

March 4, 2004

Commissioner Edward Kelly
New York State Liquor Authority
84 Holland Avenue
Albany, NY 12208

Re: Black NYC Inc./Icon Nightclub Inc. d/b/a Black, 610 West 56th Street

Dear Commissioner Kelly,

On February 10th, 2004, the Business Licenses and Permits Committee of Manhattan Community Board No. 4 heard the application of Black NYC Inc./Icon Nightclub Inc., d/b/a Black, 610 West 56th Street, for a new on-premises liquor license. A new liquor license is required because ownership is being transferred from Three Good Fellows, Inc., who did business as "Exit," to the applicant named above.

At the full board meeting of March 3, 2004, Manhattan Community Board No. 4 voted to recommend that the NYSLA deny this application. Reasons for this recommendation include the following:

- We do not understand the business dealings that have led to the proposed change in ownership and we are concerned that it is meant to somehow clear the liquor license or criminal record related to the venue. There are no significant changes planned in security, management or operations, and the old owners, including David Marvisi, appear to continue their involvement. We are in no position to do the necessary investigation into the business structure but we are concerned about it.
- This venue, first as "Mirage," then as "Exit," has been extremely problematic, has been infamous, in fact, since it opened in 1995. With an occupancy of 3,988, anything that goes wrong very quickly becomes a major problem either inside or outside the club. The precinct files document a long, troubled history at this location, and the Board's files are full of citizens' complaints. As recently as last month, Midtown North issued 16 summonses to Exit on one night, and was particularly concerned because a patron who needed medical attention was dumped out the back door.
- We have serious concerns about management's apparently uncritical use of unscreened outside promoters in the past. They have also been casual about allowing deafening noise to emanate from the club and dilatory about remediation.
- We have equally serious concerns about Exit's security management.

Thus, we respectfully ask the State Liquor Authority not to issue this new license at this time. We also ask that you conduct a full investigation into (1) the ownership of and business relationship between the new and old entities, (2) the terms of the transfer of ownership, (3) the status of the old liquor license, and (4) the possibility that issuance of a new liquor license will simply clean up the license held by this premises. We also ask that you check into the police records of all the principals involved in this deal.

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If the NYSLA grants a new liquor license to this applicant despite our recommendation of denial, we ask that you make the following stipulations an integral part of such an approval.

Applicant agrees:

1. To make no substantial change in his business plan as stated at the Business Licenses and Permits Committee meeting on 2/10/04, including effective queuing management on the street and indoors and the presence of effective on-street security personnel during all hours of operation.
2. To continue with and improve as necessary all sound mitigation measures taken in the past.
3. To continue the policy that no music shall be played on or heard from the roof.
4. To encourage patrons to use bathrooms in the venue before leaving the premises.
5. To install a bona fide outside alcohol-awareness-and-sensitivity training program for bartenders and security personnel and ensure that employees complete it successfully.
6. To do complete background checks on all security personnel and effectively screen such employees, and to hire and retain an experienced security director with a proven track record, such as former director Madeline Connaughton.
7. Not to use outside promoters for any event at the club but to do all booking internally.

Once again, Manhattan Community Board No. 4 recommends denial of this application at this time. We also ask that you conduct a full investigation of these business arrangements and the parties thereto before you take any action on this matter.

Thank you for your attention and your help in this matter.

Sincerely yours,



Walter Mankoff
Chair
Manhattan Community Board No. 4

cc: Hon. Michael Bloomberg
Hon. C. Virginia Fields
Local Elected Officials
Applicant
Midtown North Police Precinct
Fred Gioffre
Department of Consumer Affairs