



Chairperson, Martha Taylor

*The City of New York
Borough of Queens*

Community Board 8

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District Manager, Marie Adam-Ovide

Liquor License Committee Meeting

Date: Tuesday, March 28, 2017
Time: 7:30 p.m.
Place: Community Board 8 Office
197-15 Hillside Avenue
Hollis, NY 11423

Michael Hannibal, *Liquor License Committee Chair*

Board Members: Edward Chung, Carolann Foley, Kevin Forrestal, James Gallagher, Jr., Marc A. Haken, Robert Harris, Michael Hannibal, Tammy Osheroov and Harbachan Singh.

Also in attendance: Malik Abubakar, Owner – NYC Cloud 9 Corporation
Kerry Katsorhis, Attorney for NYC Cloud 9 Corporation
Bill Driscoll, Business Consultant – The Driscoll Group
C. Albert, CB8 Resident
Daniel Rosenthal, representing Council Member Rory Lancman
Detective Tom Motta, NYPD 107th Precinct Community Affairs
Marie Adam-Ovide, Community Board 8 District Manager
Alma Karassavidis, Community Board 8 Staff

Liquor License Committee Chair Michael Hannibal called this meeting to order at 7:04 p.m. This was followed by self-introductions of all Board Members, staff and others present.

Purpose:

A meeting was held with Mr. Abubakar, owner of NYC Cloud 9 Corporation in November of 2016 at Councilman Lancman’s office. At that time Mr. Abubakar stated that he would provide us with background information on steps that would be taken to address our concerns. There was a time frame of approximately two (2) weeks put in place to receive that information. Nothing with regard to the steps to be taken has ever been submitted to the Community Board. Since then your license was suspended and is still suspended as of today. We are here tonight to address your renewal. This is of great concern to many of us. Prior to our meeting tonight, I received an email from the Jamaica Estates Association also expressing their concerns about the activities at Cloud 9. They feel that this is not an application that should be renewed at this time. With that said, it is fair that we have this meeting so that we can voice our concerns, hear your response and then take a vote. Considering how many are present tonight, I ask that we keep our questions/concerns to one per person.

NYC Cloud 9 Corporation d/b/a Cloud 9.
179-22 Union Turnpike, Fresh Meadows, NY 11366

Carolann Foley –

Was anything done about security for your establishment when and if it does re-open?

Answer: *[Malik Abubakar] – Say it again please. I didn't hear it all.*

Carolann Foley –

Is there anything lined up for security? Perhaps someone trained for security, metal detectors when walking into the place, etc.?

Answer: *[Malik Abubakar] – Yes. I am getting help from Mr. Driscoll. We are hiring a security expert to look it over.*

Carolann Foley –

You are just working on that now?

Answer: *[Malik Abubakar] – We were closed since the last meeting. We had it on a Monday and I was closed from Tuesday until now.*

Carolann Foley –

So as of right now you have nothing in place, if you should re-open?

Answer: *[Malik Abubakar] – We do have. We already worked on this. We have a security expert.*

Carolann Foley –

You have somebody hired?

Answer: *[Malik Abubakar] – Yes.*

Carolann Foley –

Where is the training from for this individual?

Answer: *[Malik Abubakar] – I was dealing with MAS Security.*

Carolann Foley –

What are the hours that this security person will be working at your establishment?

Answer: *[Malik Abubakar] – The manager of the security company will be coming and bringing in people that are very well trained and have been doing security for over 20 years. The last time we spoke we asked if we could get an NYPD off duty officer to monitor outside. I went to One Penn Plaza to ask and was told that they cannot work in places with liquor licenses.*

Kevin Forrestal –

So you still don't have a plan?

Answer: *[Malik Abubakar] – I do have a plan.*

The plan was to hire somebody.

Answer: *[Malik Abubakar] – Yes, but I have been closed so I didn't*

Do you have a plan that will enable you to safely open up the establishment?

Answer: *[Malik Abubakar] – Yes.*

Can you immediately give us that plan?

Answer: *[Malik Abubakar] – Yes, of course, I can get that.*

Tammy Osheroy -

How long have you been closed?

Answer: *[Malik Abubakar] – Five months, from November 7th until now.*

Why did you close? Under age?

Answer: *[Kerry Katsorhis] – No. It was summarily suspended by the State Liquor Authority in an emergency session.*

Why what happened?

Michael Hannibal –

I will fill you in on it Tammy.

Tammy Osherov -

Why can't I know now? Can't you just explain why they were closed?

Michael Hannibal –

They are closed because there was a shooting at the establishment.

Tammy Osherov -

That is what I thought but I just wanted to make sure I was correct.

James Gallagher Jr. –

Are security cameras inside and outside?

Answer: *[Malik Abubakar] – Yes. After the incident, I replaced the whole system with a new one. Mr. Driscoll was at the place last week and we are planning to add a second DVR system before we open. Just in case one system is not working, we will have the secondary system. I had the security system before. It recorded for 30 days, slowly it started cutting down to 15 days, 7 days and then 3 days. I replaced that system with a brand new system right before we closed down. Last time we had an issue and had to send the DVR system in and it took a week to come back. At that time, I did not have security for that whole week. We are adding an additional complete security system with extra cameras and extra DVRs. That way if something happens to one, we have another one working.*

Marc A. Haken –

What are your planned days and hours of operations?

Answer: *[Malik Abubakar] – Seven (7) days a week from 4:00 p.m. to 2:00 a.m., Sunday through Thursday and 4:00 p.m. to 4:00 a.m. Friday and Saturday. We usually close on Fridays and Saturdays around 3:00 a.m.*

Robert Harris –

How many security people will you have? Will they be inside and outside?

Answer: *[Malik Abubakar] – I had two (2) security people before but now we are going to have four (4) security guards on duty on Fridays and Saturdays. On the weekdays we will probably have only one to check IDs since it is not that busy.*

Edward Chung –

You mentioned sensors, are you going to have metal detectors?

Answer: *[Malik Abubakar] – We have wands.*

Michael Hannibal –

It's been five (5) months. Why has it taken so long to respond since we first asked what steps you would be taking?

Answer: *[Malik Abubakar] – The day that we met with Councilman Lancman was on a Monday and on Tuesday our license was suspended. Then I hired Mr. Katsorhis and thought I had to wait until we came to see you again before I re-open to bring the security plan.*

Answer: *[Kerry Katsorhis] – There were fourteen (14) charges brought against my client. They were summarized in the summary order of suspension. We were entitled to an immediate hearing. I made a demand for an immediate hearing. The SLA decided to give us a hearing three and a half weeks later. Notwithstanding my client was closed. We attended the hearing and eight (8) of the fourteen (14) charges were dismissed by the administrative law judge. We had to wait another two and a half weeks before we could meet with the members of the SLA. We appeared before the members of the SLA. The members decided to send it back because they were not happy with one dismissal that the administrative law judge decided. We are still waiting three (3) months later for a decision on that*

one charge that was dismissed. I discussed with my client that if we were successful in getting the charges dismissed and the Community Board does not revoke our license, then the license will need to be renewed. He agreed that we would appear before the Community Board and air whatever grievances exist and come up with solutions that would permit him to reopen his business.

Answer: [Bill Driscoll] – Malik has brought me on as the Business Consultant. I represented the Queens Chamber of Commerce and Queens Economic Development. I have three (3) of my own businesses. I have worked for the nightclub Pasha in Manhattan. I gave some advice to Cheap Shots to help move them along. Malik is a small businessman. The occupancy of the building is 74 people. A large portion of his clients are City employees; Corrections, FDNY, NYPD, etc. They come in for some food and a cocktail. They are in the place for an average of two (2) hours and they leave. There is no dancing. They do not have a cabaret license. It's a lounge with small tables. Nothing happened inside the establishment. There is no underage drinking, no drugs, no gambling, nothing. They had bad luck. In retrospect, maybe that was a bad place to open. The reason that there haven't been any security changes is because he has been out of business for five (5) months. Why would he put money into the place? He has a plan, but he hasn't done it because he doesn't know what is going to happen at this point. It's not a big place. His bad luck was H2O at 153rd Street and Hillside Avenue. That establishment used promoters.

Answer: [Malik Abubakar] – When I spoke to the Community Board last year, I explained where the problem was coming from. It was always from H2O. They had promoters and radio DJs. I don't use promoters. I am open seven (7) days a week. They were opened only two (2) or three (3) nights a week from 10:00 p.m. to 4:00 a.m. I am there seven (7) days a week from 4:00 p.m. Since I am there, I have no underage drinking complaints, no complaints from neighbors about urinating outside or littering outside. I only had one noise problem in 2014 that I took care of right away. The main issue was H2O. They would get overbooked and then people would Google and my place was the closest place. That is when the problems occurred. I called 911 only (2) two or three (3) times; once there were too many people outside trying to come in from H2O. Than another time someone was trying to use counterfeit money inside. Those were the only times that I had NYPD come to the place. I am not a club. The capacity is 74 people including my employees. I am a very small business. My family works in the place. My children go to private school in this community. I am there seven (7) days a week from opening to closing. I have never taken one day off from the place. I have a 6 year old son. I take care of my mother and my sister. In the last five (5) months I lost at least \$75,000. There are a lot of bills that are still in collection right now.

Michael Hannibal –

I understand, but knowing all that all we have to go on is the word of our applicants. When we approve an application, we always depend on the applicant to come back to us and let us know what is going on. For me, the fact that there was no follow up. The explanation that I am hearing now, I would have preferred to hear that in November. The steps you are talking about sound like that same steps that would have been discussed at that time.

Answer: [Kerry Katsorhis] – Please understand that in light of the fact that once you had your preliminary meeting with the applicant, he was closed the following day. What was he to do?

Carolann Foley –

What was his hope in reopening if he didn't do something productive to make the community feel safer?

Answer: [Kerry Katsorhis] – We had to address the concerns of the SLA and their charges against us and that is what we did. There was no disrespect intended in not responding to your request.

Marie Adam-Ovide –

I understand that you were closed, but you knew that you were coming here tonight yet you came unprepared. Where is your written plan that you could have submitted to us right now showing us what you are planning to do?

Answer: *[Bill Driscoll] – Malik just brought me on last week so we haven't had a chance to put a plan together, a written plan.*

Michael Hannibal –

We are on a timeline. We usually do this at 7:30; tonight we are doing the meeting at 7:00.

Kevin Forrestal –

You said you have a plan, but your consultant just said you don't have a plan?

Answer: *[Malik Abubakar] – We do have a plan. We don't have a written plan.*

Is it in the cloud? If you have a plan, then you would be able to submit it.

Michael Hannibal –

Do I have a motion?

Carolann Foley made a motion to approve the renewal application for a Full Liquor License for NYC Cloud 9 Corporation d/b/a Cloud 9 located at 179-22 Union Turnpike, seconded by Marc A. Haken.

Votes in favor: 2

Votes against: 6

Board Members who voted in favor: Robert Harris and Tammy Osherov.

Board Members who voted against: Edward Chung, Carolann Foley, Kevin Forrestal, James Gallagher Jr., Marc A. Haken and Michael Hannibal.

Michael Hannibal –

The renewal was not approved.

Carolann Foley made a motion to adjourn this meeting at 7:20 p.m.

*Respectfully submitted,
Alma Karassavidis, Community Board 8 Staff
April 6, 2017*