

LICENSE SUSPENDED

NEW YORK STATE LIQUOR AUTHORITY

IN THE MATTER OF PROCEEDINGS
TO SUSPEND

License Number: NEW YORK CR 1261741
MANHATTAN RIVER GROUP LLC
Issued to: DBA: LA MARINA
348 DYCKMAN STREET
Licensed Premises: NEW YORK, NY 10034

EMERGENCY SUMMARY ORDER OF SUSPENSION

Serial No.:

New York CR 1261741
Case No. 130538

Proceedings having been duly considered by the State Liquor Authority at a meeting held on December 5, 2018, and:

The Members of the New York State Liquor Authority, pursuant to subdivision 3 of section 401 of the State Administrative Procedure Act, and in conjunction with the Alcoholic Beverage Control Law of the State of New York and the Rules of the New York State Liquor Authority, hereby find that the public health, safety and welfare imperatively require emergency action, and therefore, enter an **EMERGENCY SUMMARY ORDER OF SUSPENSION** of alcoholic beverage license serial number New York CR 1261741, issued to Manhattan River Group LLC, DBA: La Marina, located at 348 Dyckman Street, New York, NY 10034.

This **EMERGENCY SUMMARY ORDER OF SUSPENSION** is based upon the following facts, findings and conclusions:

FACTS

1. Manhattan River Group LLC is the holder of an alcoholic beverage license, serial number New York CR 1261741, originally issued June 27, 2012 and expires on May 31, 2020.
2. The State Liquor Authority, by Notice of Pleading dated December 3, 2018, a copy of which is attached to this Order, commenced a disciplinary proceeding to revoke the license of Manhattan River Group LLC on the following charges:
 1. That on July 27, 2018, the licensee suffered or permitted the licensed premises to become disorderly by engaging in and/or suffering or permitting the storage, possession, use and trafficking of a controlled substance on the licensed premises in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
 2. That on August 7, 2018, the licensee suffered or permitted the licensed premises to become disorderly by engaging in and/or suffering or permitting the storage, possession, use and trafficking of a controlled substance on the licensed premises in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
 3. That on August 16, 2018, the licensee suffered or permitted the licensed premises to become disorderly by engaging in and/or suffering or permitting the storage, possession, use and trafficking of a controlled substance on the licensed premises in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
 4. That on August 24, 2018, the licensee suffered or permitted the licensed premises to become disorderly by engaging in and/or suffering or permitting the storage, possession, use and trafficking of a controlled substance on the licensed premises in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
 5. That on August 31, 2018, the licensee suffered or permitted the licensed premises to become disorderly by engaging in and/or suffering or permitting the storage, possession, use and trafficking of a controlled

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substance on the licensed premises in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.

6. That on October 5, 2018, the licensee suffered or permitted the licensed premises to become disorderly by engaging in and/or suffering or permitting the storage, possession, use and trafficking of a controlled substance on the licensed premises in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
7. That on November 20, 2018, the licensee suffered or permitted the licensed premises to become disorderly by engaging in and/or suffering or permitting the storage, possession, use and trafficking of a controlled substance on the licensed premises in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
8. That on and before December 3, 2018, in violation of subdivisions 1 and 3 of section 118 of the Alcoholic Beverage Control Law there has existed a sustained and continuing pattern of noise, disturbance, misconduct or disorder on or about the licensed premises, related to the operation of the premises or the conduct of its patrons, which adversely affects the health, welfare, or safety of the inhabitants of the area in which the licensed premises are located.
9. That on and before December 3, 2018, the occurrence of noise, disturbance, misconduct or disorder in the licensed premises, in front of or adjacent to the licensed premises, or in the parking lot of the licensed premises has resulted in the licensed premises becoming a focal point for police attention; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(q) of the Rules of the State Liquor Authority [9 NYCRR 53.1(q)].
10. That on July 20, 2018, the licensee violated rule 54.3 of the Rules of the State Liquor Authority [9 NYCRR 48.3], in that it did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations: failure to produce current quarterly cleaning records for the kitchen exhaust system; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].
11. That on August 6, 2018, the licensee violated rule 54.3 of the Rules of the State Liquor Authority [9 NYCRR 48.3], in that it did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations: extension cords used as permanent wiring; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].
12. That on October 5, 2018, the licensee violated rule 54.3 of the Rules of the State Liquor Authority [9 NYCRR 48.3], in that it did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations: flexible cords used as permanent wiring outdoors to feed festoon lighting; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].
13. That on October 10, 2018, the licensee violated rule 54.3 of the Rules of the State Liquor Authority [9 NYCRR 48.3], in that it did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations: no public assembly permit or temporary public assembly permit; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].
14. That on October 10, 2018, the licensee violated rule 54.3 of the Rules of the State Liquor Authority [9 NYCRR 48.3], in that it did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations: illegal storage and use of propane gas; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].
15. That on 7/24/18, the licensee violated rule 54.3 of the Rules of the State Liquor Authority [9 NYCRR 48.3], in that it did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].

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16. That on and before 12/03/18 , the licensee, through the actions of its principal and its agents and employees, has violated rule 54.2 of the Rules of the State Liquor Authority [9 NYCRR 48.2] in that the licensee has failed to exercise adequate supervision over the conduct of the licensed business; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].

FINDINGS AND CONCLUSIONS

1. The incidents and activities reflected in the foregoing record indicate a serious risk to the health, safety and welfare of the public caused by Manhattan River Group LLC.
2. It is concluded that in order to protect the public health, safety and welfare, it is imperative that emergency action be taken against the immediate and continuing danger resulting from the licensee's illegal activities and failure to adequately supervise the conduct of the licensed premises. It is apparent that the licensee has failed to operate the licensed premises in conformity with the Alcoholic Beverage Control Law and Rules of the State Liquor Authority.
3. That such emergency action requires the State Liquor Authority to issue an **EMERGENCY SUMMARY ORDER OF SUSPENSION** of the alcoholic beverage license of Manhattan River Group LLC, pursuant to subdivision 3 of section 401 of the State Administrative Procedure Act.
4. The record before the Members of the Authority demonstrates a continuing risk to the health, safety, and welfare of the People of the State of New York.
5. This **EMERGENCY SUMMARY ORDER OF SUSPENSION** is the most practical and viable means of protecting the public health, safety, and welfare available to the State Liquor Authority.
6. The Members of the State Liquor Authority have weighed the public versus the private interest in the suspension of the license, and find that the licensee's interest in the continued enjoyment of the license privilege is far outweighed by the immediate danger existing to the public health, safety, and welfare presented by the licensee's illegal activities and failure to properly supervise the licensed premises.

BASED UPON THE FOREGOING FACTS, FINDINGS AND CONCLUSIONS, IT IS HEREBY ORDERED:

1. That the alcoholic beverage license issued to Manhattan River Group LLC, DBA: La Marina, serial number New York CR 1261741, is hereby **SUSPENDED** until such time as this **ORDER** is lifted, or until a final **ORDER** becomes effective in connection with the revocation proceeding instituted by the Notice of Pleading dated December 3, 2018, a copy of which is served simultaneously herewith.
2. That the licensee, its agents, servants and employees are prohibited from trafficking in alcoholic beverages until the **ORDER** is lifted, or until a final **ORDER** becomes effective in connection with the revocation proceeding instituted by the Notice of Pleading dated December 3, 2018.
3. The licensee has until December 17, 2018, to enter a plea to the charges set forth in the Notice of Pleading of December 3, 2018. Failure of the licensee to plead on or before the pleading date stated in the Notice of Pleading shall be deemed a plea of "No Contest" to the charges alleged therein.

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4. In the event that the licensee should plead "Not Guilty" to the charges alleged in the Notice of Pleading of December 3, 2018, the licensee will be afforded a prompt and speedy administrative hearing with respect to such charges.

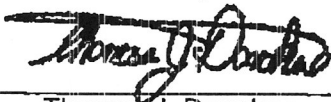
IT IS FURTHER ORDERED that said licensee surrender said license forthwith to the State Liquor Authority or its duly authorized representative, upon commencement of this said period of suspension, and

IT IS FURTHER ORDERED that failure by the licensee to comply with the terms of this order shall result in the cancellation or revocation of the said license in accordance with the provisions of the Alcoholic Beverage Control Law.

Dated: December 5, 2018

STATE LIQUOR AUTHORITY

Certified by



Thomas J. Donohue
Secretary to the Authority



VINCENT G. BRADLEY
Chairman

THIS ORDER OF SUSPENSION MUST BE PUBLICLY DISPLAYED IN THE FOLLOWING MANNER:

If there be a door opening from the street into the licensed premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may be readily seen from the street. If the licensed premises are otherwise located, such order shall be affixed to the door of the entrance to the premises.

THIS SUSPENSION ORDER MUST NOT BE REMOVED FROM THE WINDOW DURING THE ABOVE PERIOD OF THIS SUSPENSION.

Please take notice that any person who shall sell any alcoholic beverage during the suspension period shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$200 or by imprisonment in a county jail or penitentiary for a term of not more than six months or both. (Section 130 of the Alcoholic Beverage Control Law).

STATE OF NEW YORK
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

80 South Swan Street, Suite 900
Albany, NY 12210-8002

317 Lenox Avenue
New York, NY 10027

535 Washington Street, Suite 303
Buffalo, NY 14203

IN THE MATTER OF PROCEEDINGS TO CANCEL OR REVOKE

NOTICE OF PLEADING

1261741, NEW YORK CR 1261741

3057-2018/Case No. 130538

MANHATTAN RIVER GROUP LLC
LA MARINA
348 DYCKMAN ST
NEW YORK, NY 10034

PLEASE TAKE NOTICE, that pursuant to Section 118 of the Alcoholic Beverage Control Law you are required to answer by mail as provided below, or in person with proper photo ID, at the office of the Division of Alcoholic Beverage Control, Harlem Center, 317 Lenox Avenue, 4th Floor, (between 125th & 126th Streets), New York, New York 10027, on **12/17/2018, at 11:00 AM**, in connection with proceedings to cancel or revoke the above-referenced license, and to plead to the following charge(s):

SEE CHARGES ON PAGE 2

PLEASE TAKE NOTICE THAT YOUR FAILURE TO PLEAD WILL BE DEEMED A "NO CONTEST" PLEA AND NO FURTHER HEARING WILL BE HELD.

PLEASE TAKE FURTHER NOTICE that you may be represented by counsel.

PLEASE TAKE FURTHER NOTICE that you may plead to the charge(s) by mail instead of by personal appearance provided that a letter signed by you or your attorney, setting forth your plea of "Not Guilty" or "No Contest" is received by the Office of Counsel of the Division of Alcoholic Beverage Control at the above New York City address on or before the pleading date specified above.

PLEASE TAKE FURTHER NOTICE that the maximum penalty may be a revocation and forfeiture of the Bond filed by you, and or a civil penalty. In addition, if the Authority revokes the license, the Authority may proscribe the issuance of a license at the premises for a period of two years from the date of revocation of the license.

PLEASE TAKE FURTHER NOTICE: If you plead not guilty to the charge(s), a hearing will thereafter be scheduled at which you may appear with counsel, produce witnesses, and introduce evidence in your behalf.

PURSUANT TO SECTION 301 of the State Administrative Procedure Act and Executive Order Number 25, interpreter services shall be made available to licensees, at no charge, by the Authority.

Licensee's name and residence address
MATEO, FERNANDO
202 W CLINTON AVE, IRVINGTON, NY 10533

Date: 12/03/2018

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Licensee's Landlord
NYC DEPT OF PARKS AND REC
830 5TH AVE, NEW YORK, NY 10019

Office of Counsel
by: MARGARITA MARSICO
317 Lenox Avenue, 4th Floor
New York, New York 10027

Notice to Landlord: As stated above, in the event the disposition of this case results in a Revocation of the license, the Authority may impose, as part of the penalty, a two year prohibition against the issuance of any alcoholic beverage license at these premises.

Tel: (212) 961-8318
Fax: (212) 961-8316

Certified Mail # 7018-0040-000-4609-7596

STATE OF NEW YORK
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

80 South Swan Street, Suite 900
Albany, NY 12210-8002

317 Lenox Avenue
New York, NY 10027

535 Washington Street, Suite 303
Buffalo, NY 14203

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