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June 19, 2017 – Rev.

The Hon. Rafael L. Espinal, Jr.,
Chair, Committee on Consumer Affairs
New York City Council
250 Broadway, Suite 1880
New York, NY 1007

Dear Chair Espinal:

Re: TESTIMONY – HEARING OF JUNE 19, 2017
Cabaret Law Oversight - T2017-6287
Establishment of Office of Nightlife - Int 1648-2017

EXECUTIVE SUMMARY

I am a lawyer. From time to time I have produced large Lindy Hop non-profit partner social dance events. I am familiar with the cabaret law as well as zoning law. I have no personal interest in this matter, other than as someone who wishes to be a patron at venues allowing partner social dancing.

Please include this statement in the record of the hearing of June 19, 2017.

The cabaret law is akin to prohibition: widely disliked, no relevance to the world, discouraging legitimate businesses, attacking the culture of large segments of the City, and inconsistently and randomly enforced.

The cabaret law importantly negatively impacts the 2.3 million Latinos in the City with cultures closely associated with social partner dance and dance music – salsa, merengue, cumbia, bachata as examples.

The cabaret law as reflected in Title 20, Chapter 2, Subchapter 20 of the New York City Administrative Code (Appendix A) should be abolished forthwith:

- No relationship has or can be shown between dancing at a venue and the regulatory requirements in Subchapter 20. No one has, or can, show why allowing dancing in and of itself, within a bar or restaurant increases any risks to the patrons or the public, as

Rafael L. Espinal, Jr., Chair

June 17, 2017

Page of 2 of 8

compared to a similarly crowded bar or restaurant which does not allow dancing.

Appendix B.

- Much of the law has been declared unconstitutional, but the City Council has not met its obligations to revise the law in accord with court opinions: performance of music and dance is a constitutionally protected right. Thus, strip clubs cannot be prohibited and music can be performed without restriction. Appendix C.
- The Department of Consumer Affairs claims to recognize these First Amendment rights, for, despite the over-reaching breadth of the Administrative Code, the Department of Consumer Affairs (DCA) seems to claim cabaret license are required only where there is patron dancing. Appendix D. But, in practice, the DCA applies the cabaret law to music halls and adult clubs where patron dancing is not featured or even allowed.
- The confusion of the law results in the fact that most of the venues with licenses do not allow patron dancers, but nonetheless obtain a license because of prior practices or just to be safe: most holders of licenses are adult clubs or live music venues without dancing.
- The DCA does not enforce the law in an equitable manner and ignores a multitude of well-known venues which violate the cabaret law, although perhaps in a zoning district allowing dancing. Appendices E and F.
- Well known venues including major cultural institutions such as museums and the Intrepid Aircraft Carrier hold dance events without cabaret licenses.
- The lack of uniform enforcement may be a result of the overreach in the law, a lack of diligence, or even less savory factors.
- In fact, few of the 99 current licensees are known as dance venues for the partner social dances such as salsa, merengue, swing, Tango, samba, hustle, and ballroom, let alone rave and house dancing. Appendix G.
- The prohibition of legal dance places for the culturally significant dances such as salsa and merengue (and bachata and cumbia etc.) is a cultural imposition upon the City's Latino communities.
- Abolishment of the cabaret law would not end the problem for in large swaths of the City, one may not obtain a certificate of occupancy for venues which allow dancing. The Zoning Resolution mentions dancing over 50 times. But, abolishment of the cabaret law immediately is beneficial for it would allow dancing in major commercial areas. But the Zoning Resolution must be amended as well.

Oversight of the DCA

The DCA should be more transparent.

- The list of licensees (Appendix G) should categorize licensees by type (Catering Hall, Cabaret, Dance Club, Adult) and should always include the business name as appearing on the marquee of the venue, and should specify whether the venue allows patron dancing.

Rafael L. Espinal, Jr., Chair

June 17, 2017

Page of 3 of 8

- The DCA should work with ZOLA to prepare a map showing all zoning districts allowing dancing and should populate the map with the location of each license.
- The DCA, in cooperation with the NYPD and the Department of Buildings, should publish all actions as to venues cited formally or informally for a possible violation or warning of not possessing a cabaret license or not being in compliance with the zoning as to dancing.
- The DCA should be required to explain why it does not enforce the cabaret law against hotels, private clubs, and other prominent institutions.

The Nightlife Committee

- Any Nightlife Office should include representation from the City Planning Commission and the Council's Land Use Committee of the City Council which has jurisdiction over zoning.
- Any Nightlife Office should include as constituents, not just hip hop and club dancers, but partner social dancers, including salsa and swing dancers. These dancers would be quite happy to have an easing of the cabaret law as to small venues.

FACTS RELATED TO THE CABARET LAW

Cabaret Law Text

- Does not mention a "three dancer" rule, as mistakenly stated in recent news articles.
- Applies to public dance halls, cabarets, and catering establishments
- Includes provisions ruled as unconstitutional - e.g., the limit of the musical entertainment to three musicians, which was ruled unconstitutional by the New York Supreme Court in 1988 in the second Chiasson case.¹
- The City Council has failed to amend the Cabaret Law to remove the unconstitutional provisions.

Cabaret Law According to Department of Consumer Affairs:

"Any room, place, or space in New York City in which patron dancing is permitted in connection with the restaurant business or a business that sells food and/or beverages to the public requires a Cabaret license." Appendix A.

- Because of court rulings, the DCA no longer can constitutionally restrict dance performances or live musical performances - activities protected by the First

¹ Some opponents to the cabaret law mistakenly believe that the cabaret law allowed up to three dancers without a license – but clearly the provision relates to the "three" musician rule struck down by the Chiasson case.

Rafael L. Espinal, Jr., Chair
June 17, 2017
Page of 4 of 8

Amendment, and now seemingly claims to apply the Cabaret Law only where there is patron dancing!!!

- The courts have whittled away at the cabaret law over the years and there are great disparities between how it is enforced and the language of the law –setting up the condition of harassing unfair enforcement and providing uncertainty to investors and lenders to, and owners of venues.
- Dancing is not defined and is vague - is hugging and moving to music dancing?

Licensed Cabarets as of June 2016 - Appendix G

- Many well-known dancing and catering spots are not being required by the DCA to obtain cabaret licenses.
- Hotels which host benefit galas with dancing generally are open to the public and thus would require a cabaret license, but these hotels are not shown on the list of licensees, an example of class preferential treatment. Appendix G.
- The licensees include substantial numbers of music halls, such as Village Vanguard, which are not dance spots.
- The licensees include a substantial number of gentlemen's clubs, but strip and pole dancing are constitutionally allowed performance.
- 49 licensees in 2015 are no longer licensed – yet some are still in business.
- Many are/were adult clubs.
- 20 new licensees since 2015; some are adult clubs.

Arbitrary and Discriminatory Enforcements

- The DCA does not equitably enforce the cabaret laws.
- The DCA provides preferential treatment to private clubs which allow nonmembers to attend dance events, without having cabaret licenses- the Cosmopolitan Club and the Yale Club as examples.
- The DCA provides preferential treatment to hotels and catering halls, which allow large benefits balls to be held with tickets sold to the public with dancing, but cabaret licenses not obtained.
- Well known businesses featuring dancing have not held cabaret licenses - such as the now out of business Roseland and the Lafayette Bar and Grill, the latter which was just a few blocks from City Hall. These businesses did not have cabaret licenses, with the full knowledge of the City, and dancing was featured nightly.
- Potential retaliation, as engaged in in the past by DCA, constrains identification of specific venues. Once these hearings disclose the names of venues that should have, but do not have, licenses, only immediate revocation of Subchapter 20 will prevent retaliation by the DCA.
- City-owned property leased to private operators allow dancing without cabaret licenses.

Rafael L. Espinal, Jr., Chair

June 17, 2017

Page of 5 of 8

- Within areas zoned for dancing, in many cases the DCA ignores enforcement.
- The DCA seems to focus on adult clubs and large music halls, even where there is no patron dancing allowed by the proprietors.
- The City does not apply the cabaret law to public dancing events at public non-profit venues.
- Enforcement in fact is heavily class oriented, favoring the establishment venues and the well-off with their private clubs.
- Cabaret licenses are on the whole held by businesses where patron dancing is incidental, if at all.

The Zoning Resolution - New York City's Zoning Code

- The Zoning Resolution mentions the word "dancing" in over 55 places.
- Cabaret licenses may only be obtained in areas where permitted by the Zoning Resolution.
- Many restaurants and bars in areas where dancing is prohibited by the Zoning Resolution are unable to offer dancing in mid-week evenings when the venues are underutilized, fearful of the possible but erratic enforcement of the cabaret law.
- Elimination of the cabaret law will not affect obtaining licenses in the many locations not allowed by the Zoning Resolution.
- The City Planning Commission oversees the Zoning Resolution, but the Department of Buildings enforces the Zoning Resolution.
- The Committee on Consumer Affairs of the City Council has no jurisdiction as to changes in the Zoning Resolution.
- The Land Use Committee of the City Council has jurisdiction over zoning, and is supported by the Land Use Division.
- Changes in the Zoning Resolution are also considered by the relevant community board.
- The planned Nightlife committee must include zoning officials and Land Use members.
- Contrary to a recent Village Voice article, there is nothing in the Zoning Resolution which requires venues with dancing to obtain a cabaret license.

A Little History

- Prohibition was in effect from 1920 to 1933, and the Cabaret Law, promoted by Mayor Walker, was adopted in 1926.
- Prohibition was seen as creating a nation-wide crime wave, and New York City was no exception - Walker wanted the cabaret law to moderate nightlife, according to some accounts of the period.
- Restrictions against liquor and dancing have always had a religious overtone.

Rafael L. Espinal, Jr., Chair

June 17, 2017

Page of 6 of 8

- In the 20s and 30s, inter-racial dancing was limited in New York City by segregation imposed by venues - the Roseland Ballroom allowed black bands, but did not allow black patrons.
- The Savoy Ballroom in Harlem opened in 1926 and allowed interracial dancing and remained open until 1958.
- But, a few blocks away from the Savoy, the Cotton Club in Harlem had black bands and performers, but only white patrons.
- The Lindy Hop evolved in Harlem during this period, not inhibited by the cabaret law.
- My impression is that the Flappers of the Roaring Twenties were largely white.
- There were interracial night clubs all over Harlem in the late 20's and early 30's, apparently not affected by Walker's cabaret law.
- The Ubangi Club, with gay performers, opened in Harlem in 1934, with interracial patrons, despite the cabaret law.
- The "history" of the initial adoption of the cabaret law is murky and only a historian steeped in that period is qualified to support some of the assertions.
- Nonetheless, at present, the cabaret laws greatly affect social dancers of all racial and ethnic background who express themselves in dancing the following dances: Tango, west coast swing, Lindy hop, hustle, Texas two- step, samba, salsa, cumbia, bachata, and merengue as well as waltz and foxtrot, line dancing, contra-dancing, and folk dancing.
- The laws also negatively impact bands that play dance music – thereby limiting the venues which are willing to accommodate dancers and risk running afoul of the cabaret law.

No Connection Between Dancing and Adverse Environmental Impacts (noise, etc.)

- Dancing should not be a factor in evaluating impacts of nightlife venues.
- Courts unfortunately have disallowed non-performance dancing as being an expression protected by the first amendment. But the legislature (the City Council) may still protect dancing as an expression. The City Council could pass a resolution that dancing is to be protected as a First Amendment right

Finally, much has been made by some as to the alleged racist basis for the original 1926 cabaret law. That is a matter best left to the Court as to whether the law had a racist past. I am not a historian and cannot opine on the history, but have known a couple of Harlem dancers from the 1930s. For the City Council as a legislative body, it is less relevant whether the law is or is not racially based, for legislatively, there is no rational basis for this law and it is a source of great damage to the people of this City, especially those who wish to engage in their cultural dances and pass them on to their successor generations. Certainly, there is much evidence as to class discrimination in how the law currently is enforced. A court might find that there was no racial basis to the law in 1926, but that should not affect the decisions of this body.

Rafael L. Espinal, Jr., Chair
June 17, 2017
Page of 7 of 8

The cabaret law should just be eliminated. Existing law should be relied upon to enforce noise and congestion issues. The rules that apply to rowdy bars on Second Avenue should be sufficient.

Then, the next step will be to amend the 55 provisions of the Zoning Resolution to eliminate distinctions that relate to dancing, as well as to purge the Department of Buildings regulations of inconsistent language.

Finally, to garner support for elimination of the cabaret and zoning laws, supporters should consider reaching out to the 20,000 or more social partner dancers who attend the yearly 15-night Midsummer Night Swing Festival at Damrosch Park in Lincoln Center with a 10,000-square foot dance floor and surrounding plaza and live orchestras. On Latin nights, as many as 4000-5000 dancers attend. The first night this year is June 27, 2017 with the Count Basie Orchestra. Oddly, the event has no cabaret license, but, clearly, the Department of Consumer Affairs does not want to take on Lincoln Center. Still the event has extensive security. The event would be classified as a “public dance or ball” held in a “Public dance hall” as defined in §20-359. A hall is a “room, place or space.”

Partner social dancing is multi-generational and it is not unusual to see dancers from 4 to 90 years-old on the same dance floor. A New York non-profit, Dancing Classrooms, featured in the Mad Hot Ballroom documentary has taught social partner dancing to nearly 500,000 New York City children over the last 20 years – but, when reaching adulthood, the children have nowhere to dance.

I will be willing to elaborate on these issues and will be available to provide more information and analysis to this Committee. Please let me know if you have any questions.

Sincerely,



Alan D. Sugarman

cc: Council Member Julissa Ferreras-Copeland
Council Member Karen Koslowitz
Council Member Rory I. Lancman
Council Member Vincent J. Gentile (and member of Committee on Land Use)
DCA Commissioner Lorelei Salas

Rafael L. Espinal, Jr., Chair

June 17, 2017

Page of 8 of 8

Attachments;

Appendix A Excerpts from Cabaret Law

Appendix B Excerpts from 1988 Chiasson Case

Appendix C Letter to DCA re Performances Not Covered By Cabaret Law

Appendix D DCA Web Site Description of Cabaret Licenses

Appendix E DCA 2008 Letter re Selling Admissions Requires Cabaret License

Appendix F DCA 2015 Letter re Selling Admissions Requires Cabaret License

Appendix G Table of Cabaret Licenses June 2017

NEW YORK CITY ADMINISTRATIVE CODE TITLE 20: CONSUMER AFFAIRS
CHAPTER 2: LICENSES SUBCHAPTER 20: PUBLIC DANCE HALLS, CABARETS AND
CATERING ESTABLISHMENTS

§ 20-359 Definitions. Whenever used in this subchapter the following terms shall mean:

1. "Public dance hall." Any room, place or space in the city in which dancing is carried on and to which the public may gain admission, either with or without the payment of a fee.
2. "Public dance or ball." Any dance or ball of any nature or description to which the public may gain admission.
3. "Cabaret." Any room, place or space in the city in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink, except eating or drinking places, which provide incidental musical entertainment, without dancing, either by mechanical devices, or by not more than three persons.
4. "Catering establishment." Any room, place or space in the city, which is used, leased or hired out in the business of serving food or beverages for a particular function, occasion or event, to which the public is not invited or admitted and wherein music or entertainment is permitted.

* * *

§ 20-360 Licenses and fingerprinting.

- a. It shall be unlawful for any person to conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, a public dance hall, cabaret or catering establishment unless the premises wherein the same is conducted, maintained or operated are licensed in the manner prescribed herein.
- b. A membership corporation, club, association or society which permits musical entertainment, singing, dancing or other form of amusement in premises wherein food or drink is directly or indirectly sold to its members, or their guests, or to the public, shall be deemed to be conducting a cabaret hereunder.
- c. A steamship or boat moored or tied to a dock, pier or shore, and which contains a dance hall or cabaret in use while so moored or tied, shall be required to obtain such license.

Warren Chiasson v. New York City Department of Consumer Affairs. 138 Misc. 2d 394, 524 N.Y.S.2d 649 (Supreme Court of New York, New York County 1988)

The court in the 1988 Chiasson case said as to the constitutionally protected activity of performing music:

In support of this motion for summary judgment, the city merely reasserts its unsupported conclusion that if more than three instruments are permitted, "it may be that congestion from pedestrian and automotive traffic could result in a diminution of the quality of life in that area." Defendant offers no evidence to justify its assertion that the addition of more musicians may increase traffic and congestion. If anything, traffic and congestion would be related to the seating capacity of the establishment, not the number of musicians playing there. The city has the burden of showing that a regulatory scheme that is "content" based is narrowly drawn to advance a compelling State interest. Traffic and congestion concerns, as the city has explained them, do not rise to the level of a compelling State interest sufficient to justify a "content"-based restriction. Moreover, even "content" neutral time, place and manner regulations are constitutional only if they are designed to serve a substantial government interest and if they leave open ample alternative channels of communication and are narrowly tailored. (*City of Renton v Playtime Theatres*, 475 U.S. 41 .)

The city provides no studies or other evidence to demonstrate that the number of musicians bear any relationship to automotive or pedestrian traffic. In fact, it is the city's position that it need not come forward with a substantial factual basis to support a justification for the three-musician limitation. I find that the City of New York has failed to meet its burden in demonstrating any legal basis to justify a three-musician limitation. In searching the record pursuant to CPLR 3212 (b) I find that the defendant City of New York has failed as a matter of law to demonstrate a basis for the numerical limitation contained in the incidental music exception to the Cabaret Law.

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April 3, 2015

Honorable Julie Menin
Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Re: Cabaret Law – Applicability to Dance Performance

Dear Commissioner Menin:

On March 23, 2015, I sent to you the enclosed letter. I have not received a confirmation that this has been received and is being acted upon.

I am enclosing a copy of this letter to Marla Tepper Esq., Department of Consumer Affairs General Counsel/Deputy Commissioner, Legal Affairs.

Sincerely,



Alan D. Sugarman

cc: Maria Tepper MTepper@dca.nyc.gov

Enclosures:

Letter of March 23, 2015 – Sugarman to Menin with enclosures.

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March 23, 2015

Honorable Julie Menin
Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Re: Cabaret Law – Applicability to Dance Performance

Dear Commissioner Menin:

In a letter dated January 9, 2015, from The City of New York Law Department to Judge Roslynn R. Mauskopf, United States District Court, Eastern District of New York, in the matter of Muchmore's Café, LLC v. City of New York, 14-cv-05668, the Law Department stated to the Court:

Under current statutory and case law, a cabaret is an eating or drinking establishment with dancing for customers. The Cabaret Law does not require licensing for eating or drinking establishments with any sort of musical entertainment or performance dancing.

* * *

In fact, the Cabaret Law does not regulate dance performances or prohibit dancers from performing. In addition to not regulating performance dance, the Cabaret Law, as modified by case law, does not regulate performance singing, the playing/performance of any type of music or the number of musicians playing/performance any type of music. The licensing provisions of the Cabaret Law are not triggered by the playing of music or by performance dance at an eating or drinking establishment,

I represent a promoter who wishes to provide live tango music with the performance of dancing tango couples in restaurants in New York City. Many of the venues he wishes to use are not aware of this interpretation of the Cabaret Law and rely upon the statutory language and the policies on your web site.

We have not seen any interpretation of the Cabaret Law from the Department of Consumer Affairs which would exclude dance performances from the Cabaret Law.
http://www.nyc.gov/html/dca/html/law/legal_interpretations.shtml.

Commissioner Menin
March 23, 2015
Page of 2 of 2

Indeed, the text of the Cabaret Law on your web site at http://www.nyc.gov/html/dca/downloads/pdf/cabarets_catering_law_rules.pdf does not indicate that portions of the law at § 20-539.3 were ruled too be unconstitutional over 15 years ago, thereby misleading the public.

As restaurant, musicians, and performers struggle, and as residents seek to enjoy the arts in the City, it is important that ambiguity as to the applicability of the Cabaret Laws be reduced.

We would very much if appreciate were the Department of Consumer Affairs to affirm this representation as made to the Court in the form of a letter or a policy interpretation posted on your web site, or both, and which my client may then show to concerned small restaurant owners without lawyers who wish to follow the law.

Thank you.

Sincerely,



Alan D. Sugarman

cc:

Enclosures:

Letter of January 9, 2015 from Ave Maria Brennan to Judge Roslynn R. Mauskopf



ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

AVE MARIA BRENNAN
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January 9, 2015

By ECF Filing

Judge Roslynn R. Mauskopf
United States District Court
Eastern District of New York
225 Cadman Plaza East, Courtroom 6A
Brooklyn, New York 11201

Re: Muchmore's Café, LLC v. City of New York
14-cv-05668 (RRM)(RER)

Your Honor:

I am an attorney in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendant the City of New York in the above-referenced action.

In conformance with the Court's Individual Rules, I write this letter to request a pre-motion conference with the Court seeking permission to move for an order pursuant to Fed. R. Civ. P. 12(c) for judgment on the pleadings and to respond to the letter from plaintiff's counsel that also requests a pre-motion conference seeking leave to move on the same grounds.

The amended complaint herein challenges the constitutionality of the "New York City Cabaret Law, N.Y.C. Administrative Code 20-359, *et seq.* ('the Cabaret Law'), under the First and Fourteenth Amendments to the United States Constitution." Amended Complaint ¶1. Among other things, the Cabaret Law requires that cabarets be licensed by the Department of Consumer Affairs of the City of New York. Under current statutory and case law, a cabaret is an eating or drinking establishment with dancing for customers. The Cabaret Law does not require licensing for eating or drinking establishments with any sort of musical entertainment or performance dancing.

Plaintiff Muchmore's Café, LLC (hereinafter "plaintiff" or "Muchmore's") is a café and bar located in Williamsburg, Brooklyn which "hosts original live music, stand-up comedy, theater, art openings, debates, lectures and other forms of entertainment." Amended Complaint ¶42.

Plaintiff contends that the Cabaret Law violates (i) the constitutional rights of plaintiff, as well as the musicians that perform at Muchmore's and the musicians and dancers that would be permitted to perform at Muchmore's and (ii) the constitutional rights of patrons of Muchmore's who want to engage in social dancing while at Muchmore's.

The First Cause of Action (entitled "Dance Performance") is based on the misapprehension that the "Cabaret Law purports to prohibit Muchmore's and similar establishments from hosting dance performances, or to prohibit dancers from performing..." Amended Complaint ¶53. In fact, the Cabaret Law does not regulate dance performances or prohibit dancers from performing. In addition to not regulating performance dance, the Cabaret Law, as modified by case law, does not regulate performance singing, the playing/performance of any type of music or the number of musicians playing/performance any type of music. The licensing provisions of the Cabaret Law are not triggered by the playing of music or by performance dance at an eating or drinking establishment. Contrary to the plaintiff's allegations, the Cabaret Law only applies to cabarets as defined in the Administrative Code and as modified by case law, *i.e.*, an eating or drinking establishment with recreational dancing. Therefore, the First Cause of Action that is based on an alleged infringement of the right of plaintiff to host performance dancing or the playing of music by musicians fails as a matter of fact and law.

The Second Cause of Action is entitled "Social Dancing" and alleges, in part, that the Cabaret Law "purports to prohibit social dancing and/or require Muchmore's and similarly situated establishments to prohibit social dancing by their patrons" in violation of the First and Fourteenth Amendments..." Amended Complaint ¶56. Thus, this claim is based on the alleged constitutional right to engage in "social dancing" or "recreational dancing." However, there is no constitutionally protected right to engage in social/recreational dancing. City of Dallas v. Stanglin, 490 U.S. 19, 25 (1989) ("We think the activity of these dance-hall patrons – coming together to engage in recreational dancing – is not protected by the First Amendment.") Therefore, as a matter of law, any constitutional claim relying on a First Amendment right to engage in social/recreational dancing, fails as a matter of law.

Indeed, plaintiff itself essentially acknowledges that the social/recreational dance claim in the Second Cause of Action is without legal basis when it states "[t]o the extent that certain prior precedents have failed and/or refused to extend constitutional protections to social dancing, Plaintiff respectfully requests that this Court differentiate, modify, reverse and/or reconsider such precedents..." Amended Complaint ¶57.

In the Second Cause of Action, plaintiff not only alleges that the Cabaret Law violates the First and Fourteenth Amendments to the Constitution by prohibiting social dancing or requiring Muchmore's "to prohibit social dancing by their patrons," it also alleges that the Cabaret Law prohibits it from "hosting genres of music that might lead to dancing" in violation of the First and Fourteenth Amendments. Amended Complaint ¶56 (see also Amended Complaint second ¶46 - "To the extent that the Cabaret Law prevents Muchmore's from hosting or playing genres of music that might lead to dancing by its patrons, it unduly interferes with the First Amendment and Fourteenth Amendment rights of Muchmore's, the musicians that perform at Muchmore's or that would be permitted to perform at Muchmore's but for the Cabaret Law, and the customers of Muchmore's.")

Plaintiff's constitutional claim based on the allegation that the Cabaret Law prevents it from hosting or playing genres of music "that might lead to dancing by its patrons" (Amended Complaint second ¶46) also fails. As explained above, the Cabaret Law does not require the licensing of an eating or drinking establishment with music and it does not mandate or prevent any genre of music from being played. The claim that the constitutional rights of Muchmore's, and musicians and customers of Muchmore's, are violated because certain music played at Muchmore's "might lead to dancing by its patrons" (which dancing would require the eating or drinking establishment to obtain a cabaret license) is flimsy, attenuated and without foundation in law. First, this claim is essentially based on an alleged constitutional right to social/recreational dancing, which is not recognized by the Supreme Court. Second, the allegation that certain music might lead to dancing by patrons, while other types of music might not lead to dancing by patrons, does not support the conclusion that the Cabaret Law interferes with constitutional protections. Similarly, to the extent plaintiff asserts an Equal Protection claim based on the allegation that "minority performers" are impacted because they cannot play "genres of music such as hip hop, salsa and merengue ... without a substantial risk it would lead to dancing", this claim also fails.

As to plaintiff's statement in its letter requesting a pre-motion conference that it will also argue that the cabaret law violates substantive due process, legislation will be struck down as a violation of substantive due process only if the Court finds it "has no foundation in reason and is a mere arbitrary or irrational exercise of power having no substantial relation to the public health, the public morals, the public safety or the public welfare...." Nectow v. City of Cambridge, 277 U.S. 183, 187-88 (1928). The cabaret licensing scheme passes substantive due process muster insofar as regulating cabarets is in the interest of public health, safety and welfare.

In addition, to the extent that plaintiff seeks to assert the rights of musicians and customers of Muchmore's, plaintiff does not have standing to do so. ("As for standing, several of plaintiffs' allegations relate to injuries allegedly suffered by non-parties, and therefore must be dismissed for lack of standing." Kiryas Joel Alliance v. Village of Kiryas Joel, 2011 U.S. Dist. LEXUS 137074, *19 (S.D.N.Y. 2011). See also Valley Forge Christian College v. Americans United for Separation of Church & State, Inc., 454 U.S. 464, 474 (1982), citing Warth v. Seldin, 422 U.S. 490, 499 (1975).

Finally, upon information and belief, plaintiff has not applied for a cabaret license, and there is nothing preventing it from doing so.

For all of the forgoing reasons, and others, defendant the City of New York respectfully requests this Court grant leave to file a motion for judgment on the pleadings.

Very truly yours,

Ave Maria Brennan
Assistant Corporation Counsel

Cc: By ECF filing

Andrew Muchmore, Esq.
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217 Havemeyer Street, 4th Floor
Brooklyn, New York 11211
amuchmore@muchmorelaw.com
(917) 932-0299

NYC Department of Consumer Affairs Web Site

<http://www1.nyc.gov/site/dca/businesses/license-checklist-cabaret.page>

License Description

Any room, place, or space in New York City in which patron dancing is permitted in connection with the restaurant business or a business that sells food and/or beverages to the public requires a Cabaret license.

This description is only a general explanation of which businesses need to have a Cabaret license.

[Menu](#)[Search](#)

Cabaret

Note: Some documents on this page are in PDF format, download the free Adobe Reader.

License Description

Any room, place, or space in New York City in which patron dancing is permitted in connection with the restaurant business or a business that sells food and/or beverages to the public requires a Cabaret license.

This description is only a general explanation of which businesses need to have a Cabaret license.

Additional City Permit You Need

- Your business must hold a current New York City Department of Health and Mental Hygiene Food Service Establishment Permit in good standing before you can apply for a Cabaret license.

Application Requirements

Before You File Your DCA License Application:

- **Premises Approval by the Fire Department**
You must receive premises approval from the Fire Department (FDNY) in order to obtain a Cabaret license. Complete the Application to Request an Inspection/Recommendation and DCA will forward your request to FDNY. FDNY will notify DCA of your inspection results. Please note that if you fail the inspection, it is your responsibility to correct problems.
- **Community Board Review**
DCA will submit a copy of your Application to Request an Inspection/Recommendation to the Community Board where your premises will be located. The Community Board has 45 days to respond and their feedback will be taken into consideration in the review of your license application.
- **Electrical Inspection**
The premises must be in compliance with all current electrical building codes. Please obtain ONE of the following as proof of an electrical inspection:
 - A copy of a statement from a licensed electrician, on official business letterhead, stating that the premises comply with all current electrical building codes OR
 - A current copy of the Certificate of Occupancy issued by the Department of Buildings (DOB) dated within 90 days of application submission. Note: A Temporary Certificate of Occupancy is not an acceptable proof of an electrical inspection.



Jonathan Mintz
Commissioner

Staff Counsel

42 Broadway
9th Floor
New York, NY 10004

+ tel
+ fax

nyc.gov/consumers

August 22, 2008

RE: Cabaret license

Dear Mr. [REDACTED]

I am writing in response to your written inquiry whether a Department of Consumer Affairs ("DCA" or "the Department") cabaret license is required for your client's proposed "private parties." The answer to your question is that a DCA cabaret license is required.

Section 20-359(3) of the New York City Administrative Code defines a cabaret as "[a]ny room, place, or space in the city in which any. . .dancing or other form of amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink, except eating or drinking places, which provide incidental musical entertainment, without dancing. . ."

Your inquiry stated that a portion of the business will be used as a catering establishment and that the business will be applying for a DCA catering license. It also stated that a portion of the facility will be used for private engagements that include the service of food, the service of alcoholic beverages, and dancing will also be permitted. During our conversation, you stated that promoters will distribute passes on the street inviting people to the "private parties." In effect, any person on the street may gain entry to the event. Therefore, the Department considers these "private" engagements as open to the public.

According to the facts you have provided to the Department, a cabaret license is required for the business you describe.

Please feel free to contact me with any questions.

Sincerely,

[REDACTED]
Staff Counsel



January 15, 2015

BY E-MAIL

RE: Question Regarding Catering Establishment and Cabaret Licenses

Dear Mr. [REDACTED]

This letter is in response to your two inquiries concerning: 1) whether a hotel/restaurant which has a room that it occasionally uses for private events where there is dancing requires a catering establishment license and 2) whether a hotel/restaurant which has an event to which tickets are sold in advance and not at the door at the time of the event is deemed a private event.

Section 20-359(4) of the NYC Administrative Code ("Code") defines a "catering establishment" as "*any room, place or space in the city, which is used, leased or hired out in the business of serving food or beverages for a particular function, occasion or event, to which the public is not invited or admitted and wherein music or entertainment is permitted*" (emphasis added). Because the room will be used for private events where food and drink will be served and entertainment is permitted, a catering establishment license is required. The frequency with which the room is used for such purpose is not the controlling factor.

As to your second inquiry, the mere selling of tickets in advance to an event does not make the event private, as presumably anyone who pays the requisite fee can gain admittance to the event. Hence, the event is akin to any concert with a limited seating capacity whereby tickets are sold to the public in advance. The fact that admission is denied to those without a ticket and that no tickets can be purchased at the event does not make the event private.

Thank you for your inquiry.

Sincerely,

[REDACTED]

Appendix G

DCA License	License Type	License Category	Business Name	Business Name 2	Address	Address Street	Second Address	Address City	Address State	Address Zip	Contact	Phone	Address	Business Detail	Longitude	Latitude
1313396-DC/Business	9/30/18	Cabaret	HARD ROCK STADIUM TENANT, INC.	HARD ROCK CAFE	1	E 161ST ST		BRONX	NY	10451	#####		Bronx	Largest Room Capacity: 263, E	-73.928497	40.8290347
2007374-DC/Business	9/30/18	Cabaret	Y&B ENTERTAINMENT MANOR INC		3509	PRINCE ST		FLUSHING	NY	11354	9173875195		Queens	Largest Room Capacity: 56, Ext	-73.833327	40.7637819
1302936-DC/Business	9/30/18	Cabaret	WEBSTER HALL ENTERTAINMENT CORP.		119	E 11TH ST		NEW YORK	NY	10003	2123531600		Manhattan	Largest Room Capacity: 495, E	-73.98976	40.7318159
2054541-DC/Business	9/30/18	Cabaret	RIJ RESTAURANT LLC	EMPIRE STEAK HOUSE	151	E 50TH ST		NEW YORK	NY	10022	2125826900		Manhattan	Largest Room Capacity: 298, E	-73.971702	40.7562302
2004385-DC/Business	9/30/18	Cabaret	HARAMA ENTERTAINMENT CORP		3608	33RD ST		ASTORIA	NY	11106			Queens	Largest Room Capacity: 798, E	-73.92845	40.7554841
1094186-DC/Business	9/30/18	Cabaret	59 MURRAY ENTERPRISES, INC.	NEW YORK DOLLS	59	MURRAY ST		NEW YORK	NY	10007	2127915265		Manhattan	Largest Room Capacity: 167, E	-74.009804	40.7142468
2042083-DC/Business	9/30/18	Cabaret	NYC EVENT SPACE LLC		9112	144TH PL		JAMAICA	NY	11435	7182986760		Queens	Largest Room Capacity: 1749, E	-73.810086	40.7005506
0950474-DC/Business	9/30/18	Cabaret	SAFF, INC.		249	ELDRIDGE ST		NEW YORK	NY	10002	2127775153		Manhattan	Largest Room Capacity: 74, Ext	-73.98957	40.7228543
2046561-DC/Business	9/30/18	Cabaret	MAMA BELLA RESTAURANT LLC		457	BUSHWICK AVE		BROOKLYN	NY	11206	9178178453		Brooklyn	Largest Room Capacity: 144, E	-73.936932	40.7018236
2010076-DC/Business	9/30/18	Cabaret	JACARANDA CLUB, LLC	SAPPHIRE NEW YORK	333	E 60TH ST		NEW YORK	NY	10022	212-355-677		Manhattan	Largest Room Capacity: 523, E	-73.962387	40.7606191
2025885-DC/Business	9/30/18	Cabaret	STUDIO M, INC		3651	MAIN ST		FLUSHING	NY	11354	7183210521		Queens	Largest Room Capacity: 149, E	-73.831486	40.7621845
0554168-DC/Business	9/30/18	Cabaret	H.J.H. RESTAURANT INC.	EUROPA BAR GENTLEMAN	9402	SUTPHIN BLVD		JAMAICA	NY	11435	7182971128		Queens	Largest Room Capacity: 74, Ext	-77.519584	40.1123853
2000499-DC/Business	9/30/18	Cabaret	WEMBLEY ATHLETIC CLUB, INC.		550	E 239TH ST		BRONX	NY	10470	7186528108		Bronx	Largest Room Capacity: 227, E	-73.856928	40.9017905
1276075-DC/Business	9/30/18	Cabaret	THE MANHATTAN MUSIC GROUP	TERMINAL 5	610	W 56TH ST		NEW YORK	NY	10019	2123751200		Manhattan	Largest Room Capacity: 2436, E	-73.992415	40.7698473
2052824-DC/Business	9/30/18	Cabaret	LA BOOM NYC INC	LA BOOM	5615	NORTHERN BLVD		WOODSIDE	NY	11377	7187266646		Queens	Largest Room Capacity: 790, E	-73.90467	40.7535401
1223689-DC/Business	9/30/18	Cabaret	HARD ROCK CAFE INTERNATIONAL (USA), INC.		1501	BROADWAY		NEW YORK	NY	10036	2123433355		Manhattan	Largest Room Capacity: 700, E	-73.986193	40.7571029
1456130-DC/Business	9/30/18	Cabaret	289 HOSPITALITY, LLC	MARQUEE	289	10TH AVE		NEW YORK	NY	10001	2124209420		Manhattan	Largest Room Capacity: 504, E	-74.002552	40.7499262
2018241-DC/Business	9/5/17	Cabaret	BOWERY TECH RESTAURANT LLC		327	BOWERY		NEW YORK	NY	10003	2122280228		Manhattan	Largest Room Capacity: 198, E	-73.991991	40.7258133
1060380-DC/Business	9/30/18	Cabaret	AAM HOLDING CORP.	PRIVATE EYES	320	W 45TH ST		NEW YORK	NY	10036	2125824001		Manhattan	Largest Room Capacity: 300, E	-73.989229	40.7595049
2048451-DC/Business	6/25/17	Cabaret	CLUB AT 39TH, LLC	SAPPHIRE 39	20	W 39TH ST		NEW YORK	NY	10018	2127646989		Manhattan	Largest Room Capacity: 150, E	-73.981824	40.7519534
0956913-DC/Business	9/30/18	Cabaret	S.W. MONTE INC.	THE MERCURY LOUNGE	217	E HOUSTON ST		NEW YORK	NY	10002	2123589350		Manhattan	Largest Room Capacity: 197, E	-73.986652	40.7223325
1418235-DC/Business	9/30/18	Cabaret	SRB BROOKLYN LLC		177	2ND AVE		BROOKLYN	NY	11215	3475045950		Brooklyn	Largest Room Capacity: 400, E	-73.995761	40.6697407
0948448-DC/Business	9/30/18	Cabaret	RICCARDIO'S CATERING INC.		2101	24TH AVE		ASTORIA	NY	11102	7187217777		Queens	Largest Room Capacity: 700, E	-73.921365	40.7765152
2001020-DC/Business	9/30/18	Cabaret	Z LIVE INC	STAGE 48 AND Z BAR	605	W 48TH ST		NEW YORK	NY	10036	2129573355		Manhattan	Largest Room Capacity: 513, E	-73.995903	40.764789
1462087-DC/Business	9/30/18	Cabaret	GBND ENTERPRISES INC.	THE VILLAGE UNDERGROU	130	W 3RD ST		NEW YORK	NY	10012	2127773964		Manhattan	Largest Room Capacity: 200, E	-74.000772	40.7307404
1376994-DC/Business	9/30/18	Cabaret	MADISON ENTERTAINMENT ASSCLAVO		625	MADISON AVE		NEW YORK	NY	10022	2127505588		Manhattan	Largest Room Capacity: 282, E	-73.971551	40.7633802
0554339-DC/Business	9/30/18	Cabaret	A.M.D RESTAURANT CORP.	PORT O CALL	9310	WOODHAVEN BLVD		WOODHAVEN	NY	11421	9176518040		Queens	Largest Room Capacity: 73, Ext	-73.849175	40.6885314
1163331-DC/Business	9/30/18	Cabaret	158 LUDLOW REST, LLC	PIANOS	158	LUDLOW ST		NEW YORK	NY	10002	7189451000		Manhattan	Largest Room Capacity: 229, E	-73.987879	40.7210014
1098304-DC/Business	9/30/18	Cabaret	PRP RESTAURANT, INC.	GALLAGHER'S 2000	4319	37TH ST		LONG IS CITY	NY	11101	7183929780		Queens	Largest Room Capacity: 418, E	-73.927706	40.7455257
0554333-DC/Business	9/30/18	Cabaret	81-22 BAXTER AVENUE LOUNGE	ILDA'S PLACE II	8122	BAXTER AVE		ELMHURST	NY	11373	7188987207		Queens	Largest Room Capacity: 74, Ext	-73.883919	40.745671
0551482-DC/Business	9/30/18	Cabaret	178 7TH AVENUE SOUTH CORP	VILLAGE VANGUARD	178	7TH AVE S		NEW YORK	NY	10014	2122554037		Manhattan	Largest Room Capacity: 123, E	-74.00144	40.7360049
0956191-DC/Business	9/30/18	Cabaret	CLARO DE LUNA INC		5215	ROOSEVELT AVE		WOODSIDE	NY	11377	7184585600		Queens	Largest Room Capacity: 72, Ext	-73.91224	40.7442523
1138962-DC/Business	9/30/18	Cabaret	PEN ENTERTAINMENT, LLC	CIELO	18	LITTLE WEST 12TH		NEW YORK	NY	10014	2122423364		Manhattan	Largest Room Capacity: 300, E	-74.00703	40.7399104
1246705-DC/Business	9/30/18	Cabaret	SILK CORP		550	W 38TH ST		NEW YORK	NY	10018	2129674646		Manhattan	Largest Room Capacity: 525, E	-73.999256	40.7579299
1415820-DC/Business	9/30/18	Cabaret	21 GROUP INC.	GYPSY ROSE	4250	21ST ST		LONG IS CITY	NY	11101	7189376969		Queens	Largest Room Capacity: 250, E	-73.945324	40.7509837
0551111-DC/Business	9/30/18	Cabaret	GOTTSCHER CENTRAL HOLDING CO. INC.		657	FAIRVIEW AVE		RIDGEWOOD	NY	11385	7183663030		Queens	Largest Room Capacity: 500, E	-73.905736	40.706655
1460587-DC/Business	9/30/18	Cabaret	BURKINABE ENTERTAINMENT LLC	SHRINE/YATENGA	2271	ADAM CLAYTON PK		NEW YORK	NY	10030	2126907807		Manhattan	Largest Room Capacity: 74, Ext	-73.944369	40.8143729
1070012-DC/Business	8/7/17	Cabaret	IGUANA NEW YORK, LTD.		240	W 54TH ST		NEW YORK	NY	10019	2127655454		Manhattan	Largest Room Capacity: 171, E	-73.982965	40.7642306
2025954-DC/Business	9/30/18	Cabaret	TFS NY, INC	SUGARDADDY'S	5107	27TH ST		LONG ISLAND	NY	11101	917-731-217		Queens	Largest Room Capacity: 190, E	-73.942793	40.7396796
0550888-DC/Business	9/30/18	Cabaret	LIGRECI'S STAATEN RESTAURANT, INC.		697	FLOREST AVE		STATEN ISLAND	NY	10310	7184486000		Staten Island	Largest Room Capacity: 296, E	-74.112338	40.629483
0552561-DC/Business	9/30/18	Cabaret	LILLY'S RESTAURANT, INC.		67	OLYMPIA BLVD		STATEN ISLAND	NY	10305	7184478926		Staten Island	Largest Room Capacity: 240, E	-74.070677	40.592821
2019178-DC/Business	9/30/18	Cabaret	WHANY LLC	CAFE WHA	115	MACDOUGAL ST		NEW YORK	NY	10012	2122543706		Manhattan	Largest Room Capacity: 280, E	-74.000451	40.7300597
0551633-DC/Business	9/30/18	Cabaret	MANHATTAN MONSTER, INC.		80	GROVE ST		NEW YORK	NY	10014	2129243557		Manhattan	Largest Room Capacity: 127, E	-74.002428	40.7334138
1426948-DC/Business	9/30/18	Cabaret	CAPITOL INTERNATIONAL CORP.		590	GRAND CONCURS		BRONX	NY	10451	7188770494		Bronx	Largest Room Capacity: 253, E	-73.926795	40.8196357
1420144-DC/Business	9/30/18	Cabaret	XL DANCE BAR, LLC		512	W 42ND ST		NEW YORK	NY	10036	2124866000		Manhattan	Largest Room Capacity: 650, E	-73.996582	40.7600845
2007090-DC/Business	9/30/18	Cabaret	RCI DINING SERVICES 37TH STREE	VIVID CABARET	61	W 37TH ST		NEW YORK	NY	10018	9177152020		Manhattan	Largest Room Capacity: 120, E	-73.985033	40.7511357
0551893-DC/Business	9/30/18	Cabaret	DONSEL'S BAR & GRILL, INC.	TOWNE CAFE	2602	E 15TH ST		BROOKLYN	NY	11235	7186269827		Brooklyn	Largest Room Capacity: 60, Ext	-73.954325	40.5878491
1456740-DC/Business	9/30/18	Cabaret	CHARJ CORP	MERMAIDS	3106	31ST ST		ASTORIA	NY	11106	3476425133		Queens	Largest Room Capacity: 69, Ext	-73.923838	40.7638938
1268288-DC/Business	9/30/18	Cabaret	ASPL CAFE, INC.		3448	STEINWAY ST		LONG IS CITY	NY	11101	7189376664		Queens	Largest Room Capacity: 600, E	-73.92149	40.7559242
1307164-DC/Business	9/30/18	Cabaret	CLAY FARM, LLC	THE BELL HOUSE	149	7TH ST		BROOKLYN	NY	11215	7183693310		Brooklyn	Largest Room Capacity: 430, E	-73.991766	40.673531
0553540-DC/Business	9/30/18	Cabaret	DOUBLES INTERNATIONAL CLUB	DOUBLES CELLAR	783	5TH AVE		NEW YORK	NY	10022	2127519595		Manhattan	Largest Room Capacity: 228, E	-73.97281	40.7645388
0554492-DC/Business	9/30/18	Cabaret	JNS VENTURES LTD.	VIXEN	6007	METROPOLITAN AVE		RIDGEWOOD	NY	11385	6463212389		Queens	Largest Room Capacity: 74, Ext	-73.905179	40.7128769
1359506-DC/Business	9/30/18	Cabaret	GRECOLATINO ENTERPRISES INC.	VAQUEROS	1541	MYRTLE AVE		BROOKLYN	NY	11237	7183811042		Brooklyn	Largest Room Capacity: 140, E	-73.913825	40.6992861
1097240-DC/Business	9/30/18	Cabaret	TSE GROUP LLC	B.B. KING BLUES CLUB & G	243	W 42ND ST		NEW YORK	NY	10036	2129974144		Manhattan	Largest Room Capacity: 680, E	-73.988789	40.7568205
2053929-DC/Business	9/30/18	Cabaret	54N11BK, LLC	SCHIMANSKI	60	N 11TH ST		BROOKLYN	NY	11249	9179134974		Brooklyn	Largest Room Capacity: 732, E	-73.958732	40.7221419

Appendix G

2015452-DC/Business	8/9/17	Cabaret	EDEN BALLROOM LLC	SPACE IBIZA NEW YORK	637 W 50TH ST	NEW YORK NY	10019 2123660752	Manhattan	Largest Room Capacity: 840, E: -73.995455	40.7662382
2041891-DC/Business	9/30/18	Cabaret	SUNSET DEN INC	SUNSET DEN	960 3RD AVE	BROOKLYN NY	11232 3476803390	Brooklyn	Largest Room Capacity: 74, Ext -74.006758	40.6552207
2017588-DC/Business	8/30/17	Cabaret	251 W 30TH ST LLC	SLAKE	251 W 30TH ST	NEW YORK NY	10001 9145259977	Manhattan	Largest Room Capacity: 427, E: -73.993893	40.7490862
2017699-DC/Business	9/30/18	Cabaret	JOUVAY NY INC		14702 LIBERTY AVE	JAMAICA NY	11435	Queens	Largest Room Capacity: 300, E: -73.804408	40.6962263
1335017-DC/Business	9/30/18	Cabaret	LA AGUACATALA LOUNGE INC.	EL ABUELO GOZON	7903 ROOSEVELT AVE	JACKSON HTS NY	11372 7184242724	Queens	Largest Room Capacity: 166, E: -73.886565	40.7473672
1461828-DC/Business	9/30/18	Cabaret	SIDETRACKS NYC LLC	SIDETRACKS RESTAURANT	4508 QUEENS BLVD	SUNNYSIDE NY	11104	Queens	Largest Room Capacity: 299, E: -73.919437	40.7432338
1369278-DC/Business	7/30/17	Cabaret	HUDSON LEASECO LLC	GOOD UNITS	353 W 57TH ST	NEW YORK NY	10019 2124866000	Manhattan	Largest Room Capacity: 253, E: -73.98435	40.7673488
1140792-DC/Business	9/30/18	Cabaret	CMSG RESTAURANT GROUP, LLC		639 W 51ST ST	NEW YORK NY	10019 2122474868	Manhattan	Largest Room Capacity: 260, E: -77.519584	40.1123853
1269967-DC/Business	9/30/18	Cabaret	SOEL LOUNGE INC.	EMBASSY LOUNGE	3302 QUEENS BLVD	LONG IS CITY NY	11101 7187028279	Queens	Largest Room Capacity: 299, E: -73.931533	40.7446442
1306582-DC/Business	9/30/18	Cabaret	PEARL LOUNGE INC.		1201 SURF AVE	BROOKLYN NY	11224 7184491240	Brooklyn	Largest Room Capacity: 145, E: -73.979791	40.5755487
2028909-DC/Business	9/30/18	Cabaret	MAZI NIGHTCLUB INC		13035 91ST AVE	RICHMOND H NY	11418 3476837883	Queens	Largest Room Capacity: 1280, E: -73.820064	40.6983543
2046100-DC/Business	9/30/18	Cabaret	SIVAN DESIGN LLC	SILVANA	300 W 116TH ST	NEW YORK NY	10026 9179818103	Manhattan	Largest Room Capacity: 74, Ext -73.955593	40.804505
2031288-DC/Business	9/30/18	Cabaret	CAI FOODS LLC		1301 BOARDWALK	BROOKLYN NY	11224 9732165449	Brooklyn	Largest Room Capacity: 210, E: -73.980865	40.5730539
2028379-DC/Business	9/30/18	Cabaret	STUDIO 299 LLC		299 VANDERVOORT AV	BROOKLYN NY	11211 9174150634	Brooklyn	Largest Room Capacity: 320, E: -73.934076	40.7157763
1228839-DC/Business	9/30/18	Cabaret	TCK, LLC	PEYTON'S	3901 2ND AVE	BROOKLYN NY	11232 7184999010	Brooklyn	Largest Room Capacity: 70, Ext -74.010574	40.655182
0553169-DC/Business	9/30/18	Cabaret	RODNEY DANGERFIELD INC.	DANGERFIELDS	1118 1ST AVE	NEW YORK NY	10065 2125931650	Manhattan	Largest Room Capacity: 300, E: -73.960899	40.7610743
2025123-DC/Business	9/30/18	Cabaret	BowN9th LLC	Rough Trade	64 N 9TH ST	BROOKLYN NY	11249 7327275030	Brooklyn	Largest Room Capacity: 246, E: -73.959848	40.7209895
0970906-DC/Business	9/30/18	Cabaret	T.C.K. MANAGEMENT INC.	PUMPS	1077 GRAND ST	BROOKLYN NY	11211 7185992474	Brooklyn	Largest Room Capacity: 60, Ext -73.93274	40.7139174
1367422-DC/Business	9/30/18	Cabaret	ABG STANDARD OPERATOR LLC	THE STANDARD, HIGH LINE	848 WASHINGTON ST	NEW YORK NY	10014 2126454646	Manhattan	Largest Room Capacity: 267, E: -74.007719	40.740624
1462052-DC/Business	7/18/17	Cabaret	BG BAR, INC.		113 LUDLOW ST	NEW YORK NY	10002 9175843344	Manhattan	Largest Room Capacity: 229, E: -73.988701	40.719426
2015016-DC/Business	9/30/18	Cabaret	THE BLEND CAFE LLC		582 E FORDHAM RD	BRONX NY	10458 3475979424	Bronx	Largest Room Capacity: 210, E: -73.885591	40.8586484
1313273-DC/Business	9/30/18	Cabaret	CARIBBEAN SPOTLIGHT INC.	CARIBBEAN CITY	103 EMPIRE BLVD	BROOKLYN NY	11225 7188587414	Brooklyn	Largest Room Capacity: 288, E: -73.958642	40.6634368
2049643-DC/Business	9/30/18	Cabaret	GALLIS INC		834 CLARKSON AVE	BROOKLYN NY	11203 7185544017	Brooklyn	Largest Room Capacity: 150, E: -73.930621	40.6566217
1154219-DC/Business	9/30/18	Cabaret	SWAY LOUNGE, LLC		305 SPRING ST	NEW YORK NY	10013 2127558110	Manhattan	Largest Room Capacity: 225, E: -74.008421	40.7259313
1450463-DC/Business	9/30/18	Cabaret	SCF CEDAR LLC	SALSA CON FUEGO	2297 CEDAR AVE	BRONX NY	10468 7185616161	Bronx	Largest Room Capacity: 722, E: -73.911159	40.8622254
1141325-DC/Business	9/30/18	Cabaret	KAZ ENTERPRISES INC		7619 ROOSEVELT AVE	JACKSON HTS NY	11372 7184573939	Queens	Largest Room Capacity: 200, E: -77.519584	40.1123853
1114539-DC/Business	9/30/18	Cabaret	EDITA'S BAR & RESTAURANT, INC.	THE FLAMINGO BAR & RES	8512 ROOSEVELT AVE	JACKSON HTS NY	11372 7188989282	Queens	Largest Room Capacity: 190, E: -73.880916	40.7479406
2040319-DC/Business	9/30/18	Cabaret	MEM REST CORP.		4029 E TREMONT AVE	BRONX NY	10465 718-829-440	Bronx	Largest Room Capacity: 200, E: -73.817547	40.8195914
1344198-DC/Business	9/30/18	Cabaret	CIRCLE NYC INC	ARENA	135 W 41ST ST	NEW YORK NY	10036 2122780988	Manhattan	Largest Room Capacity: 448, E: -73.985797	40.7546902
1466718-DC/Business	9/30/18	Cabaret	HAIRO'S PLACE INC.	HAIRO'S PLACE INC.	8109 ROOSEVELT AVE	JACKSON HTS NY	11372 7185076158	Queens	Largest Room Capacity: 130, E: -73.884666	40.7475629
1013370-DC/Business	9/30/18	Cabaret	GUSTO REST. INC.		1625 E 233RD ST	BRONX NY	10466 7183259711	Bronx	Largest Room Capacity: 299, E: -73.828297	40.8887718
2016491-DC/Business	9/30/18	Cabaret	REVIEW ENTERTAINMENT, INC.	CITYSCAPES	5561 58TH ST	MASPETH NY	11378 7183668900	Queens	Largest Room Capacity: 207, E: -73.912203	40.7260107
0989137-DC/Business	9/30/18	Cabaret	COCKTAIL BLUE LLC	THE BOWERY BALLROOM	6 DELANCEY ST	NEW YORK NY	10002 2123589350	Manhattan	Largest Room Capacity: 498, E: -73.993611	40.7201976
2038800-DC/Business	9/30/18	Cabaret	673 JRV CORP	MR. WEDGE	673 HUNTS POINT AVE	BRONX NY	10474 9174059907	Bronx	Largest Room Capacity: 168, E: -73.88518	40.8138845
1277862-DC/Business	9/30/18	Cabaret	MUSIC HALL OF WILLIAMSBURG LLC		66 N 6TH ST	BROOKLYN NY	11211 7184865400	Brooklyn	Largest Room Capacity: 498, E: -73.961627	40.7193296
1465854-DC/Business	9/30/18	Cabaret	74 WYTHE RESTAURANT COMPAN	OUTPUT	74 WYTHE AVE	BROOKLYN NY	11249 6462637732	Brooklyn	Largest Room Capacity: 262, E: -73.95756	40.7222101
0950900-DC/Business	9/30/18	Cabaret	MOON WALKERS RESTAURANT CORP.		101 AVENUE A	NEW YORK NY	10009 7189380543	Manhattan	Largest Room Capacity: 197, E: -73.983779	40.7257383
2044339-DC/Business	9/30/18	Cabaret	LEGENDS CAFE LLC	BROOKLYN ROCKS	2214 CHURCH AVE	BROOKLYN NY	11226	Brooklyn	Largest Room Capacity: 351, E: -73.958131	40.6504071
0909440-DC/Business	9/30/18	Cabaret	PEREGRINE ENTERPRISES, INC.	RICK'S CABARET	50 W 33RD ST	NEW YORK NY	10001 2123730850	Manhattan	Largest Room Capacity: 159, E: -73.986545	40.7483911
1313400-DC/Business	9/30/18	Cabaret	NY Y STEAK LLC	NY Y STEAK	1 E 161ST ST	BRONX NY	10451 4074457636	Bronx	Largest Room Capacity: 215, E: -73.928497	40.8290347
2030735-DC/Business	9/30/18	Cabaret	HOWL NEW YORK LLC	HOWL AT THE MOON	240 W 52ND ST	NEW YORK NY	10019 2123994695	Manhattan	Largest Room Capacity: 395, E: -73.983922	40.7629983
1244274-DC/Business	9/30/18	Cabaret	ARS NOVA THEATER, INC.		511 W 54TH ST	NEW YORK NY	10019 2124899800	Manhattan	Largest Room Capacity: 100, E: -73.990329	40.7673495
2033015-DC/Business	9/30/18	Cabaret	ANGELS OF THE WORLD INC		3217 COLLEGE POINT BL	FLUSHING NY	11354	Queens	Largest Room Capacity: 151, E: -73.837589	40.7659234
1099020-DC/Business	9/30/18	Cabaret	SALTY DOG REST. LTD.		7509 3RD AVE	BROOKLYN NY	11209 7182380030	Brooklyn	Largest Room Capacity: 200, E: -74.027842	40.6313132