**MINUTES OF THE REGULAR MEETING OF THE LINDEN**

**BOARD OF ALCOHOLIC BEVERAGE CONTROL HELD**

**WEDNESDAY, MARCH 9, 2016**

A regular meeting of the Linden Board of Alcoholic Beverage Control was held in City Hall, 301 North Wood Avenue, Linden, NJ on Wednesday, March 9, 2016 at 4:04 p.m.

Chairman Cornwell called the meeting to order and announced that the Notice of this meeting stating the date, place and time was disseminated under the Open Public Meetings Act.

A roll showed the following members in attendance:

Commissioner Callahan

Commissioner Chesney

Chairman Cornwell

Also present was A.B.C. Secretary Joseph C. Bodek; and A.B.C. Attorney Nicholas Scutari (via teleconference 4:17pm). A.B.C. Detective Sadowski was excused.

Approval of Minutes

Mr. Chesney moved for the approval of the minutes of the meeting of February 10, 2016. The motion was seconded by Mr. Callahan and was unanimously ordered approved by a roll call vote.

Mr. Bodek reported that the License #2009-33-055-009, SOS VOL I LLC, was ready for renewal as he had received tax clearance from the State of New Jersey. He noted that it was not ready for transfer as the applicant had yet to go for her background check and police investigation.

**RESOLUTION**

## **WHEREAS**, renewal applications for Alcoholic Beverage Licenses for the license term July 1, 2015 to June 30, 2016 have been submitted in proper form, together with the appropriate license fees, and tax clearance certificate have been received for the following:

**2015/2016 ABC LICENSEES**

**PLENARY RETAIL CONSUMPTION**

**FEE PAID $1200.00**

**SOS, VOL I, LLC 2009-33-002-005**

t/a Sister’s of Soul

216 N. Wood Avenue

Linden, NJ 07036

**NOW, THEREFORE BE IT RESOLVED,** by the Board of Alcoholic Beverage Control of the City of Linden, does hereby approve the renewal of the aforesaid alcoholic beverage licenses for the license term July 1, 2015 to June 30, 2016.

Mr. Callahan moved the resolution for renewal of SOS VOL I, LLC license. Mrs. Cornwell seconded the motion and it was unanimously ordered approved by a roll call vote.

As the person-to-person and place-to-place transfer of this license could not be considered, Mr. Callahan moved to continue the matter to the April 13, 2016 meeting. The motion was seconded by Mr. Chesney and was unanimously ordered approved by a roll call vote. The transfer was continued to the April 2016 meeting of the board.

Extension of License #2009-33-055-009

Mr. Bodek reviewed the history of license #2009-33-055-009 that brought it to this second extension of the license.

**RESOLUTION FOR EXTENSION OF LICENSE**

**TO ADMINISTRATOR**

**WHEREAS,** an application has been filed for the extension of Plenary Retail Consumption License 2009-33-055-008 to a substitute Administrator of the Estate of Alexandros J. Karagiannis, 100% shareholder of Alekos, LLC; and

**WHEREAS,** on March 9, 2010 the City of Linden Board of Alcoholic Beverage Control approved the extension of the aforesaid license to Christina M. Halper, AKA Christina Gorini, as administrator of the Estate of Alexandros J. Karagiannis; and

**WHEREAS,** on January 14, 2016, Superior Court Judge Katherine P. DuPuis signed an order of Judgment Discharging Christina Gorini (Halper) as Administrator of the Estate of Alexandros J. Karagiannis as she was improperly appointed as the Administrator of said estate; and

**WHEREAS,** on January 20, 2016, James S. LaCorte, Surrogate of Union County, signed a Judgment Granting Letters of Substitionary Administration to Mary C. Karagiannis AKA, Maria Karagiannis for the Estate of Alexandros J. Karagiannis; and

**WHEREAS,** on March 1, 2016 Mary C. Karagiannis AKA, Maria Karagiannis, submitted a Retail Liquor License Application form, that is complete in all respects, including proof of appointment to act as Administrator of the Estate of Alexandros J. Karagiannis.

**NOW, THEREFORE BE IT RESOLVED** that the City of Linden Board of Alcoholic Beverage Control does hereby approve, effective March 10, 2016, the extension of the aforesaid Plenary Retail Consumption License to Mary C. Karagiannis, AKA Maria Karagiannis to conduct business under the privileges, terms, and conditions of the license as Administrator of the estate of Alexandros J. Karagiannis for the benefit of the estate until such time as the estate is resolved and the license may be transferred in compliance therewith and directs the A.B.C. Board Secretary to endorse the License Certificate as follows: “This license is hereby extended, subject to all its terms and conditions to Mary C. Karagiannis AKA, Maria Karagiannis, Administrator” until June 30, 2016.

Mr. Chesney moved the resolution providing for the extension of license #2009-33-055-009. The motion was seconded by Mr. Callahan and was unanimously ordered approved by a roll call vote.

Mr. Bodek informed the Commission that he had received a request from Doherty Enterpirses, Inc. (Chevys Fresh Mex) to extend their license for the annual Cinco De Mayo celebration. Before signing off on it he, and representatives of the Police and Fire Departments would meet with the manager to review the setup to make sure no issues arise.

(Mr. Scutari called in)

Charges Against Aleko’s, LLC License #2009-33-055-009.

Mary C. Karagiannis, AKA Maria Karagiannis of Alekos, LLC was present. Mr. Scutari reviewed his conversation, regarding the charges, with Ms. Karagiannis. Mr. Scutari recommended that the Board drop the second charge, that Ms. Karagiannis change her vote from not guilty to non-vault, on the first charge, and accept a penalty of a one day closing. After a brief discussion the board concurred. When asked by the Chairperson Ms. Karagiannis changed her plea to non-vault.

**RESOLUTION OF THE LINDEN BOARD OF ALCOHOLIC BEVERAGE CONTROL**

**REGARDING CHARGES AGAINST ALEKO’S L.L.C., LICENSE #2009-33-055-009.**

**WHEREAS,** Alcoholic Beverage Control License #2009-33-055-009 is held by Aleko’s, L.L.C. t/a Al’s Pub, 2114 Grier Avenue, Linden, New Jersey; and

**WHEREAS,** on February 10, 2016, the Linden Board of Alcoholic Beverage Control voted to prefer charges against Aleko’s, L.L.C. for the following violations:

1. Violating N.J.S.A. 33:1-25 and N.J.A.C. 13-2.2.14(a) for failure to timely amend the application on file. ( up to 1 day)
2. Violating N.J.S.A. 33-1-25 having an undisclosed person, not otherwise disqualified, with a beneficial interest in a liquor license or licensed business. (up to 30 days).

Relative to reports and investigations of the Linden Police Department; and

**WHEREAS,** at a conference with the respondent the Linden Board of Alcoholic Beverage Control agreed to dismiss charge #2 regarding violation of N.J.S.A. 33-1-25 having an undisclosed person, not otherwise disqualified with a beneficial interest in a liquor license or license business; and

**WHEREAS,** on March 9, 2015 Aleko’s L.L.C.,License #2009-33-055-009 entered a plea of non-vault relative to charge #1, violating N.J.S.A. 33:1-25 and N.J.A.C. 13-2.2.14(a) for failure to timely amend the application on file.

**NOW THEREFORE BE IT RESOLVED,** that license number 2009-33-055-009, heretofore issued by the Linden Board of Alcoholic Beverage Control to Aleko’s, LLC., t/a as Al’s Pub, located at 2114 Grier Avenue, Linden, NJ be suspended for one (1) day commencing at 12:01 am on March 27, 2016 and continuing until 12:01 am on March 28, 2016.

Mr. Chesney moved for approval of the above resolution. The motion was seconded by Mr. Callahan, and was unanimously ordered approved by a roll call vote.

Mr. Bodek reviewed the status of the licenses that had not been renewed for the 2015-2016 licensing term with the Commissioners.

Public Comment

There was no public comment.

There being no further business to come before the Board, Mr. Callahan moved to adjourn the meeting. The motion was seconded by Mr. Chesney and was unanimously ordered approved by a voice vote. The meeting was adjourned at 4:30 pm.

Respectfully submitted,

Joseph C. Bodek

City Clerk