

LICENSE SUSPENDED

NEW YORK STATE LIQUOR AUTHORITY

IN THE MATTER OF PROCEEDINGS
TO SUSPEND

License Number: KINGS OP 1251073
Issued to: PRIME SIX INC
DBA: WOODLAND
Licensed Premises: 242 FLATBUSH AVENUE
AKA: 76-78 6TH
BROOKLYN, NY 11217

EMERGENCY SUMMARY ORDER OF SUSPENSION

Serial No.:

Kings OP 1251073
Case No. 134592

Proceedings having been duly considered by the State Liquor Authority at a meeting held on June 6, 2019, and:

The Members of the New York State Liquor Authority, pursuant to subdivision 3 of section 401 of the State Administrative Procedure Act, and in conjunction with the Alcoholic Beverage Control Law of the State of New York and the Rules of the New York State Liquor Authority, hereby find that the public health, safety and welfare imperatively require emergency action, and therefore, enter an **EMERGENCY SUMMARY ORDER OF SUSPENSION** of alcoholic beverage license serial number Kings OP 1251073, issued to Prime Six Inc, DBA: Woodland, located at 242 Flatbush Avenue, aka:76-78 6th, Brooklyn, NY 11217

This **EMERGENCY SUMMARY ORDER OF SUSPENSION** is based upon the following facts, findings and conclusions:

FACTS

1. Prime Six Inc is the holder of an alcoholic beverage license, serial number Kings OP 1251073, originally issued March 29, 2012, expired on February 28, 2019. Licensee filed renewal in a timely manner, currently operating under SAPA (March 1, 2019 through February 29, 2020).
2. The State Liquor Authority, by Notice of Pleading dated June 3, 2019, a copy of which is attached to this Order, commenced a disciplinary proceeding to revoke the license of Prime Six Inc on the following charges:
 1. That the licensee made its license available to a person not specified in the license, in that the licensee permitted Robert and Zhan Petrosyants, persons not authorized by the State Liquor Authority, to avail itself of the license privilege from on and before 6/3/19, all cause for revocation, cancellation or suspension of the license in accordance with section 111 of the Alcoholic Beverage Control Law.
 2. That on 5/29/19, 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; possession of fireworks, 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. That on 5/29/19, 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; compressed gas, 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)].
 4. That on 5/29/19, 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 remove surface bolts and locks in the basement,

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- 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)].
5. That on 5/29/19, 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 replace burned out exit lights, 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. That on 5/29/19, 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; fire equipment and devices not in working order, 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)].
 7. That on 5/29/19, 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; no range hood permit, 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. That on 5/29/19, 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; occupancy sign not posted, 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)].
 9. That on 05/29/19, 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; no properly trained person to supervise fire safety, 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)].
 10. That on 5/29/19, 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 display Certificate of Authority, 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. That on 5/29/19, 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; no lighting in stairway to basement, 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)].
 12. That on 5/29/19, 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; extension cords used for permanent wiring, 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)].
 13. That on 5/29/19, 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; no emergency power for exit sign, 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)].

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14. That on 5/29/19, 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; no monthly testing of emergency lighting, 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)].
15. That on 5/29/19, 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; no emergency lighting activation test records, 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)].
16. That on 5/29/19, 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; prohibited storage in the electrical room, 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)].
17. That on 05/29/19, 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; open junction box behind the bar, 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)].
18. That on 5/29/19, 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; no Worker's Compensation signage, 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)].
19. That on 10/22/16, 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 fire alarm records and no occupancy sign, 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)].
20. That on 3/23/17, 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 fire extinguisher, failure to produce records for sprinkler system, fire alarm log book, failed to obtain a Certificate of Fitness for fire alarm system and failure to maintain fire alarm, 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)].
21. That on 5/15/17, 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; noise circulation device more than 42 decibels, 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)].
22. That on 5/20/18, 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 Obtain a Certificate of Fitness for Fire Alarm System supervision, 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)].

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23. That on 7/29/18, 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; noise due to patio door being opened, 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)].
24. That on and before 6/3/19, the licensee violated rule 53.1(l) of the Rules of the State Liquor Authority [9 NYCRR 48.3], in that it failed to comply with any condition, stipulation or agreement, upon which any license or permit was issued or renewed by the Authority or upon which any application for removal or alteration of a licensed premises, endorsement of a license or permit, corporate change, or permission, authorization or approval, was granted by the Authority; violated condition to not use St Marks Avenue exit for non-emergencies, permits outside cigarette smoking on St. Marks, permits and advertises hard liquor bottle service all in violation of the community board stipulations, 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)].
25. That on 5/29/19, in violation of subdivision 12 of section 106 of the Alcoholic Beverage Control Law, the licensee has failed to keep and maintain adequate (and accurate) records of business transacted by the licensee on the licensed premises.
26. That on 5/29/19, the licensee in violation of subdivision 2 of Section 105-b of the Alcoholic Beverage Control Law failed to display in a conspicuous place on the licensed premises the warning sign regarding the consumption of alcoholic beverages during pregnancy, as described in subdivision 1 of this section.
27. That on 5/29/19, the licensee in violation of subdivision 2 of Section 65-d of the Alcoholic Beverage Control Law failed to display in an upright position and in a conspicuous place on the licensed premises the warning sign regarding prohibited sales, as described in subdivision 1 of this section.
28. That on 5/29/19, 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, 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)].
29. That on 5/29/19, 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 roster of security guards, 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)].
30. That on 5/29/19, 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; no sign alerting to CCTV, 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)].
31. That on 5/29/19, 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; no monthly testing of emergency lighting, 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)].

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32. That on 5/29/19, 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; sidewalk obstructed, 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)].
33. That on 5/29/19, 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; occupancy sign not posted, 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)].
34. That on 05/29/19, 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; no sign posted in electrical room, 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)].
35. That on 05/29/19, 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; no Public Assembly Permit, 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)].
36. That on or before 5/29/19 the licensee failed to conform with all representations set forth in the application, or approved amendments thereto, for the on-premises license under which such license was applied for and issued; no public assembly permit, all cause for revocation, cancellation or suspension of the license in accordance with Rule 54.8 of the Rules of the State Liquor Authority [9 NYCRR 48.8].
37. That on or before 05/29/19, the licensee failed to conform with all representations set forth in the application, or approved amendments thereto, for the on-premises license under which such license was applied for and issued; permits dancing, all cause for revocation, cancellation or suspension of the license in accordance with Rule 54.8 of the Rules of the State Liquor Authority [9 NYCRR 48.8].
38. That on and before 05/29/19, 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.
39. That on and before 05/29/19, the occurrence of noise, disturbance, misconduct or disorder in the licensed premises, in front of or adjacent to the licensed premises, or in the parking lot of the licensed premises has resulted in the licensed premises becoming a focal point for police attention; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(q) of the Rules of the State Liquor Authority [9 NYCRR 53.1(q)].
40. That on and before 05/29/19, the licensee, through the actions of its principal, and its agents and employees, has violated rule 54.2 of the Rules of the State Liquor Authority [9 NYCRR 48.2] in that the licensee has failed to exercise adequate supervision over the conduct of the licensed business; 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)].

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FINDINGS AND CONCLUSIONS

1. The incidents and activities reflected in the foregoing record indicate a serious risk to the health, safety and welfare of the public caused by Prime Six Inc.
2. It is concluded that in order to protect the public health, safety and welfare, it is imperative that emergency action be taken against the immediate and continuing danger resulting from the licensee's illegal activities and failure to adequately supervise the conduct of the licensed premises. It is apparent that the licensee has failed to operate the licensed premises in conformity with the Alcoholic Beverage Control Law and Rules of the State Liquor Authority.
3. That such emergency action requires the State Liquor Authority to issue an **EMERGENCY SUMMARY ORDER OF SUSPENSION** of the alcoholic beverage license of Prime Six Inc, pursuant to subdivision 3 of section 401 of the State Administrative Procedure Act.
4. The record before the Members of the Authority demonstrates a continuing risk to the health, safety, and welfare of the People of the State of New York.
5. This **EMERGENCY SUMMARY ORDER OF SUSPENSION** is the most practical and viable means of protecting the public health, safety, and welfare available to the State Liquor Authority.
6. The Members of the State Liquor Authority have weighed the public versus the private interest in the suspension of the license and find that the licensee's interest in the continued enjoyment of the license privilege is far outweighed by the immediate danger existing to the public health, safety, and welfare presented by the licensee's illegal activities and failure to properly supervise the licensed premises.

BASED UPON THE FOREGOING FACTS, FINDINGS AND CONCLUSIONS, IT IS HEREBY ORDERED:

1. That the alcoholic beverage license issued to Prime Six Inc, serial number Kings OP 1251073, is hereby **SUSPENDED** until such time as this **ORDER** is lifted, or until a final **ORDER** becomes effective in connection with the revocation proceeding instituted by the Notice of Pleading dated June 3, 2019, a copy of which is served simultaneously herewith.
2. That the licensee, its agents, servants and employees are prohibited from trafficking in alcoholic beverages until the **ORDER** is lifted, or until a final **ORDER** becomes effective in connection with the revocation proceeding instituted by the Notice of Pleading dated June 3, 2019.
3. The licensee has until June 26, 2019, to enter a plea to the charges set forth in the Notice of Pleading of June 3, 2019. Failure of the licensee to plead on or before the pleading date stated in the Notice of Pleading shall be deemed a plea of "No Contest" to the charges alleged therein.
4. In the event that the licensee should plead "Not Guilty" to the charges alleged in the Notice of Pleading of June 3, 2019, the licensee will be afforded a prompt and speedy administrative hearing with respect to such charges.

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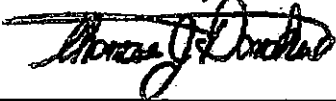
IT IS FURTHER ORDERED that said licensee surrender said license forthwith to the State Liquor Authority or its duly authorized representative, upon commencement of this said period of suspension, and

IT IS FURTHER ORDERED that failure by the licensee to comply with the terms of this order shall result in the cancellation or revocation of the said license in accordance with the provisions of the Alcoholic Beverage Control Law.

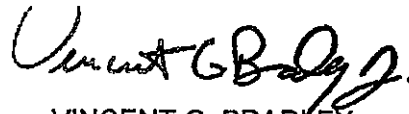
Dated: June 6, 2019

STATE LIQUOR AUTHORITY

Certified by



Thomas J. Donohue
Secretary to the Authority



VINCENT G. BRADLEY
Chairman

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THIS ORDER OF SUSPENSION MUST BE PUBLICLY DISPLAYED IN THE FOLLOWING MANNER:

If there be a door opening from the street into the licensed premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may be readily seen from the street. If the licensed premises are otherwise located, such order shall be affixed to the door of the entrance to the premises.

THIS SUSPENSION ORDER MUST NOT BE REMOVED FROM THE WINDOW DURING THE ABOVE PERIOD OF THIS SUSPENSION.

Please take notice that any person who shall sell any alcoholic beverage during the suspension period shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$200 or by imprisonment in a county jail or penitentiary for a term of not more than six months or both. (Section 130 of the Alcoholic Beverage Control Law).