

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 18-104**

**RESOLUTION ACCEPTING PLEA OF NON VULT BY
RED BANK ELKS BATES LODGE #220 TO
CERTAIN ABC CHARGES AND IMPOSING PENALTY THEREFOR**

Councilman Whelan offered the following resolution and moved its adoption:

WHEREAS, Red Bank Elks Bates Lodge #220 is the owner of Club License No. 1340-31-42-001 (the "Licensee"); and

WHEREAS, On March 8, 2018, the Clerk of the Borough of Red Bank (the "Borough") duly served the Licensee with notices of charges for the following violations of the New Jersey Alcoholic Beverage Control Act and the regulations promulgated pursuant thereto:

1. On February 8, 2018, the Licensee allowed and permitted a brawl, disturbance and acts of violence to occur on or about licensed premises, specifically by having in excess of one hundred (100) people exit the establishment, approximately ten (10) of whom engaged in violent behavior, including fighting that required numerous police officers to respond to the scene, to bring the disturbance and violence under control, in violation of N.J.A.C. 13:2-23.6(a)(2).
2. On said date, the Licensee further failed to operate its business in an orderly and lawful fashion, so as to constitute a nuisance in violation of N.J.A.C. 13:2-23.6(b). The conduct of the Licensee, its employees and guests on said date was contrary to the public health safety and welfare.
3. On said date the Licensee further advertised to non-club members the availability of alcoholic beverages at its licensed premises contrary to the provisions of a club license in violation of N.J.A.C 13:2-8.13

WHEREAS, the Licensee, entered into a plea agreement regarding the aforesaid charges; and

WHEREAS, by letter dated March 22, 2018, the Licensee advised the Borough that they wished to enter a non vult plea to Charge #3 on terms as set forth below, with the remaining charges merged for purposes of this plea; and

WHEREAS, the Red Bank Police Department has reviewed the Licensee's non vult plea and has recommended that it be accepted by the Council.

NOW, THEREFORE, BE IT RESOLVED and **ORDERED** by the Mayor and Council of the Borough of Red Bank that:

1. The Licensee's plea of non vult to the aforesaid charges is hereby accepted by the Borough; and
2. On its plea, the Licensee's club license no. 1340-31-42-001 is hereby suspended for a period of two (2) consecutive days commencing on April 16, 2018 and continuing through and including April 17, 2018;

BE IT FURTHER RESOLVED that a copy of this resolution be served upon the Licensee, the Borough of Red Bank Police Department and the Director of the New Jersey State Alcoholic Beverage Control.

Seconded by Councilman Taylor and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	(X)	()	()	()
Councilman Whelan	(X)	()	()	()
Councilman Yngstrom	(X)	()	()	()
Councilman Ballard	(X)	()	()	()
Councilman Zipprich	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()

Dated: April 11, 2018

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on April 11, 2018.