

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF 04/10/2019

2019-00744, 00745, 00746 & 00747

REASON FOR REFERRAL

CONDITIONAL NO CONTEST

1261741, NEW YORK CR 1261741
MANHATTAN RIVER GROUP LLC
LA MARINA
348 DYCKMAN ST
NEW YORK NY 10034

DO#3057-2018/Case #130538
DO#1960-2017/Case #120266
DO#2764-2017/Case #123071
DO#1902-2018/Case #127576

FIRST PROCEEDING: DO#3057-2018/CASE #130538

1. DISORDERLY PREMISES - CONTROLLED SUBSTANCE ON 07/27/18
2. DISORDERLY PREMISES - CONTROLLED SUBSTANCE ON 08/07/18
3. DISORDERLY PREMISES - CONTROLLED SUBSTANCE ON 08/16/18
4. DISORDERLY PREMISES - CONTROLLED SUBSTANCE ON 08/24/18
5. DISORDERLY PREMISES - CONTROLLED SUBSTANCE ON 08/31/18
6. DISORDERLY PREMISES - CONTROLLED SUBSTANCE ON 10/05/18
7. DISORDERLY PREMISES - CONTROLLED SUBSTANCE ON 11/20/18
8. SUSTAINED PATTERN OF NOISE/DISORDER ON 12/03/18
9. FOCAL POINT FOR POLICE ATTENTION ON 12/03/18
10. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/20/18
11. FAILURE TO COMPLY - LOCAL REGULATIONS ON 08/06/18
12. FAILURE TO COMPLY - LOCAL REGULATIONS ON 10/05/18
13. FAILURE TO COMPLY - LOCAL REGULATIONS ON 10/10/18
14. FAILURE TO COMPLY - LOCAL REGULATIONS ON 10/10/18
15. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/24/18
16. FAILURE TO SUPERVISE ON 12/03/18

MP: REVOCATION PLUS BOND CLAIM

SECOND PROCEEDING: DO#1960-2017/CASE #120266

1. FAILURE TO COMPLY - MAXIMUM OCCUPANCY ON 07/02/17
2. DISORDERLY PREMISES - GENERAL ON 07/02/17
3. FAILURE TO SUPERVISE ON 07/02/17

MP: REVOCATION PLUS BOND CLAIM

THIRD PROCEEDING: DO#2764-2017/CASE #123071

1. FAILURE TO CONFORM TO APPLICATION ON 12/01/17
2. NON BONA FIDE ON 12/01/17

MP: REVOCATION PLUS BOND CLAIM

FOURTH PROCEEDING: DO#1902-2018/CASE #127576

1. DISORDERLY PREMISES - GENERAL ON 07/07/18
2. SALE TO INTOXICATED PERSON ON 07/07/18
3. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
4. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
5. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
6. REFILLING ON 07/13/18

7. PURCHASE FROM UNAUTHORIZED SOURCE ON 07/13/18
8. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
9. FAILURE TO DISPLAY LICENSE ON 07/13/18
10. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
11. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
12. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
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18. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
19. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
20. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
21. FAILURE TO POST WARNING SIGNS - PREGNANCY ON 07/13/18
22. FAILURE TO DISPLAY LICENSE ON 07/13/18
23. FAILURE TO CONFORM TO APPLICATION ON 07/13/18
24. NON BONA FIDE ON 07/13/18
25. UNAUTHORIZED ALTERATIONS ON 07/13/18
26. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
27. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
28. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
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30. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
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40. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
41. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
42. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
43. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
44. UNLICENSED STORAGE - WAREHOUSING ON 07/13/18
45. EXTENSION OF PREMISES - TO A PART OF THE BUILDING ON 07/13/18
46. UNAUTHORIZED ALTERATIONS ON 07/13/18
47. FAILURE TO PERMIT INSPECTION - ON PREMISES ON 07/13/18
48. REFILLING ON 07/13/18
49. UNLABELED CONTAINERS ON 07/13/18
50. IMPROPER CONDUCT ON 07/13/18
51. BOOKS & RECORDS - RETAIL ON PREMISES ON 07/13/18
52. FAILURE TO POST WARNING SIGNS - PROHIBITED SALES ON 07/13/18
53. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
54. FAILURE TO COMPLY - LOCAL REGULATIONS ON 07/13/18
55. SALE TO MINOR ON 06/05/18
56. FAILURE TO COMPLY - HEALTH REGULATIONS ON 06/05/18
57. FAILURE TO COMPLY - HEALTH REGULATIONS ON 06/05/18
58. FAILURE TO COMPLY - HEALTH REGULATIONS ON 06/05/18
59. FAILURE TO COMPLY - HEALTH REGULATIONS ON 06/05/18
60. FAILURE TO COMPLY - HEALTH REGULATIONS ON 06/05/18

61. FAILURE TO COMPLY - HEALTH REGULATIONS ON 06/05/18
62. FAILURE TO COMPLY - HEALTH REGULATIONS ON 06/05/18
63. FAILURE TO COMPLY - HEALTH REGULATIONS ON 06/05/18
64. FAILURE TO COMPLY - HEALTH REGULATIONS ON 06/05/18
65. FAILURE TO COMPLY - HEALTH REGULATIONS ON 06/05/18
66. SUSTAINED PATTERN OF NOISE/DISORDER ON 07/11/18
67. REFUSAL TO APPEAR/TESTIFY ON 08/02/18
68. SUSTAINED PATTERN OF NOISE/DISORDER ON 08/02/18
69. FOCAL POINT FOR POLICE ATTENTION ON 08/02/18
70. NON BONA FIDE ON 08/02/18
71. FAILURE TO SUPERVISE ON 08/02/18
72. FAILURE TO COMPLY - LOCAL REGULATIONS ON 08/02/18

MP: REVOCATION PLUS BOND CLAIM

OFFER: \$125,000: \$75,000 PAID UPON ACCEPTANCE OF THE PLEA AND \$50,000 PAID WITHIN TWO MONTHS FROM ACCEPTANCE OF THE PLEA

LICENSE ISSUED: 06/27/2012
LICENSE EXPIRES: 05/31/2020

ADVERSE HISTORY: NONE

NOTE:

1. AN EMERGENCY SUMMARY ORDER OF SUSPENSION WAS ISSUED ON 12/5/18 IN CONNECTION TO CASE #130538, WHICH IS STILL IN EFFECT

The Members of the Authority at their meeting held at the Zone 2 Albany Office on 04/10/2019 determined:

Martin Mehler, Esq., appeared for licensee.

James Goldman appeared in support.

CNC DENIED

Counsel's office authorized to accept counter offer of Cancellation and bond claim.

Voting was as follows:

1. CHAIRMAN VINCENT G. BRADLEY Voted: YES
2. COMMISSIONER GREELEY T. FORD Voted: YES
3. COMMISSIONER LILY M. FAN Voted: YES

DIVISION OF ALCOHOLIC BEVERAGE CONTROL
NEW YORK STATE LIQUOR AUTHORITY
OFFICE OF COUNSEL
163 WEST 125th STREET, 8th FLOOR
NEW YORK, NY 10027

518-474-3114 (option 4-2-1)
Fax (212) 961-8316

04/15/2019

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

Re: 1261741, NEW YORK CR 1261741
Docket no.: 3057-2018 / Case no.: 130538
Docket no.: 1960-2017 / Case no.: 120266
Docket no.: 2764-2017 / Case no.: 123071
Docket no.: 1902-2018 / Case no.: 127576

Dear Licensee:

The Division of Alcoholic Beverage Control has denied the Conditional No Contest plea of the above-referenced licensee for charges contained in the Notice of Pleading dated 8/2/2017, 12/11/2017, 8/3/2018, and 12/3/2018, and has made a counter-offer of Cancellation and Bond.

Please advise the Office of Counsel in writing within 20 days of the date of this letter, as to whether the licensee intends to accept the counter-offer. A hearing will be scheduled after this date if you have not responded to, or declined, the counter-offer.

All payments of civil monetary penalties and bond claims must be made by OFFICIAL BANK CHECK or MONEY ORDER payable to the State Liquor Authority. Please send payment for this counteroffer to the New York State Liquor Authority - Secretary's Office, 80 South Swan Street, Suite 900, Albany, NY 12210-8002. The license serial number and licensee name should be indicated on the certified check or money order.

Sincerely,

Marsico, Margarita

cc: file

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD DISPOSITION
MEETING OF 04/10/2019

05/02/2019

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

Re: 1261741, NEW YORK CR 1261741
DO # 3057-2018/Case # 130538
AGENDA ITEM NO. 2019-00744
DO # 1960-2017/Case # 120266
AGENDA ITEM NO. 2019-00745
DO # 2764-2017/Case # 123071
AGENDA ITEM NO. 2018-00746
DO # 1902-2018/Case # 127576

Dear Licensee:

The Members of the Authority on 04/10/2019 determined as follows with regard to the above captioned matter:

COUNBTER OFFER ACCEPTED BY LETTER DATED MAY 1, 2019

Penalty is the following:

Bond Claim: \$1000.00
Cancellation

A demand for the bond claim will be made to your bonding company, who will then seek repayment from you and additional expenses may be incurred in connection with the bond.

THOMAS J. DONOHUE, ESQ.
NEW YORK STATE LIQUOR AUTHORITY
SECRETARY'S OFFICE
80 South Swan Street, Suite 900
Albany, NY 12210
[518] 474-3114
Secretarys.Office@sla.ny.gov

cc: file
MARTIN P MEHLER
305 BROADWAY
NEW YORK NY 10007-208

NEW YORK STATE LIQUOR AUTHORITY

CANCELLATION ORDER EFFECTIVE MAY 9, 2019

WITH \$1,000 BOND CLAIM

1261741, NEW YORK CR 1261741

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

3057-2018/Case No. 130538
1960-2017/Case No. 120266
2764-2017/Case No. 123071
1902-2018/Case No. 127576

Proceedings having been duly instituted pursuant to the provisions of the Alcoholic Beverage Control Law, (Chapter 478 of the Laws of 1934, as amended) to cancel or revoke the above license issued to the licensee for premises located at the address stated above and the licensee having duly pled "no contest" to the charges contained in the Notice of Pleading or a hearing having been duly held by the State Liquor Authority in connection with said proceedings, and

The matter having been duly considered by the State Liquor Authority at a meeting held on 04/10/2019, and the Authority having found:

FIRST PROCEEDING: DO# 3057-2018/CASE# 130538

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 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)].

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)].

SECOND PROCEEDING: DO# 1960-2017/CASE# 120266

1. That on July 2, 2017, 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 regulations regarding occupancy level; 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)].

2. That on July 2, 2017, the licensee suffered or permitted the licensed premises to become disorderly by allowing a hazardous and dangerous condition to be engendered on the licensed premises in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.

3. That on and before July 2, 2017 , the licensee, through the actions of its principal LLC members, 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)].

THIRD PROCEEDING: DO# 2764-2017/CASE# 123071

1. That on or before December 1, 2017 and on a continuing basis, the licensee failed to conform with all representations set forth in the application, or approved amendments thereto, for the on-premises license under which such license was applied for and issued; all cause for revocation, cancellation or suspension of the license in accordance with Rule 54.8 of the Rules of the State Liquor Authority [9 NYCRR 48.8].

2. That on or about December 1, 2017, the licensed premises has ceased to be operated as a bona fide premises within the contemplation of the license issued for such premises, all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(d) of the Rules of the State Liquor Authority [9 NYCRR 53.1(d)].

FOURTH PROCEEDING: DO# 1902-2018/CASE# 127576

1. That on 07/07/18, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.

2. That on 07/07/18, in violation of subdivision 2 of section 65 of the Alcoholic Beverage Control Law, the licensee sold, delivered or gave away, or permitted to be sold, delivered or given away, alcoholic beverages to a visibly intoxicated person.

3. That on 07/13/18, 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; no general liability insurance, 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)].

4. That on 07/13/18, 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 regarding blocked exits, 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)].

5. That on 07/13/18, 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; failure to remove surface bolts, 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)].

6. That on 07/13/18, in violation of subdivision 2 of section 106 of the Alcoholic Beverage Control Law, the licensee kept alcoholic beverages upon the licensed premises in containers the contents of which were not as represented on the labels affixed thereto.

7. That on 07/13/18, in violation of subdivision 3-b of section 102 of the Alcoholic Beverage Control Law, the licensee purchased and/or received alcoholic beverages for resale from a person not duly licensed to sell same for resale.

8. That on 07/13/18, 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; extension cords used for 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)].

9. That on 07/13/18 , the licensee failed to post and display the license as required by subdivision 6 of section 114 of the

Alcoholic Beverage Control Law.

10. That on 07/13/18, 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; unsecured gas tanks, 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 07/13/18, 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; fireworks (PL 270-200.2iii) 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 07/13/18, 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; failure to maintain emergency 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 07/13/18, 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; defective fire equipment, 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 07/13/18, 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; failure to maintain fire extinguisher servicing tags/monthly inspections, 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 07/13/18, 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; no flame proofing affidavit, 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)].
16. That on 07/13/18, 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; no emergency power for exit sign, 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)].
17. That on 07/13/18, 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; no monthly testing of emergency 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)].
18. That on 07/13/18, 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; open junction box, 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)].
19. That on 07/13/18, 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; failure to present Public Assembly plan and seating plans for inspection, 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)].
20. That on 07/13/18, 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; failure to maintain roster of guards, 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)].
21. That on 07/13/18, the licensee in violation of subdivision 2 of Section 105-b of the Alcoholic Beverage Control Law failed to display in a conspicuous place on the licensed premises the warning sign regarding the consumption of alcoholic beverages during pregnancy, as described in subdivision 1 of this section.
22. That on 07/13/18, the licensee failed to post and display the license as required by subdivision 6 of section 114 of the Alcoholic Beverage Control Law.
23. That on or before 07/13/18, the licensee failed to conform with all representations set forth in the application, or approved amendments thereto, for the on-premises license under which such license was applied for and issued; principal is not managing, regarding the number of employees, regarding the number of security guards, quonset hut accessible to the public, all cause for revocation, cancellation or suspension of the license in accordance with Rule 54.8 of the Rules of the State Liquor Authority [9 NYCRR 48.8].
24. That on and before 07/13/18, the licensed premises has ceased to be operated as a bona fide premises within the contemplation of the license issued for such premises, licensee is not open during all days of the year, all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(d) of the Rules of the State Liquor Authority [9 NYCRR 53.1(d)].
25. That on 07/13/18 and before, in violation of subdivision 1 of section 99-d of the Alcoholic Beverage Control Law, the licensee altered the licensed premises without the permission of the State Liquor Authority first obtained by moving three bars from the location depicted in the diagram submitted with their license application.
26. That on 07/13/18, 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; no proprietary license, 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)].
27. That on 07/13/18, 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 regarding employment of security guards; 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)].

28. That on 07/13/18, 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; failure to post business certificate, 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)].

29. That on 07/13/18, 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; no public assembly fire guards, 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)].

30. That on 07/13/18, 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; obstructed fire extinguisher, 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)].

31. That on 07/13/18, 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; no occupancy signs posted (AC27.527) 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)].

32. That on 07/13/18, 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; no digital surveillance posted, 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)].

33. That on 07/13/18, 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; failure to post no smoking sign (FC 310.3) 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)].

34. That on 07/13/18, 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; untaxed tobacco NYSTAX (1814 (F) 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)].

35. That on 07/13/18, 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; no address posted (AC3-505) 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)].

36. That on 07/13/18, 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; blocked sidewalk with metal barrier, valet station with umbrella and valet sign blocking street, (AC 16-118-2(a)) 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)].

37. That on 07/13/18, 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; failure to present Public Assembly Plan and Seating Plans (AC-528) 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)].

38. That on 07/13/18, 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; illegally stores gasoline on the premises (FC 603.4.2.3.4) 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)].

39. That on 07/13/18, 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; no Public Assembly Permit posted, 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)].

40. That on 07/13/18, 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; wasre accumulation in second floor staircase (FC304.1) 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)].

41. That on 07/13/18, 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; no emergency lighting activation records (FC 606.6.1) 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)].

42. That on 07/13/18, 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; two egress dorrs padlocked (FB 1029.2) 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)].

43. That on 07/13/18, 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; egress not illuminated (FC1029.8) 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)].

44. That on 07/13/18, 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; egress not illuminated (FC1029.8) 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)].
45. That on 07/13/18, the licensee violated section 111 of the Alcoholic Beverage Control Law and the terms of its alcoholic beverage license, in that the licensee extended or transferred the license to an unlicensed part of the building containing the licensed premises without the permission of the State Liquor Authority first obtained.
46. That on 07/13/18, in violation of subdivision 1 of section 99-d of the Alcoholic Beverage Control Law, the licensee altered the licensed premises without the permission of the State Liquor Authority first obtained (second floor not approved).
47. That on 07/13/18, the licensee failed to permit an inspection of the licensed premises by a peace officer or representative of the State Liquor Authority during hours when the licensed premises were open for the transaction of business; in violation of subdivision 15 of section 106 of the Alcoholic Beverage Control Law.
48. That on 07/13/18, in violation of subdivision 2 of section 106 of the Alcoholic Beverage Control Law, the licensee kept alcoholic beverages upon the licensed premises in containers the contents of which were not as represented on the labels affixed thereto.
49. That on 07/13/18, in violation of subdivision 2 of section 106 of the Alcoholic Beverage Control Law, the licensee kept alcoholic beverages upon the licensed premises in containers without labels affixed thereto as required by the State Liquor Authority.
50. That on 07/13/18, the licensee engaged in certain conduct, to wit: knowingly operated an illegal valet service where cars were being parked illegally and the licensee received a profit from these operations; and that the foregoing conduct was of such improper nature as to warrant revocation, cancellation or suspension of the license in accordance with rule 36.1(n) of the Rules of the State Liquor Authority [9 NYCRR 53.1(n)].
51. That on 07/13/18, in violation of subdivision 12 of section 106 of the Alcoholic Beverage Control Law, the licensee has failed to keep and maintain adequate (and accurate) records of business transacted by the licensee on the licensed premises.
52. That on 07/13/18, the licensee in violation of subdivision 2 of Section 65-d of the Alcoholic Beverage Control Law failed to display in an upright position and in a conspicuous place on the licensed premises the warning sign regarding prohibited sales, as described in subdivision 1 of this section.
53. That on 07/13/18, 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; no Workman's Compensation Sign posted, 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)].
54. That on 07/13/18, 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; failure to Display Certificate of Authority, 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)].
55. That on 06/05/18, in violation of subdivision 1 of section 65 of the Alcoholic Beverage Control Law, the licensee sold, delivered or gave away, or permitted to be sold, delivered or given away, alcoholic beverages to a person or persons actually under the age of twenty-one years.
56. That on 06/05/18, the licensee failed to comply with all applicable health, safety and governmental regulations; potentially hazardous cold good, not held at or below 41 degrees F, 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)].
57. That on 06/05/18, the licensee failed to comply with all applicable health, safety and governmental regulations (evidence of seventeen fresh mice excreta in storage room near kitchen); 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)].
58. That on 06/05/18, the licensee failed to comply with all applicable health, safety and governmental regulations conditions conducive to the existence of pests in that a hole leading to ceiling space was observed; 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)].
59. That on 06/05/18, the licensee failed to comply with all applicable health, safety and governmental regulations floor or ice dispensing equipment improperly stored; 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)].
60. That on 06/05/18, the licensee failed to comply with all applicable health, safety and governmental regulations flooring improperly constructed or maintained in that tiled floor observed with accumulation of water under three compartment sinks; 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)].
61. That on 06/05/18, the licensee failed to comply with all applicable health, safety and governmental regulations liquid waste not carried to sewer or sewage disposal system so as to prevent contamination of the premises and its contents in that waste line under handwash sink was observed leaking onto floor, 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)].
62. That on 06/05/18, the licensee failed to comply with all applicable health, safety and governmental regulations; flooring improperly constructed or maintained in that cement/concrete floor observed with accumulation of water, 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)].
63. That on 06/05/18, the licensee failed to comply with all applicable health, safety and governmental regulations condition conducive to the existence of pests in that one hole was observed in ceiling beside double entrance to the kitchen; 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)].

64. That on 06/05/18, the licensee failed to comply with all applicable health, safety and governmental regulations conditions conducive to the existence of pests; 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)].
65. That on 06/05/18, the licensee failed to comply with all applicable health, safety and governmental regulations liquid waste not carried to sewer or sewage disposal system so as to prevent contamination of the premises and its contents in taht the waste line under dump sink was observed leaking onto the floor;; 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)].
66. That between 5/11/18 and 07/11/18, 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.
67. That on or before 08/02/18, the licensee refused to appear and/or testify under oath at an inquiry held by the State Liquor Authority with respect to matters bearing upon the conduct of the licensed business or bearing upon the character and fitness of the licensee to continue to hold a license; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(o) of the Rules of the State Liquor Authority [9 NYCRR 53.1(o)].
68. That on and before 08/02/18, 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.
69. That on and before 08/02/18, 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)].
70. That on and before 08/02/18, the licensed premises has ceased to be operated as a bona fide premises within the contemplation of the license issued for such premises, all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(d) of the Rules of the State Liquor Authority [9 NYCRR 53.1(d)].
71. That on and before 08/02/18 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)].
72. That on and before 08/02/18, 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; permitted amplified music in an outdoor area after 10 PM, 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)].

Dated: 05/02/2019

STATE LIQUOR AUTHORITY

Certified by

THOMAS J. DONOHUE, ESQ.
Secretary to the Authority

VINCENT G. BRADLEY
CHAIRMAN

To: 348 DYCKMAN ST, NEW YORK, NY 10034

Licensee's name and residence address

MATEO, FERNANDO, [REDACTED]

Licensee's Landlord

NYC DEPT OF PARKS AND REC, 830 5TH AVE, NEW YORK, NY 10019

Please take notice that any person who shall sell any alcoholic beverages, without a license by the Liquor Authority or after his license has been revoked, cancelled or surrendered, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars nor more than twelve hundred dollars or by imprisonment in a county jail or penitentiary for a term of not less than thirty days nor more than one year or both.