

THE CLOISTER EAST INC

SUBMISSION - 2/2

INDEX OF EXHIBITS

EXHIBIT "A"

SIGNATURES

248 Signatures from the residents and residents from adjoining building

EXHIBIT "B"

DEPARTMENT OF BUILDINGS PRINTOUT

Reflecting no open complaints or violations

EXHIBIT "C"

NYC DEPARTMENT OF HEALTH

Reflecting no current health violations

EXHIBIT "D"

NYC BUSINESS PROFILE

Reflecting various licenses and reflecting no current violations

EXHIBIT "E"

7 Criminal Certificates of Disposition for tickets that were issued by the Sheriff's Department on August 7, 2020

EXHIBIT 'F'

The Cancellation Order dated January 25, 2021 listing 24 alleged violations

Please note that most of the violations were alleging that the licensee did not conform with all applicable building codes, and or fire, health, safety and government regulations. However, the Building Department, the Fire Department, Health Department did not issue any violations mentioned in the Cancellation Order and the 24 paragraphs of alleged violations. See attached Exhibit "B" "C" & "D" evidencing that the Building Department, Fire Department and the Health Department did not issue any violations for the alleged violations that were set forth in the 24 paragraphs of the cancellation order.

EXHIBIT 'G'

Summary of Due Process Failures in the ALJ proceedings and findings.

EXHIBIT "H"

Police Precinct 311 report regarding alleged Noise Complaints.

Unfortunately, the website/portal does not provide access to any details of 311 complaints from 2020. Specifically, the relevant period of time for our purposes in regards to the 311 complaints is July 16th 2020 through August 6th 2020. The former is the first day that we were open since being forced to shut down dine-in services on March 15th 2020 after a national

emergency was declared and executive orders were put in place. The latter is the night that the SLA and a COVID task force raided Cloister Café twice and subsequently suspended the liquor license the following morning, coercing us to shut down.

However, thankfully the SLA did provide details on the 311 complaints in their memorandum of law in opposition to our motion for a preliminary injunction in one of their exhibits that was filed on August 24th 2020. I have attached pertinent pages of the aforesaid memo of law to this email as a PDF titled "311 complaints.pdf". There are significant details that I will outline below which I want to draw your attention to:

As shown on page 3, the search for 311 jobs at 238 East 9th Street yielded 35 complaints/service requests. Please note the date range on the upper left hand corner of page 3, which shows that the 311 search encompassed all complaints from 01/01/2020 through 08/16/2020. We can deduce that Cloister Café received 0 complaints while it was open from 01/01/2020 through 03/15/2020, the day that dine-in services were suspended due to the executive order surrounding the virus. It is vital to note that the level of ambient music played during the above-mentioned period with 0 complaints was at the same level, through the same sound system, as the music played after Cloister Café re-opened on July 16th 2020 for a period of 3 weeks, which is when all 35 of the complaints were submitted.

Please note the time stamp of every complaint, specifically the time "occurred," "received," and "last updated at." You can see that every single complaint was investigated by the NYPD and updated the same night that the complaint occurred and was received. Given that I was managing the café every night, I can attest to the NYPD visiting us almost every night that we received a complaint. They would stop by and say that they received a complaint about noise, and almost always they would comment on the fact that they couldn't hear anything from the entrance to the cafe. There were numerous occurrences where I either invited the officers into the garden to check out the level of noise, or they asked if they could come into the garden and see/listen for themselves. Every single time, the officers would say that there was no issue with the level of music and the complaints likely stemmed from the fact that the entire city was shut down for upwards of 5 months and people got used to the silent nights.

It is important to note that there was never an instance that Cloister Café received any sort of fine/ticket/summons for excessive noise or noise pollution as a result of a noise complaint. Please take a look at the "resolution action" of each noise complaint. An overwhelming majority were labeled "10-90X" (meaning that the complaint was unfounded/unproven), or "10-90Y" (meaning the complaint was unnecessary). Again, if the level of noise was egregious, it would have been reflected in the updated 311 complaint after the assigned NYPD unit performed their visit/inspection and the business would have received a fine/ticket/summons. However, this was never the case.

If you take a look at the caller information on each of the 311 complaints, we can see that Cloister Café had multiple complaints from 4 different people over the relevant time period. A majority of the complaints came from 3 individuals: Chad Uy, Chris Zitelli, and Tristain Bourassin. Now, if the level of noise was so excessive as to cause public/neighborhood outrage,

as is being purported by the SLA, then surely there would be multiple complaints from way more than 4 people. This "public outrage" line of reasoning utilized by the SLA to try to justify cutting Cloister Café's liquor license hours significantly is not supported at all by the facts and details from these 311 complaints.

One possible underlying reason to consider for these complaints is the notion that the callers sincerely thought that Cloister Café was not legally allowed to operate past 11PM during the period of time in question. This was the case multiple times when Cloister Café was visited by the NYPD and Sheriff's Office on multiple occasions during the 3 week span. I had to explain to officers on various occasions that the rules put forth by the Mayor's Office and the NYC Office of Nightlife in conjunction with the Open Restaurants Program, the Department of Transportation and the Department of Health and Mental Hygiene specifically stated the following: "NYC Open Restaurant application does not cover usage that falls within private property (i.e. backyard, patio etc). This language can be found on page 8 of the "NYC Restaurant-bar-reopening-toolkit-july-2020.pdf" which I have attached to this email. More importantly, on page 11, the toolkit explicitly states that "If you are utilizing private outdoor space for dining to which you previously had rights, then the closing time for that space remains the same as it was pre-COVID-19 as stipulated by your Community Board agreement or county hours and all municipal ordinances."

EXHIBIT "A"

Petition to Support Proposed Liquor License

Date: 2/7/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL LIQUOR

to the following applicant/establishment (company and/or trade name) THE CLOISTER EAST INC CLOISTER CAFE

Address of premises: 238 EAST 9TH STREET NY NY 10003

This business will be a: (circle) Bar Restaurant Other: CAFE

The hours of operation will be: 11 AM TO 4 AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|---------------------------|-----------|------------------------------|
| Lona Inozemtseva | | 238 E 9th St, apt 18 |
| Victor Peralta Reyes | | 238 E 9th St apt 15 |
| RAMIRO DELGADILLO B | | 238 E 9th st apt. 13 |
| Romiro Delgadillo, C. | | 238 E 9th st apt 11 |
| Zygmunt KASKOW | | 238 E 9th St apt. 8 |
| Roberto Velazquez Marquez | | 238 E. 9th St Apt 07 |
| Ihor Korotash | | 238 e. 9th st. apt 10 |
| Olena Korotash | | 238 East 9th St Apt. 10 |
| SJETLANA ZUEVA | | 238 E 9th Apt. 14 |
| Allison Vitkavskas | | 139 2nd Ave Apt. 5 |
| Joby George | | 139 2nd Ave Apt 4 |
| Martian Mabry | | 139 2ND AVE APT 3 |
| REENE GROSSMAN | | 139 2nd Ave Apt 7 |
| Joseph Mordereci | | 139 2nd Ave Apt 9 |
| Madison King | | 139 2nd Ave Apt 18 |

Petition to Support Proposed Liquor License

Date: 2/7/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) Full Liquor

to the following applicant/establishment (company and/or trade name) The Cloister East Inc. Cloister Cafe

Address of premises: 238 East 9th Street New York, NY 10003

This business will be a: (circle) Bar Restaurant Other: CAFE

The hours of operation will be: 11 AM TO 4 AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|--------------------|--------------------------|------------------------------|
| Susan Lumbe | <i>S Lumbe</i> | 312 E. 9th St. #8 |
| Jessica Berestecki | <i>J Berestecki</i> | 312 E. 9th St #10 |
| Matthew Linehan | <i>M Linehan</i> | 312 E. 9th St #18 |
| Madeline Proulx | <i>M Proulx</i> | 312 E 9th St #13 |
| Molly McNameha | <i>M McNameha</i> | 312 E 9th St Apt #6 |
| Maureen Butler | <i>Maureen Butler</i> | 314 EAST 9TH APT #4 |
| ERNEST DEFILIPPIS | <i>Ernest DeFilippis</i> | 314 EAST 9TH APT #4 |
| CHARLES COLLINS | <i>Charles Collins</i> | 314 E 9th APT #5 |
| Hayden Ciampini | <i>Hayden Ciampini</i> | 314 E 9th APT #12A |
| Roan Lannigan | <i>Roan Lannigan</i> | 314 E 9th APT #12A |
| Elias Atkinson | <i>E Atkinson</i> | 314 E 9th Apt #10 |
| ROBERT LAKE | <i>R Lake</i> | 314 E 9th Apt #8 |
| ROAN LANSBAM | <i>R Lansbam</i> | 314 E 9th Apt #12A |
| ELLIOTT MOORE | <i>E Moore</i> | 314 E 9th APT #14 |

Petition to Support Proposed Liquor License

Date: 2/7/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL LIQUOR

to the following applicant/establishment (company and/or trade name) The Cloister East Inc. Cloister Cafe

Address of premises: 238 East 9th street

This business will be a: (circle) Bar Restaurant Other: CAFE

The hours of operation will be: 11 AM TO 4 AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|--------------------------|-------------|------------------------------|
| Alie Bei Bruno | | 328 E 9th Street 11 |
| Olimiasanusi | | 328 E 9th Street 15 |
| AJIT JAM | | 328 E 9th Street 14 |
| JENNIFER MUKHTA | | 328 E 9th Street 17 |
| Bridget Heuer | | 328 E 9th Street 18 |
| Barbara Thompson | | 328 E. 9th St. #21 |
| Yashti de Verteuil | | 332 E 9th St #4 |
| Dr. [unclear] | | 917 917 2025 288 |
| Ann Strann | | 332 E 9th St #7 |
| Dylan Yang | | 332 E. 9th St #10 |
| Chad Bissett | | 332 E 9th St #11 |
| Sebastian Pires | | 332 E 9th St. #16 |
| Nikolai von Thamer | | 332 E 9th St #10 |
| Herdi Williams | | 332 East 9th #19 |
| Bailey Douglas | | 332 E 9 St #18 |
| Sam Usher | | 116 Ave C New York NY, 10007 |
| | | 319 E 9th St NY, NY 10003 |

Petition to Support Proposed Liquor License

Date: 2/7/2022

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to the following applicant/establishment (company and/or trade name) THE CLOISTER EAST INC ✓ CLOISTER CAFE

Address of premises: 238 EAST 9TH STREET

This business will be a: (circle) Bar Restaurant Other: CAFE

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Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|-------------------|-------------------------|--------------------------------|
| Kathleen Teleschi | <i>Kate R. Teleschi</i> | 315 E. 9 th Str. 4F |
| Thalia Basson | <i>[Signature]</i> | 97 E 7th St |
| NESSIE NAVARRO | <i>[Signature]</i> | 307 E 9 th #2CF |
| Niel Matland | <i>[Signature]</i> | 649 E 9th St 2B |
| Luis Rodriguez | <i>[Signature]</i> | 336 E 11th St, unit 7 |
| Petra De Deyo | <i>[Signature]</i> | 330 e 11th st, unit 7 |
| Maddie Icar | <i>[Signature]</i> | 233 e 9th apt 1 |
| ILIJANA KAROVIC | <i>Kesken Jm</i> | 332 E 9 ST AT 10 |
| MILIVOJE JARAKICA | <i>[Signature]</i> | 332 E 9 ST APT 11 |
| Maria Kelly | <i>[Signature]</i> | 97 9th Marks St |
| MAXTON PREUNINGER | <i>[Signature]</i> | 9th St Apt 1010 |
| Sifon Farnalatt | <i>[Signature]</i> | 33 3rd Ave 10003 |
| Shay Machado | <i>[Signature]</i> | 33 3rd Avenue 10036H |

Petition to Support Proposed Liquor License

Date: 2/8/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL LIQUOR

to the following applicant/establishment (company and/or trade name) The Cloister East Inc. Cloister Cafe

Address of premises: 238 East 9th Street New York, NY 10003

This business will be a: (circle) Bar Restaurant Other: CAFE

The hours of operation will be:
11 AM TO 4 AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|-------------------|-----------|------------------------------|
| Parker Mullay | | 342 E 9th St Apt 1A |
| Mia Delawo | | 342 E 9th St. / 2C |
| Daniella Woods | | 342 E 9th St. 2C |
| Joe Lee | | 342 E 9th St 2B |
| Ar! Be! | | 342 E 9th St 2A |
| Katherine Penning | | 342 E 9th St #3C |
| Felity Burke | | 342 E 9th St #4C |
| Dominick Oliveri | | 342 E 9th Apt 3B |
| Adam Donohue | | 342 E 9th Apt 1A |
| Kat Brown | | 917-674-0460 |
| Andy Favel | | 344 East 9th St Apt #4 |
| Samie Benjamin | | 344 E 9th St #3 |
| Math Mayeski | | 344 E 9th St #1 |
| Silje Gundersen | | 344 E 9th St #2 |
| | | 344 E 9th St #20 |

Petition to Support Proposed Liquor License

Date: 2/8/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL LIQUOR

to the following applicant/establishment (company and/or trade name) _____

The Closter East Inc. Cloister Cafe







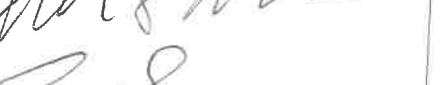

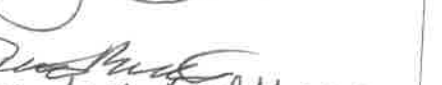





Address of premises: 238 East 9th Street

This business will be a: (circle) Bar Restaurant Other: CAFE

The hours of operation will be: 11AM TO 4AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|---------------------|--|------------------------------|
| Katherine Polveer |  | 344 E 9th |
| Justin Johnson |  | Apt 9 |
| JASON COREY |  | 344 E 9th #5 |
| Peter Mulochy |  | 341 E 9th #1 |
| Alla Sunshine |  | 341 E 9th #7 |
| Spencer Cee |  | 341 E 9th #16 |
| Dimitri Belessalcos |  | 341 E 9th #13 |
| Madison Woldberg |  | 341 E 9th #11 |
| DHIRAJ SINGH |  | 341 E 9th St #9 |
| COOPER DREWRY |  | 341 E 9th #8 |
| Luca Guglielmi |  | 341 E 9th #6 |
| chen Su |  | 341 E 9th #9 |
| Michael Smith |  | 341 E 9th Apt 10 |
| |  | 339 E 9th Apt 1 |

Petition to Support Proposed Liquor License

Date: 2/8/2022

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to the following applicant/establishment (company and/or trade name)

The Cloister East Inc Cloister Cafe

Address of premises: 238 East 9th Street New York, NY 10003

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Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|------------------|-----------|------------------------------|
| My lesser | | 324 E. 9th St. APT 2 |
| Carolina Sturlo | | 324 E 9th #8 |
| Omar Durrani | | 324 East 9th #14 |
| Jeffrey An | | 324 E 9th #12 |
| Felix Romler | | 324 E 9th #15 |
| Ciana Cikumartin | | 324 E 9th #16 |
| Stacey Woodland | | 324 E 9th St #19 |
| Abbie Paone | | NY NY 10003 |
| Veronica Miser | | 324 East 9th Apt 21 |
| VASYL Miser | | 328 E 9th #2 |
| PAOLO ROSSI | | 328 E 9th #5 |
| Gianlian Ciardh | | 328 E. 9th St Apt 9 |

Petition to Support Proposed Liquor License

Date: 2/8/2022

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Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|-------------------|-------------------|---|
| Nick Sagliocca | | 141 2nd Ave, Apt 17, New York NY 10003 |
| Ashley Lauren | | 108 W Houston NY, NY 10012 |
| Yassir Mirrajedin | | 141 2nd Ave Apt. 9 |
| Shannon Lawler | | 141 2nd Ave Apt 9 |
| Jessica Cochran | | 141 2nd Ave Apt 11 |
| Zenya Hayes | Zenya Hayes | 141 2nd Ave Apt 12 |
| Joe Ramos | Joe Ramos | 141 2nd Ave Apt 12A |
| Samantha Tornillo | Samantha Tornillo | 141 2nd Ave Apt 15 |
| Samantha Scuderi | Saudi | 141 2nd Avenue Apt 15 |
| IVAN GARCIA | | 141 2nd Ave. APT 18 |
| Alex Vega | | 141 2nd Ave # 19 |
| Joseph Duric | | 141 2nd Ave # 19 |
| Jimmy Fay | | 141 2nd Ave # 20 |
| Redamo Rosa | | 141 2nd Ave # 7 |

Petition to Support Proposed Liquor License

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Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|-----------------|--|------------------------------|
| Sawyer Keels |  | 335 E 9th St, PH |
| Jack Lightburne |  | 335 E 9th St, #4 |
| Cameron Clarke | C.C. | 335 E 9th St, #4 |
| Melanie Zarasky |  | 335 EAST 9 #8 |
| Alexandria |  | 348 East 9th #11 |
| Karlowicz |  | 348 E. 9th St, #15 |
| Eva Sternberg |  | 348 E 9th St, #16 |
| Xano Sweeting |  | 348 E 9th St #17 |
| Sarah Najem |  | 348 E 9th St #6 |
| CHARISSA KINNEY |  | 141 2nd Ave #2 |
| Kateri Stone |  | 141 2nd Ave #2 |
| Madison Farney |  | 141 2nd Ave #2 |
| Erin Getty |  | 141 2nd Ave #2 |

Petition to Support Proposed Liquor License

Date: 2/9/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL LIQUOR

to the following applicant/establishment (company and/or trade name) THE CLOISTER EAST INC CLOISTER CAFE


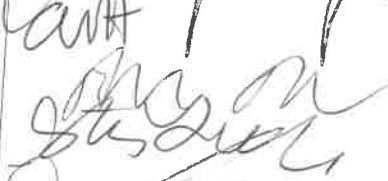



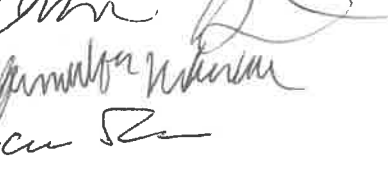
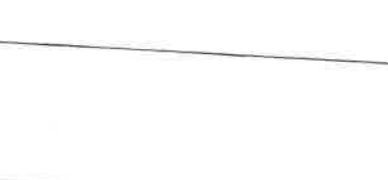

Address of premises: 238 EAST 9TH STREET

This business will be a: (circle) Bar Restaurant Other: CAFE

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Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|-----------------------|---|------------------------------|
| Ariana Hart |  | 339 E 9th Apt 5A |
| Audrey Horvitz |  | 339 E. 9th St Apt. 2A |
| Matt McKaul |  | 339 E 9th St Apt 2B |
| Stacey Leventhal |  | 339 E. 9th St. Apt. 2D |
| ALICE LQA |  | 339 E 9th #3D |
| Janet Paul |  | 339 E 9th 5D |
| TAYLOR PIERCE |  | 337 E 9th Street # 2 |
| CAMILLE HAZEL |  | 337 E 9th St Apt #3 |
| Gd Tam | | 337 E 9, Apt #49 |
| Ronar Gudbjartsson | | 335 east 9th #1 |
| Charlie Demich | | 335 east 9th #3 |
| Jennifer Kudenchak | | 335 East 9th # 2 |
| Lauren Fish | | |

Petition to Support Proposed Liquor License

Date: 2/9/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL-LIQUOR

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| Name | Signature | Address and Apt # (required) |
|------------------------|-------------------------------|------------------------------|
| GASIOREK STANISLAW | <i>Gasiorek Stanislaw</i> | 233 E 9th St A4C |
| Kevin Beauchamp | <i>Kevin Beauchamp</i> | 233 E 9th St 4B |
| KEVIN GOLDEN | <i>Kevin Golden</i> | 233 E 9th St 4A |
| Madeleine Remy | <i>Madeleine Remy</i> | 233 E 9th St 1A |
| Liberation Annillo | <i>Liberation Annillo</i> | 233 E 9th St 5B |
| YVES TAMAPO | <i>Yves Tamapo</i> | 233 E 9th St |
| Adam Burencto | <i>Adam Burencto</i> | 233 E 9th St #2A |
| Victor Ochoa | <i>Victor Ochoa</i> | 233 E 9th St #2A |
| JOSIN JARM | <i>Josin Jarm</i> | 233 E 9th St 5C |
| Jan Tomi | <i>Jan Tomi</i> | 233 E 9th St |
| Cara Mraz | <i>Cara Mraz</i> | 214 E 9th St 2A |
| David Lawson | <i>David Lawson</i> | 233 E 9th St 6B |
| Eraine Hayes | <i>Eraine Hayes</i> | 145 E 2nd St 3 |
| Kristen Kanog | <i>Kristen Kanog</i> | 145 E 2nd St 3 |
| Soanna Seely | <i>Soanna Seely</i> | 145 E 2nd St 3 |

Petition to Support Proposed Liquor License

Date: 2/9/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) Full Liquor

to the following applicant/establishment (company and/or trade name) The Cloister East Inc Cloister Cafe













Address of premises: 238 East 9th Street New York, NY 10003

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Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|----------------|---|------------------------------|
| Henry Fair |  | 206 E 9 Apt 10 |
| Alan Way |  | 206 E 9 Apt 2 |
| Dan Grichersky |  | 105 E 9TH #2 |
| Tommy Guild |  | 105 E 9th #3rd |
| Tom Samuelson |  | 105 E 9th #4F |
| Ralph Rivers |  | 11-15 FDR Drive |
| Addison LOVE |  | 115 E. 9TH ST #180 |
| Tanya Shtromer |  | 310 E. 9th St |
| Julia Marcine |  | 312 E 9th St Apt. 1 |
| Holly Nance |  | 312 E 9th St #2 |
| Ronald Gould |  | 312 E 9th St #2 |
| Kyle Barsavage |  | 312 E 9th St #7 |

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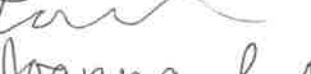




Address of premises: 238 EAST 9TH STREET, NY NY 10003 CLOISTER CAFE

This business will be a: (circle) Bar Restaurant Other: CAFE

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Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|------------------|---|--|
| Sophie Tate |  | 145 2 ND Ave Apt 19 New York NY 10003 |
| BAYLER BORING |  | 145 2 ND Ave Apt 19 New York, NY 10003 |
| Chloe Jennings |  | 145 2 ND Ave Apt 21 New York, NY 10003 |
| Cam Flinn |  | 145 Second Ave Apt 23 |
| Lilly Gregory |  | 145 Second Ave Apt 24 |
| Becca Bregman |  | 145 second ave Apt 24 |
| Grace castle |  | 145 second ave Apt 24 |
| Casey Crowley |  | 145 second Ave Apt 24 |
| Joanna Seeley |  | 145 2nd Ave Apt 3 |
| Kristen Cawoy |  | 145 2nd Ave APT 3 |
| Whittier Ambrose |  | 145 2nd Ave Apt 12 |
| DOROTHY WILSON |  | 240 E. 9 TH ST #12 |
| Michael Chudyle |  | 240 E. 9 TH street #10 |

Petition to Support Proposed Liquor License

Date: 2/9/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL LIQUOR

to the following applicant/establishment (company and/or trade name) THE CLOISTER EAST INC CLOISTER CAFE

Address of premises: 238 EAST 9TH STREET NY NY 10003

This business will be a: (circle) Bar Restaurant Other: CAFE

The hours of operation will be: 11 AM TO 4 AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|-------------------|-----------|------------------------------|
| Meghan Grunstella | | 740 Apt 5 |
| Rowan moral | | 740 E 9th Apt 8 |
| Kathleen Sinsky | | 240 E 9th St Apt 6 |
| SHUSI YAGI | | 240 E 9th St Apt 4 |
| Henry Rickbeil | | 232 E 9th St #3 |
| Carrie Hoffman | | 208 721 7567-214 East 9th St |
| Peter Melampy | | 203 536 8094-214 East 9th St |
| Imqan Kabir | | 214 East 9th St Apt 2D |
| Patricia | | 214 E 9th St #3B |
| Alexander | | 917 863 5739 |
| Michael Krager | | 214 E 9th St # 4C |
| Nicolas Leobold | | 214 E 9th St # 4C |
| Sam Lopez | | 212 E 9th St apt 2 |
| | | 210 E 9 St #2 |
| | | 208 E 9 #1 |

Petition to Support Proposed Liquor License

Date: 2/9/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL-LIQUOR

to the following applicant/establishment (company and/or trade name)

THE CLOISTER EAST INC CLOISTER CAFE

Address of premises: 238 EAST 9TH STREET, NY NY 10003

This business will be a: (circle) Bar Restaurant Other: CAFE

The hours of operation will be: 11 AM TO 4 AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|--------------------|-----------|------------------------------|
| SOLAS-KEVIN | | 232 29th st. |
| Shintaro du | | 240 29th st |
| Maria cercedo | | 145 2nd Ave Apt 4 |
| Bailey Datzell | | 145 2nd Ave 5 |
| Ava Cruzen | | 145 2nd Ave 8 |
| Joe Debono | | 145 2nd Ave 7 |
| Jacqueline Oronzo | | 145 2nd Ave Apt 10 |
| Isabel Garcia Sosa | | 145 2nd Ave 11A |
| Zack Rovner | | 145 2nd Ave 11 |
| Max Horowitz | | 145 2nd Ave 18 |
| Cameron Jacobson | | 145 2nd Ave 15 |
| Chiara Bernardi | | 145 2nd A 17 |

Date: 2/10/2022 Petition to Support Proposed Liquor License

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL LIQUOR

to the following applicant/establishment (company and/or trade name) The Cloister East Inc. Cloister Cafe

Address of premises: 238 East 9th Street

This business will be a: (circle) Bar Restaurant Other: CAFE

The hours of operation will be: 11 AM TO 4 AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|----------------------------|-----------|------------------------------|
| Aliza Jawahar | | 33 3rd Ave Apt 1003 |
| Trevor Yu | | 56-1 |
| Charles Sun | | 33 3rd Ave |
| Jim Kim | | 14H2 |
| Lake Vayo | | 427 5th St apt 3 |
| Yusef Faye Kolb | | 33 3rd Ave, 1371 |
| Amalia Ali | | 441 E 9th St Apt 2 |
| Dlex Yim | | 33 3rd Ave Apt 11F |
| Peng Min | | 33rd Ave apt 3F5 |
| Angela | | 33rd Ave Apt 3R4 |
| Anyone Dwyer | | 1102 14th Street, 1076 |
| Kygi Wu | | 33 3rd Ave Apt 11D2 |
| | | 33rd Ave Apt 3K1 |

Petition to Support Proposed Liquor License

Date: 2/10/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL LIQUOR

to the following applicant/establishment (company and/or trade name) The Cloister East Inc. Cloister Cafe

Address of premises: 238 East 9th Street

This business will be a: (circle) Bar Restaurant Other: CAFE

The hours of operation will be: 11 AM TO 4 AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|---------------------|-----------|------------------------------------|
| Mune Gaba | | 115 E 9 St Apt 6B NYC |
| Mario Lercari | | 85 E 10th St 16003 |
| Yasmin Gips | | 33 3rd Ave 10003 apt 2N |
| Alex Yang | | 33 3rd Ave 100 |
| David Chen | | 33 3rd Ave 100 |
| Nancy Barton | | 110 Bleeker Street |
| Ronnie Lordi | | 198-200 2nd Ave 3C |
| Budget Senior | | 37 1/2 St Marks |
| J Charter | | 23 Stuyvesant St |
| Jenn Gajo Moya | | 115 E 9th St. Apt. 6L NYC 10003 |
| Elisabeth Dyssegard | | |

Petition to Support Proposed Liquor License

Date: 2/10/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL LIQUOR

to the following applicant/establishment (company and/or trade name)

The Cloister East Inc. Cloister Cafe

Address of premises: 238 East 9th Street

This business will be a: (circle) Bar Restaurant Other: Cafe

The hours of operation will be: 11 AM TO 4 AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|------------------|-------------------------|----------------------------------|
| Anika Istok | <i>Anika Istok</i> | 33 3rd Ave, 14F |
| Jayll M | <i>Jayll M</i> | 33 3rd Ave |
| Gene Winkler | <i>Gene Winkler</i> | 166 2nd Ave 5T |
| Henry Leck | <i>Henry Leck</i> | 31 St. Marks St. #11 |
| Kamela T. Hottel | <i>Kamela T. Hottel</i> | 31 St. Marks Pl #10 NYC 10003 |
| Nate Brown | <i>Nate Brown</i> | 31 St. Marks Pl #4 |
| Ryder Alexander | <i>Ryder Alexander</i> | 31 St. Marks Pl #16 |
| Sharon Thompson | <i>Sharon Thompson</i> | 31 St. Marks Pl #7 |
| <i>AM</i> | <i>[Signature]</i> | 31 St. Marks Pl #15 |
| Bladimir Mejia | <i>Bladimir Mejia</i> | 33 St. Marks Place Apt #5 |

Date: 2/10 / 2022 Petition to Support Proposed Liquor License

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL LIQUOR

to the following applicant/establishment (company and/or trade name) The Cloister East Inc. Cloister Cafe






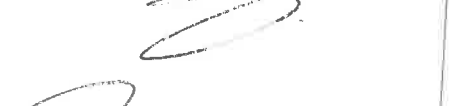




Address of premises: 238 East 9th street

This business will be a: (circle) Bar Restaurant Other: cafe

The hours of operation will be: 11AM TO 4AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:

| Name | Signature | Address and Apt # (required) |
|-------------------|--|--|
| Brenna Damico |  | 141 Second Ave Apt 7 |
| Victoria Alcocer |  | 240 East St #3 |
| Eunice Kim |  | 240 East St 145 Second Ave #25 |
| Chase Blessington |  | 145 2nd Ave #25 |
| Stella Kalamiris |  | 145 2nd Ave #6 |
| Caroline Kelley |  | 145 2nd Ave #6 |
| Zach Segal |  | 1415 2nd Ave #17 |
| Yvette Hernandez |  | 11-15 FDR Drive |
| Stephen Yau |  | 115 9th St #16H |
| Lorenzo Puffer |  | 115 9th St |

Petition to Support Proposed Liquor License

Date: 2/10/2022

The following undersigned residents of the area support the following liquor license (indicate the type of license such as full-liquor or beer-wine) FULL-LIQUOR

to the following applicant/establishment (company and/or trade name) THE CLOISTER EAST INC - CLOISTER CAFE

Address of premises: 238 EAST 9TH STREET

This business will be a: (circle) Restaurant Other: CAFE

The hours of operation will be: 11 AM TO 4 AM

PLEASE NOTE: Signatures should be from residents of building, adjoining buildings, and within 2-blocks on the same street.

Other information regarding the license:





| Name | Signature | Address and Apt # (required) |
|---------------------|---|------------------------------|
| Mariga Pivskaya |  | 238 E Ninth St, 10Apt |
| JASON DICK |  | 232 EAST ST, 4 NY NY 10003 |
| MENCIA FIGUEROA |  | 232 EAST ST 4 NY NY 10003 |
| Jacekoslav Pristola |  | 238 Apt. # 8 |
| Subeyman Ametov | A. Subeyman | 238 E 9th Street Apt. 62 |

EXHIBIT "B"



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NYC Department of Buildings
Property Profile Overview

238 EAST 9 STREET
EAST 9 STREET 238 - 238

MANHATTAN 10003
Health Area : 6500
Census Tract : 38
Community Board : 103
Buildings on Lot : 1

BIN# 1006744
Tax Block : 464
Tax Lot : 32
Condo : NO
Vacant : NO

[View DCP Addresses...](#) [Browse Block](#)

[View Zoning Documents](#) [View Challenge Results](#) [Pre - BIS PA](#) [View Certificates of Occupancy](#)

Cross Street(s): STUYVESANT STREET, 2 AVENUE

DOB Special Place Name:

DOB Building Remarks:

Landmark Status:

| | | | |
|-------------------------------|------|---------------------|-----|
| Local Law: | NO | Special Status: | N/A |
| SRO Restricted: | YES | Loft Law: | NO |
| UB Restricted: | NO | TA Restricted: | NO |
| Environmental Restrictions: | AIR | Grandfathered Sign: | NO |
| Legal Adult Use: | NO | City Owned: | NO |
| Additional BINs for Building: | NONE | | |
| HPD Multiple Dwelling: | Yes | | |

Special District: UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, Coastal Erosion Hazard Area, or Special Flood Hazard Area. [Click here for more information](#)

Department of Finance Building Classification: C7-WALK-UP APARTMENT

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

| | Total | Open | <u>Elevator Records</u> |
|---|-------|------|---|
| <u>Complaints</u> | 14 | 0 | <u>Electrical Applications</u> |
| <u>Violations-DOB</u> | 20 | 0 | <u>Permits In-Process / Issued</u> |
| <u>Violations-OATH/ECB</u> | 24 | 0 | <u>Illuminated Signs Annual Permits</u> |
| <u>Jobs/Fillings</u> | 14 | | <u>Plumbing Inspections</u> |
| ARA / LAA Jobs | 0 | | <u>Open Plumbing Jobs / Work Types</u> |
| Total Jobs | 14 | | <u>Facades</u> |
| <u>Actions</u> | 25 | | <u>Marquee Annual Permits</u> |
| OR Enter Action Type: | | | <u>Boiler Records</u> |
| OR Select from List: <input type="text" value="Select..."/> | | | <u>DEP Boiler Information</u> |
| AND <input type="button" value="Show Actions"/> | | | <u>Crane Information</u> |
| | | | <u>After Hours Variance Permits</u> |

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



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NYC Department of Buildings
DOB Violations

| NUMBER | CLOSURE DATE: | TYPE | FILE DATE |
|------------------------------|---------------|---------------------------------------|------------|
| V* 62481P011 | 09/28/2011 | DOB VIOLATION - CLOSED | 00/00/0000 |
| <u>V* 031893LL629101968</u> | | DOB VIOLATION - DISMISSED | 03/18/1993 |
| <u>V* 031894LL629101968</u> | | DOB VIOLATION - DISMISSED | 03/18/1994 |
| <u>V* 082995LL629101407</u> | | DOB VIOLATION - DISMISSED | 08/29/1995 |
| <u>V* 021097LL629101597</u> | | DOB VIOLATION - DISMISSED | 02/10/1997 |
| <u>V* 021304LL629100839</u> | | DOB VIOLATION - DISMISSED | 02/13/2004 |
| <u>VW* 022409CERMR01</u> | | VIOLATION - WORK W/O PERMIT DISMISSED | 02/24/2009 |
| <u>V* 062712AEUHAZ100006</u> | | DOB VIOLATION - DISMISSED | 06/27/2012 |
| <u>V* 082212AEUHAZ100010</u> | | DOB VIOLATION - DISMISSED | 08/22/2012 |
| <u>V* 082212AEUHAZ100011</u> | | DOB VIOLATION - DISMISSED | 08/22/2012 |
| <u>V* 082212AEUHAZ100012</u> | | DOB VIOLATION - DISMISSED | 08/22/2012 |
| <u>V* 082212AEUHAZ100013</u> | | DOB VIOLATION - DISMISSED | 08/22/2012 |
| <u>V* 082212AEUHAZ100014</u> | | DOB VIOLATION - DISMISSED | 08/22/2012 |
| <u>V* 082212AEUHAZ100015</u> | | DOB VIOLATION - DISMISSED | 08/22/2012 |
| <u>V* 082212AEUHAZ100016</u> | | DOB VIOLATION - DISMISSED | 08/22/2012 |
| <u>V* 011514AEUHAZ100295</u> | | DOB VIOLATION - DISMISSED | 08/22/2012 |
| <u>V* 011514AEUHAZ100296</u> | | DOB VIOLATION - DISMISSED | 01/15/2014 |
| <u>V* 011514AEUHAZ100297</u> | | DOB VIOLATION - DISMISSED | 01/15/2014 |
| <u>V* 011316AEUHAZ100006</u> | | DOB VIOLATION - DISMISSED | 01/15/2014 |
| <u>V* 022417LBLVIO00469</u> | | DOB VIOLATION - DISMISSED | 01/13/2016 |
| | | DOB VIOLATION - DISMISSED | 02/24/2017 |

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NYC Department of Buildings
OATH/ECB Violation Search by Location

[Click here for more information about Severity, Violation and Hearing Statuses](#)

Premises: 238 EAST 9 STREET MANHATTAN

Page: 1 of 1

BIN: 1006744 Block: 464 Lot: 32 CB: 103

| Total Violations |
|---|
| Issued = 24 Open (Certificate of Correction Required) = 0 |

| OATH/ECB Hearings |
|--|
| Completed / Defaulted = 24 Pending = 0 |

| OATH/ECB Number | Certification Status | Respondent | OATH/ECB Hearing Status | Violation Date | Infraction Codes | OATH/ECB Penalty Due |
|------------------|--|---|-------------------------|----------------|------------------|-------------------------|
| <u>35137871K</u> | RESOLVED - CERTIFICATE ACCEPTED Severity: CLASS - 2 | DROBENKO BROS RLTY INC Inspect Unit: MIDTOWN TASK FORCE | IN VIOLATION | 10/23/2015 | 263 | \$0.00 |
| | | | | | | Viol Type: CONSTRUCTION |
| <u>35137870Z</u> | RESOLVED - CERTIFICATE ACCEPTED Severity: CLASS - 2 | DROBENKO BROS RLTY INC Inspect Unit: MIDTOWN TASK FORCE | IN VIOLATION | 10/23/2015 | 208 | \$0.00 |
| | | | | | | Viol Type: CONSTRUCTION |
| <u>35137869L</u> | RESOLVED - CERTIFICATE ACCEPTED Severity: CLASS - 1 | DROBENKO BROS RLTY INC Inspect Unit: MIDTOWN TASK FORCE | IN VIOLATION | 10/23/2015 | 122 | \$0.00 |
| | | | | | | Viol Type: CONSTRUCTION |
| <u>35137910Y</u> | RESOLVED - N/A - DISMISSED Severity: CLASS - 2 | DROBENKO BROS REALTY INC Inspect Unit: MIDTOWN TASK FORCE | DISMISSED | 10/23/2015 | 201 | \$0.00 |
| | | | | | | Viol Type: CONSTRUCTION |
| <u>35007383X</u> | RESOLVED - CERTIFICATE ACCEPTED Severity: CLASS - 1 | DROBENKO BROS RLTY INC Inspect Unit: MIDTOWN TASK FORCE | IN VIOLATION | 07/05/2013 | 103 | \$0.00 |
| | | | | | | Viol Type: CONSTRUCTION |
| <u>35007382Y</u> | RESOLVED - CERTIFICATE ACCEPTED Severity: CLASS - 2 | DROBENKO BROS RLTY INC Inspect Unit: MIDTOWN TASK FORCE | IN VIOLATION | 07/05/2013 | 263 | \$0.00 |
| | | | | | | Viol Type: CONSTRUCTION |
| <u>35007380K</u> | RESOLVED - CERTIFICATE ACCEPTED Severity: CLASS - 1 | DROBENKO BROS RLTY INC Inspect Unit: MIDTOWN TASK FORCE | IN VIOLATION | 07/05/2013 | 122 | \$0.00 |
| | | | | | | Viol Type: CONSTRUCTION |
| <u>35007384H</u> | RESOLVED - N/A - DISMISSED Severity: CLASS - 1 | DROBENKO BROS RLTY INC Inspect Unit: MIDTOWN TASK FORCE | DISMISSED | 07/05/2013 | 127, 202 | \$0.00 |
| | | | | | | Viol Type: CONSTRUCTION |
| <u>35007381M</u> | RESOLVED - CERTIFICATE | DROBENKO BROS | IN VIOLATION | 07/05/2013 | 203 | \$0.00 |

ACCEPTED
Severity: CLASS - 2RLTY INC
Inspect Unit: MIDTOWN TASK FORCE Viol Type: CONSTRUCTION

34947861P RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 1
DROBENKO BRO RLTY INC IN VIOLATION 04/05/2012 103 \$0.00
Inspect Unit: MIDTOWN TASK FORCE Viol Type: CONSTRUCTION

34947837P RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 1
DROBENKO BROS RLTY INC IN VIOLATION 04/05/2012 122 \$0.00
Inspect Unit: MIDTOWN TASK FORCE Viol Type: CONSTRUCTION

34947855Z RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 1
DROBELUKO BROS RLTY INC IN VIOLATION 04/05/2012 106, 206 \$0.00
Inspect Unit: MIDTOWN TASK FORCE

34980183J RESOLVED - N/A - DISMISSED
Severity: CLASS - 2
DROBENKO BROS RLTY INC DISMISSED 04/05/2012 203 \$0.00
Inspect Unit: MIDTOWN TASK FORCE Viol Type: CONSTRUCTION

34947860N RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 1
DROBENKO BRO RLTY INC IN VIOLATION 04/05/2012 137 \$0.00
Inspect Unit: MIDTOWN TASK FORCE

34947859X RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 1
DROBENKO BROS RLTY INC IN VIOLATION 04/05/2012 138, 238 \$0.00
Inspect Unit: MIDTOWN TASK FORCE Viol Type: PUBLIC ASSEMBLY

34947856K RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 1
DROBENKO BRO RLTY INC IN VIOLATION 04/05/2012 136, 239 \$0.00
Inspect Unit: MIDTOWN TASK FORCE

34947854R RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 1
DROBENKO BRO RLTY INC IN VIOLATION 04/05/2012 127 \$0.00
Inspect Unit: MIDTOWN TASK FORCE Viol Type: CONSTRUCTION

34947857M RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 1
DROBENKO BROS RLTY INC IN VIOLATION 04/05/2012 101, 201 \$0.00
Inspect Unit: MIDTOWN TASK FORCE Viol Type: CONSTRUCTION

34980182H RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 2
DROBENKO BROS RLTY INC IN VIOLATION 04/05/2012 263 \$0.00
Inspect Unit: MIDTOWN TASK FORCE Viol Type: CONSTRUCTION

34947858Y RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 1
DROBENKO BRO RLTY INC IN VIOLATION 04/05/2012 103, 203 \$0.00
Inspect Unit: MIDTOWN TASK FORCE Viol Type: CONSTRUCTION

34755476M RESOLVED - CERTIFICATE ACCEPTED
Severity: CLASS - 3
DROBENKO BROS. REALTY INC IN VIOLATION 02/24/2009 301 \$0.00
Inspect Unit: EMERGENCY RESPONSE TEAM (ERT) Viol Type: CONSTRUCTION

34157752J RESOLVED - N/A - DROBENKO BRO RLTY DISMISSED 06/27/1997 B62, B08 \$0.00

DISMISSED

IN

Severity: HAZARDOUS**Viol Type:** PUBLIC ASSEMBLY**34154672X**RESOLVED - N/A -
DISMISSEDDROBENKO BROS
RLTY IN

DISMISSED

06/27/1997 B04

\$0.00

Severity: NON-HAZARDOUS**Viol Type:** CONSTRUCTION**34154673H**RESOLVED - N/A -
DISMISSEDDROBENKO BROS
RLTY IN

DISMISSED

06/27/1997 B03

\$0.00

Severity: NON-HAZARDOUS**Viol Type:** CONSTRUCTION

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

EXHIBIT "C"

(http://www1.nyc.gov) | Health 311 (http://www1.nyc.gov/311/index.page) | Search all NYC.gov websites

(http://www1.nyc.gov/home/search/index.page)

Menu ()

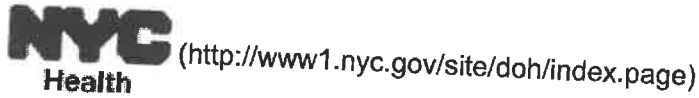
Promoting and Protecting the City's Health



ABCEats-Restaurants

Text-Size (http://www1.nyc.gov/home/text-size.page)

Select Language ▼



ABCEats-Restaurants

Promoting and Protecting the City's Health

- Home
- About
- FAQ

Business Information



| | |
|-----------------------|--------------------------------------|
| Name: | CLOISTER CAFE |
| Address: | 238 EAST 9 STREET Manhattan 10003 |
| Food Type: | American |
| Permit Number: | 40385461 |

Inspections

| Inspection Date | Result | Points |
|-----------------|--------|--------|
|-----------------|--------|--------|

| Inspection Date | Result | Points |
|------------------|-------------------|--------|
| April 10, 2019 | Violations Issued | 11 |
| November 5, 2018 | Violations Issued | 5 |
| October 25, 2018 | Violations Issued | 6 |
| October 25, 2017 | Violations Issued | 9 |
| January 24, 2017 | Violations Issued | 2 |
| January 5, 2017 | Violations Issued | 12 |
| May 2, 2016 | Violations Issued | 9 |

<http://www1.nyc.gov/nyc-resources/agencies.page>) Contact NYC Government
<http://www1.nyc.gov/home/contact-us.page>) City Employees (<https://a127-ess.nyc.gov>) Notify NYC (<https://a858-nycnotify.nyc.gov/notifynyc/>) CityStore (<http://a856-citystore.nyc.gov/>) Stay Connected
<http://www1.nyc.gov/connect/social-media.page>) NYC Mobile Apps (<http://www1.nyc.gov/connect/applications.page>)
<http://www1.nyc.gov/nyc-resources/nyc-maps.page>) Resident Toolkit (<http://www1.nyc.gov/nyc-resources/resident-toolkit.page>)
 NYC

Search

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EXHIBIT "D"

NYC Business

Log Out **Edit** Search

Home

Start a Business

Operate a Business

Licenses and Permits

Violations

My Dashboard

Business Profile

My Dashboard

Search Transactions

Potential Matches (1)

Edit Business Profile

Share Business Profile

Create Business Profile

Communication Preferences

Events

The Cloister East Inc.

Owner: Nicholas Drobenko

mykolad238@aol.com

T (212) 777-9128

M (646) 773-1107

Delete

Edit

East Village

238 East 9th Street

New York, NY 10003

Edit

mykolad238@aol.com

T (212) 777-9128

M (646) 773-1107

Agency connections

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[Mayor's Office of Contract Services](#)

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- Search Transactions
- Potential Matches (1)
- Edit Business Profile
- Share Business Profile
- Create Business Profile
- Communication Preferences
- Events

Filter Dashboard

- All saved transactions
- The Cloister East Inc.
 - East Village
- Unassigned

Apply

1

Alerts (1)

License/Permit: NON-TOBACCO HOOKAH ESTABLISHMENT LICENSE

Expiration date: 01/31/2022

Location: 238 E 9TH ST, NEW YORK, NY 10003-7503

[Show details](#)

[Renew](#)

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1

Business Licenses and Permits (5)

Sort by

Type ▾ Location ▾ Status ▾ Expiration Date ▾

Type

FIRE DEPARTMENT PERMIT

[Show details](#)

Location

238 E 9 ST, MANHATTAN, 10003

Status

PERMIT GENERATED

Expiration
Date
Show details

Type
FOOD SERVICE ESTABLISHMENT (GENERAL) LICENSE
Show details

Location
238 EAST 9 STREET, NEW YORK, NY 10003

Status
CURRENT

Expiration
Date
06/30/2022
Show details

Type
NON-TOBACCO HOOKAH ESTABLISHMENT LICENSE
Show details

Location
238 E 9TH ST, NEW YORK, NY 10003-7503

Status
CURRENT

Expiration
Date
01/31/2022
Show details

Type
FIRE DEPARTMENT PERMIT
Show details

Location
238 E 9 ST, MANHATTAN, 10003

Status
PERMIT GENERATED

Expiration Date
11/30/2021
Show details

Type
FIRE DEPARTMENT PERMIT
Show details

Location
238 E 9 ST, MANHATTAN, 10003

Status
PERMIT EXPIRED - PAYMENT DUE

Expiration Date
09/30/2020
Show details

Export all to CSV

1

Look up more business licenses and permits.

[Search Transactions](#)

Complaints (0)

Violations (43)

Sort by 

Agency  Location  Status  Violation Date 

Agency
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Show details

Location

238 EAST 9 STREET, NEW YORK, NY, 10003

Status

Violation
Date
04/10/2019
Show details

Agency

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Show details

Location

238 EAST 9 STREET, NEW YORK, NY, 10003

Status

CORRECTED

Violation
Date
04/10/2019
Show details

Agency

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Show details

Location

238 EAST 9 STREET, NEW YORK, NY, 10003

Status

Violation
Date
04/10/2019
Show details

Agency

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Show details

Location

238 EAST 9 STREET, NEW YORK, NY, 10003

Status

Violation
Date

11/05/2018

Show details

Agency

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Show details

Location

238 EAST 9 STREET, NEW YORK, NY, 10003

Status

Violation
Date

10/25/2018

Show details

Export all to CSV

1 2 3 4 ... 9

Look up more violations.

Search Transactions

Inspections and Gas Authorizations (15)

Sort by



Type ▾ Location ▾ Status ▾ Inspection Date ▾

Type

FOOD SAFETY INSPECTIONS

Show details

Location

238 EAST 9 STREET, NEW YORK, NY, 10003

Status

L -NO ACCESS

Inspection
Date
01/05/2022
Show details

Type
FOOD SAFETY INSPECTIONS
Show details

Location
238 EAST 9 STREET, NEW YORK, NY, 10003

Status
L -NO ACCESS

Inspection
Date
08/05/2021
Show details

Type
FOOD SAFETY INSPECTIONS
Show details

Location
238 EAST 9 STREET, NEW YORK, NY, 10003

Status
D -MINOR VIOLATION OF RULES AND REGULATIONS

Inspection
Date
04/10/2019
Show details

Type
FOOD SAFETY INSPECTIONS
Show details

Location
238 EAST 9 STREET, NEW YORK, NY, 10003

Status

D -MINOR VIOLATION OF RULES AND REGULATIONS

Inspection
Date

11/05/2018

Show details

Type

FOOD SAFETY INSPECTIONS

Show details

Location

238 EAST 9 STREET, NEW YORK, NY, 10003

Status

F -SUMMONS SERVED

Inspection
Date

10/25/2018

Show details

Export all to CSV

1 2 3

Look up more inspections and gas authorizations.

Search Transactions

Building Construction and Maintenance Permits (0)

Taxes (0)

M/WBE, LBE, and EBE Certifications (0)

EXHIBIT "E"

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATE OF DISPOSITION
NUMBER: 81720

THE PEOPLE OF THE STATE OF NEW YORK
VS.

FEE: \$10.00

DROBENKO, NICHOLAS

05/30/1955

DEFENDANT

DATE OF BIRTH

2346 31ST AVE

ADDRESS

ASTORIA NY 11106-4036
CITY STATE ZIP

08/07/2020

ISSUE DATE

DOCKET NUMBER: 2020SN016985

SUMMONS NUMBER: 4451452122

AC 3-108 BM

ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

| DATE | COURT ACTION | JUDGE | PART |
|------------|--------------------------------|----------|-------|
| 09/23/2020 | DISM-INTEREST JUSTIC CPL170.40 | AMAKER,T | SAP-D |

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.


COURT OFFICIAL SIGNATURE AND SEAL

11/16/2021

DATE

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40 - including any appearing on this certificate of disposition - are vacated, dismissed, sealed and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise-unless specifically required or permitted to do so by statute.

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CRC-3206 (07/17)

Criminal Court Appearance Ticket

Name (Last, First, MI) **PROBENKO, NICHOLAS** Date of Birth (mm/dd/yy) **05/30/50**

Street Address **23-46 31 AV** Apt. No.

City **Astoria** State **NY** Zip Code **11106**

Cell Phone Number (where court may contact you) () **N/A** Home Phone Number (where court may contact you) () **N/A**

Show up to court on:
Court Appearance Date (mm/dd/yy): **11/04/20** at: **9:30 a.m.**

Your court appearance location: Other (specify) **Westchester County Courthouse**
 Bronx Criminal Court Kings & New York Criminal Court Midtown Community Court Redhook Community Justice Center Queens Criminal Court Richmond Criminal Court

Court Locations: You must appear at the court location identified above.
Bronx Criminal Court 215 E 161st Street, Bronx, NY 10451
Kings & New York Criminal Court 1 Centre Street, New York, NY 10007
Redhook Community Justice Center 88-94 Visitation Place, Brooklyn, NY 11231
Midtown Community Court 314 W 54th Street, New York, NY 10019
Queens Criminal Court 120-55 Queens Boulevard, Kew Gardens, NY 11415
Richmond Criminal Court 26 Central Ave, Staten Island, NY 10301

You are Charged as Follows:

Title of Offense: **Social Distancing**

Time 24 Hour (hh:mm) **0000** Date of Offense (mm/dd/yy) **08/07/20** County **New York**

Place of Occurrence **238 E 9th ST** Precinct **9**

In Violation of Section **3-108** Subsection VTL Admin Code Penal Law Park Rules Other

For Additional Information and Questions:

Visit the website or call the number below for additional information about your court appearance and translation of this document.

www.mysummons.nyc

OR

Call 646-760-3010

****To avoid a warrant for your arrest, you must show up to court.****
At court, you may plead guilty or not guilty.

Please see back for exceptions for Public Consumption of Alcohol and Public Urination offenses.

Defendant stated in my presence (in substance):

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. I affirmed under penalty of law.

Complainant's Full Name Printed **L. Koprivuev** Rank/Full Signature of Complainant **Deputy** Date Affirmed (mm/dd/yy) **08/07/20**

Tax Registry # **102977** Agency **Sheriff** Command Code **0837**

DEFENDANT'S COPY



CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATE OF DISPOSITION
NUMBER: 81721

THE PEOPLE OF THE STATE OF NEW YORK
VS.

FEE: \$10.00

DROBENKO, NICHOLAS

05/30/1955

DEFENDANT

DATE OF BIRTH

2346 31ST AVE

ADDRESS

ASTORIA NY 11106-4036

CITY STATE ZIP

08/07/2020

ISSUE DATE

DOCKET NUMBER: 2020SN016984

SUMMONS NUMBER: 4451452136

ABC 106 12 AM

ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

| DATE | COURT ACTION | JUDGE | PART |
|------------|--------------|--------------|------|
| 10/06/2021 | DISMISSED | MCDONNELL, P | SAP |

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.


COURT OFFICIAL SIGNATURE AND SEAL

11/16/2021
DATE

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40 - including any appearing on this certificate of disposition - are vacated, dismissed, sealed and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise-unless specifically required or permitted to do so by statute Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

Criminal Court Appearance Ticket

(Last, First, MI) **DROLENYO NICHOLAS** Date of Birth (mm/dd/yy) **05/30/55**

Street Address **23-46 31st ALE** Apt. No. _____

City **ASTORIA** State **NY** Zip Code **11106**

Cell Phone Number (where court may contact you) () **N/A** Home Phone Number (where court may contact you) () **N/A**

Show up to court on:
 Court Appearance Date (mm/dd/yy): **11/04/20** at: **9:30 a.m.**

Your court appearance location: Other (specify) _____

Bronx Criminal Court
 Kings & New York Criminal Court
 Midtown Community Court
 Redhook Community Justice Center
 Queens Criminal Court
 Richmond Criminal Court

Court Locations: You must appear at the court location identified above.

Bronx Criminal Court 215 E 161st Street, Bronx, NY 10451
 Kings & New York Criminal Court 1 Centre Street, New York, NY 10007
 Redhook Community Justice Center 88-94 Visitation Place, Brooklyn, NY 11231
 Midtown Community Court 314 W 54th Street, New York, NY 10019
 Queens Criminal Court 120-55 Queens Boulevard, Kew Gardens, NY 11415
 Richmond Criminal Court 26 Central Ave, Staten Island, NY 10301

You are Charged as Follows:

Title of Offense: **Fail to maintain books and records on the premises for inspection**

Time 24 Hour (hh:mm) **02:00** Date of Offense (mm/dd/yy) **08/07/20** County **New York**

Place of Occurrence **238 E 9th St.** Precinct **9**

In Violation of Section **106.1** Subsection _____ VTL Admin Code Penal Law Park Rules Other **ABC**

For Additional Information and Questions:

Visit the website or call the number below for additional information about your court appearance and translation of this document.

www.mysummons.nyc

OR

Call 646-760-3010

****To avoid a warrant for your arrest, you must show up to court.****

At court, you may plead guilty or not guilty.

Please see back for exceptions for Public Consumption of Alcohol and Public Urination offenses.

Defendant stated in my presence (in substance): _____

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.

Complainant's Full Name Printed **V. Kose...** Rank/Full Signature of Complainant **[Signature]** Date Affirmed (mm/dd/yy) **08/07/20**

Tax Registry # **102772** Agency **SHKIFF** Command Code **0837**

DEFENDANT'S COPY



CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATE OF DISPOSITION
NUMBER: 81719

THE PEOPLE OF THE STATE OF NEW YORK
VS.

FEE: \$10.00

DROBENKO, NICHOLAS
DEFENDANT

05/30/1955
DATE OF BIRTH

2346 31ST AVE
ADDRESS

ASTORIA NY 11106-4036
CITY STATE ZIP

08/07/2020
ISSUE DATE

DOCKET NUMBER: 2020SN016987

SUMMONS NUMBER: 4451452105

GB 89g UM

ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

| DATE | COURT ACTION | JUDGE | PART |
|------------|--------------|--------------|------|
| 10/06/2021 | DISMISSED | MCDONNELL, P | SAP |

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.


COURT OFFICIAL SIGNATURE AND SEAL

11/16/2021
DATE

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40 - including any appearing on this certificate of disposition - are vacated, dismissed, sealed and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise-unless specifically required or permitted to do so by statute

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CRC-3206 (07/17)

Criminal Court Appearance Ticket

Name (Last, First, MI) **Drobenko, Nicholas** Date of Birth (mm/dd/yy) **05/30/55**

Street Address **23-46 31 AV** Apt. No.

City **Astoria** State **NY** Zip Code **11106**

Cell Phone Number (where court may contact you) **() N/A** Home Phone Number (where court may contact you) **() N/A**

Show up to court on:
Court Appearance Date (mm/dd/yy): **11/4/20** at: **9:30 a.m.**

Your court appearance location: Other (specify)
 Bronx Criminal Court Kings & New York Criminal Court Midtown Community Court Redhook Community Justice Center Queens Criminal Court Richmond Criminal Court

Court Locations: You must appear at the court location identified above.
Bronx Criminal Court 215 E 161st Street, Bronx, NY 10451
Kings & New York Criminal Court 1 Centre Street, New York, NY 10007
Redhook Community Justice Center 88-94 Visitation Place, Brooklyn, NY 11231
Midtown Community Court 314 W 54th Street, New York, NY 10019
Queens Criminal Court 120-55 Queens Boulevard, Kew Gardens, NY 11415
Richmond Criminal Court 26 Central Ave, Staten Island, NY 10301

You are Charged as Follows:

Title of Offense: **Failure to Maintain Proprietary Security Guard Lic**
Time 24 Hour (hh:mm) **0200** Date of Offense (mm/dd/yy) **08/07/20** County **NY**
Place of Occurrence **238 E 9th Street** Precinct **9**
In Violation of Section **70-a(2)** Subsection VTL Admin Code Penal Law Park Rules Other **NYC GBL**

For Additional Information and Questions:

Visit the website or call the number below for additional information about your court appearance and translation of this document.

www.mysummons.nyc

OR

Call 646-760-3010

****To avoid a warrant for your arrest, you must show up to court.****

At court, you may plead guilty or not guilty.

Please see back for exceptions for Public Consumption of Alcohol and Public Urination offenses.



4451452105

Defendant stated in my presence (in substance):

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.

Complainant's Full Name Printed **C. Rozzini** Rank/Full Signature of Complainant **Deputy** Date Affirmed (mm/dd/yy) **08/07/20**
Tax Registry # **102977** Agency **SHP** Command Code **0837**

DEFENDANT'S COPY

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATE OF DISPOSITION
NUMBER: 81718

THE PEOPLE OF THE STATE OF NEW YORK
VS.

FEE: \$10.00

DROBENKO, NICHOLAS

05/30/1955

DEFENDANT

DATE OF BIRTH

2346 31ST AVE

ADDRESS

ASTORIA NY 11106-4036
CITY STATE ZIP

08/07/2020

ISSUE DATE

DOCKET NUMBER: 2020SN016988

SUMMONS NUMBER: 4451452097

ABC 108 AM

ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

| DATE | COURT ACTION | JUDGE | PART |
|------------|--------------|--------------|------|
| 10/06/2021 | DISMISSED | MCDONNELL, P | SAP |

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.


COURT OFFICIAL SIGNATURE AND SEAL

11/16/2021

DATE

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40 - including any appearing on this certificate of disposition - are vacated, dismissed, sealed and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise-unless specifically required or permitted to do so by statute.

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CRC-3206 (07/17)

Criminal Court Appearance Ticket

Name (Last, First, MI)

DROBENY, O NICHOLAS

Date of Birth (mm/dd/yy)
05/30/55

Street Address

23-46 31 AVE

Apt. No.

City

ASTORIA

State

NY

Zip Code

11106

Cell Phone Number (where court may contact you)

() N/A

Home Phone Number (where court may contact you)

() N/A

Show up to court on:

Court Appearance Date (mm/dd/yy): 11/04/20 at: 9:30 a.m.

Your court appearance location: Other (specify)

- Bronx Criminal Court
- Kings & New York Criminal Court
- Midtown Community Court
- Redhook Community Justice Center
- Queens Criminal Court
- Richmond Criminal Court

Court Locations: You must appear at the court location identified above.

- Bronx Criminal Court 215 E 161st Street, Bronx, NY 10451
- Kings & New York Criminal Court 1 Centre Street, New York, NY 10007
- Redhook Community Justice Center 88-94 Visitation Place, Brooklyn, NY 11231
- Midtown Community Court 314 W 54th Street, New York, NY 10019
- Queens Criminal Court 120-55 Queens Boulevard, Kew Gardens, NY 11415
- Richmond Criminal Court 26 Central Ave, Staten Island, NY 10301

You are Charged as Follows:

Title of Offense: Alienry character of premises with SLA approval - misleading to SLA

Time 24 Hour (hh:mm)

02:00

Date of Offense (mm/dd/yy)

08/07/20

County

New York

Place of Occurrence

230 E 9th St.

Precinct

9

In Violation of Section

118.3 B(ii)

Subsection

VTL

Admin Code

Penal Law

Park Rules

Other

ABC

For Additional Information and Questions:

Visit the website or call the number below for additional information about your court appearance and translation of this document.

www.mysummons.nyc

OR

Call 646-760-3010

****To avoid a warrant for your arrest, you must show up to court.****

At court, you may plead guilty or not guilty.

Please see back for exceptions for Public Consumption of Alcohol and Public Urination offenses.

Defendant stated in my presence (in substance):

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.

Complainant's Full Name Printed

V Pozzignelli

Rank/Full Signature of Complainant

Det. J. N.

Date Affirmed

08/07/20

Tax Registry #

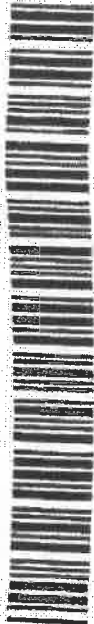
102977

Agency

SHERIFF

Command Code

0837



4451452097

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATE OF DISPOSITION
NUMBER: 81722

THE PEOPLE OF THE STATE OF NEW YORK
VS.

FEE: \$10.00

DROBENKO, NICHOLAS

05/30/1955

DEFENDANT

DATE OF BIRTH

2346 31ST AVE

ADDRESS

ASTORIA NY 11106-4036

CITY STATE ZIP

08/07/2020

ISSUE DATE

DOCKET NUMBER: 2020SN016986

SUMMONS NUMBER: 4451452119

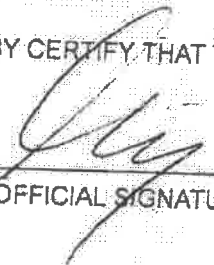
AC 15-223.1(a) V

ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

| DATE | COURT ACTION | JUDGE | PART |
|------------|--------------|--------------|------|
| 10/06/2021 | DISMISSED | MCDONNELL, P | SAP |

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.


COURT OFFICIAL SIGNATURE AND SEAL

11/16/2021

DATE

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40 - including any appearing on this certificate of disposition - are vacated, dismissed, sealed and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise-unless specifically required or permitted to do so by statute.

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CRC-3206 (07/17)

Criminal Court Appearance Ticket

Name (Last, First, MI)

DROBENKO, NICHOLAS

Date of Birth (mm/dd/yy)

5/30/195

Street Address

23-46 31 AVE

Apt. No.

City

ASTORIA

State

NY

Zip Code

11106

Cell Phone Number (where court may contact you)

() N/A

Home Phone Number (where court may contact you)

() N/A

Show up to court on:

Court Appearance Date (mm/dd/yy):

11/4/20

at: 9:30 a.m.

Your court appearance location:

Other (specify)

Bronx
Criminal Court

Kings & New York
Criminal Court

Midtown
Community Court

Redhook
Community Justice Center

Queens
Criminal Court

Richmond
Criminal Court

Court Locations: You must appear at the court location identified above.

Bronx Criminal Court 215 E 161st Street, Bronx, NY 10451

Kings & New York Criminal Court I Centre Street, New York, NY 10007

Redhook Community Justice Center 88-94 Visitation Place, Brooklyn, NY 11231

Midtown Community Court 314 W 54th Street, New York, NY 10019

Queens Criminal Court 120-55 Queens Boulevard, Kew Gardens, NY 11415

Richmond Criminal Court 26 Central Ave, Staten Island, NY 10301

You are Charged as Follows:

Title of Offense:

PUBLIC ASSEMBLY PERMIT NOT POSTED (EXPIRED)

Time 24 Hour (hr:mm)

0200

Date of Offense (mm/dd/yy)

8/7/20

County

NY

Place of Occurrence

238 E 9TH STREET

Precinct

9

In Violation of
Section

105.35

Subsection

VTL

Admin
Code

Penal
Law

Park
Rules

Other

NYCFC

For Additional Information and Questions:

Visit the website or call the number below for additional information about your court appearance and translation of this document.

www.mysummons.nyc

OR

Call 646-760-3010

****To avoid a warrant for your arrest, you must show up to court.****

At court, you may plead guilty or not guilty.

Please see back for exceptions for Public Consumption of Alcohol and Public Urination offenses.

Defendant stated in my presence (in substance):

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.

Complainant's Full Name Printed

V. RODRIGUEZ

Rank/Full Signature of Complainant

[Signature]

Date Affirmed

(mm/dd/yy)

8/7/20

Tax Registry #

102977

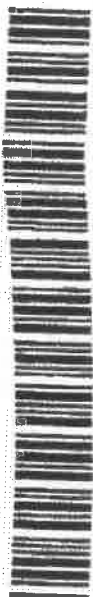
Agency

SHERIFF

Command Code

0837

DEFENDANT'S COPY



4451452119

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATE OF DISPOSITION
NUMBER: 81723

THE PEOPLE OF THE STATE OF NEW YORK
VS.

FEE: \$10.00

DROBENKO, NICHOLAS

05/30/1955

DEFENDANT

DATE OF BIRTH

2346 31ST AVE

ADDRESS

ASTORIA NY 11106-4036

08/07/2020

CITY STATE ZIP

ISSUE DATE

DOCKET NUMBER: 2020SN016983

SUMMONS NUMBER: 4451452140

GB 89g UM

ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

| DATE | COURT ACTION | JUDGE | PART |
|------------|--------------|--------------|------|
| 10/06/2021 | DISMISSED | MCDONNELL, P | SAP |

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.


COURT OFFICIAL SIGNATURE AND SEAL

11/16/2021

DATE

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Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

Criminal Court Appearance Ticket

Name (Last, First, MI) **DROBENKO, Nicholas** Date of Birth (mm/dd/yy) **05/30/55**

Street Address **23-46 31 AV** Apt. No.

City **ASTORIA** State **NY** Zip Code **11106**

Cell Phone Number (where court may contact you) **() N/A** Home Phone Number (where court may contact you) **() N/A**

Show up to court on:
Court Appearance Date (mm/dd/yy): **11/04/20** at: **9:30 a.m.**

Your court appearance location: Other (specify) **25th Street**
 Bronx Criminal Court Kings & New York Criminal Court Midtown Community Court Redhook Community Justice Center Queens Criminal Court Richmond Criminal Court

Court Locations: You must appear at the court location identified above.
Bronx Criminal Court 215 E 161st Street, Bronx, NY 10451
Kings & New York Criminal Court 1 Centre Street, New York, NY 10007
Redhook Community Justice Center 88-94 Visitation Place, Brooklyn, NY 11231
Midtown Community Court 314 W 54th Street, New York, NY 10019
Queens Criminal Court 120-55 Queens Boulevard, Kew Gardens, NY 11415
Richmond Criminal Court 26 Central Ave, Staten Island, NY 10301

You are Charged as Follows:

Title of Offense: **Failure to maintain roster of Security Guards**
Time 24 Hour (hh:mm) **0200** Date of Offense (mm/dd/yy) **08/07/20** County **New York**
Place of Occurrence **238 E 9th St** Precinct **9**
In Violation of Section **22.17** Subsection **4** VTL Admin Code Penal Law Park Rules Other

For Additional Information and Questions:

Visit the website or call the number below for additional information about your court appearance and translation of this document.

www.mysummons.nyc

OR

Call 646-760-3010

****To avoid a warrant for your arrest, you must show up to court.****

At court, you may plead guilty or not guilty.

Please see back for exceptions for Public Consumption of Alcohol and Public Urination offenses.

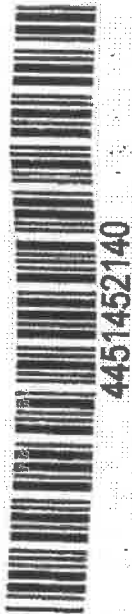
Defendant stated in my presence (in substance):

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.

Complainant's Full Name Printed **L.R. DRILLO** Rank/Full Signature of Complainant **[Signature]** Date Affirmed (mm/dd/yy) **08/07/20**

Tax Registry # **102977** Agency **Sheriff** Command Code **0837**

DEFENDANT'S COPY



CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATE OF DISPOSITION
NUMBER: 81724

THE PEOPLE OF THE STATE OF NEW YORK
VS.

FEE: \$10.00

DROBENKO, NICHOLAS

05/30/1955

DEFENDANT

DATE OF BIRTH

2346 31ST AVE

ADDRESS

ASTORIA

NY

11106-4036

CITY

STATE ZIP

08/07/2020

ISSUE DATE

DOCKET NUMBER: 2020SN016982

SUMMONS NUMBER: 4451452153

AC 15-223.1(a) V

ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

DATE

COURT ACTION

JUDGE

PART

10/06/2021

DISMISSED

MCDONNELL, P

SAP

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT


COURT OFFICIAL SIGNATURE AND SEAL

11/16/2021

DATE

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40 - including any appearing on this certificate of disposition - are vacated, dismissed, sealed and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise-unless specifically required or permitted to do so by statute

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CRC-3206 (07/17)

Criminal Court Appearance Ticket

Name (Last, First, MI) **Drobenko, Nicholas** Date of Birth (mm/dd/yy) **05/30/55**

Street Address **23-46 31 AV** Apt. No.

City **Astoria** State **NY** Zip Code **11106**

Cell Phone Number (where court may contact you) **N/A** Home Phone Number (where court may contact you) **N/A**

Show up to court on:
Court Appearance Date (mm/dd/yy): **11/4/20** at: **9:30 a.m.**

Your court appearance location: Other (specify) _____
 Bronx Criminal Court Kings & New York Criminal Court Midtown Community Court Redhook Community Justice Center Queens Criminal Court Richmond Criminal Court

Court Locations: You must appear at the court location identified above.
Bronx Criminal Court 215 E 161st Street, Bronx, NY 10451
Kings & New York Criminal Court 1 Centre Street, New York, NY 10007
Redhook Community Justice Center 88-94 Visitation Place, Brooklyn, NY 11231
Midtown Community Court 314 W 54th Street, New York, NY 10019
Queens Criminal Court 120-55 Queens Boulevard, Kew Gardens, NY 11415
Richmond Criminal Court 26 Central Ave, Staten Island, NY 10301

You are Charged as Follows:

Title of Offense: **No affidavit for Mimica Proof Curbin & Decorations**
Time 24 Hour (hh:mm) **0200** Date of Offense (mm/dd/yy) **08/07/20** County **NY**
Place of Occurrence **238 E 9th Street** Precinct **9**
In Violation of Section **ROS. 1-3** Subsection VTL Admin Code Penal Law Park Rules Other **NYC FC**

For Additional Information and Questions:

Visit the website or call the number below for additional information about your court appearance and translation of this document.

www.mysummons.nyc
OR
Call 646-760-3010

****To avoid a warrant for your arrest, you must show up to court.****
At court, you may plead guilty or not guilty.

Please see back for exceptions for Public Consumption of Alcohol and Public Urination offenses.

Defendant stated in my presence (in substance):

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.

Complainant's Full Name Printed **L. Kondibek** Rank/Full Signature of Complainant **Deputy JPR** Date Affirmed (mm/dd/yy) **08/07/20**
Tax Registry # **102977** Agency **SHF** Command Code **0837**

DEFENDANT'S COPY



EXHIBIT "F"

NEW YORK STATE LIQUOR AUTHORITY

CANCELLATION ORDER EFFECTIVE JANUARY 27, 2021

1024379, NEW YORK OP 4684

WITH \$1,000 BOND CLAIM

CLOISTER EAST INC,THE
CLOISTER CAFE
238 E 9TH STREET
NEW YORK, NY 10003

1125-2020/Case No. 146525

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 01/20/2021, and the Authority having found:

1. That on or about August 7, 2020, 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 Governor's Executive Order 202.43 regarding violations of social distancing and open container laws and associated posted NYSLA and NYDOH Guidance within 100 feet from the licensed premises]; 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 August 7, 2020, 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 ROLL DOWN GATE IN LOCKED OPEN POSITION WHEN BLDG OCCUPIED NYC BC 1008.2, 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)].
3. Dismissed.
4. Dismissed.
5. That on August 7, 2020, 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; EXIT SIGN OBSTRUCTED BY BRANCHES NYC AC27-541) 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. Dismissed.
7. That on 08/07/2020, 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; CURTAIN PLACED OVER EXIT DOOR NYC FC 1028.5) 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)].
8. Dismissed.
9. Withdrawn.
10. That on August 7, 2020, 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; USING EXTENSION CORD FOR PERMANENT WIRING, NYC FC 605.5) 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. Dismissed.
12. Dismissed.
13. That on August 7, 2020, 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 COMPRESSED GAS TANKS NYS FC 3003.3.3, 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)].
14. That on 08/07/20, the licensee used the trade name "Cafe Tucano," in connection with the licensed business without the permission of the Authority first obtained; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(p) of the Rules of the State Liquor Authority [9 NYCRR 53.1(p)].
15. That on and before August 7, 2020, 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.
16. Dismissed.

Summary of Due Process Failures in the Proceedings

The Individual Charges

210. Each charge sustained by the ALJ and affirmed by the Board is riddled with errors, either in process, support, logic, or all three. The result is sixteen arbitrary and capricious charges.

Charge 1: Governor's Executive Order

211. Governor's Executive Order 202.43 was put in place for the new phenomenon of people drinking on the street outside the establishment **and** where the establishments were serving such people to drink outside.

212. The use of the word "and" is intentional.

213. During the hearing, the ALJ seemingly agreed that Respondents would have to prove both elements of this clause, in order to sustain the charge.

214. Unsurprisingly, in his Findings, the ALJ failed to engage with this at all.

215. Respondents did not provide any evidence of violations of open container laws, any service of people to drink outside, or anyone drinking on the street outside the premises.

216. Instead, based on the ALJ's own initiative to interpret the order strictly, the ALJ determined that Stravalle's word (contradicted by the bodycam footage) that people were gathering outside the establishment was sufficient to take away Petitioners' license.

217. This is arbitrary, capricious, and irrational.

Charge 2: The Roll Down Gate

218. The ALJ wholly disregarded the evidence before him.

219. Mr. Drobenko testified as to the fact that the subject roll-down gate was open until Stravalle arrived with a camera crew from "Inside Edition," at which point the licensed Fire Safety Guard stationed at the door rolled down the gate in the interest of safety as a result of the camera crews blinding lights.

220. Indeed, the prior inspection, which did not determine there to be any issues with the gate, was entirely ignored.

221. The ALJ ignored the prior investigation as hearsay, despite being corroborated by Stravalle, and inserted his own opinion as to the balance of safety measures between having patrons blinded by the camera lights and having the gate open.

222. In the face of the various facts before him, the ALJ blindly accepted Stravalle's word, rendering this decision arbitrary, capricious, and irrational.

Charge 5: The Exit Sign

223. At p. 30, the ALJ determined that the use of the word clearly in Admin Code Sec. 27-541 meant free from "any and all obstruction" and that the presence of "leaves and branches" interfered with the clear viewing of the exit sign.

224. To interpret the word "clearly" as the ALJ has is beyond his authority.

225. This interpretation imbues the administrative code with an interpretation beyond the legislative intent, as the use of the word "clearly" is related to the ability to view it from "all parts of the assembly space."

226. Had the legislative intent been that there would be no obstruction at all to a sign, it would have been written as such.

227. There is no evidence that the sign, even with branches and leaves nearby, was not “clearly visible from all parts of the assembly space.”

228. Thus, it is irrational, arbitrary, and capricious to find that “clearly” implies the absence of any and all obstruction and the leaves and branches shown in the subject photograph.”

Charge 7: The Curtain

229. The ALJ cites Fire Code 1028.5, finding that it “provides that ‘furnishings, decorations or other objects shall not be placed so as to obstruct exits, access thereto, egress therefrom, or visibility thereof.’”

230. There is no Section 1028.5 in the New York City Fire Code, yet the ALJ found “substantial evidence” to sustain the charge for a violation of 1028.5.

231. Having not addressed any of these rules throughout the proceeding, sustaining the charge is clearly arbitrary and capricious.

232. The quoted language is from Fire Code 1027.3.5, a charge not made against Petitioners.

233. Even so, “obstruct,” “access,” and “egress” each, by definition, relate to the act of passing through the door.

234. This is furthered by the continuation of Section 1027.3.5, which states “[h]angings and draperies shall not be placed over exit doors or otherwise be located to conceal or obstruct an exit.”

235. Petitioners’ presented evidence that the door could be walked through without obstruction from the curtains.

236. There was no evidence that the door was, in any way, concealed.

237. Ignoring the same, the ALJ found “[t]he curtain in question, even if pinned on the sides, constitutes an obstruction and, potentially, if unpinned a total barrier to visibility.”

238. First, the hypothetical situation cited flies in the face of the ALJ’s own insistence that every witness, violation, photograph, or statement must be discounted if it was not the state of affairs on the night in question.

239. Second, like the ALJ’s definition of “clearly” in relation to the exit sign, it goes well beyond the intent of the code.

240. The code could have said “nothing shall be hung in a doorway,” but it did not. Instead, logically, the code focuses on actual obstruction.

241. As such the finding of this charge being sustained is irrational, arbitrary and capricious.

Charge 10: The Extension Cords

242. The ALJ determined that Petitioners’ use of extension cords to power portable fans violated the code.

243. Section 605 prohibits using extension cords “as a substitute for permanent wiring.”

244. The ALJ states “[t]he portability of the scanner does not undercut the violation created by the fans.”

245. It appears that the ALJ failed to read the entirety of Section 605, which clearly states that “[e]xtension cords shall be used only with portable appliances.”

246. Therefore, having found that the extension cords were being used to supply power to portable fans, they are statutorily permissible, and the ALJ's failure to find such is arbitrary and capricious.

Charge 13: The Gas Cannisters

247. While discussed above, the charge levelled at Petitioners related to these cannisters was that they were not secured properly.

248. The ALJ has this finding at the forefront of his statement on this charge.

249. To date of this filing, the actual violation that Petitioners were charged with remains unclear.

250. Section 3003.3.3 of the NYC Fire Code 2014 relates to securing the cannisters, and provides 5 permissible methods.

251. Section 3003.3.3 of the NYS Fire Code 2020 does not exist.

252. Section 3003.3.3 of the no-longer operative NY Fire Code 2010 relates to the sizing of "pressure relief devices."

253. Section 3003.3.4 of the same inoperative 2010 code relates to the pressure relief devices arrangement; namely, that they are arranged upward.

254. The ALJ is undeterred by any of this confusion, because he could just say the Petitioners violated them all without any support.

255. According to the ALJ, Stravalle's statement that the cannisters were not arranged upright wins the day, despite the cannisters being clearly shown as upright in Stravalle's bodycam footage.

256. Mr. Drobenko's testimony confirming what is shown in the bodycam video is dismissed as "inaccurate, irrelevant and self serving." It truly begs the question of how could a statement directly on point to the charges being made be considered "irrelevant."

257. From the ALJ and SLA's failure to even find the correct provision of the code to charge Petitioners with to the ALJ's willful disregard of the evidence, sustaining this charge was arbitrary and capricious.

Charge 14: Use of the Name Café Tucano

258. The ALJ stated that there was substantial evidence to sustain the Charge for using the trade name Café Tucano without the permission of the SLA in violation of Rule 36.1(p) of the Rules of the State Liquor Authority.

259. The ALJ utterly ignored the evidence presented by Petitioners that Café Tucano was the name of the outdoor street dining area that was partially built but yet to be in operation when Stravalle's investigation took place.

260. The ALJ ignored that the "sign" outside of the premises that said Café Tucano was actually a mural on the wall that continued onto the street dining structure, and that all actual signage, including a large canopy above the entrance, indicated that the establishment was "The Cloister Café."

261. Finally, the ALJ, in the face of the evidence, ignored Petitioners' legal arguments that the rule prohibits, in essence, changing the name of a licensed premises, not using a different name for certain areas within the premises, as the exterior space would have been considered under the street side program.

262. Having ignored both fact and law presented by Petitioners in favor of the scant evidence presented by the SLA, the ALJ's finding was clearly arbitrary and capricious.

Charge 15: Sections 118(1) and (3) of the ABC Law

263. The ALJ's findings in relation to Section 118 exemplify his unwillingness to consider any evidence other than the SLA's.

264. Nicholas Drobenko testified as to the 30 years of unblemished record of Cloister Café, and that neighbors rarely, if ever, complained about noise from the Café. The ALJ found "[t]he more compelling evidence is that the Licensee simply disregarded them."

265. This is not evidence. It is an opinion.

266. Mr. Drobenko's testimony was also dismissed as self-serving, because in the ALJ's opinion, a party cannot defend itself with facts.

267. Worse, the ALJ dismissed Petitioners' witness, Mr. Petrillo and his testimony as:

- a. self-interested – According to the ALJ, any witness testifying on behalf of Petitioners was self-interested, but those testifying on behalf of Respondents were credible without scrutiny
- b. incompetent – According to the ALJ, this law enforcement officer with over 31-years experience working alongside the FDNY, NYSO, DOB, DOH, DOT, and even the participating in COVID investigation with the SLA, was incompetent to testify as to 3-1-1 complaints
- c. hearsay – It is unclear how Mr. Petrillo's own analysis of 3-1-1 calls could be hearsay under any legal standard, nor is it clear how, if Mr. Petrillo's testimony is hearsay, Respondents' witnesses' testimony is not

- d. “questionably motivated since he likely received remuneration to testify”
– There is no evidence that this was true as to Mr. Petrillo, but it can certainly be presumed that Respondents’ witnesses, as employees of the SLA, were remunerated for their time in testifying.

268. It is clear that the ALJ was determined to find in Respondents’ favor and was unwilling to consider any evidence that would rebut the allegations, making this finding arbitrary and capricious.

Charge 17: Live Music

269. Despite not having a single witness that was at the premises on the night testify to seeing live music, the ALJ found that live DJ/disco type music was being played.

270. Stravalle “saw what appeared to be a DJ station with an individual stationed there.”

271. According to the ALJ, an individual selecting music to be is “Live Entertainment” and requires a special license. If this is the scope of the rule, nearly every bartender in New York City has violated it.

272. Further, the ALJ has invented a concept unknown to law: that a witness not present on the night alleged can attest to the existence of not having seen live music but having “heard” live DJ/Disco-type music. This is not the law, it is the playing that must be live, not the type of music that is the gravamen of the violation.

273. As such the finding of this charge being sustained is irrational, arbitrary and capricious.

Charge 18: Indoor Service

274. The most fundamental error in all of the ALJ's findings is that the outdoor, open-air space was, on the night, in one corner, transformed into, "for all intents and purposes," into an indoor space, based on Stravalle's misperception.

275. The law is not whether the structure reasonably appeared to look violative but whether it actually was.

276. Over and over, the ALJ rejected properly adduced, credible testimony from eminently qualified witnesses in favor of one who was untrained in the relevant regulations and did not carry out a proper investigation.

277. Further, the inferences and contradictions are illogical. Petitioners' were fortunate enough to have a unique outdoor establishment in New York City during the summer in a pandemic. Per the ALJ's logic, Petitioners then decided to transform it into an indoor space for all intents and purposes. Then, despite this transformation, neighbors complained about seeing activity therein and hearing the noise therefrom, making the transformation not for "all intents and purposes." It is a leap too far.

278. Had the ALJ considered this evidence, it would be clear that corner area of the rear yard was not transformed such that it could be deemed indoors because it did not have three walls and a fixed roof. As every piece of evidence, other than Stravalle's recollection of the night, shows that any service was made in the outdoor rear yard.

279. As such the finding of this charge being sustained is irrational, arbitrary and capricious.

Charge 19: Outside Service and Social Distancing

280. Charge 19 relates the Governor's Executive Order 202.3 which related to social distancing procedures for outdoor dining.

281. The ALJ's finding on this point is remarkable, and his insistence on focusing on what he did is disturbing.

282. The ALJ focused his finding on Stravalle's observation of two women kissing, stating that "[w]hatever the reason or circumstance surrounding the kissing, momentary or otherwise, its very occurrence is a serious violation of COVID-19 Rules and Regulations."

283. This is flat wrong.

284. The ALJ, in his insistence to find guilt, refused to acknowledge that the two individuals were in the same party, that only those in the party were unmasked, and those people were seated or within the bounds of their seating area. In each instance, the individuals were adequately distanced from other parties.

285. In any case, the Rules and Regulations do not prohibit kissing, and the ALJ's findings are irrational, arbitrary and capricious.

Charge 20: Ceasing to Exist as a Bona Fide Premises

286. The ALJ sustained this charge on the basis of the purported dissolution of the entity "The Cloister East, Inc." in 1993.

287. The SLA has renewed Petitioners' license and accepted all necessary fees since 1993, yet now attempts to use the dissolution as a sword.

288. First, nowhere in the SLA rules does it say that a corporation which is dissolved is incapable of holding a license. It is a fundamental principle of administrative law that an

administrative agency has no authority to create rules and regulations without a statutory predicate. *Rotunno v. City of Rochester*, 120 A.D.2d 160, 163, 507 N.Y.S.2d 924, 926 (4th Dept.1986) *aff'd*, 71 N.Y.2d 995, 529

289. Second, for “all intents and purposes,” as the ALJ deems sufficient for some legal showings, The Cloister East, Inc. has continued to exist as an entity since the dissolution. It has paid its taxes, it has renewed its licenses, and it has paid its fees. The sole exception is an unpaid assessment from a 2016 audit which Petitioners have been working to resolve.

290. To sustain this charge after such an extensive history of compliance is irrational, arbitrary, and capricious.

Charges 21, 22, and 23: Willful and Deliberate Failure to Inform within 10 Days in 1993

291. Each of these charges relate to Petitioners’ failure to inform Respondents about the dissolution in 1993.

292. Each requires a degree of scienter.

293. There was no evidence presented that Mr. Drobenko knew in 1993 that the corporation was dissolved and further that such failure to inform in 1993 was willful and deliberate, so each charge fails.

294. §110 (4) ABC Law is clear that revocation can occur only if willful and deliberate.

295. With no evidence showing why Mr. Drobenko knew of the dissolution, his statement that he did not remained uncontested. It is bolstered by his continued payment of taxes and continued compliance with all rules and regulations related thereto.

296. Rather than weigh the evidence and take Mr. Drobenko at his word, the ALJ found “that Drobenko’s denial and assertion strain credulity and are clearly self-serving.”

297. This finding is clearly arbitrary and capricious

Charge 24: Failure to Exercise a High Degree of Supervision

298. The ALJ acknowledges that this Charge is, in essence, a catch-all; yet, his approach to this charge is fundamentally incorrect.

299. The ALJ reasoned to sustain this charge predominately on the basis of numerous unreasonable adverse inferences against Petitioners. The ALJ infers that because Mr. Drobenko, whose first language is not English, acknowledged that Stravelle was writing citations for what Stravelle believed to be violations, Drobenko, in essence, admitted to the charges.

300. The bodycam video shows otherwise.

301. Furthermore, as the above Findings on the other charges were fundamentally flawed, the finding of this charge being sustained is irrational, arbitrary and capricious.

The Cancellation of the License Far Exceeded the Normal Punishment for Such First-Time, Minor Violations

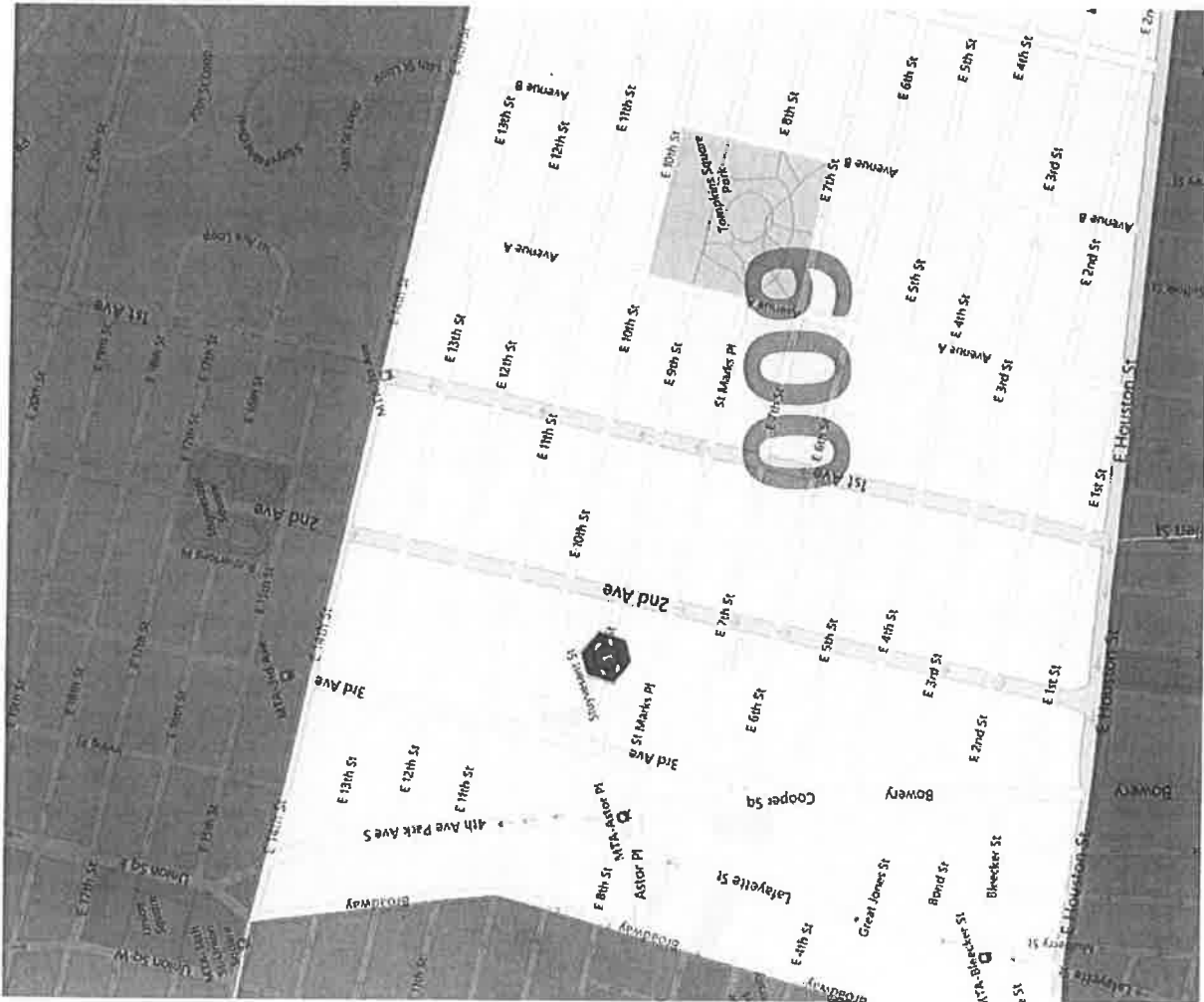
302. Even if the Charges were to stand, and even if they were reached through a fair and proper hearing, cancellation of the License far exceeds any punishment issued by the SLA for such minor violations by a longstanding licensee with no previous violations.

303. For example, on November 9, 2020, Governor Cuomo announced the temporary suspension of the license of a venue that hosted a wedding on October 17 with 113 guests, more than double the permitted amount. Governor Cuomo's Press Release related to the incident is attached hereto as **Exhibit F**.

304. According to the announcement, the wedding led to over 30 confirmed cases of COVID-19, several school closures, and nearly 160 quarantines.

EXHIBIT "H"

Analytic Set: -Select-



238 East 9 Street 311 jobs
Search results yielded 35 records

238 East 9 Street 311 jobs

11+



3-10



1-2



Source

- 311

SPATIAL

- DRAW RADIUS ON MAP

Date

- 01/01/2020-08/16/2020keyword(s)

And(238 East 9 Street)

Search results yielded 35 records

238 East 9 Street 311 jobs

Search results yielded 35 records

| Event Type | Date | Precinct | Description |
|------------|---|----------|---|
| 311 | Occurred: WED 08/05/2020 22:59:56 Reported: WED 08/05/2020 | 009 | SR#: 311-03489921; JOB DATE: 8/5/2020 10:56:54 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;LOUD MUSIC IN TENT OUTSIDE, EVERYDAY INCLUDING WORK DAYS... CAN BE HEARD AND FELT (VIBRATIONS) UNTIL LATE EVEN WITH WINDOWS CLOSED |
| 311 | Occurred: TUES 08/04/2020 23:11:15 Reported: TUES 08/04/2020 | 009 | SR#: 311-03468605; JOB DATE: 8/4/2020 11:08:59 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;LOUD MUSIC UNDER TENT - BARACTING AS NIGHTCLUB |
| 311 | Occurred: SAT 08/01/2020 23:43:14 Reported: SAT 08/01/2020 | 009 | SR#: 311-03417967; JOB DATE: 8/1/2020 11:38:34 PM; CRIME TYPE: NOISE - RESIDENTIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;THE NEW CAFE NEAR ME CALLED CAFE TUCANO (238 E 9TH STREET) HAS BEEN HAVING AN UNDERGROUND CLUB WITH BOTTLE SERVICE ALL NIGHT LONG EVERY SINGLE WEEKEND AND THE NOISE IS GETTING OUT OF HAND. I WENT TO CHECK IT OUT LAST WEEKEND TO SEE WHAT WAS GOING ON ... |
| 311 | Occurred: SAT 08/01/2020 02:46:32 Reported: SAT 08/01/2020 | 009 | SR#: 311-03406329; JOB DATE: 8/1/2020 2:46:32 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;LOUD THUMPING MUSIC FROM CAFE TUCANO (FORMERLY CAFE CLOISTER). EVERY NIGHT EXCEPT SUN/MON UNTIL PAST 3AM. SOUND NOT LOUD AT STREET ENTRANCE BUT MUSIC IS IN THE BACK WHICH IS UNDER MY BEDROOM WINDOW. MY APT IS AT 399 SECOND AVE AT THE BACK OF BUILDING... |
| 311 | Occurred: THUR 07/30/2020 23:59:41 Reported: THUR 07/30/2020 | 009 | SR#: 311-03392124; JOB DATE: 7/30/2020 11:59:37 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;THE BAR HAS ABOUT 25 PEOPLE WAITING TO GET IN ON TOP OFF THE PEOPLE ALREADY WAITING ON THE INSIDE. THE NOISE IS FROM CHATTER AND LOUD MUSIC |
| 311 | Occurred: THUR 07/30/2020 22:42:26 Reported: THUR 07/30/2020 | 009 | SR#: 311-03391397; JOB DATE: 7/30/2020 10:40:21 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;LOUD MUSIC NOISE FROM TENT |
| 311 | Occurred: WED 07/29/2020 22:59:41 Reported: WED 07/29/2020 | 009 | SR#: 311-03381222; JOB DATE: 7/29/2020 10:56:32 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;LOUD MUSIC FROM GARDEN AREA, UNDER TENT. RECURRING ISSUE, AND REPEATED INACTION FROM RELEVANT SERVICES... |
| 311 | Occurred: WED 07/29/2020 02:24:40 Reported: WED 07/29/2020 | 009 | SR#: 311-03371658; JOB DATE: 7/29/2020 2:24:39 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST NINTH STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;ESTABLISHMENT IS CAFE TUCANO, FORMALLY THE CLOISTER CAFE. POUNDING MUSIC EVERY NIGHT EXCEPT SUNDAY AND MONDAY UNTIL 3:00AM. CANNOT BE HEARD FROM THE STREET BUT IS VERY LOUD IN MY BEDROOM LOCATED AROUND THE BLOCK AT 139 2ND AVE, WHICH OVERLOOKS CAFE G... |
| 311 | Occurred: WED 07/29/2020 02:14:28 Reported: WED 07/29/2020 | 009 | SR#: 311-03371638; JOB DATE: 7/29/2020 2:09:46 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;LOUD PARTY EVERY NIGHT FROM TUE TO SAT, 11PM TO 4PM. CAN BE HEARD THROUGHOUT THE BLOC.DONT SAY TGERES NO EVIDENCE! CALL ME IF ANY QUESTIONS (I?M NOT SLEEPING ANYWAY...) |

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| 311 | Occurred: SAT 07/25/2020 02:47:36 Reported: SAT 07/25/2020 | 009 | SR#: 311-03324994; JOB DATE: 7/25/2020 2:40:22 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; THE CALLER WANTS TO COMPLAINT ABOUT A NOISE FROM A CLUB, HE WANTS SOMEONE TO GO TO HIS HOUSE AND MEASURE THE DECIBELS SINCE THE NOISE FROM THE STREET IS NOT AS LOUD AS IT IS IN HIS HOUSE. |
| 311 | Occurred: SAT 07/25/2020 02:39:38 Reported: SAT 07/25/2020 | 009 | SR#: 311-03324961; JOB DATE: 7/25/2020 2:36:43 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; THE CALLER WANTS TO COMPLAINT ABOUT A NOISE FROM A CLUB, HE WANTS SOMEONE TO GO TO HIS HOUSE AND MEASURE THE DECIBELS SINCE THE NOISE FROM THE STREET IS NOT AS LOUD AS IT IS IN HIS HOUSE. |
| 311 | Occurred: SAT 07/25/2020 02:35:14 Reported: SAT 07/25/2020 | 009 | SR#: 311-03324894; JOB DATE: 7/25/2020 2:26:27 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; THE CALLER WANTS TO COMPLAINT ABOUT A NOISE FROM A CLUB, HE WANTS SOMEONE TO GO TO HIS HOUSE AND MEASURE THE DECIBELS SINCE THE NOISE FROM THE STREET IS NOT AS LOUD AS IT IS IN HIS HOUSE. |
| 311 | Occurred: FRI 07/24/2020 23:34:05 Reported: FRI 07/24/2020 | 009 | SR#: 311-03322854; JOB DATE: 7/24/2020 11:22:57 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; THE BAR CLOISTER CAFE IS PLAYING REALLY LOUD MUSIC. IT IS ESPECIALLY LOUD ON THE REAR SIDE OF THE BUILDING (BUT NOT AS NOTICEABLE ON THE STREET SIDE). THEY HAVE AN OPEN PATIO AREA WHERE THEY PLAY THE MUSIC. THE ADDRESS TO THE CAFE IS 238 E 9TH STREET... |
| 311 | Occurred: FRI 07/24/2020 03:16:33 Reported: FRI 07/24/2020 | 009 | SR#: 311-03312589; JOB DATE: 7/24/2020 3:16:32 AM; CRIME TYPE: DRINKING; SUB TYPE: AFTER HOURS - LICENSED EST; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; A NIGHT CLUB IS FULLY ACTIVATED INDOORS WITH PEOPLE PARTYING AND NO SOCIAL DISTANCING EVERYBODY ON TOP OF EACH OTHER |
| 311 | Occurred: THUR 07/23/2020 23:38:31 Reported: THUR 07/23/2020 | 009 | SR#: 311-03311474; JOB DATE: 7/23/2020 11:34:40 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; LOUD CLUB MUSIC EVERY NIGHT - HEARD ACROSS THE BLOC NO ACTION FROM POLICE FOR AN UNKNOWN REASON |
| 311 | Occurred: THUR 07/23/2020 22:53:26 Reported: THUR 07/23/2020 | 009 | SR#: 311-03311041; JOB DATE: 7/23/2020 10:50:22 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; LOUD MUSIC |
| 311 | Occurred: THUR 07/23/2020 00:21:56 Reported: THUR 07/23/2020 | 009 | SR#: 311-03299950; JOB DATE: 7/23/2020 12:18:59 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; LOUD MUSIC IN OUTDOOR GARDEN COVERED BY TENT WITH SPEAKERS PLAYING RAGGAETOWN HEARD IN ENTIRE BLOC. |
| 311 | Occurred: THUR 07/23/2020 00:14:37 Reported: THUR 07/23/2020 | 009 | SR#: 311-03298989; JOB DATE: 7/23/2020 12:07:50 AM; CRIME TYPE: NOISE - RESIDENTIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; LATE PARTY WITH STRONG SPEAKERS EVERY NIGHT FROM CLOISTER CAF? ON 238E 9TH ST. RAGGED TOWN PLAYED UNDER OUTSIDE TENT WITH MUSIC HEARD IN WHOLE BLOC. |

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| 311 | Occurred: WED 07/22/2020 02:07:54 Reported: WED 07/22/2020 | 009 | SR#: 311-03289434; JOB DATE: 7/22/2020 2:01:34 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;LOUD MUSIC AND PARTYING WITH EXTREMELY LOUD BASS. WINDOWS AND BED VIBRATING. CLOISTER CAFE. |
| 311 | Occurred: WED 07/22/2020 00:32:50 Reported: WED 07/22/2020 | 009 | SR#: 311-03289029; JOB DATE: 7/22/2020 12:29:50 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;EXTREMELY LOUD DANCE MUSIC |
| 311 | Occurred: WED 07/22/2020 00:10:44 Reported: WED 07/22/2020 | 009 | SR#: 311-03288868; JOB DATE: 7/22/2020 12:07:25 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;T.M.S NEW OUTDOOR PATIO IS EXTREMELY LOUD EVERY NIGHT IT'S CONSISTENTLY BEEN OVERLY LOUD IN THIS RESIDENTIAL AREA LATE AT NIGHT. |
| 311 | Occurred: WED 07/22/2020 00:01:25 Reported: WED 07/22/2020 | 009 | SR#: 311-03288804; JOB DATE: 7/22/2020 12:01:23 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;LOUD MUSIC COMING FROM THE PATIO FROM A RESTAURANT NEARBY. THE NOISE IS AT 97 DECIBELS FROM MY LIVING ROOM. |
| 311 | Occurred: TUES 07/21/2020 23:41:09 Reported: TUES 07/21/2020 | 009 | SR#: 311-03288541; JOB DATE: 7/21/2020 11:22:38 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;I CAN HEAR THE MUSIC FROM THE BAR CLOISTER CAFE FROM MY BEDROOM OVER MY AIR CONDITIONER. THE NOISE MIGHT NOT BE AS NOTICEABLE FROM THE STREET SIDE OF THE APARTMENT BUT IT'S VERY CLEAR FROM THE REAR OF THE APARTMENT. THERE ARE PEOPLE WHO LOOK LIKE BOU... |
| 311 | Occurred: TUES 07/21/2020 22:29:55 Reported: TUES 07/21/2020 | 009 | SR#: 311-03287910; JOB DATE: 7/21/2020 10:17:46 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;NOISY BAR |
| 311 | Occurred: SUN 07/19/2020 01:08:38 Reported: SUN 07/19/2020 | 009 | SR#: 311-03254357; JOB DATE: 7/19/2020 1:04:12 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;THIS BAR REOPENED AND HAS BEEN AGGRESSIVELY LOUD THIS WHOLE WEEKEND WITH CROWDS OUT FRONT. THIS HAS NEVER BEEN OUTSIDE BEFORE COVID AND THERE IS NOT WAY THEY ARE FOLLOWING POLICIES WITH COVID AND THEY ARE EXTREMELY LOUD UNTIL 3AM THURSDAY -SAT |
| 311 | Occurred: SUN 07/19/2020 01:06:43 Reported: SUN 07/19/2020 | 009 | SR#: 311-03254365; JOB DATE: 7/19/2020 1:04:31 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;LOUD BAR MUSIC |
| 311 | Occurred: SUN 07/19/2020 00:57:16 Reported: SUN 07/19/2020 | 009 | SR#: 311-03254130; JOB DATE: 7/19/2020 12:52:58 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;LOUD MUSIC AND WOULD PREFER TO GET THE NOISE READING IN HIS APARTMENT BECAUSE IT IS NOT REALLY LOUD FROM THE STREET HAPPENED EVERY NIGHT SINCE THURSDAY NIGHT |
| 311 | Occurred: SAT 07/18/2020 23:31:31 Reported: SAT 07/18/2020 | 009 | SR#: 311-03252487; JOB DATE: 7/18/2020 11:31:22 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;MUSIC FROM BAR |
| 311 | Occurred: SAT 07/18/2020 22:53:29 Reported: SAT 07/18/2020 | 009 | SR#: 311-03251466; JOB DATE: 7/18/2020 10:45:41 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009;I CAN |

HEAR LOUD MUSIC FROM A NEARBY BAR VERY CLEARLY IN MY BEDROOM EVEN OVER THE AIR CONDITIONER. IT SEEMS TO BE COMING FROM THE BAR THAT TOOK OVER CLOISTER CAFE.

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| 311 | 009 | 01:32:56 | 07/18/2020 | 07/18/2020 | <p>SR#: 311-03242249; JOB DATE: 7/18/2020 1:25:39 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; CAN HEAR LOUD MUSIC FROM MY APARTMENT. IT APPEARS TO BE COMING FROM THE BACK OF A BAR NEARBY ON THE SIDE AWAY FROM THE STREET. MY BEDROOM IS ALSO ON THE BACK SIDE OF THE BUILDING AND I CAN HEAR IT CLEARLY FROM THIS SIDE BUT NOT THE FRONT OF THE APA...</p> <p>SR#: 311-03241121; JOB DATE: 7/18/2020 12:03:45 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; LOUD MUSIC FROM RESTAURANT</p> <p>SR#: 311-03228679; JOB DATE: 7/16/2020 11:10:15 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; CLOISTER CAFE BLASTING MUSIC EVERY NIGHT OUTSIDE SINCE 10 PM TILL 4 AM EVER SINCE THEY REMODEL THE CAFE THIS IS EVERYNIGHT. MY WALLS ARE SHAKING. I</p> <p>SR#: 311-03228431; JOB DATE: 7/16/2020 10:49:02 PM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; CLOISTER CAFE MUSIC IS TOO LOUD AND IT'S TOO LATE AT NIGHT.</p> <p>SR#: 311-03191758; JOB DATE: 7/13/2020 4:47:45 PM; CRIME TYPE: ILLEGAL PARKING; SUB TYPE: POSTED PARKING SIGN VIOLATION; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; VEHICLE PARKED OVER 7 DAYS- BEIGE TOYOTA CAMRY V6XLE - HPZ1374 NY.</p> <p>SR#: 311-03173140; JOB DATE: 7/12/2020 2:06:27 AM; CRIME TYPE: NOISE - COMMERCIAL; SUB TYPE: LOUD MUSIC/PARTY; LOCATION: 238 EAST 9 STREET; CROSS STREET: STUYVESANT STREET; INTERSECTION: 2 AVENUE; PCT: 009; THIS IS THE CLOISTER CAFE IS PLAYING LOUD MUSIC THEY PUT UP A TENT SINCE 9PM UNTIL NOW MUSIC SO LOUD THAT THE WALLS ARE SHAKING</p> |
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New York City Police Department 311



Incident

SR Number: 311-03242193 Occurred: 07/18/2020 01:19:25 Unit Assigned:
 Type: Noise - Commercial Received: 07/18/2020 01:21:48 Assigned Command: Precinct 9
 Short Desc.: Loud Music/Party Last Updated At: 07/18/2020 01:56:00 Resolution Action: 10-90X - Unfounded
 Priority: Normal Last Updated By: NICOLE.MONACO_nypd.org#EXT#@nycdoit.onmicrosoft.com Status: Closed

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: Extremely loud dance music till very late. New open air bar. Friday Saturday and Sunday. Cloister Cafe

Disposition Comments:

Disposition Description:

Notes:

Address

Street Number: 236 Street Name: EAST 9 STREET Apt. #:
 Cross Streets: STUYVESANT STREET / 2 AVENUE Patrol Boro: MANHATTAN
 Precinct/Sector: 009/9D Transit Dist: 103 Housing PSA:

Caller

Last Name: First Name:
 Address: Apt. #:
 City: State: Zip:
 Home Phone #: Work Phone #:
 Email: Language: ID:
 Notes:





New York City Police Department 311



Incident

SR Number: 311-03242249 Occurred: 07/18/2020 01:25:39 Unit Assigned:
 Type: Noise - Commercial Received: 07/18/2020 01:32:56 Assigned Command: Precinct 9
 Short Desc.: Loud Music/Party Last Updated At: 07/18/2020 01:57:00 Resolution Action: 10-90U - Unable to Enter
 Priority: Normal Last Updated By: NICOLE.MONACO_nypd.org#EXT#@nycdoit.onmicrosoft.com Status: Closed

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: I can hear loud music from my apartment. It appears to be coming from the back of a bar nearby on the side away from the street. My bedroom is also on the back side of the building and I can hear it clearly from this side but not the front of the apartment. It sounds like it's coming from cloister cafe. Thursday night as well

Disposition Comments:
 Disposition Description:
 Notes:

Address

Street Number: 238 Street Name: EAST 9 STREET Apt. #:
 Cross Streets: STUYVESANT STREET / 2 AVENUE Patrol Boro: MANHATTAN
 Precinct/Sector: 009/9D Transit Dist: 103 Housing PSA:

Caller

Last Name: Uy First Name: Chad
 Address: [REDACTED] State: NY Apt. #:
 City: [REDACTED] Zip: 10003
 Home Phone #: [REDACTED] Work Phone #: [REDACTED]
 Email: [REDACTED] Language: [REDACTED] ID:
 Notes:





New York City Police Department 311



Incident

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|-------------------------------|--|---------------------------------------|
| SR Number: 311-03254130 | Occurred: 07/19/2020 00:52:58 | Unit Assigned: |
| Type: Noise - Commercial | Received: 07/19/2020 00:57:16 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/19/2020 01:01:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: MICHAEL.LAU_nypd.org# EXT#@nycdoit.onmicros oft.com | Status: Closed |
| Location: Club/Bar/Restaurant | Source Channel: 311 Portal | |

Description: loud music and would prefer to get the noise reading in his apartment because it is not really loud from the street happened every night since Thursday night Cafe Tucano

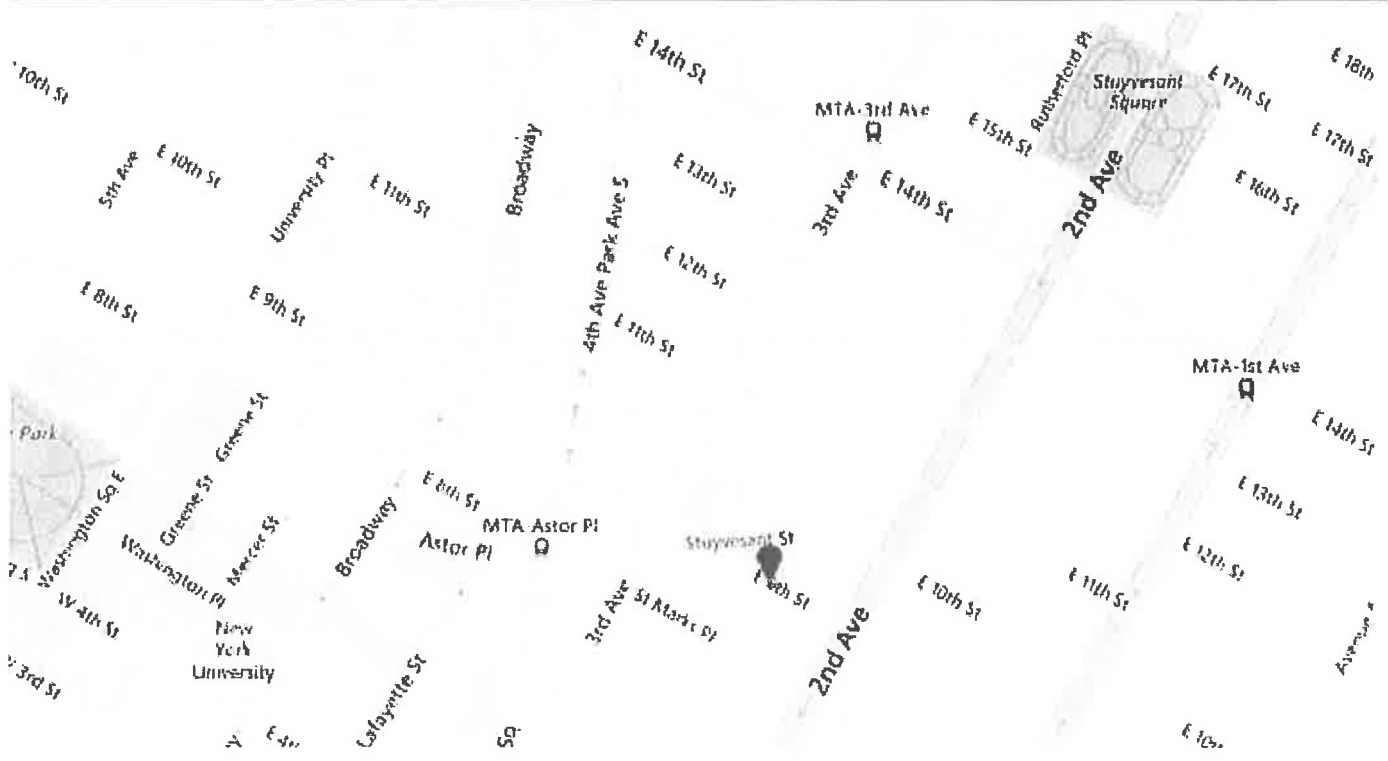
Disposition Comments:
Disposition Description:
Notes:

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|--------------------------|--------------------------|---------|
| Last Name: Zitelli | First Name: chris | |
| Address: [REDACTED] | State: NY | Apt. #: |
| City: [REDACTED] | Work Phone #: [REDACTED] | Zip: |
| Home Phone #: [REDACTED] | Language: [REDACTED] | ID: |
| Email: | | |
| Notes: | | |





New York City Police Department 311



Incident

SR Number: 311-03254357 Occurred: 07/19/2020 01:04:12 Unit Assigned:

Type: Noise - Commercial Received: 07/19/2020 01:08:38 Assigned Command: Precinct 9

Short Desc.: Loud Music/Party Last Updated At: 07/19/2020 01:59:00 Resolution Action: 10-90X - Unfounded

Priority: Normal Last Updated By: MICHAEL.LAU_nypd.org# Status: Closed
EXT#@nycdoit.onmicrosoft.com

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: This bar reopened and has been aggressively loud this whole weekend with crowds out front. This has never been outside before covid and there is not way they are following policies with covid and they are extremely loud until 3am Thursday -Sat This has gone on every night Thursday - Saturday Cloister Cafe

Disposition Comments:

Disposition Description:

Notes:

Address

Street Number: 238 Street Name: EAST 9 STREET Apt. #:

Cross Streets: STUYVESANT STREET / 2 AVENUE Patrol Boro: MANHATTAN

Precinct/Sector: 009/9D Transit Dist: 103 Housing PSA:

Caller

Last Name: Van Loo First Name: Lisa

Address: [REDACTED] State: NY Apt.:

City: [REDACTED] Zip: 10003

Home Phone #: [REDACTED] Work Phone #: [REDACTED]

Email: [REDACTED] Language: [REDACTED] ID:

Notes:





New York City Police Department 311



Incident

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| SR Number: 311-03288541 | Occurred: 07/21/2020 23:22:38 | Unit Assigned: |
| Type: Noise - Commercial | Received: 07/21/2020 23:41:09 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/22/2020 00:27:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: THOMAS.GERAGHTY_n ypd.org#EXT#@nycdoit.o nmicrosoft.com | Status: Closed |

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: I can hear the music from the bar Cloister Cafe from my bedroom over my air conditioner. The noise might not be as noticeable from the street side of the apartment but it's very clear from the rear of the apartment. There are people who look like bouncers outside the bar with people waiting to get in (some with without masks). The entrance to the bar is at 238 E 9th Street (Manhattan). The bar also has an outdoor patio space that is behind a metal gate between 238A E 9th Street and 234 E 9th Street. The music is likely being played from that outdoor patio space. To the right of that gate is a brick wall that says Cafe Tuscano. This happened Thursday, Friday, and Saturday nights as well. Here is the SR for one of the noise complaints: 311-03252533. The noise is coming from the outdoor patio space that's attached through the back of the cafe located between 238A E 9th Street and 234 E 9th Street (Manhattan).

Disposition Comments:
Disposition Description:
Notes:

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|--------------------------|--------------------------|------------|
| Last Name: Uy | First Name: Chad | Apt.: |
| Address: [REDACTED] | State: NY | Zip: 10003 |
| City: [REDACTED] | Work Phone #: [REDACTED] | ID: |
| Home Phone #: [REDACTED] | Language: [REDACTED] | |
| Email: [REDACTED] | | |
| Notes: | | |



New York City Police Department 311



Incident

SR Number: 311-03288804 Occurred: 07/22/2020 00:01:23 Unit Assigned:

Type: Noise - Commercial Received: 07/22/2020 00:01:25 Assigned Command: Precinct 9

Short Desc.: Loud Music/Party Last Updated At: 07/22/2020 00:26:00 Resolution Action: 10-90X - Unfounded

Priority: Normal Last Updated By: THOMAS.GERAGHTY_n Status: Closed

ypd.org#EXT#@nycdoit.o
nmicrosoft.com

Location: Source Channel: 311 Call Center

Description: LOUD MUSIC COMING FROM THE PATIO FROM A RESTAURANT NEARBY. THE NOISE IS AT 67 DECIBELS FROM MY LIVING ROOM. EVERY NIGHT 10PM - 4AM NAME OF RESTAURANT: CLOISTER CAFE

Disposition Comments:

Disposition Description:

Notes:

Address

Street Number: 238 Street Name: EAST 9 STREET Apt. #:

Cross Streets: STUYVESANT STREET / 2 AVENUE Patrol Boro: MANHATTAN

Precinct/Sector: 009/9D Transit Dist: 103 Housing PSA:

Caller

Last Name: SCHREIBER First Name: NANCY

Address: [REDACTED] State: NY Apt. #:

City: [REDACTED] Zip: 10003

Home Phone #: [REDACTED] Work Phone #: [REDACTED]

Email: [REDACTED] Language: ID: [REDACTED]

Notes:





New York City Police Department 311



Incident

| | | |
|-------------------------------|---|---------------------------------------|
| SR Number: 311-03288868 | Occurred: 07/22/2020 00:07:25 | Unit Assigned: |
| Type: Noise - Commercial | Received: 07/22/2020 00:10:44 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/22/2020 00:25:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: THOMAS.GERAGHTY_n ypd.org#EXT#@nycdoill.o nmicrosoft.com | Status: Closed |

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: This new outdoor patio is extremely loud every night it?s consistently been overly loud in this residential area late at night. Every night since last Thursday. Cloister Cafe

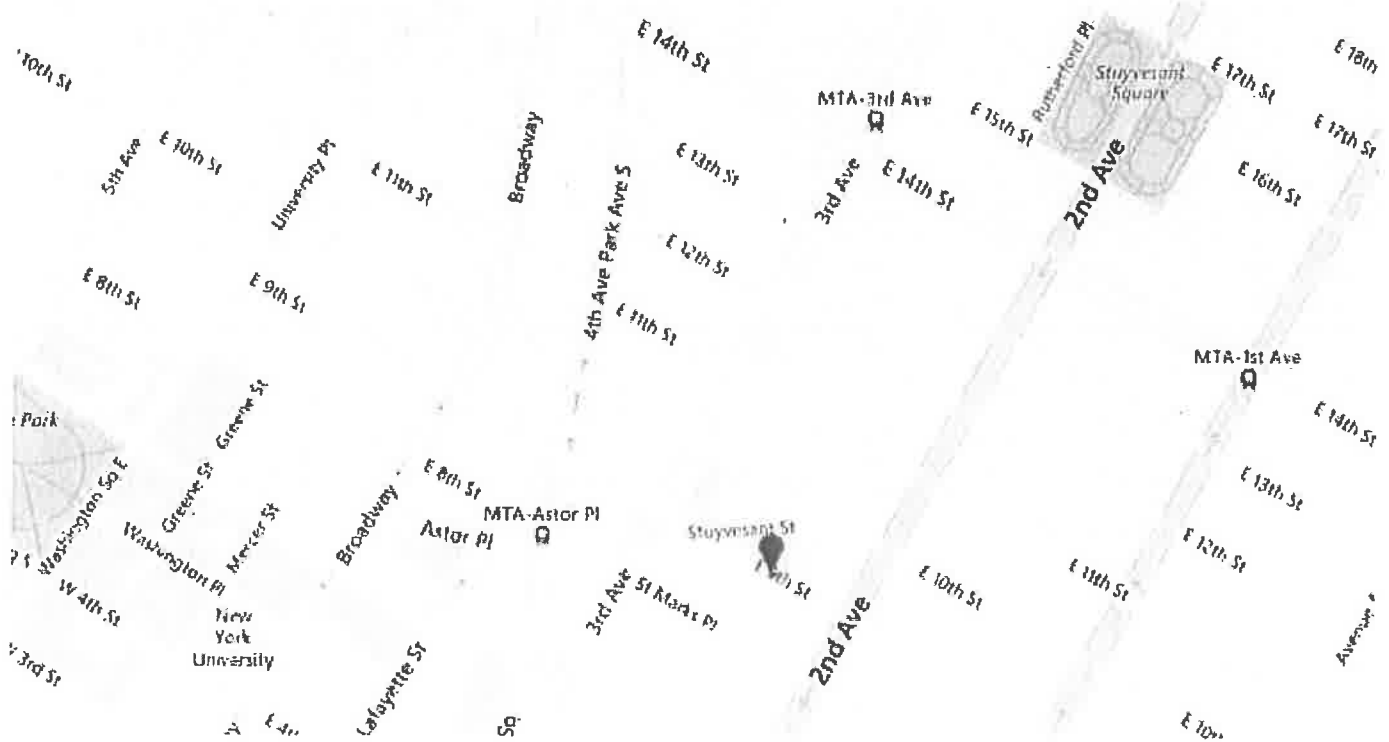
Disposition Comments:
Disposition Description:
Notes:

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|--------------------------|--------------------------|------------|
| Last Name: Van Loo | First Name: Lisa | Apt.: |
| Address: [Redacted] | State: NY | Zip: 10003 |
| City: [Redacted] | Work Phone #: [Redacted] | ID: |
| Home Phone #: [Redacted] | Language: [Redacted] | |
| Email: [Redacted] | | |
| Notes: | | |





New York City Police Department 311



Incident

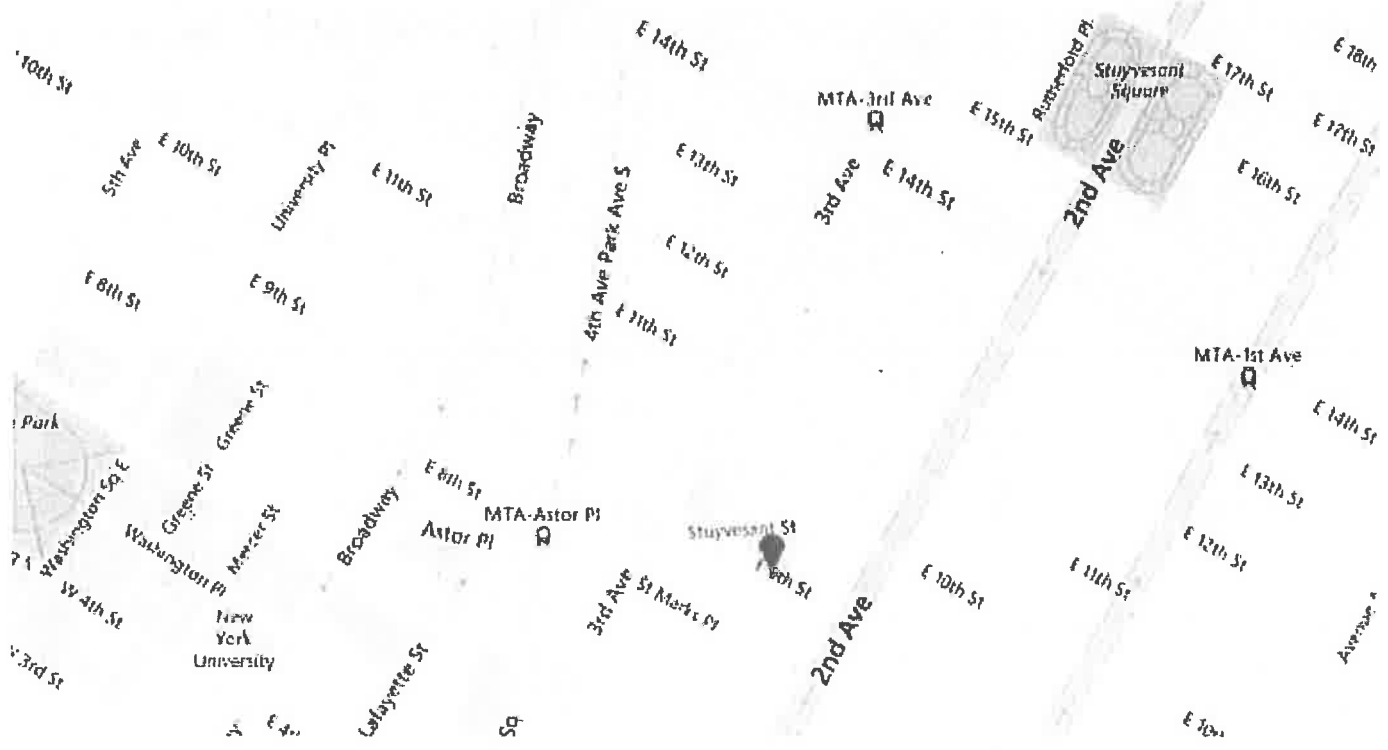
| | | |
|--|--|---------------------------------------|
| SR Number: 311-03289029 | Occurred: 07/22/2020 00:29:50 | Unit Assigned: |
| Type: Noise - Commercial | Received: 07/22/2020 00:32:50 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/22/2020 00:37:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: THOMAS.GERAGHTY_n ypd.org#EXT#@nycdoit.o nmicrosoft.com | Status: Closed |
| Location: Club/Bar/Restaurant | | Source Channel: 311 Portal |
| Description: Extremely loud dance music After 10PM Cloister Cafe | | |
| Disposition Comments: | | |
| Disposition Description: | | |
| Notes: | | |

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|------------------|-------------------|---------|
| Last Name: White | First Name: Jesse | |
| Address: | | Apt. #: |
| City: | State: | Zip: |
| Home Phone #: | Work Phone #: | ID: |
| Email: | Language: | |
| Notes: | | |





New York City Police Department 311



Incident

SR Number: 311-03289029 Occurred: 07/22/2020 00:29:50 Unit Assigned:

Type: Noise - Commercial Received: 07/22/2020 00:32:50 Assigned Command: Precinct 9

Short Desc.: Loud Music/Party Last Updated At: 07/22/2020 00:37:00 Resolution Action: 10-90X - Unfounded

Priority: Normal Last Updated By: THOMAS.GERAGHTY_n
ypd.org#EXT#@nycdoit.o
rmicrosoft.com Status: Closed

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: Extremely loud dance music After 10PM Cloister Cafe

Disposition Comments:
Disposition Description:
Notes:

Address

Street Number: 238 Street Name: EAST 9 STREET Apt. #:

Cross Streets: STUYVESANT STREET / 2 AVENUE Patrol Boro: MANHATTAN

Precinct/Sector: 009/9D Transit Dist: 103 Housing PSA:

Caller

Last Name: White First Name: Jesse

Address: Apt. #:

City: State: Zip:

Home Phone #: Work Phone #:

Email: [REDACTED] Language: ID:

Notes:





New York City Police Department 311



Incident

| | | |
|-------------------------------|--|---------------------------------------|
| SR Number: 311-03289434 | Occurred: 07/22/2020 02:01:34 | Unit Assigned: |
| Type: Noise - Commercial | Received: 07/22/2020 02:07:54 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/22/2020 02:43:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: THOMAS.GERAGHTY_n ypd.org#EXT#@nycdoitt.o nrmicrosoft.com | Status: Closed |

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: Loud music and partying with extremely loud bass. Windows and bed vibrating. Cloister Cafe. See previous 311 submissions.

Weeknights 10:30pm to 4am Cloister Cafe

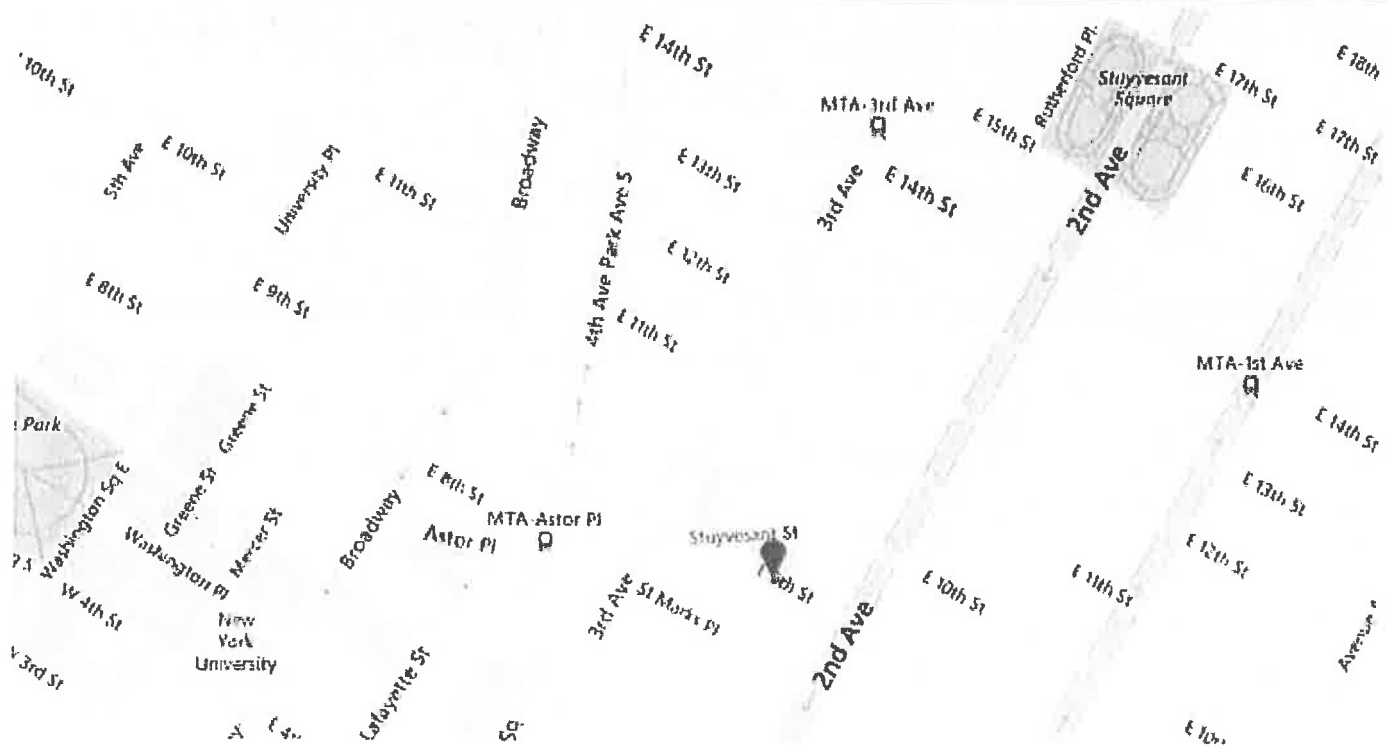
Disposition Comments:
Disposition Description:
Notes:

Address

| | | |
|---|----------------------------|--------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | Patrol Boro: MANHATTAN | Housing PSA: |
| Precinct/Sector: 009/9D | Transit Dist: 103 | |

Caller

| | | |
|--------------------------|--------------------------|------------|
| Last Name: Little | First Name: April | Apt. #: |
| Address: [REDACTED] | State: NY | Zip: 10003 |
| City: [REDACTED] | Work Phone #: [REDACTED] | ID: |
| Home Phone #: [REDACTED] | Language: | |
| Email: [REDACTED] | | |
| Notes: [REDACTED] | | |



Executed: 8/20/2020 17:03

Executed by: NYPDFINEST
VHSIEH921431



New York City Police Department 311



Incident

SR Number: 311-03311041
Type: Noise - Commercial
Short Desc.: Loud Music/Party
Priority: Normal

Occurred: 07/23/2020 22:50:22
Received: 07/23/2020 22:53:26
Last Updated At: 07/23/2020 23:26:00
Last Updated By: TIMUR.POPAL_nypd.org
#EXT#@nycdoit.onmicrosoft.com

Unit Assigned: 9d
Assigned Command: Precinct 9
Resolution Action: 10-90Y - Unnecessary
Status: Closed

Location: Club/Bar/Restaurant
Description: Loud music Evening Cloister Cafe

Source Channel: 311 Portal

Disposition Comments:
Disposition Description:
Notes:

Address

Street Number: 238 Street Name: EAST 9 STREET
Cross Streets: STUYVESANT STREET / 2 AVENUE
Precinct/Sector: 009/9D Transit Dist: 103

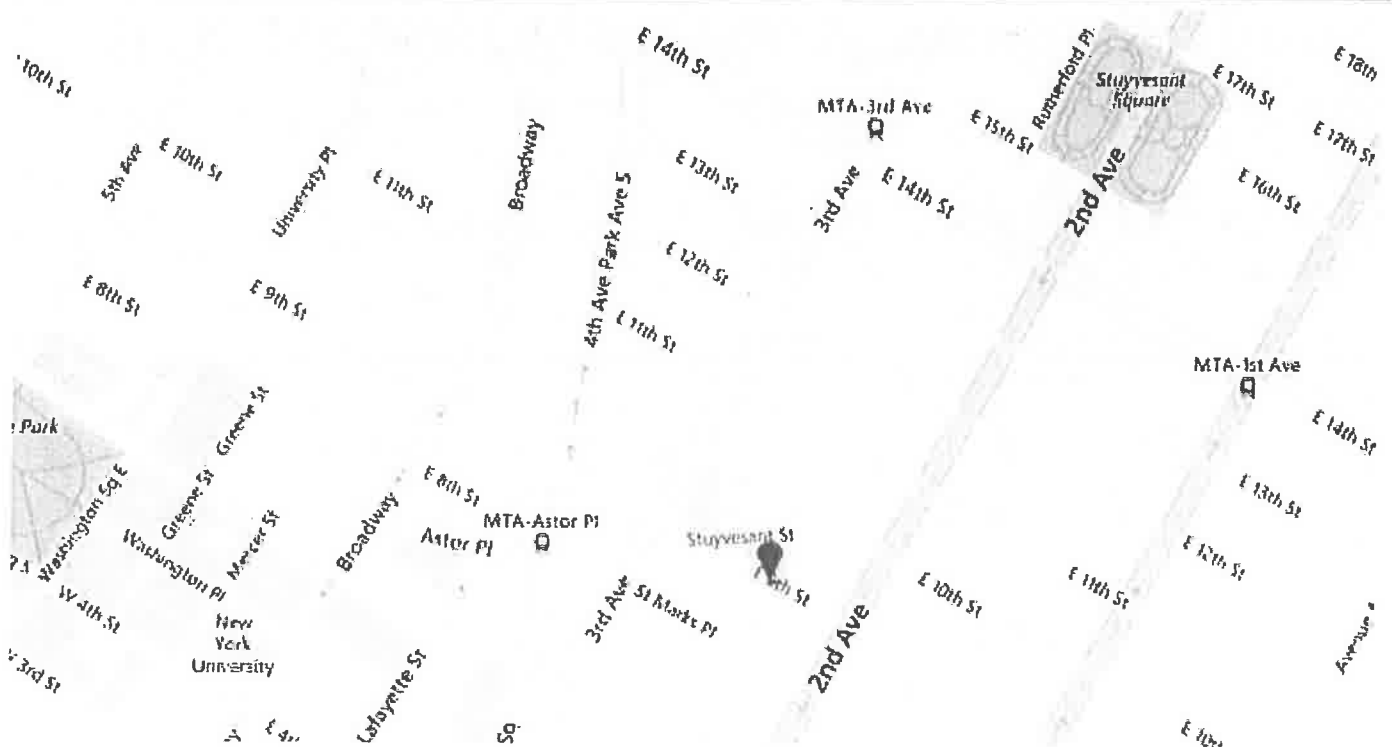
Apt. #:
Patrol Boro: MANHATTAN
Housing PSA:

Caller

Last Name: White
Address: [REDACTED]
City: [REDACTED]
Home Phone #: [REDACTED]
Email: [REDACTED]
Notes:

First Name: Jesse
State: NY
Work Phone #: [REDACTED]
Language:

Apt. #:
Zip: 10003
ID:





New York City Police Department 311



Incident

| | | |
|-------------------------------|---|---------------------------------------|
| SR Number: 311-03311474 | Occurred: 07/23/2020 23:34:40 | Unit Assigned: |
| Type: Noise - Commercial | Received: 07/23/2020 23:38:31 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/24/2020 00:13:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: THOMAS.GERAGHTY_n ypd.org#EXT#@nycdoitt.o nmicrosoft.com | Status: Closed |
| Location: Club/Bar/Restaurant | | Source Channel: 311 Portal |

Description: Loud club music every night - heard across the bloc
 No action from police for an unknown reason Every day from Tuesday to Saturday, from 10pm to 3am Cloister cafe. Inside courtyard under a tent - loud speaker. Please go there for once and do something. It's driving the neighborhood crazy.

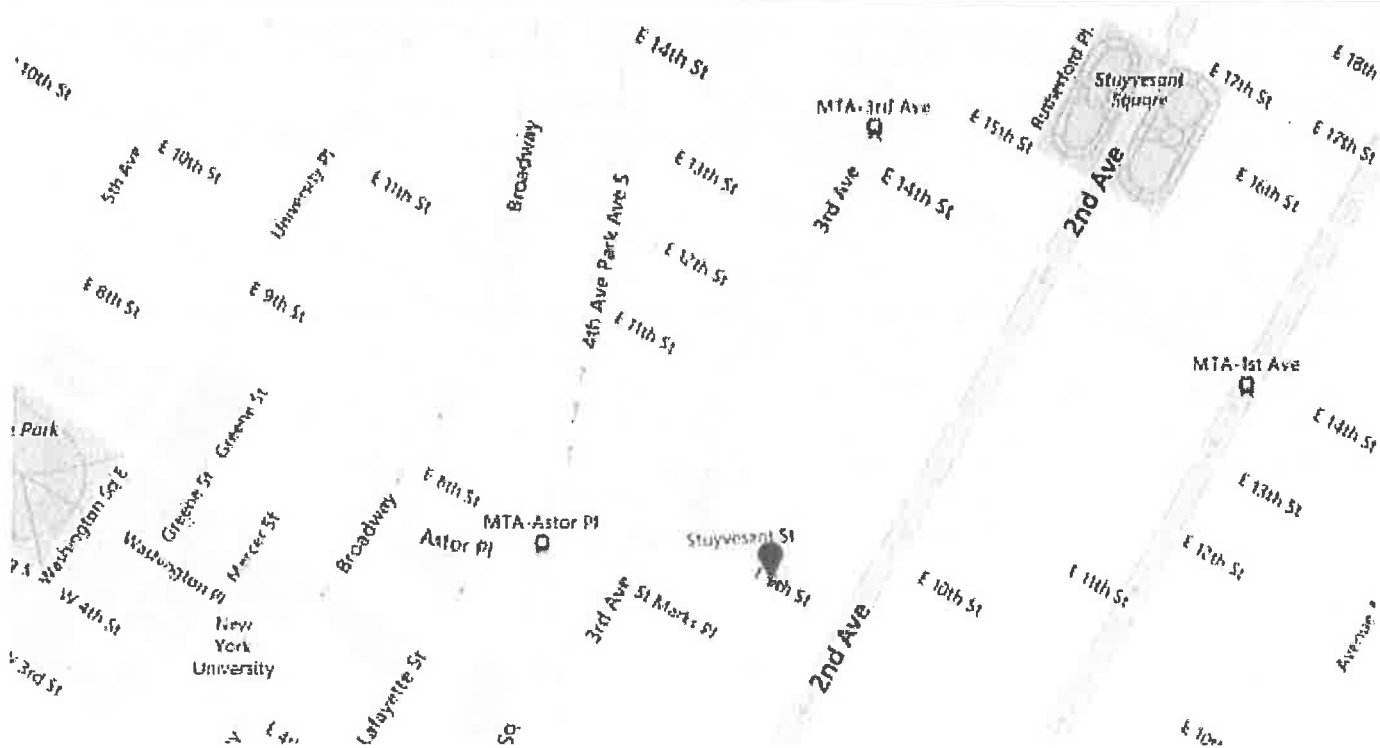
Disposition Comments:
 Disposition Description:
 Notes:

Address

| | | |
|---|----------------------------|--------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | Patrol Boro: MANHATTAN | Housing PSA: |
| Precinct/Sector: 009/9D | Transit Dist. 103 | |

Caller

| | | |
|--------------------------|--------------------------|------------|
| Last Name: Bourassin | First Name: Tristan | Apt.: |
| Address: [REDACTED] | State: | Zip: 10003 |
| City: [REDACTED] | Work Phone #: [REDACTED] | ID: |
| Home Phone #: [REDACTED] | Language: [REDACTED] | |
| Email: [REDACTED] | | |
| Notes: | | |





New York City Police Department 311



Incident

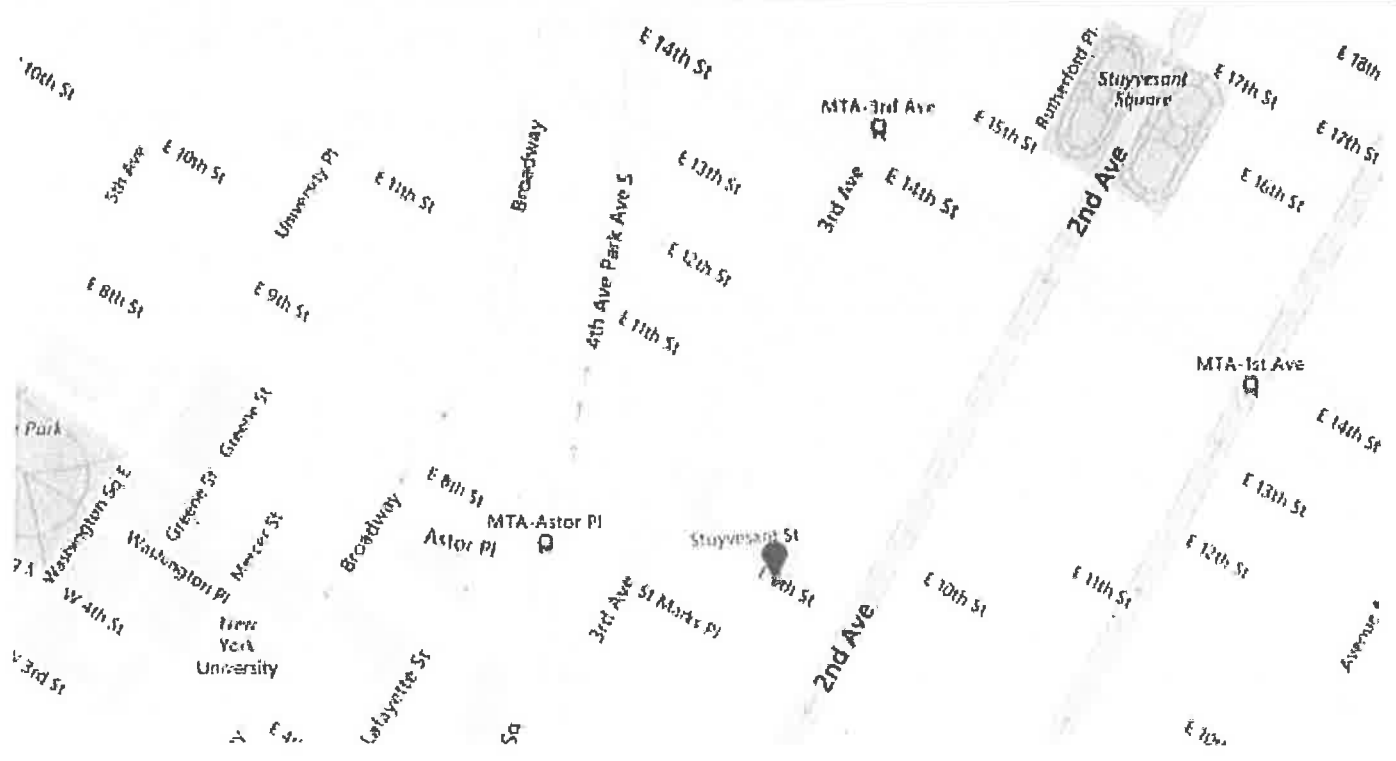
| | | |
|--|---|--|
| SR Number: 311-03312589 | Occurred: 07/24/2020 03:16:32 | Unit Assigned: |
| Type: Drinking | Received: 07/24/2020 03:16:33 | Assigned Command: Precinct 9 |
| Short Desc.: After Hours - Licensed Est | Last Updated At: 07/24/2020 03:55:00 | Resolution Action: 10-91 - Non-Crime Corrected |
| Priority: Normal | Last Updated By: THOMAS.GERAGHTY_n ypd.org#EXT#@nycdoilt.o nmicrosoft.com | Status: Closed |
| Location: | Source Channel: 311 Call Center | |
| Description: A NIGHT CLUB IS FULLY ACTIVATED INDOORS WITH PEOPLE PARTYING AND NO SOCIAL DISTANCING EVERYBODY ON TOP OF EACHOTHER | | |
| Disposition Comments: | | |
| Disposition Description: | | |
| Notes: | | |

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|---------------|---------------|----------------|
| Last Name: | First Name: | Apt : |
| Address: | | Zip: |
| City: | State: | |
| Home Phone #: | Work Phone #: | ID: 3477943234 |
| Email: | Language: | |
| Notes: | | |





New York City Police Department 311



Incident

| | | |
|-------------------------------|--|---------------------------------------|
| SR Number: 311-03322854 | Occurred: 07/24/2020 23:22:57 | Unit Assigned: |
| Type: Noise - Commercial | Received: 07/24/2020 23:34:05 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/25/2020 00:54:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: MICHAEL.LAU_nypd.org#EXT#@nycdoit.onmicrosoft.com | Status: Closed |

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: The bar Cloister cafe is playing really loud music. It is especially loud on the rear side of the building (but not as noticeable on the street side). They have an open patio area where they play the music. The address to the cafe is 238 E 9th street (Manhattan) but the open patio area is not directly next to their storefront and is located to the right of Cha-an (238A E 9th street) behind a steel gate. This happened Thursday, Friday, and Saturday night of last week as well as a few nights this week. The noise is coming from their open patio area located to the right of 238A E 9th street

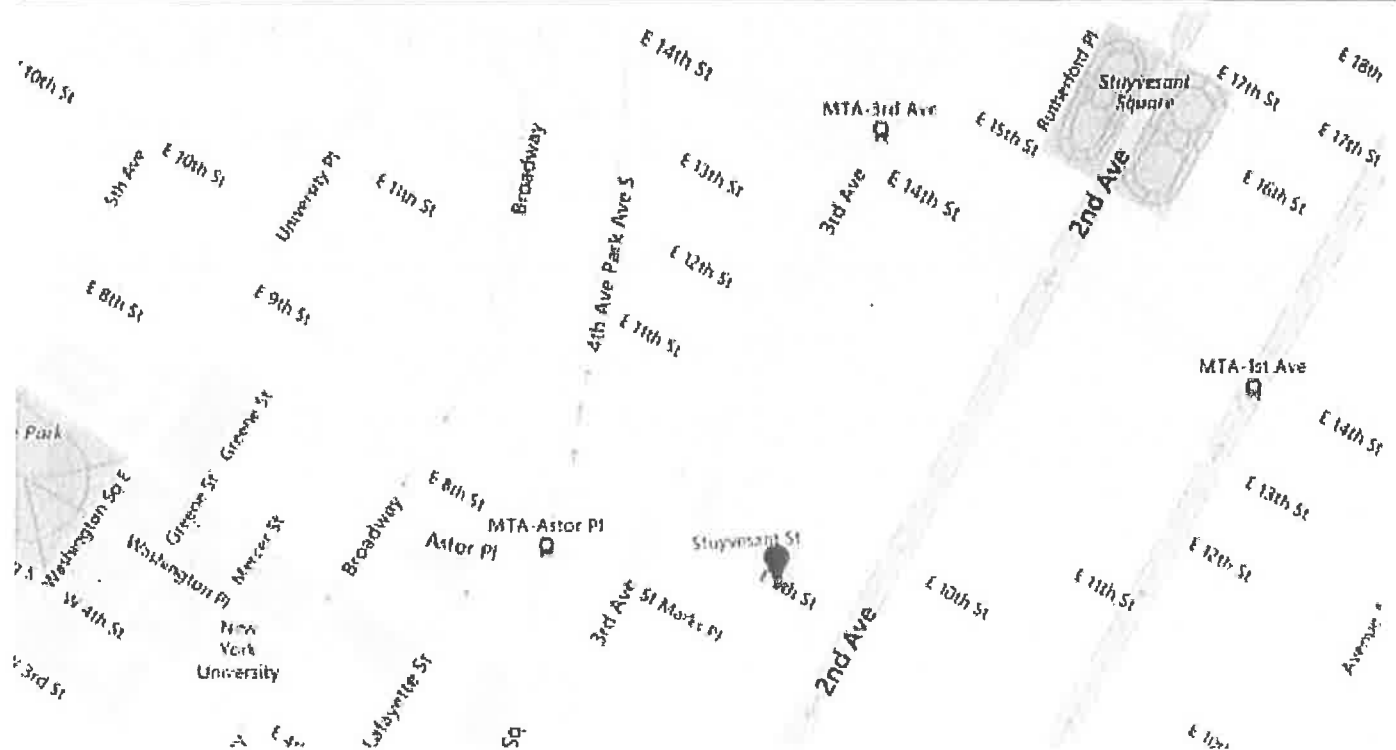
Disposition Comments:
Disposition Description:
Notes:

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|---------------------|--------------------------|------------|
| Last Name: Uy | First Name: Chad | Apt.: |
| Address: [REDACTED] | State: NY | Zip: 10003 |
| City: [REDACTED] | Work Phone #: [REDACTED] | ID: |
| Home Phone #: | Language: | |
| Email: | | |
| Notes: | | |





New York City Police Department 311



Incident

| | | |
|-------------------------------|---|--|
| SR Number: 311-03324894 | Occurred: 07/25/2020 02:26:27 | Unit Assigned: |
| Type: Noise - Commercial | Received: 07/25/2020 02:35:14 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/25/2020 02:56:00 | Resolution Action: 10-91 - Non-Crime Corrected |
| Priority: Normal | Last Updated By: MICHAEL.LAU_nypd.org#EXT#@nycdoilt.onmicrosoft.com | Status: Closed |

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: The caller wants to complaint about a noise from a club, he wants someone to go to his house and measure the decibels since the noise from the street is not as loud as it is in his house. The name of the business is Cloister Cafe

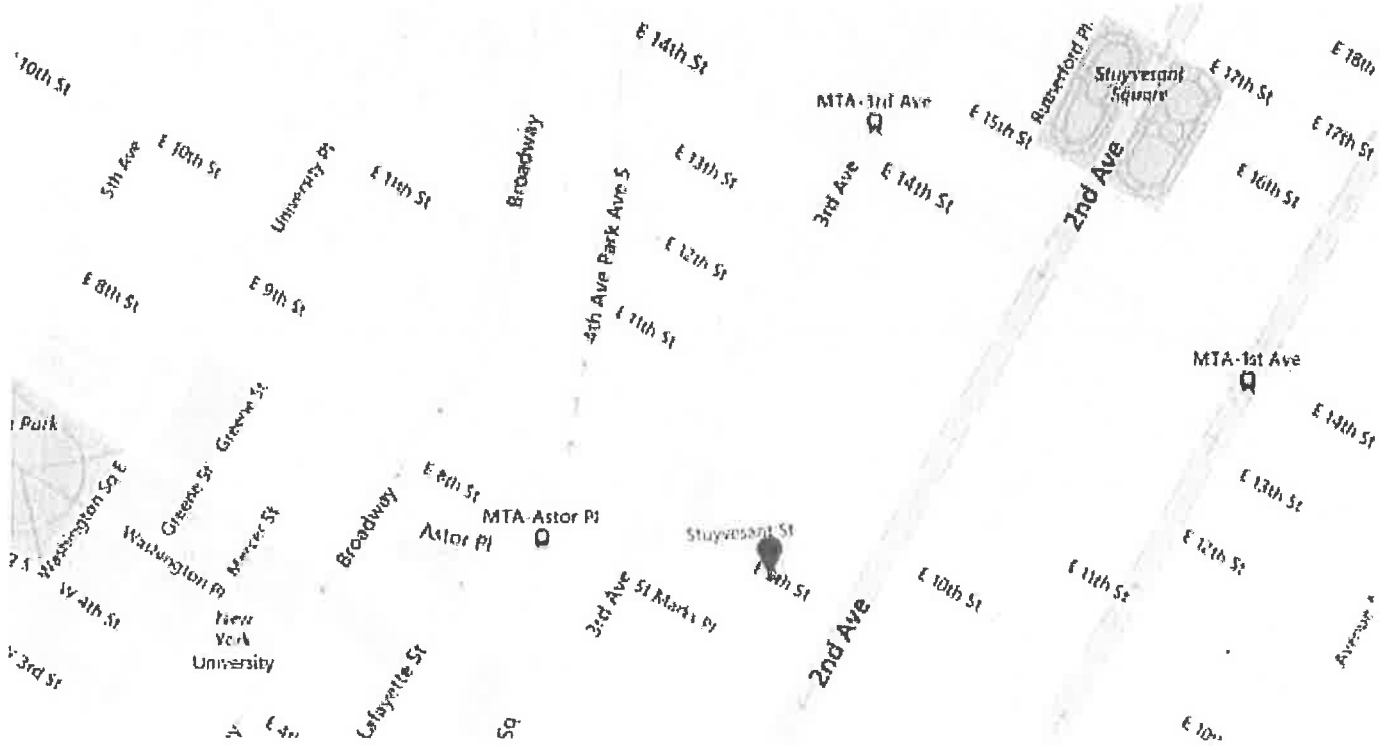
Disposition Comments:
 Disposition Description:
 Notes:

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|--------------------------|--------------------------|------------|
| Last Name: ZITELLI | First Name: CHRIS | Apt.: |
| Address: [REDACTED] | State: NY | Zip: 10003 |
| City: [REDACTED] | Work Phone #: [REDACTED] | ID: |
| Home Phone #: [REDACTED] | Language: [REDACTED] | |
| Email: [REDACTED] | | |
| Notes: | | |





New York City Police Department 311



Incident

SR Number: 311-03324994 Occurred: 07/25/2020 02:40:22 Unit Assigned:

Type: Noise - Commercial Received: 07/25/2020 02:47:36 Assigned Command: Precinct 9

Short Desc.: Loud Music/Party Last Updated At: 07/25/2020 02:54:00 Resolution Action: 10-91 - Non-Crime Corrected

Priority: Normal Last Updated By: MICHAEL.LAU_nypd.org# Status: Closed
EXT#@nycdoit.onmicrosoff.com

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: The caller wants to complaint about a noise from a club, he wants someone to go to his house and measure the decibels since the noise from the street is not as loud as it is in his house. Cloister Cafe

Disposition Comments:
Disposition Description:
Notes:

Address

Street Number: 238 Street Name: EAST 9 STREET Apt. #:

Cross Streets: STUYVESANT STREET / 2 AVENUE Patrol Boro: MANHATTAN

Precinct/Sector: 009/9D Transit Dist: 103 Housing PSA:

Caller

Last Name: ZITELLI First Name: CHRIS

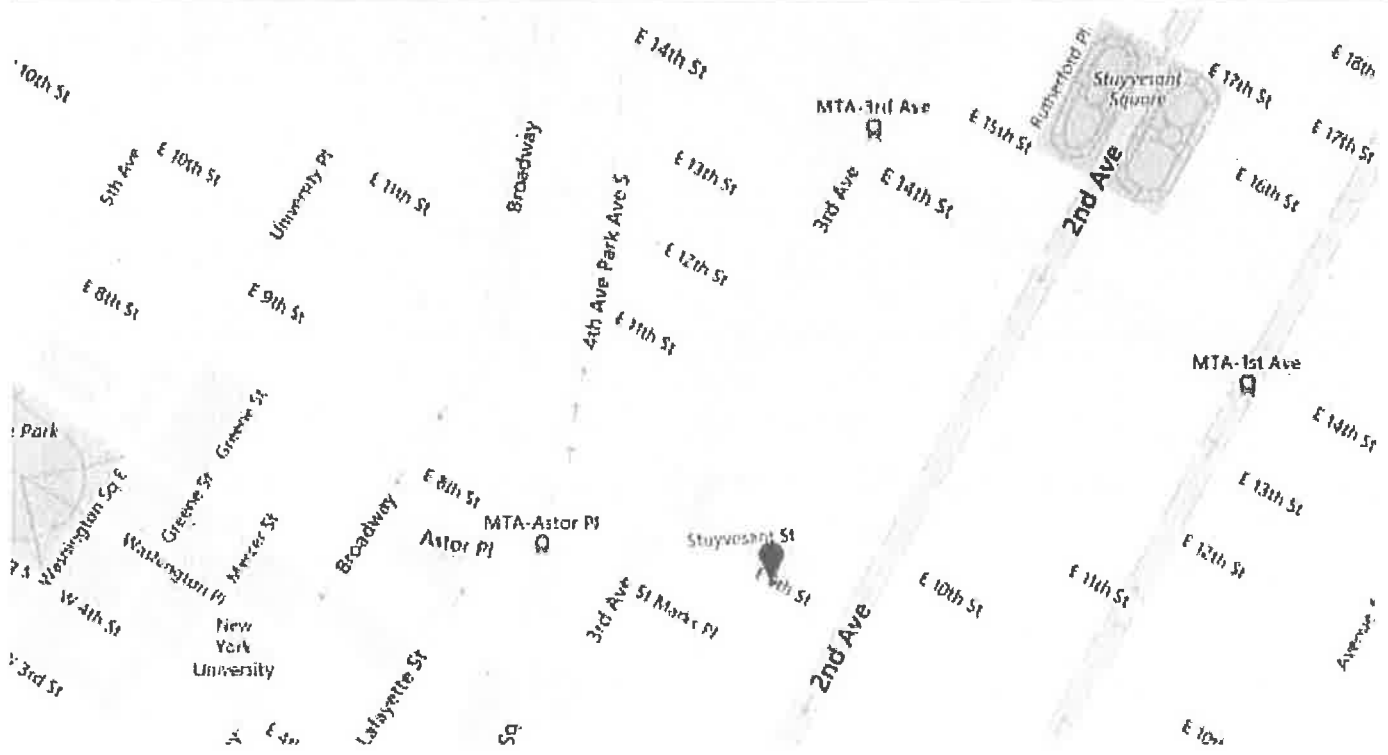
Address: [REDACTED] Apt. #:

City: [REDACTED] State: NY Zip: 10003

Home Phone #: [REDACTED] Work Phone #: [REDACTED]

Email: [REDACTED] Language: [REDACTED] ID:

Notes: [REDACTED]





New York City Police Department 311

**Incident**

SR Number: 311-03371638 Occurred: 07/29/2020 02:09:46 Unit Assigned:
 Type: Noise - Commercial Received: 07/29/2020 02:14:28 Assigned Command: Precinct 9
 Short Desc.: Loud Music/Party Last Updated At: 07/29/2020 02:56:00 Resolution Action: 10-90X - Unfounded
 Priority: Normal Last Updated By: THOMAS.YANG_nypd.org#EXT#@nycdoitt.onmicrosoft.com Status: Closed
 Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: Loud party every night from Tue to Sat, 11pm to 4pm.
 Can be heard throughout the bloc.
 DONT SAY TGERES NO EVIDENCE! Call me if any questions (I?m not sleeping anyway...) Every day, Tue to Sat, 11pm to 4am
 Cloister cafe/Tropical club.
 Noise from the tent (outside area).
 Please do your job so that we can do our nights.

Disposition Comments:
 Disposition Description:
 Notes:

Address

Street Number: 238 Street Name: EAST 9 STREET Apt. #:
 Cross Streets: STUYVESANT STREET / 2 AVENUE Patrol Boro: MANHATTAN
 Precinct/Sector: 009/9D Transit Dist: 103 Housing PSA:

Caller

Last Name: Bourassin First Name: Tristan
 Address: [REDACTED] State: NY Apt.:
 City: [REDACTED] Zip: 10003
 Home Phone #: [REDACTED] Work Phone #: [REDACTED]
 Email: [REDACTED] Language: [REDACTED] ID:
 Notes: [REDACTED]



New York City Police Department 311



Incident

SR Number: 311-03371658 Occurred: 07/29/2020 02:24:39 Unit Assigned:

Type: Noise - Commercial Received: 07/29/2020 02:24:40 Assigned Command: Precinct 9

Short Desc.: Loud Music/Party Last Updated At: 07/29/2020 02:57:00 Resolution Action: 10-91 - Non-Crime Corrected

Priority: Normal Last Updated By: THOMAS.YANG_mypd.org#EXT#@nycdotl.onmicr Status: Closed

Location: Store/Commercial Source Channel: 311 Mobile - iPhone

Description: Establishment is Cafe Tucano, formally the Cloister Cafe. Pounding music every night except Sunday and Monday until 3:00am. Cannot be heard from the street but is very loud in my bedroom located around the block at 139 2nd Ave, which overlooks cafe garden and where dance music originates. This is the 4th time I have lodged a noise complaint in the last 10 days. I was told I'd get an email detailing how to arrange a noise measuring visit from the city but I have yet to receive one.

Disposition Comments:

Disposition Description:

Notes:

Address

Street Number: 238 Street Name: EAST NINTH STREET Apt. #: N/A

Cross Streets: STUYVESANT STREET / 2 AVENUE Patrol Boro: MANHATTAN

Precinct/Sector: 009/9D Transit Dist: 103 Housing PSA:

Caller

Last Name: Zitelli First Name: Chris

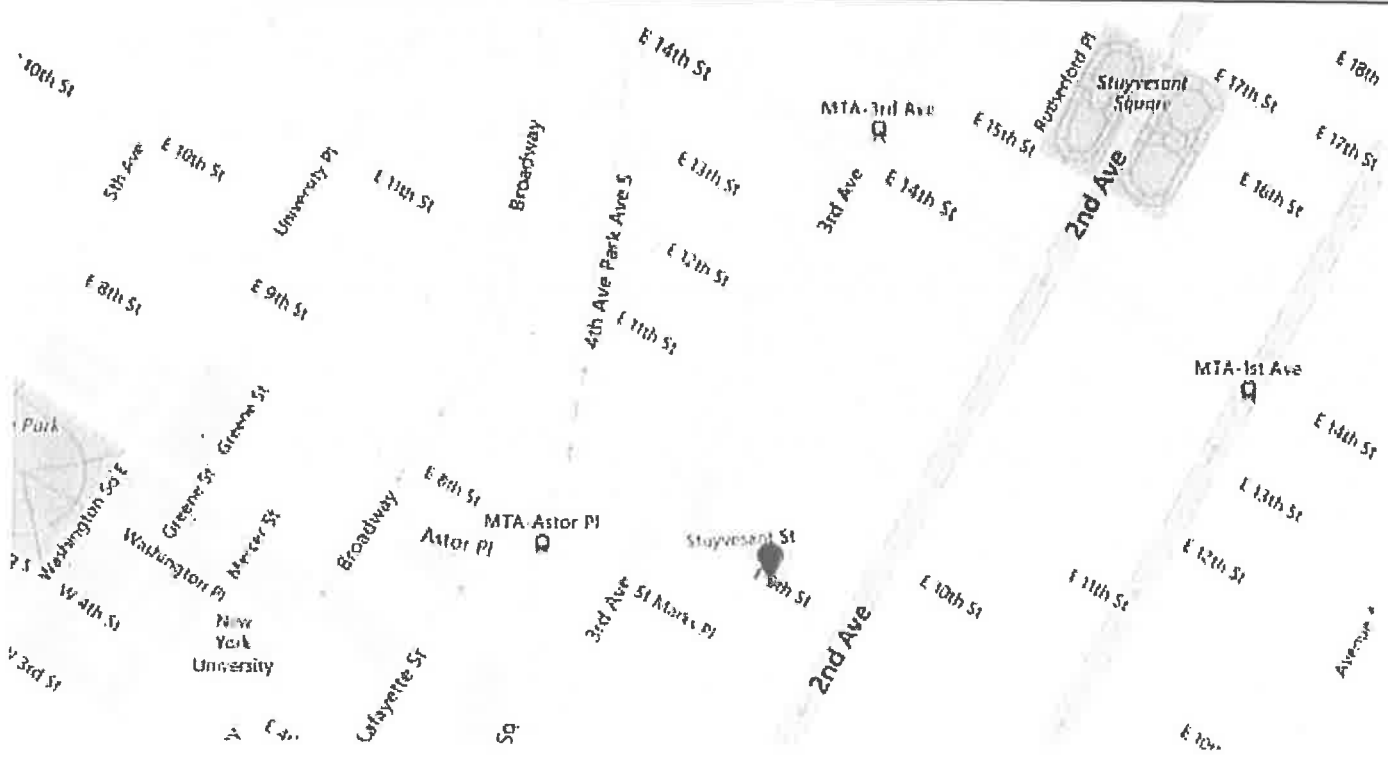
Address: State: Apt.:

City: Work Phone #: Zip:

Home Phone #: Language: ID:

Email:

Notes:





New York City Police Department 311



Incident

| | | |
|-------------------------------|--|---------------------------------------|
| SR Number: 311-03381222 | Occurred: 07/29/2020 22:56:32 | Unit Assigned: |
| Type: Noise - Commercial | Received: 07/29/2020 22:59:41 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/29/2020 23:31:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: TIMUR.POPAL_nypd.org #EXT#@nycdoit.onmicrosoft.com | Status: Closed |

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: Loud music from garden area, under tent. Recurring issue, and repeated inaction from relevant services... Every day from Tue to Sat, 11pm to 4am Cloister cafe/ Cafe Tucano. Noise heard in buildings around.

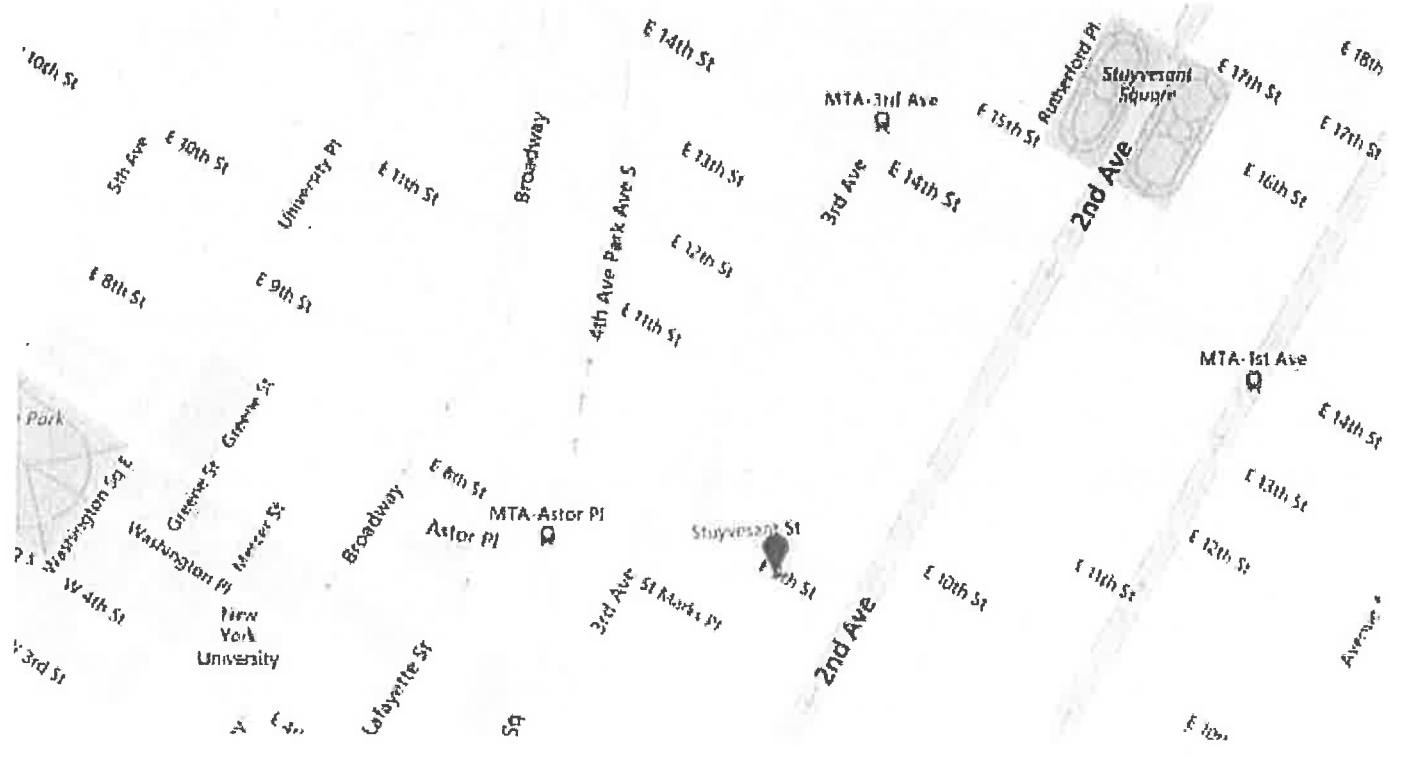
Disposition Comments:
Disposition Description:
Notes:


Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller


| | | |
|----------------------|---------------------|---------|
| Last Name: Bourassin | First Name: Tristan | Apt. #: |
| Address: | | Zip: |
| City: | State: | |
| Home Phone #: 9 | Work Phone #: 9 | ID: |
| Email: | Language: | |
| Notes: | | |





New York City Police Department

311



Incident

| | | |
|-------------------------------|---|---|
| SR Number: 311-03391397 | Occurred: 07/30/2020 22:40:21 | Unit Assigned: 9d |
| Type: Noise - Commercial | Received: 07/30/2020 22:42:26 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/30/2020 23:02:00 | Resolution Action: 10-90Y - Unnecessary |
| Priority: Normal | Last Updated By: TIMUR.POPAL_nypd.org #EXT#@nycdoilt.onmicrosoft.com | Status: Closed |

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: Loud music noise from tent Every day Tue to Sat from 10pm to 4am Cloister cafe / cafe Tucano

Disposition Comments:

Disposition Description:

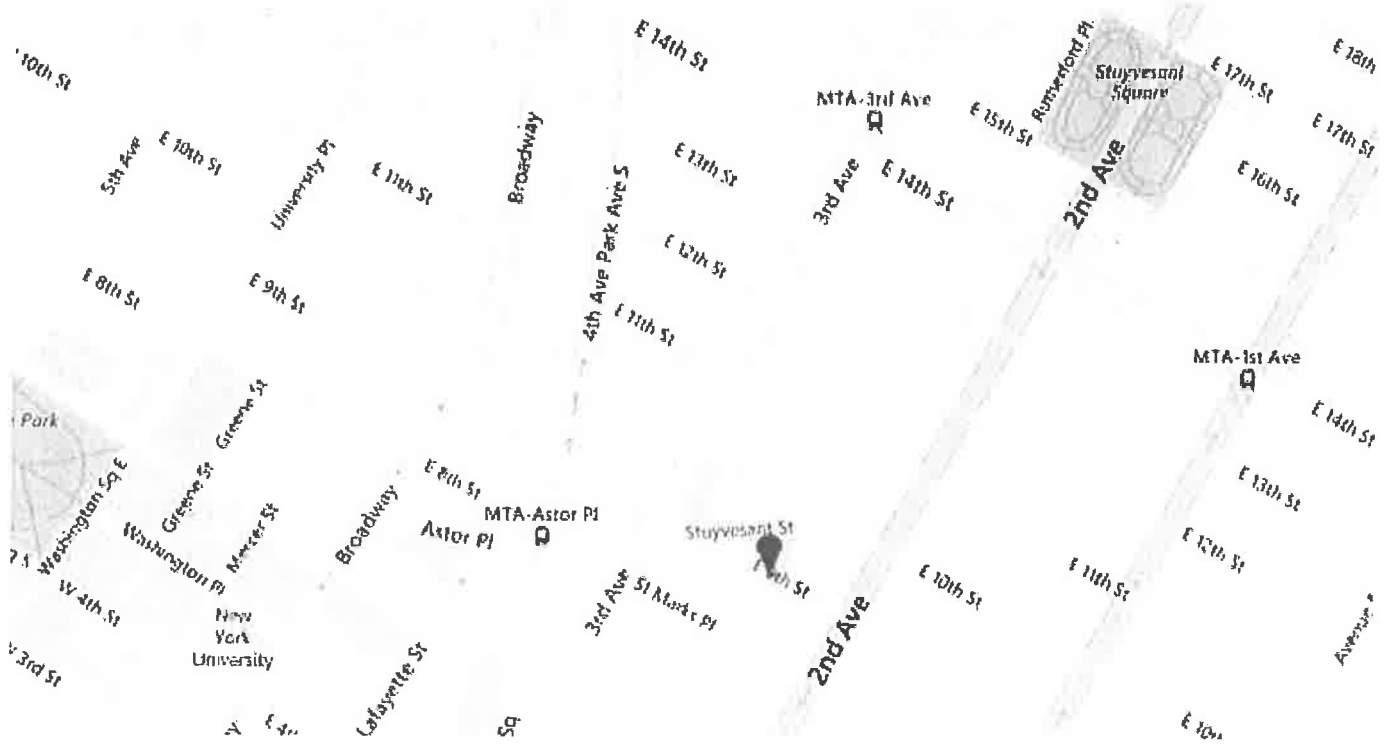
Notes:

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|--------------------------|-----------------------------|---------|
| Last Name: Bourassin | First Name: Tristan | |
| Address: | | Apt. #: |
| City: | State: | Zip: |
| Home Phone #: [REDACTED] | Work Phone #: 91 [REDACTED] | |
| Email: | Language: | ID: |
| Notes: | | |





New York City Police Department 311



Incident

| | | |
|-------------------------------|---|---------------------------------------|
| SR Number: 311-03392124 | Occurred: 07/30/2020 23:59:37 | Unit Assigned: |
| Type: Noise - Commercial | Received: 07/30/2020 23:59:41 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 07/31/2020 00:08:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: ROBERT.GARCIA2_nypd.org#EXT#@nycdoit.onmicrosoft.com | Status: Closed |

Location: _____ Source Channel: 311 Call Center

Description: THE BAR HAS ABOUT 25 PEOPLE WAITING TO GET IN ON TOP OFF THE PEOPLE ALREADY WAITING ON THE INSIDE. THE NOISE IS FROM CHATTER AND LOUD MUSIC

Disposition Comments: _____

Disposition Description: _____

Notes: _____

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: _____ |

Caller

| | | |
|---------------|---------------|----------------|
| Last Name: | First Name: | Apt. #: |
| Address: | | Zip: |
| City: | State: | |
| Home Phone #: | Work Phone #: | ID: 9178460400 |
| Email: | Language: | |
| Notes: | | |





New York City Police Department 311



Incident

| | | |
|---|--|---------------------------------------|
| SR Number: 311-03406329 | Occurred: 08/01/2020 02:46:32 | Unit Assigned: |
| Type: Noise - Commercial | Received: 08/01/2020 02:46:32 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 08/01/2020 03:24:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: CHARSEL.ANTHONY_ny pd.org#EXT#@nycdoit.on microsoft.com | Status: Closed |
| Location: Store/Commercial | Source Channel: 311 Mobile - iPhone | |
| Description: Loud thumping music from Cafe Tucano (formerly Cafe Cloister). Every night except Sun/Mon until past 3am. Sound not loud at street entrance but music is in the back which is under my bedroom window. My apt is at 139 Second Ave at the back of building - thats where my room overlooks Cafe music. Please help, cannot sleep! | | |

Disposition Comments: Duplicate Job

Disposition Description:

Notes:

Address

| | | |
|---|----------------------------|--------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: N/A |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | Patrol Boro: MANHATTAN | |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|--------------------|-------------------|-------|
| Last Name: Zitelli | First Name: Chris | |
| Address: | | Apt.: |
| City: | State: | Zip: |
| Home Phone #: | | ID: |
| Email: | | |
| Notes: | | |



Executed: 8/20/2020 16:52

Executed by: NYPDFINEST
VHSIEH921431



New York City Police Department 311



Incident

| | | |
|-------------------------------|--|---------------------------------------|
| SR Number: 311-03417967 | Occurred: 08/01/2020 23:38:34 | Unit Assigned: |
| Type: Noise - Residential | Received: 08/01/2020 23:43:14 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 08/02/2020 00:55:00 | Resolution Action: 10-90X - Unfounded |
| Priority: Normal | Last Updated By: NICOLE.MONACO_nypd. org#EXT#@nycdoitf.onmi crossoft.com | Status: Closed |

Location: Residential Building/House

Source Channel: 311 Portal

Description: The New cafe near me called Cafe Tucano (238 e 9th street) has been having an underground club with bottle service all night long every single weekend and the noise is getting out of hand. I went to check it out last weekend to see what was going on and nobody was wearing masks inside or following social distancing. On the weekend this goes until 4am!! It's getting out of hand. On the weekends. Cafe Tucano. A new spot.. you should see a bouncer outside at the door and a host.

Disposition Comments:

Disposition Description:

Notes:

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: Cafe Tucano |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|---------------|---------------|-------|
| Last Name: | First Name: | Apt.: |
| Address: | | Zip: |
| City: | State: | |
| Home Phone #: | Work Phone #: | ID: |
| Email: | Language: | |
| Notes: | | |



Executed:8/20/2020 16:51

Executed by:NYPDFINEST
VHSIEH921431



New York City Police Department 311



Incident

| | | |
|-------------------------------|--|---|
| SR Number: 311-03468605 | Occurred: 08/04/2020 23:08:59 | Unit Assigned: 9d |
| Type: Noise - Commercial | Received: 08/04/2020 23:11:15 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 08/04/2020 23:24:00 | Resolution Action: 10-90Y - Unnecessary |
| Priority: Normal | Last Updated By: TIMUR.POPAL_nypd.org #EXT#@nycdoit.onmicro soft.com | Status: Closed |

Location: Club/Bar/Restaurant Source Channel: 311 Portal

Description: Loud music under tent - bar acting as nightclub Tue to Sat, 11pm to 4am Cafe Tucano /Cloister cafe

Disposition Comments:

Disposition Description:

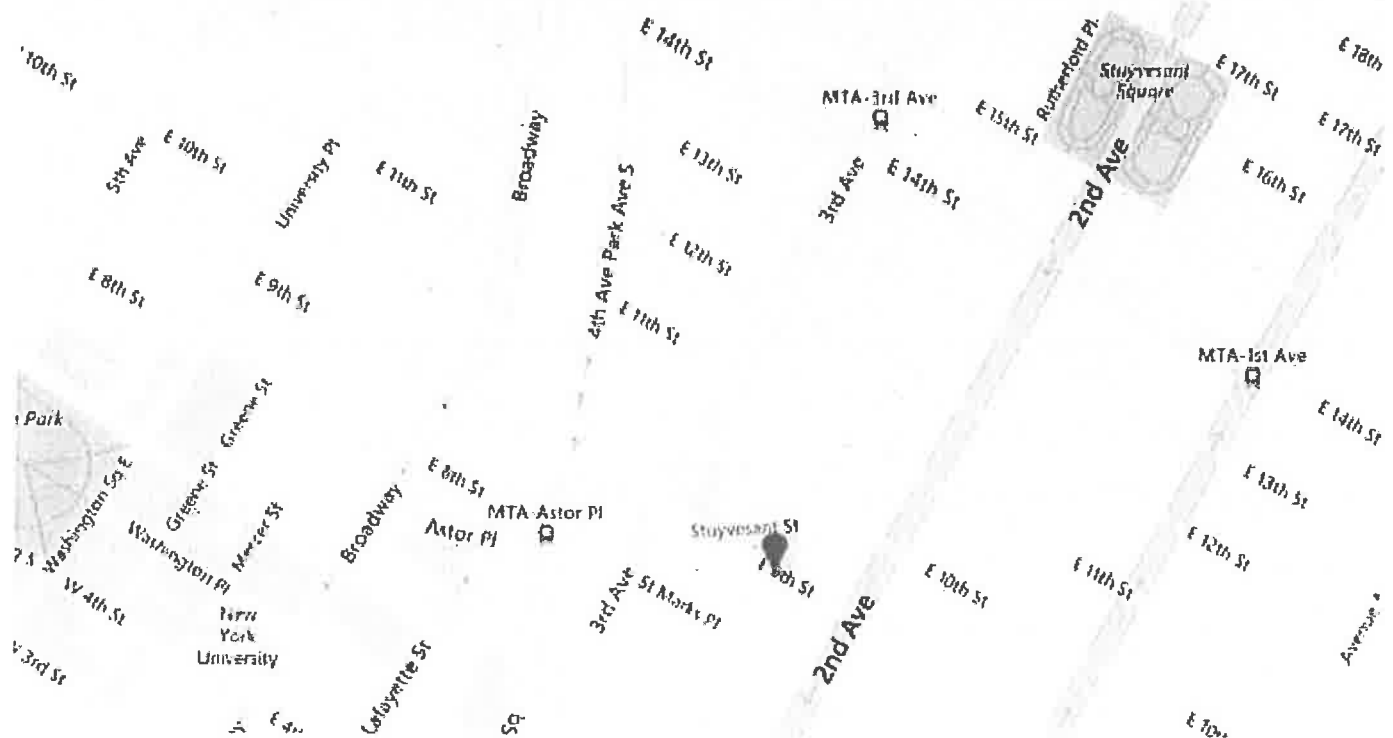
Notes:

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boro: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|--------------------------|--------------------------|-------|
| Last Name: Bourassin | First Name: Tristan | |
| Address: | | Apt.: |
| City: | State: | Zip: |
| Home Phone #: [REDACTED] | Work Phone #: [REDACTED] | ID: |
| Email: [REDACTED] | Language: | |
| Notes: | | |



Executed: 8/20/2020 16:51

Executed by: NYPDFINEST
VHSIEH921431



New York City Police Department 311



Incident

| | | |
|--|--|---|
| SR Number: 311-03489921 | Occurred: 08/05/2020 22:56:54 | Unit Assigned: 9d |
| Type: Noise - Commercial | Received: 08/05/2020 22:59:56 | Assigned Command: Precinct 9 |
| Short Desc.: Loud Music/Party | Last Updated At: 08/05/2020 23:16:00 | Resolution Action: 10-90Y - Unnecessary |
| Priority: Normal | Last Updated By: AFZAL.FAZAL_nypd.org# EXT#@nycdoit.onmicros oft.com | Status: Closed |
| Location: Club/Bar/Restaurant | Source Channel: 311 Portal | |
| Description: Loud music in tent outside, everyday including work days... can be heard and felt (vibrations) until late even with windows closed Tue to Sat, 11pm to 4am Cafe Tucano, entrance via Cloister Cafe | | |

Disposition Comments:

Disposition Description:

Notes:

Address

| | | |
|---|----------------------------|------------------------|
| Street Number: 238 | Street Name: EAST 9 STREET | Apt. #: |
| Cross Streets: STUYVESANT STREET / 2 AVENUE | | Patrol Boró: MANHATTAN |
| Precinct/Sector: 009/9D | Transit Dist: 103 | Housing PSA: |

Caller

| | | |
|----------------------|---------------------|---------|
| Last Name: Bourassin | First Name: Tristan | |
| Address: | | Apt. #: |
| City: | State: | Zip: |
| Home Phone #: | Work Phone #: | ID: |
| Email: | Language: | |
| Notes: | | |

