

Lorelei Salas Commissioner

42 Broadway New York, NY 10004

Dial 311 (212-NEW-YORK)

nyc.gov/consumers

January 16, 2020

Susan Stetzer 59 East 4th Street New York, NY 10003

REQUEST FOR COMMUNITY BOARD RECOMMENDATION

Dear Susan Stetzer

The Department of Consumer Affairs (DCA) has received a petition from the below business applicant.

BUSINESS NAME: RUBY'S EAST VILLAGE LLC

D/B/A NAME:

ADDRESS: 198 E 11TH ST NEW YORK, NY 10003-5302

BOROUGH/STATE/ZIP: Manhattan/NY/10003-5302

APPLICATION #: 392-2020-ASWC

TYPE: UNENCLOSED

MAXIMUM # OF TABLES: 5

MAXIMUM # OF CHAIRS: 20

BUSINESS CONTACT:

PHONE NUMBER: 6469984265

EMAIL: INFO@RUBYSCAFE.COM

Pursuant to Section 20-226(c) of the NYC Administrative Code, the Community Board has 45 days to review a sidewalk café petition. **DCA must receive your recommendations on this petition no later than March 01, 2020.** You may use the enclosed Recommendation Form to submit your recommendation.



*392-2020-ASWC

Sidewalk Café Recommendation Form

NYC Department of Consumer Affairs

TO:

FROM: Susan Stetzer

Re: License/Application #: 392-2020-ASWC Business Name: RUBY'S EAST VILLAGE LLC Business Address: 198 E 11TH ST NEW YORK, NY 10003-5302					
The CE	3#: 103 recommends the f	ollowing:			
-	We have "NO OI	BJECTION" to the stated use.			
	We have the follow	owing "OBJECTIONS" to the	stated use.		
	Signature		Print Name		
	Title	Date	Email		



392-2020-ASWC

Title 6 of the Rules of the City of New York Section §2-44(a) explains additional Community Board action:

When a petitioner agrees to revise a petition or plan to resolve objections raised by the Community Board, any such agreed revisions, along with new blueprints showing the revised plan, must be submitted by the petitioner to the Department in writing, and signed by both the applicant and the chairperson of the Community Board, not later than forty-five (45) days after the Community Board receives the petition and plans. Such agreed revisions shall be incorporated into, and be deemed to modify, the original petition in accordance with its terms. The Department may then hold a public hearing based on the petition as so modified. If such written agreements to modify an original petition to address objections raised are not received within the time specified, the Department shall hold any such public hearing based on the original petition and the objections to it that have been raised.

Please return your recommendation DCA in ONE of the following ways:

Email to: sidewalkcafe@dca.nyc.gov

• Fax to: +1 646 500 5832

Mail to: Department of Consumer Affairs

Attn: Sidewalk Café Unit

42 Broadway

New York, NY 10004

If you have any questions, please contact us at +1 212 487 4213 or sidewalkcafe@dca.nyc.gov. Thank you for your time.

Regards,

DCA Sidewalk Café Unit



*392-2020-ASWC



BASIC LICENSE APPLICATION

Please print.

Section	1	-	All	applicants
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What is your Business	What is your Business's legal structure?						
 ☐ Business/General Partnership ☐ Corporation ☒ Limited Liability Company ☐ Limited Liability Partnership 			 □ Limited Partnership □ Non-Profit □ S-Corporation □ Sole Proprietorship 				
If your Business's legal structure is Sole Proprietorship or if your Business has an individual general partner, complete Sections 1, 2, and 4. If your Business's legal structure is NOT Sole Proprietorship and your Business does not have an individual general partner, complete Sections 1, 3, and 4.							
Business Informa	tion						
Business Name (The Business Name that yo Ruby's East Village LI		as file	d with the New York	State Secretary of Sta	te or County Clerk.)		
Doing-Business-As (DE (The DBA/Trade Name that) Ruby's	BA)/Trade Name	ly as fi	led with the New Yo	rk State Secretary of S	tate or County Clerk.)		
Premises Address (Build 198 East 11th Street	ding Number, Street Name	, Apai	rtment/Suite/Other)				
City	State	ZIP	Code	Country/Region			
New York	NY	100	0003 USA				
E-mail (By providing your e-mail add (DCA), and you affirm that the info@rubyscafe.com	ress, you consent to recei	ve cor form o	mmunications electro of communication for	onically from the Depar you.)	tment of Consumer Affairs		
Phone 1 (Primary)	Phone 2 (Alternate)		Text Telephon	ie (TTY Phone)	Fax		
(646)998-4265	7 8				2 2		
Employer Identification Number (EIN) (Required for sole proprietorships with paid employees, corporations, and partnerships) [4 - 1 7 6 6 5 7 2			New York State Sales Tax Identification Number or Certificate of Authority Application Confirmation Number (You must complete this section if "Sales Tax Identification Number" is a requirement on your license application checklist.)				
		A th	The Sales Tax Identification Number is the 9, 10, or 11-digit number on your New York State Department of Taxation and Finance Certificate of Authority. If you have not received your Certificate of Authority, please enter the 6-digit confirmation number you received when you submitted the application for a Certificate of Authority.				
			841866572- or				
4							

Contact Mailing Information

If you want DCA correspondence addressed and mailed to a contact other than the business name and address provided on page 1, please complete the information below.

First Name	Middle Na	Middle Name (optional) Last Name					
Title/Position (Check one box only	☐ Director☐ Officer	☐ Officer ☐ V ☐ President ☐ C			er esident Please specify.		
Mailing Address (Building Number	, Street Name, Apartn	nent/Suite/Other	')				
City	State	ZIP Code	Со	untry/Regio	n		
Section 2 - Sole Proprietors and Individual General Partners Sole proprietors and individual general partners must provide Social Security number or Individual Taxpayer Identification Number (ITIN) so the City of New York can confirm whether they have outstanding child support obligations.							
Individual #1 (Sole Proprietor Last Name	Suffix		rst Name		Middle Name (optional)		
	(Jr., Sr., Esq.) (option	Sr., Esq.) (optional)					
Social Security Number or Individentification Number	vidual Taxpayer	Date	of Birth (YY	YY-MM-DD			
Home Address (Building Number, S	Street Name, Apartme	ent/Suite/Other)					
City State	ZIP Cod	le	Country/F	legion			
Is Individual #1 under an obligation to pay child support? If Yes, Individual #1 must answer ALL questions below.							
a. Does the individual owe four or more months of child support ☐ Yes ☐ No payments?					☐ Yes ☐ No		
	d payment plan or	by a plan ag	reed to by t	he parties?			
c. Are the individua proceeding?	l's child support o	bligations the	subject of	a pending	□ Yes □ No		
d. Did the individual receive public assistance or Supplemental Security Income? □ Yes □ No							

Individual #2 (Individual General Partner #2) If there are more than two individual general partners, please attach additional sheets.										
Last Name		Suffix						Middle Name (optional,		
			(Jr., Sr.,	Esq.) (optional)						
Social Securi		r or Indiv	idual Ta	axpayer	Date	of Birth (YYYY-MM-DD))			
Identification	Number					700-00-0				
Home Addres	SS (Building	Number, S	treet Nan	ne, Apartment/Suite	Other)					
City		State		ZIP Code		Country/Region				
la la divide el d	10									
				ay child suppor er <u>ALL</u> question		w.	П	Yes	П	No
a.	Does the payment		al owe f	four or more mo	nths of	child support		Yes		No
b.						by income execution reed to by the parties?	_	Yes	П	No
C.						subject of a pending		162	П	INO
	proceedi	_			_			Yes		No
d.	d. Did the individual receive public assistance or Supplemental Security Income?				supplemental Security		Yes		No	
PERMISSION										
If applicable,	Individual	#1 can a	nswer o	n behalf of all l	ndividu	al General Partners. Ur	nder t	ne NY	/C (Charter
and Administrative Code, the City requests SSN or ITIN to maintain and update City databases, to carry out the powers and duties of the Department, and for other purposes necessary to promote the general welfare.										
Do individuals give the City of New York permission to use SSN or ITIN for the purposes described above?										
								Yes		No
Section 3 – Business General Partners, Corporate Officers, Shareholders, and										

Section 3 – Business General Partners, Corporate Officers, Shareholders, and Members

You must provide information on *all* business general partners and *all* corporate officers and *each* shareholder owning 10% or more of the business applying for a license. Note: Limited Liability Companies must provide information on *all* members. Non-Profits must provide information on *all* officers and *all* Board of Directors members. **Attach additional sheets if necessary.**

Important: If the partner or shareholder is a business (rather than an individual), DCA will verify active status prior to license issuance. Corporations, Limited Partnerships, Limited Liability Companies, or Limited Liability Partnerships must register and remain active with the New York State Department of State.

Business General Partners, Corporate Officers, Shareholders, and Members

Individual #1

Last Name		Suffix			Fire	st Name		Middle Name
Mathers		(Jr., S	ional) Nicholas		cholas		(optional)	
Title/Position (Check one box only.)		☐ Chairman ☐ Director ☐ Officer ☐ President ☐ Secretary					☐ Treasurer ☐ Trustee ☐ Vice President ☑ Other Manag	t ing Member
Social Security Number or				% of	Owr	ership		
Individual Taxpayer Identification				1009	6			
Home Address (Building Number 1640 N.Kings Road	r, Street Na	ame, Apa	rtment/Suite	(Other)				
City	State		ZIP Code			Country	/Region	
Los Angeles	CA		90069			USA		
Individual #2								
Last Name		Suffix (Jr., S	r., Esq.) (opti	ional)	First Name			Middle Name (optional)
Title/Position (Check one box onl	y.)	☐ Chairman ☐ Director ☐ Officer ☐ President ☐ Secretary			☐ Treasurer☐ Trustee☐ Vice Presid☐ Other		☐ Trustee☐ Vice President	
Social Security Number or				% of Ownership				
Individual Taxpayer Identificatio	n Numbe	r						
Home Address (Building Number	, Street Na	те, Ара	rtment/Suite/	Other)				
City	State		ZIP Code		Country/Region			
Business #1								
Business Name								
Employer Identification Number	(EIN)						% of Owne	ership
Mailing Address (Building Number, Street Name, Apartment/ Suite/Other)								
City	State	Z	IP Code	Coun	try/F	legion	Borough:	
							☐ Bronx ☐ Brooklyn ☐ Manhattan	☐ Queens ☐ Staten Island ☐ Outside of NYC

Business #2

D.,	siness Name						
Du	Silless Name						
En	Employer Identification Number (EIN) % of Ownership						
Ma	iling Address (Building Number,	Street Name,	Apartment/ Suit	e/Other)			
Cit	у	State	ZIP Code	Country/Regi	on Bor	ough:	
					□B	ronx rooklyn lanhattan	☐ Queens ☐ Staten Island ☐ Outside of NYC
	ection 4: Applicant Ba	•				he applica	tion. "Individual"
ref	 Please answer Background Questions on behalf of all individuals named on the application. "Individual" refers to sole proprietor; individual general partner; corporate officer; shareholder owning 10% or more of the business; member; officer; Board of Directors member. Attach additional sheets if necessary. Some background questions inquire about criminal and/or civil charges. A conviction does not, by itself, mean you will not get a license. Factors such as the nature and seriousness of the offense, the amount of time that has passed since the conviction, and your age at the time of the conviction will be considered. However, your license may be denied if you fail to disclose a conviction in response to the questions. Descriptions for questions relating to charges should include date of conviction, nature of the incident, persons involved, and the outcome. Please include convictions for which you might have been imprisoned or fined even if, in fact, you only had to perform community service or were put on probation. You may omit parking violations and offenses that resulted in a finding of juvenile delinquency, youthful offender, wayward minor, or person in need of supervision. 						
1.	Has individual ever been lie Department of Consumer A			City	ĭ Yes	□ No	
	If YES, provide the following	-	DCA Lice	nse Number: [205159 Ruby's N		1.0
2.	Business/Individual Name: Ruby's Midtown LLC 2. Has individual ever been principal (officer/shareholder/partner/member) of a DCA-licensed business? If YES, provide the following information. DCA License Number: Business/Individual Name: 2051591-DCA Ruby's Midtown LLC						
3.	Has individual had ANY go denied, suspended, or revo If YES, provide the follo	ked?	mation:	e/permit	□ Yes Ì	∆ No	
	G		License/Per	mit Number:			

 Are there any pending charges against individual? If YES, provide the following information: 			☐ Yes	Xo No			
		ацоп. Туре	: Civil (Court or Government Agency)			
	Please explain.						
5.	Has individual ever pled guilty or been or offense? If YES, please explain.	convicted of ANY crime	□ Yes	Ď No			
6.	Is there any court judgment against indibusiness? If YES, please explain and state if a		□ Yes				
1	Does individual prefer that business inspeanguage other than English?		Yes ASIN				
	□ Arabic □ French	□ Hindi □	l Polish	☐ Vietnamese			
	☐ Bengali ☐ French-Creole		l Russian	☐ Other, Please			
	☐ Cantonese ☐ Haitian Creole			specify:			
	□ Farsi □ Hebrew		l Spanish	ороону			
lf ye Hoi	☐ Farsi ☐ Hebrew ☐ Mandarin ☐ Urdu If you are applying for a Tobacco Retail Dealer, Electronic Cigarette Retail Dealer, Home Improvement Contractor, Pedicab Business, Special Sale, or Tow Truck Company license, please answer question #8.						
	Is individual related by blood or marriage principal (officer/shareholder/partner/melicensed business? If YES, provide the following informa	mber) of a DCA- ation: elationship to Applicant Relative First Name Relative Middle Name Relative Last Name		Ď≦ No			
		Relative Suffix					
	P.	DCA License Number					

PREPARER'S STATEMENT - Please check the box if the statement applies to you.

I am not the license applicant. I am an authorized representative for the license applicant, and I will submit a Granting Authority to Act Affirmation completed by the license applicant.

Note: The applicant must sign all required documents.

AFFIRMATION - Please read and sign below.

I am authorized to complete and submit this application and all attachments (together, the "Application"). I have reviewed the entire Application. To the best of my knowledge, this Application is true, correct, and

If any of the information in this Application changes, the applicant must inform the Department of Consumer Affairs of those changes. I also understand that the applicant must comply with all relevant laws and rules if granted a license to operate.

I understand that the Department of Consumer Affairs has not yet considered this Application. The applicant will not operate the business until receipt of an actual license document from the Department of Consumer Affairs or until / unless the Department of Consumer Affairs has given written permission to operate while this Application is pending. This affirmation shall be deemed executed in the City and State of New York and shall be governed by and construed in accordance with the laws of the State of New York (notwithstanding New York choice of law or conflict of law principles) and the laws of the United States.

I affirm that these statements are true and correct.

PENALTY FOR FALSE STATEMENTS: It is against the law to make a statement in this Application that you know is false. If you make a statement that you know is false, you may be punished.

Under Sections 210.45 and 175.30 of the New York Penal Law, you may be:

- fined up to \$1000 and / or
- sent to jail for up to one year

Under Section 175.35 of the New York Penal Law, you may be punished if you:

- make a statement that you know is false and / or
- make the statement because you intend to mislead the Department of Consumer Affairs

Under Section 175.35 of the New York Penal Law, you may be:

- fined up to \$5000 or
- fined an amount that is twice the amount of money you received by making the false statement and /
- sent to jail for up to 4 years

The Department of Consumer Affairs may also punish you for making a false statement on this Application. These punishments may include:

- fines or penalties of up to \$500 for each false statement
- permanent loss (revocation) of your license

By signing below, I understand and again I am swearing or affirming that	ree that: I have told the truth on this Application.
Signature of Applicant	Magin Menber Title/Position (if any)
Nichels Millers Print Full Name	Date 1/7/w

If you are not registered to vote, would you like to register here today? Whether you apply to register to vote or not, it will not affect the assistance DCA will provide to you. If you wish, we will help you in filling out the voter registration application.



LICENSING CENTER
42 Broadway, 5th floor
New York, NY 10004
Monday-Friday: 9:00 a.m.-5:00 p.m.
Wednesday: 8:30 a.m.-5:00 p.m.
www.nyc.gov/consumers

SIDEWALK CAFÉ COMPLIANCE CHECKLIST

Applicants must answer a series of questions to demonstrate that the café meets City requirements. Please answer all questions and sign the Checklist.

1.	Is there a minimum of 12 feet of sidewalk space f entire length of the property?	or the	ŽXYes	□ No
2.	Will your café be at an address zoned for the type sidewalk café you plan to operate?	of	d ^X Yes	□ No
If y app	you answered "No" to question 1 or 2, you cannot olication process.	apply for a Side	walk Café license and n	aust stop the
3.	Sidewalk Café Business Name:	Ruby's East	Village LLC	
4.	Sidewalk Café Type: Check all that apply.	□ Enclosed	□ Small Unenclosed	Ճ Unenclosed
5.	Application Type:	ĭ New		
		□ Renewal		
		□ Assignmen days before expi	t (Consent assigned by pre iration date)	evious owner more than 90
		□ Modification	on (Changes to an existing	consent)
6.	Maximum number of tables in your café:	_5	_	
7.	Maximum number of chairs in your café:	10	_	
8.	Block Number:	466	_	
9.	Lot Number:	7502		
10.	Community Board Number:	_ MCB3	_	
11.	Will your café be on the same level as the adjoining sidewalk? (Unenclosed and Small unenclosed only)	X Yes □ No	,	

12.	Is your café in a historic district or in or adjacent to a landmarked building or district?	□ Yes 🔊 No
	a. If Yes, have you applied to the Landmarks Preservation Commission (LPC) for approval to operate your café?	□ Yes □ No
	i. If Yes, have you received approval from LPC to operate your café?	□ Yes □ No
Side	ewalk Café Business Information	
13.	Sidewalk Café Business Address:	198 East 11th Street
		New York, NY 10003
14.	Is there an alternate entrance to your sidewalk café with a different address than your business address?	□ Yes 🕱 No
	If Yes, please enter address:	
Side	walk Café Architect or Engineer Information	
15.	Full Name of Architect or Engineer:	Paul Golden
16.	Business Name of Architect or Engineer:	Paul Golden Architect
17.	Address:	509 Hillside Terrace
		South Orange, NJ 07079
18.	Telephone Number:	917-559-2037
19.	Fax Number (optional):	
20.	E-mail Address:	paul@paulgoldenarchitect.com
	102	Michela Marthers
Sidew	palk Case Applicant's Signature	Print Name
	Marying Me Ass	1/3/20
Title ((if any)	Date



LICENSING CENTER 42 Broadway, 5th floor New York, NY 10004 Monday-Friday: 9:00 a.m.-5:00 p.m. Wednesday: 8:30 a.m.-5:00 p.m. www.nyc.gov/consumers

PETITION FOR CONSENT TO USE SIDEWALK SPACE

Applicants for a Sidewalk Café license must petition the City of New York for permission to use public sidewalk space for the construction, maintenance, and operation of the proposed sidewalk café.

Please select the statement that describes you:	 I am a new applicant for a Sidewalk Café license and will submit: Scale drawings to outline the placement of the proposed sidewalk café AND Proof of consent from the landlord, owner, lessee, or management of the premises for the operation of a sidewalk café I am a current license holder submitting an application to renew my Sidewalk Café license. My DCA license number is: 				
Name of Petitioner:	Nicholas Mathers				
Business Title:	Managing Member				
Legal Name of Business:	Ruby's East Village LLC				
Business's Trade or Doing- Business-As (DBA) Name, if applicable:	Ruby's				
Business's State of Incorporation, if applicable:	NY				
Business Address:	198 East 11th Street New York, NY 10003				

On behalf of the business applying for a Sidewalk Café license from the Department of Consumer Affairs (DCA), I seek permission to use a portion of the public sidewalk in front of the business premises to operate a sidewalk café.

I understand that a DCA Sidewalk Café license does not give my business any right, title, or interest in any part of the sidewalk space approved for use.

I agree to hold harmless the City of New York, its officers and employees, for any loss or damage arising from the use of the public sidewalk or the discontinuance of use resulting from an order, demand, or notice of any governmental agency with jurisdiction.

I understand that DCA and/or any government agency with jurisdiction may revoke my consent to use public sidewalk space at any time for any reason whatsoever. Consent can be revoked for failure to comply with any terms and conditions of the consent or any agreements between my business and the City of New York or for violation of any of the rules and regulations enforced by DCA. I understand there will be no refund of any fees or compensation paid to the City of New York.

I agree to promptly remove any property placed on the sidewalk space or reimburse the City of New York for the cost of moving my business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

I have read and agree with the terms and conditions outlined above.

I understand that falsification of any statement made herein is an offense punishable by fine or imprisonment or both.



42 Broadway 5th Floor New York, NY 10004

Dial 311 (212-NEW-YORK)

nyc.gov/consumers

ZERO TOLERANCE POLICY AFFIRMATION

Applicants for a Sidewalk Café license must affirm that they will adopt a zero tolerance policy.

Ruby's East Village LLC
Ruby's
198 East 11th Street New York, NY 10003

Effective immediately, my business shall adopt a "zero tolerance" policy which will prohibit any of my business's key persons, employees, or agents from improperly offering anything of value (including, but not limited to, money, meals, gifts, gratuities, or transportation) to any public employee or official of the City, political subdivision, or governmental entity with which we conduct business. Any key person, employee, or agent of my business found to have violated this policy will be subject to disciplinary action by my business including, if the circumstances warrant, termination of employment, except to the extent prohibited by a lawful collective bargaining agreement.

MIS	Nicholas Mathers
Signature	Print Name
Managing Member	12/16/19
Title (if any)	Date







