



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

November 8, 2007

Daniel Boyle  
Commissioner  
New York State Liquor Authority  
84 Holland Avenue, 2nd floor, A-Wing  
Albany, NY 12208

**Re: 523 9<sup>th</sup> Avenue Inc., d/b/a HK, 523 9<sup>th</sup> Avenue (39 Street)**

Dear Commissioner Boyle:

Manhattan Community Board 4 strongly recommends that the license for 523 9<sup>th</sup> Avenue Inc., also known as HK not be renewed unless they revert back to the old demesne. The Board no longer supports the HL Lounge portion of the establishment and supports the license's revocation if that is the only way to prevent it from continuing to function.

HK has been a presence on the corner of 39<sup>th</sup> Street and 9<sup>th</sup> Avenue for a number of years, and as a restaurant has served the community's dining needs during that time. However, last year the owners of HK opened HK Lounge, on 39<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenues, positioning it as an extension of the restaurant; in July 2006 the Board recommended approved of the alteration application contingent on the owner's agreement to incorporate certain additional stipulations into its, method of operation, including no use of the roof and no patrons outside on the patio after 9:30 pm, except those in transit.

Instead of a restaurant, which was welcomed by the Board and approved by the SLA, the operators opened a nightclub that continues to violate the law and methods of operation as set forth in its license. Numerous complaints have been made to the SLA and to the NYPD about the illegal operations at HK Lounge, including permitting drinking of alcoholic beverages in the specifically excluded areas of the license. In addition, the operators bring in promoters, advertise the club in local nightlife magazines, use a velvet rope entrance, and have on at least one occasion excluded women from entering the club.

The operators of the HK Lounge have come before the Board's Business Licenses and Permits committee and the full Board on several occasions to discuss these problems and have assured us each time that they will comply with the terms of their license. They have then failed to make any change in their operations, despite their acknowledging the illegal manner in which they were operating. Committee members have visited the club and confirmed the ongoing violations and continued advertising of the club in nightlife magazines.

We understand that the operators have been served summonses by the SLA for such activities and are operating under a State Administrative Procedure Act (SAPA) Letter pending the resolution of such charges.

We urge you not to renew this license.

Sincerely,

Jean-Daniel  
Chair  
Manhattan Community  
Board 4

Lisa Daglian  
Co-Chair  
Business License &  
Permits Committee

Chuck Spence  
Co-Chair  
Business License & Permits  
Committee

cc: Applicant  
Fred Gioffre  
Elected Officials