to
12 patrons. 1:38:50, Rosalinda Ventura is observed
13 serving a beer. 1:40:32, an additional beer is
14 served by Rosalinda Ventura. 1:41:05, another beer
15 is served by Rosalinda Ventura. At 1:57:30,
16 Rosalinda Ventura is observed serving another beer
17 and whiskey shots. At 02:13, Female 1 is observed
18 consuming a whiskey shot and continuing to drink
19 beer. 02:10, a male patron is observed continuing
20 to consume beer. At 02:13:38, Female 1 retrieves
21 her purse from behind the bar area prior to
22 exiting. 02:13:56, Katherine Hernandez is observed
23 still consuming beer while standing with a male
24 patron. 02:21:29, Rosalinda Ventura and Katherine
25 Hernandez are observed preparing to leave the

1 establishment.

2 MR. GONZALEZ: Okay. So it's fair to say
3 that Katherine Hernandez and Rosalinda Ventura are
4 seen consuming alcohol, they're employees, right?

5 DET. VALLADARES-NOLASCO: Yes.

6 MR. GONZALEZ: And they're also serving
7 individuals after hours; is that right?

8 DET. VALLADARES-NOLASCO: That is correct.

9 MR. GONZALEZ: Let's go to S-10. S-10
10 continues your investigation of the March 23rd
11 footage; is that correct?

12 DET. VALLADARES-NOLASCO: That is correct.

13 MR. GONZALEZ: It starts at 2:00, which
14 is fine. What did you see at 2:00?

15 DET. VALLADARES-NOLASCO: 02:44, one
16 patron exits the establishment. 02:06:55, one
17 patron exits. 02:19:41, one patron exits. 02:20,
18 two patrons exit. 02:22, two employees exit and
19 the manager is seen locking the door.

20 MR. GONZALEZ: Let's go to S-11, exhibit
21 S-11, that's your investigative report. And when
22 it was conducted, what did you find?

23 DET. VALLADARES-NOLASCO: That is
24 regarding the ABC inspection that was conducted.

25 MR. GONZALEZ: That's correct. Was Ms.

1 Ventura able to produce the documents that were
2 required?

3 DET. VALLADARES-NOLASCO: That is correct,
4 but it indicates here the books of accounts was
5 not fully completed due to their prior 25-day
6 suspension.

7 MR. GONZALEZ: Okay. So they had a prior
8 suspension, is that correct, that you're aware of?

9 DET. VALLADARES-NOLASCO: That is correct.

10 MR. GONZALEZ: Okay. Let's go to the
11 investigation period March 24th through March 25th,
12 S-12. What does that show us?

13 DET. VALLADARES-NOLASCO: Again, it's
14 review of the cameras between the dates of
15 March 24th and --

16 MR. GONZALEZ: Does that show employees
17 drinking?

18 DET. VALLADARES-NOLASCO: And March 25th,
19 yes.

20 MR. GONZALEZ: Let's go right down to
21 2:01, what do you observe there?

22 DET. VALLADARES-NOLASCO: At 2:01 hours,
23 Katherine Hernandez and Female 1, who's
24 unidentified, observed seated with two male patrons
25 and another female, all continued to consume

1 alcoholic beverages.

2 MR. GONZALEZ: That continues all the way
3 up to 2:16?

4 DET. VALLADARES-NOLASCO: 2:16:22, when
5 they all exit and they lock the door.

6 MR. GONZALEZ: Just so I'm clear, these
7 cameras that you viewed are the cameras within the
8 establishment; is that correct?

9 DET. VALLADARES-NOLASCO: Yes, correct.

10 MR. GONZALEZ: The cameras they're
11 required to have?

12 DET. VALLADARES-NOLASCO: Correct.

13 MR. GONZALEZ: All right. It's fair to
14 say that there was alcohol served after 1:30; is
15 that right?

16 DET. VALLADARES-NOLASCO: That is correct.

17 MR. GONZALEZ: And there was alcohol
18 consumed by employees; is that correct?

19 DET. VALLADARES-NOLASCO: That is correct.

20 MR. GONZALEZ: Let's go to Exhibit 13,
21 what did you observe at that period of time?

22 DET. VALLADARES-NOLASCO: These are CCTV
23 footage, 02:57, one patron exits. 02:08:46, one
24 patron exits. 02:13, four patrons exit. 02:13,
25 two patrons exit. 02:13:50, one patron exits.

1 02:16:18, two female employees, a manager, and one
2 male are seen exiting and locking the door.

3 MR. GONZALEZ: I know I've asked you and
4 I don't want to repeat myself too many times, what
5 time is closing hour?

6 DET. VALLADARES-NOLASCO: 2:00.

7 MR. GONZALEZ: Let's go to the next
8 investigative period, which is March 25th through
9 March 26th, S-14. What did you observe during that
10 period of time?

11 DET. VALLADARES-NOLASCO: Starting from
12 what time?

13 MR. GONZALEZ: Let's just go to 2:02.

14 DET. VALLADARES-NOLASCO: 2:02:01,
15 Rosalinda Ventura is observed turning off interior
16 lights while patrons and employees continue
17 actively consuming alcoholic beverages. At 02:04,
18 approximately seven patrons remain inside the
19 establishment. 02:10:35, two male patrons are
20 observed seated at a table with drinks in front of
21 them. 02:20:55 hours, Female 2, who's
22 unidentified, is observed cleaning tables and
23 removing remaining drinks. 02:23:40, Female 1,
24 Female 2, Katherine Hernandez, and a male patron
25 are observed exiting the establishment. At

1 02:29:49, Rosalinda Ventura is observed exiting and
2 locking the establishment.

3 MR. GONZALEZ: When you reviewed the
4 other camera, from say 12:49 to 1:34, you saw
5 Rosalinda Ventura and Katherine Hernandez consuming
6 alcohol?

7 DET. VALLADARES-NOLASCO: That is correct.

8 MR. GONZALEZ: Let's go to S-15. This is
9 your investigation of March 26th CCTV. Could you
10 tell me what you observed after 2:04?

11 DET. VALLADARES-NOLASCO: At 2:04, one
12 patron exits the establishment. 02:06, four
13 patrons exit. 02:08:09, one patron exits. 02:10,
14 one patron exits. 02:13:30, one patron exits.
15 02:13:45, one patrons exits. 02:14:55, two patrons
16 exits. 02:23:43, female employees exit with one
17 male. 02:30, manager is seen exiting and locking
18 the door.

19 MR. GONZALEZ: And you provided these
20 investigative reports to Lieutenant Dunlay; is that
21 correct?

22 DET. VALLADARES-NOLASCO: That is correct.

23 MR. GONZALEZ: I have nothing further of
24 this witness.

25 MR. CAMPOS: I have no questions of the

1 witness.

2 MR. GONZALEZ: No questions? I'd like to
3 call Lieutenant Dunlay, please.

4 You've already been sworn, you testified,
5 and we know your qualifications. I want to bring
6 your attention to exhibit S-16.

7 LT. DUNLAY: Okay.

8 MR. GONZALEZ: As a result of the
9 investigation that occurred from El Cuscatleco, you
10 determined that there was violations; is that
11 correct?

12 LT. DUNLAY: Yes.

13 MR. GONZALEZ: And can you tell the
14 Commissioners what violations you found?

15 LT. DUNLAY: Well, for the findings of
16 the violations -- I don't believe this is
17 everything though.

18 MR. GONZALEZ: It isn't, but we're going
19 to go one at a time.

20 LT. DUNLAY: So this is for, S-16 is what
21 date?

22 MR. GONZALEZ: The 22nd.

23 LT. DUNLAY: So for file number
24 26-038416B, I'm not sure on the exact date. I
25 could pull it up.

1 MR. GONZALEZ: But these reports that
2 you -- these violations were as a result of the
3 investigation that was done by Detective
4 Valladares; is that correct?

5 LT. DUNLAY: Correct.

6 MR. GONZALEZ: There were multiple
7 violations of Union City ordinance; is that right?

8 LT. DUNLAY: Yes, sir.

9 MR. GONZALEZ: And there was multiple ABC
10 violations?

11 LT. DUNLAY: Yes, sir.

12 MR. GONZALEZ: What time are liquor
13 establishments in Union City supposed to stop
14 serving alcohol?

15 LT. DUNLAY: 1:30 is last call for
16 alcohol, according to the ordinance.

17 MR. GONZALEZ: Based on the investigation
18 that was provided by Detective Valladares, was that
19 a violation?

20 LT. DUNLAY: Yes, sir.

21 MR. GONZALEZ: Are employees allowed to
22 be drinking at the establishment?

23 LT. DUNLAY: There's nothing written that
24 they cannot be drinking, but they cannot be -- so
25 either intoxicated or apparently intoxicated is the

1 way the law is written.

2 MR. GONZALEZ: There's no question they
3 can't be drinking after 2:00 though; is that
4 correct?

5 LT. DUNLAY: That is correct.

6 MR. GONZALEZ: And the investigation
7 shows that that was a violation; is that correct?

8 LT. DUNLAY: Yes, sir.

9 MR. GONZALEZ: And there's violations for
10 each subsequent night during the investigation; is
11 that correct?

12 LT. DUNLAY: Yes.

13 MR. GONZALEZ: And these investigations
14 are only for a short period of time; is that
15 correct?

16 LT. DUNLAY: It was ten days total.

17 MR. GONZALEZ: Ten days total.

18 LT. DUNLAY: Yes.

19 MR. GONZALEZ: And you're familiar with
20 the establishment; is that correct?

21 LT. DUNLAY: Yes, sir.

22 MR. GONZALEZ: And they had just come off
23 a violation; is that correct?

24 LT. DUNLAY: Yes.

25 MR. GONZALEZ: And when were they allowed

1 to start working as a bar again, from that prior
2 violation?

3 LT. DUNLAY: I want to say, I believe
4 it's March 12th, because we didn't go back after
5 that because they were on suspension.

6 MR. GONZALEZ: So March 12th, the
7 suspension is over or March 11th. And March 12th,
8 you start the investigation and they're not in
9 compliance. Is that fair to say?

10 LT. DUNLAY: Correct.

11 MR. GONZALEZ: Okay. I have the other
12 one, let's go to S-20. This is for violation of
13 March 21st.

14 LT. DUNLAY: Okay.

15 MR. GONZALEZ: Can you tell me some of
16 the counts that are involved on March 21st?

17 LT. DUNLAY: So we have four counts of
18 City Ordinance 58 nine 82, which is the sale and
19 service of alcoholic beverages after 1:30 a.m.
20 Then we have four counts of ordinance 58-9A-1,
21 which is consumption of alcoholic beverages on the
22 licensed premise after 2 a.m. Then we have three
23 counts of ordinance violation 58-9A-1, which is
24 patrons remaining on the licensed premises after 2
25 a.m. Then we have one count of ordinance 58-9A-1,

1 which is permitting a patron to enter the licensed
2 premise after 2 a.m.

3 MR. GONZALEZ: Is it fair to say that
4 these are similar violations for each period of
5 time that Detective Valladares did her
6 investigation?

7 LT. DUNLAY: Yes, sir.

8 MR. GONZALEZ: So every day that this was
9 continuing; is that correct?

10 LT. DUNLAY: Correct.

11 MR. GONZALEZ: All right. I have nothing
12 further from Detective Dunlay.

13 MAYOR STACK: Just before you do,
14 Lieutenant, on these violations, did the police
15 department receive any complaints anonymously?

16 LT. DUNLAY: Well, we received a citizen
17 complaint. I make my phone number known to the
18 general public, community meetings that we go to
19 throughout the city with the police chief as well
20 as the Mayor. And I give my number out and people
21 usually text or call and they'll provide some
22 information when they feel it's warranted.

23 MAYOR STACK: Just wanted to how it
24 originated.

25 MR. GONZALEZ: That was our first

1 exhibit.

2 MAYOR STACK: Yes.

3 MR. GONZALEZ: I have no further
4 questions, if you have any questions?

5 MR. CAMPOS: No, we have no questions.

6 MR. GONZALEZ: I would call Lieutenant
7 Zeron. The last document attached is the City of
8 Union City ABC violations.

9

10 L T. M I C H E L L E Z E R O N, after having
11 been duly sworn or affirmed, did testify as
12 follows:

13

14 MR. GONZALEZ: Please state your name and
15 rank and how long you've been involved with the
16 Union City Police Department?

17 LT. ZERON: Lieutenant Michelle Zeron,
18 I've been on Union City --

19 MAYOR STACK: Lieutenant, if you could
20 raise your voice up?

21 LT. ZERON: Sorry, Mayor. Lieutenant
22 Michelle Zeron, I've been a police officer for
23 23 years.

24 MR. GONZALEZ: And one of the positions
25 you hold is in the record room; is that correct?

1 LT. ZERON: Correct.

2 MR. GONZALEZ: And it's your
3 obligation -- not your obligation, one of your
4 duties is to maintain the record status of all
5 licensee holders and any violations they've had,
6 correct?

7 LT. ZERON: Correct.

8 MR. GONZALEZ: The last page of these
9 documents here, is that a form that is held
10 generally by the record room, involving the
11 licensees?

12 LT. ZERON: Yes, it's actually -- I'm the
13 one who actually puts the charges in.

14 MR. GONZALEZ: Yes, I know that. I want
15 them to know that, so you put these charges into
16 this, so we can track the violations; is that
17 right?

18 LT. ZERON: Correct.

19 MR. GONZALEZ: The one you have in your
20 hand is for what bar?

21 LT. ZERON: Cuscatleco.

22 MR. GONZALEZ: I want to go -- I don't
23 want to go all the way back, just say to 2019, can
24 you tell me the first violation they had in 2019?

25 LT. ZERON: No E-141 alpha form available

1 on licensed premises of up-to-date list of all
2 persons working at the establishment.

3 MR. GONZALEZ: And was there a violation
4 and a penalty for that violation?

5 LT. ZERON: Yes, 30-day suspension.

6 MR. GONZALEZ: 30-day suspension. Did
7 they subsequently have another suspension after
8 that on May 25, 2021?

9 LT. ZERON: Yes.

10 MR. GONZALEZ: How many days?

11 LT. ZERON: Eight-day suspension.

12 MR. GONZALEZ: On June 22, 2021, how many
13 day suspension?

14 LT. ZERON: Ten-day suspension.

15 MR. GONZALEZ: On November 23, 2021, how
16 many day suspension?

17 LT. ZERON: Ten-day suspension.

18 MR. GONZALEZ: On June 7, 2023, for
19 multiple violations, how many days were they
20 suspended?

21 LT. ZERON: 45-day suspension.

22 MR. GONZALEZ: On November 18, 2025, what
23 was the suspension period?

24 LT. ZERON: Three days.

25 MR. GONZALEZ: On February 3, 2026, how

1 many days suspension was that?

2 LT. ZERON: 25 days.

3 MR. GONZALEZ: And what were the
4 suspension days for that?

5 LT. ZERON: February 16, 2026, to March
6 12, 2026.

7 MR. GONZALEZ: So just the day before
8 we're here for these violations, they had been
9 suspended for 25 days; is that correct?

10 LT. ZERON: Correct.

11 MR. GONZALEZ: I have nothing further.

12 MR. CAMPOS: We have nothing.

13 MR. GONZALEZ: You don't want to present
14 anybody?

15 I have no further witnesses.

16 MR. CAMPOS: Good evening, Members of the
17 Board, I'd like for my client to present himself.

18
19 J O S E L I O N E L C H I C A S, after
20 having been duly sworn or affirmed, did testify as
21 follows THROUGH THE INTERPRETER:

22

23 MAYOR STACK: Do you want to take any
24 time with your client before you get him to
25 testify now?

1 MR. CAMPOS: If you can give me
2 30 seconds? Thank you.

3 MAYOR STACK: No problem, take ten
4 minutes.

5
6 (Discussion held off the record.)

7
8 MS. ROSARIO: We're ready.

9 MR. CAMPOS: Good evening, Members of the
10 Board, thank you for this opportunity to be heard.
11 I'm going to try to speak a little bit louder, so
12 that you guys can hear me. You know, first and
13 foremost, before I call my client, I want to say
14 that we're not here together to suggest there
15 weren't some egregious violations, to obfuscate, to
16 deny, or to defend the indefensible. That was sort
17 of the purpose of my conversation with Mr. Gonzalez
18 earlier, which is to say that my client is going to
19 say he's guilty, but with an explanation. Because
20 I think there's a human story here and I think that
21 you guys should understand the story as you start
22 to mete out the penalty. Because I believe there's
23 a difference between accountability and
24 annihilation.

25 I believe there's a difference in

1 protecting the public interest and looking at the
2 story behind, someone accepting responsibility and
3 understanding that they failed at being a
4 responsible owner. So I ask that the Board look at
5 everything in its context. And in looking at
6 everything in its context, not one time in any of
7 those documents did you see this owner directly
8 violating those rules and regulations that govern
9 Union City's ABC liquor license. He was never
10 present, he was not the one drinking, he was not
11 the one -- and I'm going to explain why so you kind
12 of have some context as to what he was suggesting
13 could be a resolution, whereas the public interest
14 is met.

15 So, Mr. Chicas, can you tell us, since
16 Covid -- you have been the owner for the last
17 20 years? Let's go back.

18 MR. CHICAS: Yes.

19 MR. CAMPOS: Okay. So some of the
20 violations that go further back, you were the
21 owner?

22 MR. CHICAS: Yes.

23 MR. CAMPOS: Okay. Something changed
24 around Covid, with respect to your involvement in
25 the bar, am I right?

1 MR. CHICAS: Yes.

2 MR. CAMPOS: And that change has to do
3 with your personal health, am I right?

4 MR. CHICAS: Exactly.

5 MR. CAMPOS: You came -- you would be
6 present as much as possible, but you left the
7 day-to-day operations to managers, correct?

8 MR. CHICAS: Yes.

9 MR. CAMPOS: You understand fully that as
10 the owner, you are fully responsible for anything
11 that happens, correct?

12 MR. CHICAS: Yes.

13 MR. CAMPOS: But you wanted to explain to
14 the Board what has been going on and why you
15 haven't been able to be present, correct?

16 MR. CHICAS: Yes.

17 MR. CAMPOS: So my question is can you
18 explain for the Board what is going on with respect
19 to your health?

20 MR. CHICAS: After Covid, two times I had
21 Covid, and I am a prediabetic, I have problems with
22 my kidneys.

23 MR. CAMPOS: Excuse me, wait. Let me say
24 that word again -- it would translate to damage to
25 his kidneys, he's had complications that are very

1 serious. I want to be clear for the Board because
2 of the emotions that came out in front of me when I
3 was reading him the riot act, they were real, they
4 were serious. So have you been going for
5 treatment?

6 MR. CHICAS: Yes.

7 MR. CAMPOS: Are you under medications?

8 MR. CHICAS: Not a lot, so that I can be
9 okay.

10 MR. CAMPOS: Now, over the last few
11 years, you have had a myriad of violations that you
12 represented to me that you could not deny?

13 MR. CHICAS: Yes.

14 MR. CAMPOS: Currently, in reviewing
15 these charges with me, you noticed that there was a
16 repeating -- sort of repeating behaviors?

17 MR. CHICAS: Yes.

18 MR. CAMPOS: In those behaviors, we
19 pointed out that it involved your management and
20 your employees, correct?

21 MR. CHICAS: Yes.

22 MR. CAMPOS: So it is our conversation
23 that you have decided that you want -- what did you
24 want to do with the license?

25 MR. CHICAS: I'm going to sell it.

1 MR. CAMPOS: The conversation we had,
2 Members of the Board, because he recognized that
3 he's failed, he recognized that even in our last
4 the Board meeting where we tried to implement some
5 changes and he take more responsible, he cannot;
6 healthwise, he cannot; financially, he cannot. So
7 he said, the Board and the Mayor have a job to do,
8 they're right. And all I wanted to do is present
9 the human story behind his failure, but what the
10 solution potentially could be for this Board, that
11 can at least save this man's lifelong investment,
12 his family's investment, which is allow him to find
13 a good faith purchaser, at arm's length, that could
14 purchase the license and move the location, and not
15 be present to provide the annoyance and the
16 nuisance that it has been providing and I know the
17 long history.

18 And he's in complete agreement. So
19 Members of the Board, I'm not standing up here to
20 defend the indefensible. I'm not standing here
21 trying to bring and poke holes and mitigate,
22 there's no mitigation, we understand. But I hope
23 that as you make a decision as a Board, that you
24 consider this man's life, you consider what he's
25 suffering through and you allow him to at least

1 sell the license. Someone else can purchase it,
2 move it to a different location, and God willing,
3 they could be a restaurant with no liquor license.
4 I don't know what that resolution looks like, but
5 that's all I wanted to bring to the Board this
6 evening. Because he's in agreement. He
7 understands.

8 MAYOR STACK: Does he own the building,
9 Mr. Campos?

10 MR. CAMPOS: He doesn't own the building.

11 MAYOR STACK: He rents there?

12 MR. CAMPOS: Yes.

13 MR. CHICAS: It rents, yes.

14 MR. CAMPOS: And so he's bound to lose
15 the investment that he made with his family and
16 that's the story of a man whose health is failing,
17 a man who's been here for 20 years, a man who's
18 saying I am guilty, I'm standing here before you,
19 but I'm asking for mercy. Justice dictates that
20 you do what's in the best interest of the public,
21 but consider this man's history and his -- the
22 people that he's employed and the good stuff that a
23 restaurant does provide in a community like Union
24 City.

25 MAYOR STACK: I'm just curious, I mean

1 you don't have to have him answer this, I'm going
2 to ask you if he wants to answer. What was the
3 reasoning why he stayed open past the hour all the
4 time? Why did that happen so many times over and
5 over and over?

6 MR. CAMPOS: Mayor, I will tell you, when
7 I asked him that question, his response was as
8 honest a person can be. He said, "I didn't know".

9 MAYOR STACK: I'm sorry?

10 MR. CAMPOS: He said -- it's not an
11 excuse, but what he said was I didn't know because
12 my managers -- and if you looked, at every single
13 time, it's the same person, same people. If you
14 speak with -- I can get the police officer up here,
15 they can testify, the same violations occurred over
16 and over again. When I addressed it with him
17 privately, just he and I, he said, "I didn't know".
18 And he said I turned it over to my managers, I
19 would come and tell me things were correct, they
20 misrepresented.

21 What I'm saying to you is that's why he
22 wants out. That's why he says I can't do it
23 anymore, I don't have the wherewithal. He's not
24 trying to save it for himself or sell it to
25 somebody that he knows. He's saying please give me

1 a chance to save at least some value and sell it to
2 someone who can run a responsible and orderly
3 business in town.

4 MAYOR STACK: How many years has he owned
5 the license?

6 MR. CAMPOS: 20 years, so he's been
7 through the good, the bad, and the ugly. If you
8 look at the long history, yes, there were
9 violations, there were times of improvement. You
10 see two or three years where things went well, but
11 every time he hires a manager. So now he says, I'm
12 too old, I'm too sick, I'm willing to move on.

13 MAYOR STACK: Okay. Let's take
14 five minutes and let me speak to Mr. Gonzalez.

15 MR. CAMPOS: Thank you, Mayor. Thank
16 you, Members of the Board, I appreciate you.

17
18 (Discussion held off the record.)

19
20 MAYOR STACK: Mr. Gonzalez, go right
21 ahead.

22 MR. GONZALEZ: Mayor, I've had an
23 opportunity to have a conference again with Mr.
24 Campos and I think we've reached what I would think
25 would be a fair and reasonable resolution. And I'd

1 like to place it on the record.

2 One, his client has taken full
3 responsibility. And there would be a suspension on
4 the record of that for a six-month period closing.
5 His client agrees that he would close today --
6 well, close tomorrow, he'll need today to finish up
7 what he has to do. He will take all steps
8 necessary to make the transfer of the license
9 during that six-month period, still subject to the
10 requirements that the police department have, that
11 I have, and obviously approval by the Commissioners
12 and the Mayor. That taken into account, we
13 wouldn't have to rule on each one of the cases, it
14 would be just be a general six-month closure
15 violation.

16 I think under the circumstances and
17 hearing what Mr. Campos said about Mr. Chicas's
18 health concerns and that he's taken steps to sell
19 it, I think it's understandable and reasonable and
20 I would recommend it.

21 MAYOR STACK: Mr. Campos?

22 MR. CAMPOS: All I can say is thank you,
23 Members of the Board, I appreciate your time and
24 your listening to us. I sincerely recognize the
25 job that you guys have. And I appreciate the fact

1 that you allowed my client to have his opportunity
2 to share the story of why he's failed. Because we
3 all fail and it's not about failing, it's what you
4 do afterwards. If you take responsibility and come
5 back, that's the greatest story in America, right?

6 So this man is saying give me a chance
7 and I appreciate the resolution. And we're in
8 agreement.

9 MAYOR STACK: Thank you, Mr. Campos.
10 We'll put this -- it's on the record now, Mr.
11 Gonzalez put it. Thank your client. I wish him
12 well, I wish him good health. Best of luck to you.
13 I'm glad we're able to resolve the situation.
14 Again, I'm sorry for the mix up, Mr. Campos. You
15 and I have always had a good relationship.

16 MR. CAMPOS: Absolutely.

17 MAYOR STACK: A lot of respect for you as
18 a councilman.

19 MR. CAMPOS: Still my favorite mayor, on
20 the record.

21 MAYOR STACK: Thank you very much.
22 Anything further, Mr. Gonzalez?

23 MR. GONZALEZ: No. I think we just have
24 to vote on it.

25 MS. ROSARIO: May I have a motion?

1 MAYOR STACK: Motion.

2 COMMISSIONER MARTINETTI: Second.

3 MS. ROSARIO: Motion made by Mayor Stack,
4 second by Commissioner Martinetti.

5 Commissioner Fernandez.

6 COMMISSIONER FERNANDEZ: Yes.

7 MS. ROSARIO: Commissioner Valdivia.

8 COMMISSIONER VALDIVIA: Yes.

9 MS. ROSARIO: Commissioner Martinetti.

10 COMMISSIONER MARTINETTI: Yes.

11 MS. ROSARIO: Mayor Stack.

12 MAYOR STACK: Yes.

13 MR. GONZALEZ: That concludes all ABC
14 matters.

15 MAYOR STACK: Thank you very much. Have
16 a good night. Thank you, sir. Thank you,
17 Lieutenant Dunlay. Thank you, Lieutenant Zeron.
18 Thank you. Thank you, Officer.

19 * * * *

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25

PRESENTATION OF CITATIONS:

(Presentation made to ex-professional international soccer players.)

ADJOURNMENT:

MS. ROSARIO: Can I get a motion to adjourn?

MAYOR STACK: Motion.

MS. ROSARIO: Motion made by Mayor Stack.

COMMISSIONER FERNANDEZ: Second.

MS. ROSARIO: Second by Commissioner Fernandez. All in favor?

(All Board Members indicate in the affirmative.)

(Whereupon the meeting was adjourned at 7:25 p.m.)

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

Board of Commissioners

Attest:
Samantha Blake, Esq.,
Corporation Counsel

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700