



Jonathan Mintz
Commissioner

August 22, 2008

[Redacted]
Staff Counsel
[Redacted]

[Redacted]
[Redacted]

42 Broadway
9th Floor
New York, NY 10004

RE: Cabaret license

Dear Mr. [Redacted]

+ [Redacted] tel
+ [Redacted] fax

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

nyc.gov/consumers

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

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

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

Please feel free to contact me with any questions.

Sincerely,

[Handwritten signature]
[Redacted]
Staff Counsel