



**Department of
Consumer Affairs**

**Testimony of Fran Freedman, Deputy Commissioner for External Affairs
New York City Department of Consumer Affairs**

**Before the
New York City Council Committee on Consumer Affairs**

Intro Number 690

January 15, 2013

Good morning Chairman Garodnick and members of the Consumer Affairs Committee. I am Fran Freedman, Deputy Commissioner for External Affairs for the Department of Consumer Affairs. Commissioner Mintz asked me to thank you for the opportunity to testify before you on Intro. 690, a bill which would change the definition of an amusement device for purposes of triggering the need for a City license.

On its face, this bill appears innocuous, merely modernizing the definition of amusement devices to reflect the advent of multi-player machines. However, existing statutory language and over a decade of enforcement practice fully and formally reflect and accommodate such multi-player devices. In reality – and the reason the Department is strongly in opposition – this bill seeks to violate community zoning regulations to more than quadruple arcade machine playing in neighborhoods where such activity is excluded by zoning.

Let me give you a bit of context. The requirement for the licensing of arcades is based on, and supports, the zoning resolutions that proscribe where such entities may be located. In other words, a company can only get a City license to operate an arcade if it applies to operate such an entity in a neighborhood where zoning allows it. By repeatedly seeking to raise the bar on what is and is not a so-called single device, or raise the bar on how many devices do or do not constitute an "arcade", the industry's goal has been to evade the need for a license – and therefore operate in whichever neighborhoods they choose, in contravention of zoning restrictions.

These zoning restrictions were enacted to limit unwelcome community impact given the traditional role of arcades as magnets that draw in crowds of players engaged in competitive gaming that can lead to boisterous behavior. Businesses required to be licensed as arcades are subject to public safety and quality of life regulations that most notably could include the ability to proscribe the conditions for operations to minimize adverse impact on the surrounding area, including requirements for security and supervision and hours of operation. The authority to do so is particularly important given the industry's historical attraction of minors and concerns regarding truancy. Other regulations govern prize redemption to inhibit gambling and pricing and rule disclosures to ensure fair playing conditions.

As for the supposed intent of this statute, we note that existing law (20-211b. of the Administrative Code as amended in 2005) already defines a device with language that clearly accommodates multi-player machines. It says in relevant part:

*'Player-operated amusement device' means any machine, contrivance, apparatus, booth or other device intended as a game that **one or more persons** are permitted to play by controlling the mechanical, electrical or electronic components that are needed to operate or manipulate the game in exchange for the payment of a fee, charge, or thing of value, and that provides amusement, diversion or entertainment.*

What the industry seeks, and has been unsuccessfully seeking from the Department for over a decade, is not clarity, but statutory "wiggle room" to declare **multiple devices** only a **single device** if they can be connected to each other such that multiple players can play in tandem. Two people playing on the same device? That is a single device in existing law, no problem. But this bill would allow arcade operators to assert that multiple machines that accommodate two people - or even four or more people - should

be considered only a single device if there exists a connection or setting by which the players on the multiple machines can also elect to play against each other, rather than individually on their own machine. Why the concern about counting devices? Because the law defines an arcade as having 10 or more devices, if you connect two machines together to enable players to play against each other, now you only have one machine to be counted. Where the law defines an arcade as 10 or more machines, suddenly you could have 18 connected machines -- or even more depending on connective technology -- and evade licensing and, thus, neighborhood zoning.

The Department rejected industry efforts almost a decade ago, reiterating by formal interpretation letter a very simple device definition, in fact written by Commissioner Mintz himself in his then capacity as Deputy Commissioner. Commissioner Mintz wrote that regardless of whether one machine could be connected to a second for in tandem play, quote, "if an amusement device can be played by a single person, it shall be counted as an amusement device". Exhibit A to this testimony shows a single device: a machine that clearly can accommodate multiple players. Exhibit B shows what is actually at issue with Intro 690: multiple devices that can be played either separately OR in tandem. To codify such multiple machines as a single device is artifice, an artifice in contravention of zoning restrictions.

To underscore the concern, let's look at the multiplier effect of this bill in historical context. When zoning and licensing regulations were first put into place, the law only allowed non-zoned arcade activity up to four machines. Originally, that meant **four** players. With industry advancement and new, multi-player machines, the original exception to arcade zoning restrictions doubled from four to eight players. In 2008, the Council chose to more than double that number, to **nine** machines. Thus, with multi-player machines, a business could entertain as many as **18** people playing at once, despite zoning restrictions otherwise. Now, the industry is asking the Council to consider, under the guise of merely clarifying a definition, doubling or even tripling that end-run around zoning to **36 or more** players, beyond the originally contemplated **four** players. For these reasons, the Department strongly opposes Intro.690.

I will be happy to answer your questions.



Exhibit A



Exhibit B

TESTIMONY OF KENNETH GOLDBERG, PRESIDENT OF EMERSON AMUSEMENT, PLK VENDING CORP., WOODSIDE, QUEENS, NEW YORK, PRESIDENT OF AMUSEMENT AND MUSIC OWNERS ASSOCIATION OF NEW YORK, INC.

DEAR MEMBERS OF THE NEW YORK CITY COUNCIL:

THANK YOU VERY MUCH FOR YOUR TIME AND EFFORT TO CONDUCT THIS HEARING TO DETERMINE WHY BILL No. 690 - IN RELATION TO COMMON SHOW GAMES DESERVES TO BE VOTED OUT OF COMMITTEE, FAVORABLY SUPPORTED BY THE CITY COUNCIL, AND ENACTED INTO LAW BY THE MAYOR.

I AM A NEW YORK CITY SMALL BUSINESS OWNER, SECOND GENERATION, A LEGITIMATE EMPLOYER OF ABOUT A DOZEN PEOPLE, VERY TYPICAL OF THE TYPES OF ENTERPRISES WHERE NEW YORK CITY GOVERNMENT VERY MUCH NEEDS TO SHOW ITS SUPPORT AND COOPERATION, RATHER THAN TO IMPEDE IT WITH PUNITIVE REGULATIONS AND RESTRICTIONS.

IN SIMPLE TERMS, THE ELECTRONIC AMUSEMENT SECTOR WANTS TO BE ABLE TO DEFINE: LINKED GAMES AS ONE GAME. AND AS LONG AS I HAVE BEEN IN THIS BUSINESS---WE NEVER HAD A PROBLEM WITH THIS, UNTIL THIS CURRENT ADMINISTRATION, WITH ITS NEW COMMISSIONER, INTERPRETED THIS LAW MUCH DIFFERENTLY THAN HIS PREDECESSORS. IT HAS CREATED A PROBLEM HERE, WHERE NONE EVER EXISTED.

LINKED GAMES ALLOWS FOR SEVERAL PEOPLE TO PLAY SIMULTANEOUSLY IN COMPETITION. LINKED GAMES CREATE INTEREST, FUN, ENGAGEMENT AND EXCITEMENT, TO NAME A FEW, DRIVING GAMES, BASKETBALL GAMES AND TRIVIA CONTESTS. IMAGINE ONLY 1 PLAYER ENGAGING IN NIGHTLY JEOPARDY.

AS SMALL BUSINESS OWNERS, WE HAVE GOTTEN HAMMERED IN A VARIETY OF WAYS. AS EXAMPLES, WE HAVE BEEN AROUND FOR GENERATIONS AND DECADES, MINDING OUR OWN BUSINESS WITHOUT CAUSING ANY PROBLEMS---YET DURING THE PAST SEVERAL YEARS, EVERY OTHER ENTITY AND BUSINESS MODEL WANTS TO INVADE OUR SPACE AND TAKE IT OVER. WHAT'S WORSE, WE HAVE NO WAY TO COMPETE.

NEW YORK CITY OTB, A BROKEN, FAILED BUSINESS ORGANIZATION RAVAGED BY THE EVILS OF POLITICS DESPERATELY ATTEMPTED TO JUMP INTO OUR LOCATIONS IN ITS LAST, WANING DAYS. THE PURPOSE OF NYC OTB WAS NOT SUPPOSED TO COMPETE AND HURT PRIVATE ENTERPRISE.

THE NEW YORK STATE LOTTERY WHICH WAS ALLOWED INTO BARS, TAVERNS, CLUBS, AND ENTERTAINMENT CENTERS HAS TRIED ITS DAMNDEST TO UNFAIRLY COMPETE IN OUR MARKETPLACE AS WELL.

THE EXPANDING GAMBLING INTERESTS; ELECTED OFFICIALS HAVE ALLOWED PLACES LIKE YONKERS AND AQUEDUCT TO OPEN, WHICH ARE SEVERELY HURTING US. WHY WOULD YOU PLAY OUR HARMLESS DOCILE GAMES AND AMUSEMENTS WHEN MAJOR GAMBLING WITH THE ATTRACTION OF WINNING BIG CASH IS NOW SO ACCESSIBLE TO ALL? AND LOOK AT THE VAST INCREASE NOW IN ONLINE GAMING TECHNOLOGY RIGHT ON YOUR SMART PHONE, WHICH COINCIDENTALLY THE UNITED STATES SUPREME COURT IS EXPECTED TO MAKE LEGAL. LOOK AT ALL THE CHALLENGING GAMES THAT CAN BE PLAYED RIGHT NOW ON YOUR *IPHONE* OR *BLACKBERRY*, HEAD TO HEAD

WITHOUT A FAIR SHOT AT CREATING COMPETITION LIKE WE ARE REQUESTING THROUGH THE CITY COUNCIL WITH LINKED GAMES---IT IS AS IF WE ARE OTHERWISE FIGHTING THESE OTHER GOVERNMENT ASSISTED INTERESTS WITH BOTH HANDS TIED BEHIND OUR BACK! ALL OF THESE OTHER BUSINESS MODELS I HAVE DESCRIBED HAVE BEEN EXTENDED COURTESIES AND LIBERTIES BY GOVERNMENT---YET OUR INDUSTRY WAS AROUND LONG BEFORE ANY OF THEM.

THERE ARE TWO OTHER HITS OUR INDUSTRY SUFFERED WHICH I WANT TO REMIND YOU OF:

---THERE WAS A PUBLIC STUDY RELEASED LAST WEEK WHICH SHOWS THAT OVER 60% OF THE CIGARETTES SOLD IN NEW YORK STATE ARE NOW EITHER BOOTLEGGED, COUNTERFEIT, OR SOME FORM OF BLACKMARKET/ILLEGAL PRODUCT. YES, TOBACCO IS AN IMPORTANT PUBLIC HEALTH ISSUE. NO ONE CAN DISPUTE THAT FACT. BUT THE WHOLE APPROACH WAS MIS-HANDLED BY GOVERNMENT AND BECAME A HUGE ECONOMIC SACRIFICE TO MANY INCLUDING OUR INDUSTRY, AND THE TAXPAYER IN NEW YORK STATE, TO THE TUNE OF ABOUT \$500M A YEAR. WE VENDED CIGARETTES, PAID TAXES AND LICENSE FEES, ONLY TO BE FORCED OUT BY LEGISLATION, AND NOW THIS ILLEGAL TRADE IS THRIVING.

---SOME OF OUR MEMBERS WERE FINANCIALLY HURT IN OTHER WAYS; HURRICANE SANDY. MANY LOCATIONS WERE CLOSED AND SOME WILL NEVER OPEN UP AGAIN. WE LOST EQUIPMENT AND, I DO NOT KNOW OF A SINGLE AMOA-NY MEMBER WHO RECEIVED ANY RELIEF OR ASSISTANCE FROM ALL OF THE BILLIONS OF DOLLARS SUPPOSEDLY BEING MADE AVAILABLE BY GOVERNMENT AGENCIES. FROM WHAT I KNOW, OUR MEMBERS HAD TO SUFFER THROUGH THIS BY THEMSELVES, ALONE AND ABSORB THE LOSSES.

SO MEMBERS OF THE NEW YORK CITY COUNCIL CONSUMER AFFAIRS COMMITTEE, I BEG OF YOU, PASS THIS BILL, GIVE US A LITTLE BREATHING ROOM...ALLOW US TO COME UP FOR AIR. DON'T LET THE NEW YORK CITY CONSUMER AFFAIRS DEPARTMENT ALWAYS TRY TO KICK US INTO THE GROUND. GIVE US A BREAK BY ALLOWING US TO HELP OURSELVES, BECAUSE WE NEED IT NOW....THANK YOU...

BETSON ENTERPRISES

A Division of H. Betti Industries, Inc.



BILLIARD TABLES ♦ JUKEBOXES ♦ AMUSEMENT GAMES ♦ VENDING MACHINES

My name is Richard Kirby and I work for Betson Enterprises where I am an Executive Vice President. Betson is an 80 year young, 4th generation family owned Distributor of Coin Operated Amusement equipment that has been servicing the state of New York since the early years of the company. Recently, with an office in the state of Illinois, we have been involved with the distribution of Video Gaming Machines in that region.

With an office in the state of New York and someone that employs residents in the different boroughs; the machines we sell, such as jukeboxes, video games and novelty equipment, are sold throughout the operator community for entertainment and entertainment only. As the industry continues to evolve, linked games, which are a small percentage of our sales, are necessary for entertainment and of course as a much-needed source of revenue to locations throughout the city. Linked games provide a competitive setting for the players to change their skills against others.

On the topic of entertainment, the state of Illinois has begun a roll out of Video Gaming Terminals that are being placed in on premise licensed liquor establishments. These licensed establishments are bars, restaurants along with organizations such as Veterans of Foreign Wars and Elks Clubs, just to name a few. Each location is allowed to have up to 5 machines.

This new industry was voted into reality by the governing body of Senators and House of Representatives with final approval by the Governor as a way to help fund the state's Capital Bill, which is earmarked to help put the state's residents back to work and help fix roads and bridges, and support educational programs, just to name a few. The program "Back to Work Illinois" not only won legislative support, but also support from the Labor Groups, Restaurant and Tavern Associations, the Hospitality Industry, Local Neighborhood Groups, and the Chamber of Commerce, just to name a few different organizations that believed that putting residents back to work would help everyone.

We, the Amusement and Music Owners Association (AMOA) of New York would ask you, the governing body of New York City, to support AMOA's legislative program in Albany to expand the type of equipment already in place at race tracks, run by major out of state companies, to consider a program, similar to Illinois. The program would allow small locally owned vending companies, restaurants, taverns and financially strapped Veterans of Foreign Wars, Elks Clubs and other organizations to survive in these tough economic times.

Who benefits from Video Gaming? As a source of much needed revenue, the state, the city, all the small mom and pop businesses that employ local residents who in turn pay taxes (state and local), buy food, furniture, cars, and clothing from other local companies. Let's not forget the city and state revenue, which could go to much-needed roads, bridges or any programs that need funding.

The industry we would like to offer and for you to embrace is one that is highly regulated, controlled by a Gaming Board, where all involved would need to pass background checks. This background check includes owners of vending companies and their employees, restaurants, taverns, and any location that is eligible for the placement of these machines. These machines would be connected to a Central Computer



System, operated by a company that is accepted by the state of New York to ensure 100% compliance with the laws developed by a Gaming Board.

I could go on and on, discussing the benefits to the city, the state and the business community, as a means of generating revenue and allowing the residents of our state to survive in these tough economic times, but I will end here and answer any and all questions that you may have. I would also like to offer my services as well as any of our members in helping make Video Gaming a reality.

Just an FYI, the state of Illinois, which has Casinos similar to those in New York has anticipated an additional revenue stream of 375 million dollars to help fund their Capital Bill, which again consists of much needed road, bridge and educational programs, to name a few. This revenue will help put residents of New York back to work without adding one tax dollar.

Thank you for your time and consideration.

Richard Kirby

A handwritten signature in cursive script that reads "Richard Kirby".

Executive Vice President
Betson Enterprises



FOR IMMEDIATE RELEASE:
MONDAY, APRIL 26, 2010

CONTACT: BRAD HAHN
630-606-1394

Broad Coalition Calls for Capital Projects, Jobs Now
City Council must lift ban on video gaming to provide needed funds

CHICAGO – Hundreds of individuals representing a broad and diverse coalition of business, labor, community and neighborhood organizations gathered today at City Hall to urge the City Council to promote investment in Chicago communities, create badly needed jobs and help the economy recover by lifting the City's ban of the new, state-managed video gaming system necessary to fund critical infrastructure projects.

"We must act now to help working men and women across Chicago support their families and make improvement to our neighborhoods," said Tom Villanova, President of the Chicago and Cook County Building Trades. "People are struggling today and we can't wait any longer. We need to get people back to work."

The \$31 billion state capital plan was the first major infrastructure program signed into law in a decade. The investments in roads, transit, school construction and other important projects are expected to generate 439,000 jobs over the next five years. A mix of revenue sources to fund the plan was also approved by the General Assembly with a strong bi-partisan majority. The largest single new revenue source for capital funding will come from a new, state-managed video gaming system. In Chicago, the City Council must lift an existing ban on video gaming in order for the new system to be deployed in Chicago.

"Not only will these projects help the businesses and employees who will build them, but these improvements will lay the foundation for long-term economic growth," explained Doug Whitley, President of Illinois State Chamber of Commerce. "But these projects and jobs are at risk without adequate revenue to fund them."

The State of Illinois' Commission on Government Forecasting and Accountability has reported that a capital bill revenue shortfall of up to \$2 billion over the next decade would accrue if the City of Chicago does not authorize the deployment of the new gaming system.

"For families in many Chicago communities, these investments will change lives," said Juan Rangel, Executive Director of the United Neighborhood Organization (UNO). UNO will use state funds to help build charter schools in several Chicago neighborhoods. "Through our network of charter schools we not only educate the next generation, we help renew entire communities. We need to move forward on the revenue for these critical projects."

"Chicago is a world-class city, but just like any business, we have to reinvest in it if we want to maintain our place in a very competitive global market," said Jerry Roper, President and CEO of the Chicagoland Chamber of Commerce. "The capital plan will help maintain our edge."

"Encouraging tourism and convention business in Chicago is key to our economy," said Marc Gordon, President and CEO of the Illinois Hotel and Lodging Association. "Adding this entertainment option will help us keep visitors in our city."

-MORE-

"The construction industry has been among the hardest hit during the recession," said Anne Wilson, board member of the Women Construction Owners and Executives. Joining Ms. Wilson were Ed McKinnie, President of the Black Contractors United and Ed Villegas, Deputy Director of the Hispanic American Construction Industry Association. "The hard working men and women who help build this great city need to get back to work and fully funding the capital plan is the best way to accomplish that," said James M. Sweeney, President-Business Manager, International Union of Operating Engineers, Local 150.

The new state gaming system is designed just like the current Illinois Lottery. All terminals will be tied into a central, state-managed system and every transaction conducted will be monitored. Comprehensive background checks and licensing, similar to the process governing existing casinos, will be applied to potential operators and locations.

In addition, the new system will ban the estimated 60,000 machines that currently operate across the state in unregulated locations. Many of these unregulated "gray games" provide illegal and untaxed payouts to patrons. Beginning August 1, 2010, the simple possession of an unlicensed machine is punishable as a class 4 felony.

"The new law sets a clear standard for law enforcement and has given them an important new tool to fight crime," said Walter Stowe, former associate special agent in charge of the Chicago Field office of the F.B.I. Stowe consults on regulatory and law enforcement issue for the Back to Work Illinois coalition. "Those illegal machines can now be targeted. Prosecutors and police officers won't have to guess anymore or spend valuable resources conducting investigations to determine if illegal activity is taking place."

The centralized, state-administered gaming system dedicates 5% of revenue collected locally to the City of Chicago – an estimated \$30 million annually, if fully implemented. The funds would be under the control of the Chicago City Council and could be directed to close the budget shortfall, maintain key services or reduce the tax burden on Chicago businesses and residents or other priorities.

"As the city continues to confront significant budget shortfalls, this revenue could not come at a better time," said Omar Duque, President of the Illinois Hispanic Chamber of Commerce. "We need to be doing all we can to make Chicago a great place to do businesses and we look forward to working with the City Council and Mayor Daley to educate everyone on the benefits of these investments and the jobs they will create."

Under the new state gaming system, bars and restaurants with valid liquor licenses would be able to host up to five machines, if approved by the Illinois Gaming Board. Over 50% of potential locations in the City of Chicago are concentrated in just seven wards that cover downtown and several northside wards with significant entertainment and tourism districts. South and west side wards have significantly fewer potential locations; two south side wards have less than ten potential licenses.

Participating members of the Back to Work Illinois Coalition presented a letter to Mayor Daley and members of the Chicago City Council urging them to "consider the important benefits the investment program will have for our communities, companies and working men and woman across the City and act quickly to lift the existing ban on the deploying the state gaming system."

Back to Work Illinois is a coalition of 29 statewide and regional organizations representing business and labor organizations, community and neighborhood groups in support of the full implementation of the state capital plan. Funding for Back to Work Illinois is provided by the Illinois Coin Machine Operators Association and the Association of Gaming Equipment Manufacturers.

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BACK to WORK ILLINOIS

Introductions and opening remarks:

Jerry Roper – President and CEO, Chicagoland Chamber of Commerce

Highlight statewide, joint Business-Labor effort

Doug Whitley – President, Illinois Chamber of Commerce

Tom Villanova – President, Chicago and Cook County Building & Construction Trades Council

Omar Duque – Illinois Hispanic Chamber of Commerce

James Sweeney – President-Business Manager, International Union of Operating Engineers, Local 150

Capital project benefits and job creation

Anne Wilson – Member, Board of Directors, Women Construction Owners and Executives

Edward McKinnie – President, Black Contractors United

Gil Villegas – Deputy Director, Hispanic American Construction Industry Association

Community-based capital project benefits

Juan Rangel – Chief Executive Office, United Neighborhood Organization

Tourism and hospitality industry impact

Marc Gordon – President and CEO, Illinois Hotel and Lodging Association

Law enforcement clarity

Walt Stowe - Former Associate Special Agent in Charge of the Chicago FBI Field Office

Individual and organizations in attendance

James Connolly, Business Manager, Laborers District Council

Terrence Fitzmaurice, Secretary-Treasurer Painters District Council #14

Eddie Forte – Chairman, Black Contractors United

Larry Stevens – President, Citywide Liquor Association

Rocco Terranova, Business Manager & President, Sheet Metal Workers Local 73

Sam Toia – Vice Chairman, Illinois Restaurant Association

Back of the Yards Community Council

Boilermakers Local 1

Bricklayers Local 21

Chatham Business Association

Chicago Area Laborers-Employers Cooperation and Education Trust

Chicago Regional Council of Carpenters

Coalition for a United Labor Force

IBEW, Local 134

Ironworkers Local 1, Local 63 & Local 136

Machinists Local 126

National Association of Black Businesses

Pipefitters Local 597

Plasterers Local 5

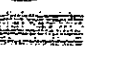
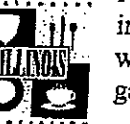
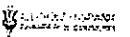
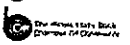
Roofers Local 11

Women's Business Development Center



April 26, 2010

To: The Honorable Richard M. Daley, Mayor, City of Chicago
Members of the Chicago City Council



A broad and diverse coalition of business, labor, community and neighborhood organizations strongly supports the full implementation of the State of Illinois capital investment program. Individuals across the city are facing double-digit unemployment and companies continue to confront a deep economic crisis. We need to invest in our infrastructure to grow the economy and put people back to work.

The \$31 billion state capital plan was the first major infrastructure program approved in the last ten years and will create 439,000 Illinois jobs. It will make significant investments across the City of Chicago, including:

- o More than \$1 billion for key road and freight rail projects
- o Nearly \$1 billion for the CTA
- o \$600 million for Chicago Public Schools construction
- o \$272 million for colleges and universities
- o Millions of dollars more for other important projects in every Chicago neighborhood

The Video Gaming Act approved in the Illinois General Assembly authorized a new, state-managed gaming system to help fund these critical projects and create needed jobs. The City Council must vote to allow the system to be deployed in approved bars and restaurants in Chicago. We urge the City Council to consider the important benefits the investment program will have for our communities, companies and working men and woman across the City and act quickly to lift existing bans on the deployment of the state gaming system.

We thank you for your leadership and look forward to working with you to help create jobs and improve neighborhoods across Chicago.

Sincerely,

BACK to WORK ILLINOIS

Back to Work Illinois (BWI) is a broad coalition of civic, business, community and labor organizations dedicated to the successful implementation of Illinois' capital investment plan through outreach, education and advocacy.

BWI's goal is to ensure that the capital program is fully funded and implemented in order to put Illinois back to work NOW, fund thousands of critical road, school and public works projects across the state, and generate new revenues to support municipal and county services, promote economic development and provide tax relief.

Current Back to Work Illinois Members

- Back of the Yards Neighborhood Council
- Black Contractors United, Inc.
- Chatham Business Association
- Chicago Federation of Labor
- Chicagoland Chamber of Commerce
- City Wide Liquor Association
- Coalition for United Community Action-ORTC, INC
- Coalition for United Community Labor Force
- Cook County Building and Trades
- Englewood Black Chamber of Commerce
- Fox Valley Building Trades
- Hispanic American Construction Industry Association (HACIA)
- Illinois AFL-CIO
- Illinois Chamber of Commerce
- Illinois Hispanic Chamber of Commerce
- Illinois Hotel & Lodging Association
- Illinois Licensed Beverage Association
- Illinois Pipe Trades Association
- Illinois Restaurant Association
- Illinois State Black Chamber of Commerce
- Mechanical Contractors Association of Chicago
- National Association of Black Business
- Northwestern Illinois Building & Construction Trades Council
- Southeast Chicago Chamber of Commerce
- United Neighborhood Organization (UNO)
- West Central Illinois Building & Construction Trades Council
- Will & Grundy Counties Building Trades Council
- Women Construction Owners & Executives
- Women's Business Development Center

Back to Work Illinois
www.BacktoWorkIllinois.com
312-772-BTWI (2894)

AMOA - NY

AMUSEMENT AND MUSIC OWNERS ASSOCIATION OF NEW YORK, INC.

A not-for profit corporation dedicated to the betterment of the amusement industry.

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Remarks by AMOA-NY General Counsel Cary David Kessler, Esq.

January 15, 2013

Re: New York City Council Committee on Consumer Affairs

Int. No. 690 – In relation to amusement arcades.

Last year, America lost one of its greatest space heroes, Neil Armstrong, who, upon landing on the moon in 1969 said, “That’s one small step for man, one giant leap for mankind.”

The proposed legislation before this Committee today, is a small bill, in terms of amusement machine business in the City. But, Int. 690 provides us with an opportunity to look back on where we were, starting in 2007, when the Committee recommended for passage two key changes in the City’s Law on Amusement Arcades (§20-211 Title 20 of the City’s Administrative Code).

Annexed to my remarks are five (5) exhibits to review why AMOA-NY is urging passage of Int. 690:

Exhibit 1

In 2001, then Commissioner Jane S. Hoffman permits amusement games played by two persons, to be "counted" as one game under the Arcade Law (at that time a maximum of ~~600~~^{four} (4) games were permitted per location without the necessity of an arcade license).

AMOA-NY was not aware of any problems with this new policy.

In September, 2003, then Deputy Commissioner, now Commissioner Jonathan Mintz, reverses the 2001 permission concerning games played by two persons.

Exhibit 2

Billiard and pool games are no longer "counted" under the Arcade Law. July, 2007, Mayor Bloomberg signs Council Member Comrie's Legislation increasing the number of billiard or pool tables at any one location from one to two. Now, three or more billiard or pool tables at any one location requires an application for a billiard or pool room license.

Exhibit 3

In 2009, former Chairman Comrie sponsors, along with others, including Council Member Gennaro, Legislation to increase the amount of amusement machines at one location from five (5) to nine (9).

Exhibit 4

We know of no consumer complaints concerning these two new laws – as always, AMOA-NY stands ready to assist DCA anytime there are issues involving amusement machines at commercial locations.

The process to obtain an Arcade License is daunting – the application annexed under this exhibit details the requirements. I can speak from experience – unless your business in “Use Group 15”, the City’s zoning restrictions make it almost impossible to open an arcade.

Exhibit 5

The DCA “Basic License Application” is also attached to highlight how much disclosure is required before one can receive an Arcade License.

Members of AMOA-NY will speak about how much this proposed law means to their “bottom line”.

Conclusion

The New York State Legislature is currently debating new gaming initiatives. On November 5, 2013, New Yorkers may be voting on casinos in our State. Perhaps the City will not be included. Will the City lose entertainment revenue?

AMOA-NY provides entertainment with its products – amusement machines and juke boxes. Now is the time to explore other ways to safely grow this important small business in New York City and help the City with its revenue needs.

Thank you.

“Exhibit 1”



The City of New York
Department of Consumer Affairs
42 Broadway, New York, New York 10004

Jane S. Hoffman
Commissioner

Tel: (212) 487-4444
www.nyc.gov/consumers

April 30, 2001

TO: Distribution List
FROM: Commissioner Jane S. Hoffman *JSH*
RE: Amusement games played by two persons

An issue exists as to whether to treat amusement games which may be played by two persons, as one amusement device or two. These are typically road-type games where the players drive a car or motorcycle and compete against each other. They can be played separately although this is not the typical use.

Until further notice, these games should be counted as one device and not as separate games. Such a policy is reasonable and consistent with the Amusement Devices and Arcades Law.

Distribution List:

Deputy Commissioner Jody S. Hall
Robert Martin, General Counsel
Hector Serrano, Director of Enforcement
Alba Pico, Director of Licensing
Karen Miller, Acting Director of Adjudication

cc: Interpretation File



SEP 22 2003

September 17, 2003

Cary David Kessler, Esq.
Farley & Kessler, P.C.
410 Jericho Turnpike, Suite 315
Jericho, NY 11753-1318

The New York City
Department of
Consumer Affairs
42 Broadway
New York, NY
10004-1716

Gretchen Dykstra
Commissioner

Mr. Philip De Dona
Vice President
A.N.T. Vending, Inc.
72-33 Grand Avenue
Maspeth, NY 11378

Re: Linked Coin-Operated Amusement Devices

Dear Mssrs. Kessler and De Dona:

Thank you very much for taking the time to bring to our attention your concerns about this Department's interpretation of Title 20, Chapter 2, Subchapter 3 of the New York City Administrative Code. I enjoyed meeting with you and discussing this matter.

Since our meeting on September 8, 2003, we have considered carefully the issues you raised and the Department's responsibility to enforce the law. We have concluded that the law does not contemplate, and, therefore, commencing October 1, 2003, we will not accept, the premise of the April 30, 2001 interpretive memorandum issued by former Commissioner Jane S. Hoffman, a copy of which is enclosed. As you know, Commissioner Hoffman's memorandum dictated that when two amusement devices have been linked and can be played by two people simultaneously, the two devices would be counted by the Department as one device for the purpose of ascertaining the number of devices on a given premises.

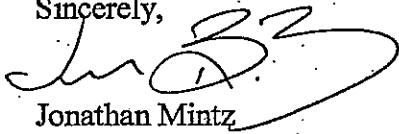
Therefore, as of October 1, 2003 and going forward, if an amusement device can be played by a single person, it shall be counted as an amusement device.

Please be assured that any citation issued after the enclosed April 30, 2001 interpretation issued and before October 1, 2003, will be handled in accordance with the dictates of the April 30, 2001 memorandum, to wit, two coin-operated amusement devices that are linked so that they can be played by two people simultaneously will be counted as one device. I note that we do not acquiesce in the view apparently taken by certain members of the industry that if three or more machines are linked so that they can be played by three or more persons simultaneously, all of the linked machines, regardless of their actual number, should be counted as one device.

Mssrs. Kessler and De Dona
September 17, 2003
Page 2

I know that the substance of this letter will be disappointing to you and the people you represent. I hope you can appreciate that this was not a simple or routine decision for us and that it is motivated, purely and simply, by our understanding of our responsibilities under the existing law. I would also like to tell you that your visit has spurred an internal inquiry regarding the proper regulatory role, if any, for this industry. We touched on this topic briefly in our meeting. If you have any additional thoughts on this matter, I would be more than happy to receive them, either in writing or, again, in person.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Mintz', written over a horizontal line.

Jonathan Mintz
Deputy Commissioner

Enclosure

“Exhibit 2”



April 17, 2008

Cary David Kessler, Esq.
Farley & Kessler, P.C.
410 Jericho Turnpike, Suite 315
Jericho, NY 11753-1318

The New York City
Department of
Consumer Affairs
42 Broadway
New York, NY
10004-1716

Jonathan Mintz
Commissioner

Susan Kassapian
Asst. Commissioner
212-487-3961

Re: Billiard tables Are Not Counted
For Arcade Law Purposes

Dear Mr. Kessler:

You had sought confirmation on whether or not our new legislation on billiard tables, signed into law on July 3, 2007, affects our "counting" of player-operated or pocket billiard tables when considering whether an establishment requires an amusement arcade license. The answer is "no."

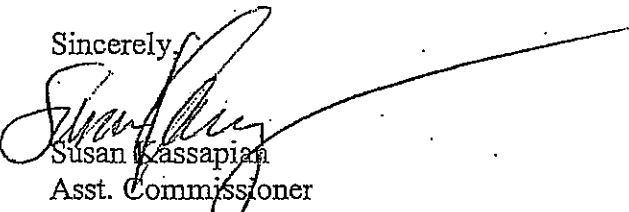
A player operated or pocket billiard table does not come within the definition of an amusement device or a player-operated amusement device, which are defined in the New York Administrative Code ("Code") Section 20-211, subsections a and b, respectively. An amusement device "carries and conveys passengers." A player operated amusement device is controlled by "mechanical, electrical or electronic components that are needed to operate or manipulate the game...."

Therefore, a player operated or pocket billiard table would not be "counted" for purposes of the definition and license requirement for an Amusement Arcade, for "any premises wherein there are operated, in any combination, five or more of the amusement devices defined in subdivisions a and b of this section. Code Section 20-211 c.

This has nothing whatsoever to do with the new "count" for billiard rooms which now only need a license if they have three or more tables.

I apologize for the delay in responding to your inquiry.

Sincerely,



Susan Kassapian
Asst. Commissioner
Legal Services

kassapians@dca.nyc.gov
212-487-3961

RECEIVED APR 21 2008

FARLEY & KESSLER, P.C.
ATTORNEYS AT LAW
410 JERICHO TURNPIKE, SUITE 315
JERICHO, NEW YORK 11753-1318
TEL: (516) 433-4220
FAX: (516) 939-9839

RICHARD L. FARLEY
CARY DAVID KESSLER*

COUNSEL
Beverly David Silver

*ADMITTED IN NY CONN AND WASH DC

August 22, 2007

Hon. Jonathan Mintz, Commissioner
City of New York Department of Consumer Affairs
42 Broadway
New York, New York 10004

Re: New Billiard Room License Law
City Council Introductory #577-A
Our File No. 27-101

Dear Commissioner Mintz:

We are in receipt of Mayor Bloomberg's announcement that the above referenced legislation has been signed into law by the Mayor on July 3, 2007.

In discussions with staff at the New York City Council, we understand that the Department of Consumer Affairs will not "count" player operated billiard or pocket billiard tables when considering if the amusement arcade law applies to any given location.

We would appreciate clarification of the Department's position on this subject similar to the letter we received by the General Counsel dated July 27, 1998.

Thank you for the Department's help and cooperation in connection with this matter. If a meeting will be helpful, we stand ready to meet

Very truly yours,


FARLEY & KESSLER, P.C.

Cary David Kessler, Esq.

CDK:dms

CC: AMOA New York Board of Directors

27100Mintz ltr

Int. No 577-A

By Council Members Comrie, Fidler, James, Liu, Stewart and Weprin

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to billiard and pocket billiard rooms.

Be it enacted by the Council as follows:

Section 1. Subdivision 1 of section 20-216 of the administrative code of the city of New York is hereby amended, to read as follows:

1. "Billiard and pocket billiard room". Any room or place in the city in which billiards or pocket billiards are played, [or] and which includes three or more billiard or pocket billiard tables, which are available or held out to persons as being available, for the purpose of playing billiards or pocket billiards.

§ 2. Section 20-221 of the administrative code of the city of New York is hereby repealed.

§ 3. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, establishing guidelines and promulgating rules.

Source: [Legal > / . . . / >](#) New York City Administrative Code

Terms: [player / s operated](#) ([Edit Search](#) | [Suggest Terms for My Search](#))

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NYC Administrative Code § 20-211

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***** Current through December 31, 2006 *****

ADMINISTRATIVE CODE OF THE CITY OF NEW YORK
Title 20: CONSUMER AFFAIRS
Chapter 2: LICENSES
SUBCHAPTER 3: AMUSEMENT DEVICES, ARCADES AND OPERATORS

NYC Administrative Code § 20-211

§ 20-211 Definitions.

Whenever used in this subchapter, the following terms shall mean:


- a. "Amusement device" means any contrivance, open to the public, that carries and conveys passengers along, around or over a fixed or restricted course or within a defined area for the purpose of amusing or entertaining its passengers, other than coin-operated amusement devices as defined in subdivision b of this section.
- b. "**Player-operated** amusement device" means any machine, contrivance, apparatus, booth or other device intended as a game that one or more persons are permitted to play by controlling the mechanical, electrical or electronic components that are needed to operate or manipulate the game in exchange for the payment of a fee, charge or thing of value, and that provides amusement, diversion or entertainment. This shall include, but not be limited to, fixed stand coin-operated rides as defined in subdivision j of section 19-136 of this code.
- c. "Amusement arcade" means any premises wherein there are **operated**, in any combination, five or more of the amusement devices and/or **player-operated** amusement devices defined in subdivisions a and b of this section.
- d. "Amusement operator" means any person who maintains or operates any amusement device, gaming cafe or amusement arcade as defined in subdivisions a, c and i of this section.
- e. "Amusement arcade or gaming cafe owner" means any person who owns or otherwise has legal possession or title to an amusement arcade as defined in subdivision c or a gaming cafe as defined in subdivision i of this section.
- f. "Amusement device owner" means any person who owns or otherwise has legal possession or title to an amusement device as defined in subdivision a of this section.
- g. "Portable amusement device" means an amusement device designed to be operated on the vehicle which is used to transport such device.

h. "Affected community board" means the community board in which an amusement device or amusement arcade would be located if a license were to be granted pursuant to this subchapter.

i. "Gaming cafe" is a place where, for a fee charged directly or indirectly, persons are provided access to three or more computers or electronic devices in which game software has been installed by or for the owner or operator for the purpose of playing a game on the premises.

HISTORICAL NOTES:

Section added L.L. 72/1995 § 3, eff. Jan. 16, 1996.
Subd. b amended L.L. 58/2005 § 1, eff. Oct. 4, 2005.
Subd. c amended L.L. 58/2005 § 1, eff. Oct. 4, 2005.
Subd. d amended L.L. 58/2005 § 1, eff. Oct. 4, 2005.
Subd. e amended L.L. 58/2005 § 1, eff. Oct. 4, 2005.
Subd. i added L.L. 58/2005 § 2, eff. Oct. 4, 2005.

Source: [Legal](#) > / . . . / > [New York City Administrative Code](#) 

Terms: [player / s operated](#) ([Edit Search](#) | [Suggest Terms for My Search](#))

View: [Full](#)

Date/Time: Tuesday, June 26, 2007 - 5:01 PM EDT



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FOR IMMEDIATE RELEASE
PR- 227-07
July 3, 2007

MAYOR BLOOMBERG SIGNS LEGISLATION INCREASING BILLIARD TABLE THRESHOLD FOR BILLIARD ROOM LICENSE

Remarks by Mayor Bloomberg at a Public Hearing on Local Laws

"The next bill before me is Introductory Number 577-A, sponsored by Council Members Comrie, Fidler, James, Liu, Stewart, Weprin, Nelson, Seabrook, Gentile, Gennaro and Sears. This bill increases the number of billiard tables that would require an establishment to seek a billiard room license from the Department of Consumer Affairs (DCA).

"Currently, the law requires establishments with two or more billiard or pocket billiard tables to obtain a billiard room license from DCA. This puts an unnecessary burden on small businesses, including bars and lounges, that have two or more billiard tables but whose main function is not to serve as a billiard room.

"Introductory Number 577-A would raise the threshold for requiring a billiard room license to three tables, removing an unnecessary imposition on small businesses that offer their patrons the opportunity to play billiards incidental to their main trade.

"I would like to thank Consumer Affairs Commissioner Jonathan Mintz and his staff for their work on the bill. I would also like to thank the Council for approving this legislation."

MEDIA CONTACT:

Stu Loeser/Matthew Kelly (212) 788-2958

“Exhibit 3”



Legislation Text

File #: Int 0853-2008, Version: A

Int. No. 853-A

By Council Members Comrie, Gennaro, Palma, Seabrook, Weprin, White, Jr., Mealy and Arroyo.

A Local Law to amend the administrative code of the city of New York, in relation to amusement devices.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 20-211 of the administrative code of the city of New York, as amended by local law number 58 for the year 2005, is amended to read as follows:

c. "Amusement arcade" means any premises wherein there are [operated] located, in any combination, [five] ten or more of the amusement devices and/or player-operated amusement devices defined in subdivisions a and b of this section.

§2. Section 20-216 of the administrative code of the city of New York, as amended by local law number 58 for the year 2005, is amended to read as follows:

§ 20-216 Location of Player-Operated Amusement Devices and prohibition on minors entering certain premises where located.

a. No person shall [operate] locate a player-operated amusement device or a gaming cafe within two hundred feet of a public or a private elementary or secondary school.

b. The provisions contained in subdivision a of this section shall not apply to fixed stand coin operated rides as defined in subdivision j of section 19-136 of this code.

c. No person shall permit persons under the age of eighteen, unless such persons under the age of eighteen are otherwise exempt under New York State Education Law, to enter or remain, between the hours of nine a.m. through three p.m. on weekdays during the regularly scheduled school year for public schools, in a premises wherein there are located more than four and fewer than ten player-operated amusement devices.

d. Premises wherein there are located more than four and fewer than ten player-operated amusement

devices shall prominently display a sign stating that, unless exempt by New York State Education Law, persons under eighteen years of age are not to enter or remain on the premises between the hours of nine a.m. through three p.m. on weekdays during the regularly scheduled school year for public schools, and that the truancy laws of the state of New York will be enforced.

e. Any person who violates the provisions of this section or any rules promulgated hereunder shall be guilty of a class B misdemeanor. In addition, the commissioner may, upon due notice, hold hearings to determine whether violations of the provisions of this section have occurred. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place of the hearing. Upon a finding of a violation of the provisions of this section, the commissioner shall be authorized to impose a civil penalty of not more than five hundred dollars.

§3. This local law shall take effect ninety days after enactment except that the commissioner shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

LS 6379
LCC
12/11/09

Note: New York City businesses must comply with all relevant federal, state, and City laws and rules. All laws and rules of the City of New York, including the Consumer Protection Law and Rules, are available through the Public Access Portal, which businesses can access by visiting www.nyc.gov/consumers. For convenience, sections of the New York City Licensing Law (and Rules, if enacted) are included as a handout in this packet. The Law (and Rules) are current as of January 2009.

Please note that businesses are responsible for knowing and complying with the most current laws, including any City Council amendments. The Department of Consumer Affairs (DCA) is not responsible for errors or omissions in the handout provided in this packet. The information is not legal advice. You can only obtain legal advice from a lawyer.

NEW YORK CITY ADMINISTRATIVE CODE
TITLE 20: CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER 3: AMUSEMENT DEVICES, ARCADES AND OPERATORS

§ 20-211 Definitions. Whenever used in this subchapter, the following terms shall mean:

- a. "Amusement device" means any contrivance, open to the public, that carries and conveys passengers along, around or over a fixed or restricted course or within a defined area for the purpose of amusing or entertaining its passengers, other than coin-operated amusement devices as defined in subdivision b of this section.
- b. "Player-operated amusement device" means any machine, contrivance, apparatus, booth or other device intended as a game that one or more persons are permitted to play by controlling the mechanical, electrical or electronic components that are needed to operate or manipulate the game in exchange for the payment of a fee, charge or thing of value, and that provides amusement, diversion or entertainment. This shall include, but not be limited to, fixed stand coin-operated rides as defined in subdivision j of section 19-136 of this code.
- c. "Amusement arcade" means any premises wherein there are operated, in any combination, five or more of the amusement devices and/or player-operated amusement devices defined in subdivisions a and b of this section.
- d. "Amusement operator" means any person who maintains or operates any amusement device, gaming cafe or amusement arcade as defined in subdivisions a, c and i of this section.
- e. "Amusement arcade or gaming cafe owner" means any person who owns or otherwise has legal possession or title to an amusement arcade as defined in subdivision c or a gaming cafe as defined in subdivision i of this section.
- f. "Amusement device owner" means any person who owns or otherwise has legal possession or title to an amusement device as defined in subdivision a of this section.

g. "Portable amusement device" means an amusement device designed to be operated on the vehicle which is used to transport such device.

h. "Affected community board" means the community board in which an amusement device or amusement arcade would be located if a license were to be granted pursuant to this subchapter.

i. "Gaming cafe" is a place where, for a fee charged directly or indirectly, persons are provided access to three or more computers or electronic devices in which game software has been installed by or for the owner or operator for the purpose of playing a game on the premises.

§ 20-212 Licenses required. a. It shall be unlawful for any person to act as an amusement operator without first having obtained a license therefor.

b. It shall be unlawful for any person to operate or for the owner to permit the operation of an amusement device unless such owner has first obtained a license for such amusement device.

c. It shall be unlawful for any person to operate, or for the owner to permit the operation of, an amusement arcade or gaming cafe unless such owner has first obtained a license for such amusement arcade or gaming cafe.

§ 20-213 Fees. a. The biennial license fee for an amusement operator's license shall be one hundred dollars.

b. The biennial license fee for each amusement device shall be one hundred dollars, except that where the amusement device is being operated for less than thirty consecutive days, the license fee shall be fifty dollars.

c. The biennial license fee for an amusement arcade or gaming cafe shall be three hundred forty dollars.

§ 20-214 License requirements. a. Generally.

(1) The application shall be made on a form to be provided by the commissioner and shall include such information as the commissioner shall deem pertinent.

(2) Every amusement device owner, gaming cafe owner or amusement arcade owner must submit to the department either a valid certificate of occupancy or an equivalent document duly issued by the department of buildings stating that the premises in which such amusement device, gaming cafe or amusement arcade is to be located is situated in an area which is zoned to permit such use or a valid, current permit or special permit has been granted by the appropriate city agency permitting such use at the given location. If such permit or special permit shall expire or be terminated for any reason during the pendency of any license, the

licensee shall present to the department a new permit or special permit authorizing such continued use of the premises for an amusement device, gaming cafe or amusement arcade. If such new permit or special permit is not presented within ten days of the expiration of the prior permit or special permit, such amusement device license, gaming cafe or amusement arcade license shall be terminated automatically and without any requirement of notice or hearing by the department.

(3) Within fifteen days of receipt of a new application for a license to operate an amusement device, gaming cafe or an amusement arcade, the commissioner shall give notice of such new application to the affected community board and the council member for that district. The affected community board shall have fifteen days from receipt of the notification to comment on such application to the department.

(4) The commissioner shall promptly notify the affected community board and the council member for that district of the final disposition of any license application that was subject to comment by the community board under paragraph three of this subdivision.

b. Amusement Devices.

(1) In order to apply for an amusement device license, the amusement device owner must present to the department a completed application at least thirty days before the amusement device is to be operated.

(2) Every amusement device owner must submit with his or her license application for an amusement device proof that he or she has purchased insurance or posted cash or other security in an amount not less one million dollars (\$1,000,000) per occurrence or a bond in an amount not less than two million five hundred thousand dollars (\$2,500,000) in the aggregate against liability for injury to persons arising out of the use of the amusement device. In addition, the application must be accompanied by the certificates of insurance for workers' compensation and disability coverage.

(3) Every amusement device owner must submit proof that an inspection of the amusement device was made by the department of buildings, and that such amusement device passed an elevator and/or electrical control inspection prior to the issuance or renewal of a license.

(4) Every portable amusement device shall be equipped with a stairway on either or both sides thereof so that the stairway in use at any time for access to or egress from such portable amusement device shall at all times be within a reasonable distance from the sidewalk, such distance to be determined at the discretion of the commissioner. The operator of such portable amusement device shall not at any time permit any person to be admitted to the portable amusement device or to depart therefrom except by the stairway.

c. Amusement Arcades and Gaming Cafes.

(1) The commissioner, at the time an amusement arcade or gaming cafe license application is made, may prescribe conditions for the operation of such amusement arcade or gaming cafe in order to minimize adverse

effects on the surrounding area, including, but not limited to, prescribing hours of operation and requirements for security and supervision. After a license is granted, the commissioner may prescribe such conditions from time to time upon notice and opportunity to be heard.

(2) Each player-operated amusement device located within an amusement arcade or gaming cafe shall display a sign or signs, located and designed so as to be discernible by all players and prospective players, setting forth the rules of play, including the price of each game.

(3) Where the amusement arcade or gaming cafe owner or the amusement operator in the amusement arcade or gaming cafe offers free games or prizes, signs shall be required to set out with clarity the number of wins or the score required to obtain a free game or prize; provided, however, that no amusement arcade or gaming cafe owner or amusement operator in the amusement arcade or gaming cafe shall offer money prizes or awards or such other prizes or awards which are redeemable or may be redeemed in money at the amusement arcade or gaming cafe or any other establishment, or which may be used as a credit or allowance or which may be exchanged for any money, credit or allowance.

(4) No amusement arcade or gaming cafe owner or operator shall permit persons under the age of eighteen, unless such persons are otherwise exempt under New York State Education Law, to enter or remain in an amusement arcade or gaming cafe between the hours of nine a.m. through three p.m. on weekdays during the regularly scheduled school year for public schools. Such owners shall prominently display a sign stating that, unless exempt by New York State Education Law, persons under eighteen years of age are not to enter or remain on the premises at such times and that the truancy laws of the state of New York will be enforced.

d. Placement and Operation. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed or operated in such a manner as to obstruct, or cause by the congregating of persons, an obstruction to, or interfere with, any public corridor or passageway, or to obstruct the entrance or exit to any premises. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed on a public sidewalk in front of or adjacent to an amusement arcade or gaming cafe.

* § 20-215 Nothing in this subchapter shall be construed to authorize gambling or the use of gambling devices.

* NB There are 2 § 20-215's

* § 20-216 Location of Player-Operated Amusement Devices. a. No person

shall operate a player-operated amusement device or a gaming cafe within two hundred feet of a public or a private elementary or secondary school.

b. The provisions contained in subdivision a of this section shall not apply to fixed stand coin operated rides as defined in subdivision j of section 19-136 of this code.

c. Any person who violates the provisions of this section or any rules promulgated hereunder shall be guilty of a class B misdemeanor. In addition, the commissioner may, upon due notice, hold hearings to determine whether violations of the provisions of this section have occurred. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place of the hearing. Upon a finding of a violation of the provisions of this section, the commissioner shall be authorized to impose a civil penalty of not more than five hundred dollars.

* NB There are 2 § 20-216's

Note: New York City businesses must comply with all relevant federal, state, and City laws and rules. All laws and rules of the City of New York, including the Consumer Protection Law and Rules, are available through the Public Access Portal, which businesses can access by visiting www.nyc.gov/consumers. For convenience, sections of the New York City Licensing Law (and Rules, if enacted) are included as a handout in this packet. The Law (and Rules) are current as of January 2009.

Please note that businesses are responsible for knowing and complying with the most current laws, including any City Council amendments. The Department of Consumer Affairs (DCA) is not responsible for errors or omissions in the handout provided in this packet. The information is not legal advice. You can only obtain legal advice from a lawyer.

**RULES OF THE CITY OF NEW YORK
TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER C: AMUSEMENT DEVICES, ARCADES AND OPERATORS**

§2-21 Definitions.

Whenever used in this subchapter, the following terms shall mean:

- a. "Accident" means a mechanical, electrical or structural malfunction which caused or could cause human injury or damage to property.
- b. "Amusement device" means any contrivance, open to the public, that carries and conveys passengers along, around or over a fixed or restricted course or within a defined area for the purpose of amusing or entertaining its passengers, other than coin-operated amusement devices as defined in subdivision b of §20-211 of the New York City Administrative Code.
- c. "Amusement operator" means any person who maintains or operates any amusement device.

§2-22 Filing of Documentation with Application for Amusement Device License.

An application for an amusement device license shall have attached thereto all the documentation pertaining to such amusement device as directed by Building Code Reference Standard RS 18-10.

§2-23 Notification of Accidents Relating to Amusement Devices.

- a. Every amusement operator shall submit to the Department, on a form provided for such purpose by the Department, a written report of every accident relating to an amusement device within 24 hours after the occurrence of such accident. Such completed form shall be signed by the amusement operator or his or her agent.
- b. Whenever any person sustains an injury requiring medical treatment or dies in an accident related to an amusement device, the amusement operator who maintains or operates such amusement device shall immediately notify the Department by telephone and by facsimile transmission to the telephone numbers prescribed by the Department, and furnish such information as is sufficient to identify the time and location of the accident and the nature of the injuries sustained by any person.

§2-24 Sign Requirements for Amusement Arcades and Gaming Cafés.

(a) Each amusement arcade or gaming café owner or operator shall prominently post in his or her establishment an eleven inch by seventeen inch sign containing a notice that shall be substantially worded as follows: "Warning! Unless exempt under New York State Education law, persons under the age of 18 are not allowed on these premises Monday through Friday, between the hours of 9 a.m. and 3 p.m. during the regularly scheduled school year. New York State truancy laws will be enforced against such persons who remain upon these premises during those hours.

(b) The text of the sign required by subdivision (a) shall be printed in letters that shall conform to the following specifications:

(1) The word "WARNING" shall be in all capital letters in red ink and shall not be less than 2 inches in height.

(2) The remaining text shall be not less than $\frac{1}{2}$ inch in height, except for optional language which may be included in the text, stating, "Required by §20-214(c)(4) of the New York City Administrative Code," which may be not less than $\frac{1}{8}$ of an inch in height.

“Exhibit 4”

New York City Department of Consumer Affairs

AMUSEMENT ARCADE (PREMISES) (014)

License Application Checklist

DCA LICENSING CENTER

42 Broadway, 5th Floor

New York, NY 10004

For more information, call 311 (or 212-NEW-YORK outside of NYC) or visit

www.nyc.gov/consumers

LICENSE DESCRIPTION:

Any premises where 10 or more amusement devices are located requires an Amusement Arcade license.

This description is only a general explanation of which businesses need to have an Amusement Arcade (Premises) license.

Note: New York City businesses must comply with all relevant federal, state, and City laws and rules. All laws and rules of the City of New York, including the New York City Consumer Protection Law and Rules, are accessible via www.nyc.gov/consumers. For convenience, sections of the New York City Licensing Law (and Rules, if enacted) are included as a handout in this packet.

Please note that businesses are responsible for knowing and complying with the most current laws, including any City Council amendments. The Department of Consumer Affairs (DCA) is not responsible for errors or omissions in the handout provided in this packet. The information is not legal advice. You can only obtain legal advice from a lawyer.

APPLICATION FILING PROCESS:

NEW: Amusement Arcade applicants can submit new license applications online. Details are available at www.nyc.gov/consumers. Applying for the license online does not mean the license is automatically approved. A major credit card is required to submit applications online. Convenience fees apply.

Note: As outlined in the "When You File" section, applicants must submit the following supporting documents: Application to Request an Inspection/Recommendation; Proof of Electrical Inspection; Department of Buildings Documents; Child Support Certification Form (if applicable); and Granting Authority to Act Affirmation (if applicable). You must fax, e-mail, or bring documents to the DCA Licensing Center within five (5) business days after successfully filing the application form online. Applicants should follow instructions on the printed confirmation page. Your license application will not be complete without these requirements.

Applications can also be filed in person at the DCA Licensing Center, 42 Broadway, 5th floor, in Manhattan between 9:00 a.m. and 5:00 p.m. on Monday, Tuesday, Thursday and Friday, and on Wednesday from 8:30 a.m. to 5:00 p.m.

APPLICATION REQUIREMENTS:

Before You File Your DCA License Application:

You must obtain the following required documents *before* filing your application.

- **Premises Approval by the Fire Department.**
You must receive premises approval from the Fire Department (FDNY) in order to obtain an Amusement Arcade license. Complete the Application to Request an Inspection/Recommendation (attached) and DCA will forward your request to FDNY. FDNY will notify DCA of your inspection results. Please note that if you fail the inspection, it is your responsibility to correct problems.
- **Community Board and Council Member Review.**
DCA will submit a copy of your Application to Request an Inspection/Recommendation to the Community Board and Council Member where your premises will be located. The Community Board and Council Member have 15 days to respond and their feedback will be taken into consideration in the review of your license application.
- **Electrical Inspection.**
The premises must be in compliance with all current electrical building codes. Please obtain ONE of the following as proof of an electrical inspection:
 - A copy of a statement from a licensed electrician, on official business letterhead, stating that the premises comply with all current electrical building codes OR
 - A current copy of the Certificate of Occupancy issued by the Department of Buildings (DOB) dated within 90 days of application submission. **Note:** A Temporary Certificate of Occupancy is not an acceptable proof of an electrical inspection.
- **Applicable Business Certificates Based on Your Business's Legal Structure.** (Although DCA does not require submission of these documents in order to process your application in person or online, DCA reserves the right to request and examine the documents under section 20.104 of the New York City Administrative Code.)
 - Sole Proprietorships operating under a name other than your own must file a Business/Assumed Name Certificate with the clerk of the county in which your business is conducted.
 - Sole Proprietorships doing business under your own name—and not under a trade or Doing-Business-As (DBA) name—do not need a Business Certificate.
 - General/Business Partnerships must file your Partnership Certificate with the clerk of the county in which your business is conducted.

- Corporations, Limited Partnerships, Limited Liability Companies, or Limited Liability Partnerships must register and remain active with the New York State Department of State. Active status will be verified by DCA prior to license issuance. You can confirm the status of your business entity at http://appext9.dos.state.ny.us/corp_public/corpsearch.entity_search_entry. If applicable, you must also file an Assumed Name Certificate for your business.
- Businesses incorporated out of state must obtain a Certificate of Doing Business in Good Standing from your home state's Secretary of State and file this with an application for Authority to Conduct Business in New York with the New York State Secretary of State.

When You File Your DCA License Application:

Below are requirements when filing your license application:

- **Basic License Application** (attached).
- **Application to Request an Inspection/Recommendation** (attached).
See description on page 2. DCA will forward the request to FDNY and the relevant Community Board and Council Member for review and/or approval.
- **Proof of Electrical Inspection.**
See description on page 2.
- **Sales Tax Identification Number OR Certificate of Authority Application Confirmation Number.**
The Sales Tax Identification Number is the 9, 10, or 11-digit number on your New York State Department of Taxation and Finance Certificate of Authority. You must enter this number on the Basic License Application form. If you have not received your Certificate of Authority, please enter the 6-digit confirmation number you received when you successfully submitted the application for a Certificate of Authority.

To obtain an application for a Certificate of Authority, visit the NYS Department of Taxation and Finance online at www.nystax.gov or call toll-free (800) 698-2909. Allow four to six weeks after applying to the New York State Department of Taxation and Finance to receive your Certificate of Authority.

- **Department of Buildings Documents.**
You must submit a copy of the Certificate of Occupancy, Temporary Certificate of Occupancy (expiring no less than 30 days from date of application submission) OR Letter of No Objection from DOB confirming that your premises is suitable to operate your business. If you submit a Certificate of Occupancy or Temporary Certificate of Occupancy, it must be the most current version and show approval of the premises for "Use Group 15" and "Arcade" or "Amusement Arcade."

In addition, if the premises will be able to accommodate 75 or more persons, you must submit a copy of your Place of Assembly Certificate of Operation issued by DOB. The certificate must be the most current version and indicate the usage for an amusement arcade. For more information, visit DOB's Web site at www.nyc.gov/buildings

- **Child Support Certification Form (attached).**
If your business is a SOLE PROPRIETORSHIP or GENERAL or LIMITED PARTNERSHIP, the proprietor or each individual general partner must submit a Child Support Certification Form.
- **Granting Authority to Act Affirmation (attached).**
If this application will be filed by someone other than the license applicant, the license applicant must submit a Granting Authority to Act Affirmation.
- **License Fee.**
Must be paid by credit card, money order, or check. Cards accepted include Visa, MasterCard, American Express, and Discover Card. Checks or money orders must be payable to NYC Department of Consumer Affairs. The chart below lists the amount due depending upon when your license application is filed. **Note:** An odd year is any year ending in an odd digit; for example, 2009, 2011, etc. An even year is any year ending in an even digit; for example, 2010, 2012, etc.

Please note that convenience fees apply if you submit your license application online. A major credit card is required to submit applications online.

AMUSEMENT ARCADE LICENSE			
License Term	License Expiration Date	If You File Your Application Between These Dates:	Your License Fee is:
2 years	January 16 Even years	From January 17 in an even year to July 16 in an even year	\$340
		From July 17 in an even year to January 16 in an odd year	\$255
		From January 17 in an odd year to July 16 in an odd year	\$170
		From July 17 in an odd year to January 16 in an even year	\$85 OR *\$425

***Note:** If you are applying for a license between July 17 in an odd year and January 16 in an even year, you can pay the prorated fee for the license period about to end (\$85) PLUS the fee for the new two-year license period (\$340), for a total of \$425. If you pay both fees, you will *not* need to renew the license until January 16 of the *next* even year.

Online Applicants: If you submit your license application online between July 17 in an odd year and January 16 in an even year, you will be required to pay the combined fee totaling \$425. You will *not* need to renew the license until January 16 of the *next* even year.

“Exhibit 5”

Contact Mailing Information

If you want DCA correspondence addressed and mailed to a contact other than the business name and address provided on page 1, please complete the information below.

Contact Name and Title		
Mailing Address (Building Number, Street Name, Unit, e.g., Floor, Suite, or P.O. Box Number)		
City and State	ZIP Code	Borough (check one):
		<input type="checkbox"/> 01-Manhattan <input type="checkbox"/> 04-Queens <input type="checkbox"/> 02-Bronx <input type="checkbox"/> 05-Staten Island <input type="checkbox"/> 03-Brooklyn <input type="checkbox"/> 08-Outside NYC
Country		

Providing Social Security or Individual Taxpayer Identification numbers in Sections 2 and 3 is voluntary. The City requests this information under the NYC Charter and Administrative Code. This information will or may be used to allow the City of New York to maintain and update City databases, to carry out the powers and duties of the Department, and for other purposes necessary to promote the general welfare.

Section 2 - Sole Proprietor

Last Name	Suffix, e.g., Jr., Sr., Esq. (optional)	First Name	Middle Name (optional)
Social Security Number or Individual Taxpayer Identification Number <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>			
Home Address (Building Number, Street Name, Unit, e.g., Floor, Suite)			
City and State	ZIP Code	Borough (check one):	
		<input type="checkbox"/> 01-Manhattan <input type="checkbox"/> 04-Queens <input type="checkbox"/> 02-Bronx <input type="checkbox"/> 05-Staten Island <input type="checkbox"/> 03-Brooklyn <input type="checkbox"/> 08-Outside NYC	
Country			

Section 3 – Corporate Officers, Partners, and Shareholders

You must provide information on *all* general partners and *all* corporate officers and *each* shareholder owning 10% or more of the business applying for a license. Note: Limited Liability Companies must provide information on *all* members. Nonprofits must provide information on *all* officers and *all* Board of Directors members. **Attach additional sheets if necessary.**

Important: If the partner or shareholder is an entity (rather than an individual), DCA will verify active status prior to license issuance. Corporations, Limited Partnerships, Limited Liability Companies, or Limited Liability Partnerships must register and remain active with the New York State Department of State. If you file your application in person, DCA can print a copy of the partner's or shareholder's Certificate of Incorporation and/or Certificate of Authority to Conduct Business in New York from the New York State Department of State's Web site.

See page 3.

Corporate Officers, Partners, and Shareholders

Individual #1

Last Name		Suffix, e.g., Jr., Sr., Esq. (optional)	First Name		Middle Name (optional)
Title		Social Security Number or Individual Taxpayer Identification Number □□□-□□-□□□□		% Stock Owned	
Home Address (Building Number, Street Name, Unit, e.g., Floor, Suite)		City and State	ZIP Code	Borough (check one): <input type="checkbox"/> 01-Manhattan <input type="checkbox"/> 04-Queens <input type="checkbox"/> 02-Bronx <input type="checkbox"/> 05-Staten Island <input type="checkbox"/> 03-Brooklyn <input type="checkbox"/> 08-Outside NYC	
Country					

Individual #2

Last Name		Suffix, e.g., Jr., Sr., Esq. (optional)	First Name		Middle Name (optional)
Title		Social Security Number or Individual Taxpayer Identification Number □□□-□□-□□□□		% Stock Owned	
Home Address (Building Number, Street Name, Unit, e.g., Floor, Suite)		City and State	ZIP Code	Borough (check one): <input type="checkbox"/> 01-Manhattan <input type="checkbox"/> 04-Queens <input type="checkbox"/> 02-Bronx <input type="checkbox"/> 05-Staten Island <input type="checkbox"/> 03-Brooklyn <input type="checkbox"/> 08-Outside NYC	
Country					

Entity #1

Entity Name					
Federal Employer Identification Number (EIN) □□-□□□□□□□□				% Stock Owned	
Business Address (Building Number, Street Name, Unit, e.g., Floor, Suite)		City and State	ZIP Code	Borough (check one): <input type="checkbox"/> 01-Manhattan <input type="checkbox"/> 04-Queens <input type="checkbox"/> 02-Bronx <input type="checkbox"/> 05-Staten Island <input type="checkbox"/> 03-Brooklyn <input type="checkbox"/> 08-Outside NYC	
Country					

Entity #2

Entity Name					
Federal Employer Identification Number (EIN) □□-□□□□□□□□				% Stock Owned	
Business Address (Building Number, Street Name, Unit, e.g., Floor, Suite)		City and State	ZIP Code	Borough (check one): <input type="checkbox"/> 01-Manhattan <input type="checkbox"/> 04-Queens <input type="checkbox"/> 02-Bronx <input type="checkbox"/> 05-Staten Island <input type="checkbox"/> 03-Brooklyn <input type="checkbox"/> 08-Outside NYC	
Country					

Section 4: Applicant Background Questions – All applicants

Please answer the questions below on behalf of *all* individuals named on the application (i.e., sole proprietors, general partners, directors, corporate officers, officers, Board of Directors members, and all shareholders owning 10% or more of company stock). **Attach additional sheets as necessary.**

Some background questions inquire about criminal and/or civil charges. A conviction does not, by itself, mean you will not get a license. Factors such as the nature and seriousness of the offense, the amount of time that has passed since the conviction, and your age at the time of the conviction will be considered. However, your license may be denied if you fail to disclose a conviction in response to the questions.

1. Has this individual ever been licensed by the New York City Department of Consumer Affairs (DCA)? YES NO

If YES, provide the following information:

Name of the Business or Individual Involved	
Business or Home Address Associated with the License	
DCA License Number	

2. Has this individual ever had a DCA license denied, suspended, or revoked? YES NO

If YES, provide the following information:

Name of the Business or Individual Involved	
Business or Home Address Associated with the License	
DCA License Number	

3. Is this individual related by blood or marriage to any individual who is or who ever has been licensed by DCA, or who serves, or has ever served, as an officer, director, shareholder, or partner in an entity licensed by DCA? YES NO

If YES, provide the following information:

Relative's Name	
Relationship to Applicant	
Name of the Business or Individual Involved	
Business or Home Address Associated with the License	
DCA License Number	

4. Has this individual ever been an officer, director, shareholder, or partner of an entity licensed by DCA? YES NO

If YES, provide the following information:

Name of the Business or Individual Involved	
Business or Home Address Associated with the License	
DCA License Number	

If you answer YES for any of the following questions, please include the requested description and attach all relevant documents to this application. **NOTE: Description should include the date of conviction, the nature of the incident, persons involved, and the outcome. Please include convictions for which you might have been imprisoned or fined even if, in fact, you only had to perform community service or were put on probation. You may omit parking violations and offenses that resulted in a finding of juvenile delinquency, youthful offender, wayward minor, or person in need of supervision.**

5. Has this individual ever been found guilty of a crime, offense, or violation? YES NO
If YES, please provide a description of the crime, offense, or violation.

--

6. Is there any kind of criminal charge whatsoever pending against this individual? YES NO
If YES, please provide a description of the circumstances of the arrest.

7. Is there any civil charge (including administrative charge) pending against this individual? YES NO
If YES, please provide a description of the civil and/or administrative charge.

8. Is there any DCA-issued Notice of Violation, Notice of Hearing, Summons, Padlock Order, or other order now in effect and/or pending against this individual or any business operated by this individual? YES NO

If YES, please provide a description of the order, including all DCA-imposed obligations to pay fines or restitution that have not been satisfied in full.

9. Has any court rendered a judgment against this individual or any business operated by this individual for activity related to the conduct of a business? YES NO

If YES, please provide a description of the court judgment.

10. Is there any judgment against this individual or any business operated by this individual that has not been paid in full for 30 days or more? YES NO

If YES, please provide a description of the judgment.

AFFIRMATION – Please read, check box, and sign below.

I am authorized to complete and submit this application and all attachments (together, the "Application"). I have reviewed the entire Application. To the best of my knowledge, this Application is true, correct, and complete.

If any of the information in this Application changes, the applicant must inform the Department of Consumer Affairs of those changes. I also understand that the applicant must comply with all relevant laws and rules if granted a license to operate.

I understand that the Department of Consumer Affairs has not yet considered this Application. The applicant will not operate the business until receipt of an actual license document from the Department of Consumer Affairs or until / unless the Department of Consumer Affairs has given written permission to operate while this Application is pending. This affirmation shall be deemed executed in the City and State of New York and shall be governed by and construed in accordance with the laws of the State of New York (notwithstanding New York choice of law or conflict of law principles) and the laws of the United States.

I affirm that these statements are true and correct.

PENALTY FOR FALSE STATEMENTS: It is against the law to make a statement in this Application that you know is false. If you make a statement that you know is false, you may be punished.

Under Sections 210.45 and 175.30 of the New York Penal Law, you may be:

- fined up to \$1000 and / or
- sent to jail for up to one year

Under Section 175.35 of the New York Penal Law, you may be punished if you:

- make a statement that you know is false and / or
- make the statement because you intend to mislead the Department of Consumer Affairs

Under Section 175.35 of the New York Penal Law, you may be:

- fined up to \$5000 or
- fined an amount that is twice the amount of money you received by making the false statement and / or
- sent to jail for up to 4 years

The Department of Consumer Affairs may also punish you for making a false statement on this Application. These punishments may include:

- fines or penalties of up to \$500 for each false statement
- permanent loss (revocation) of your license

By checking the box above, I understand and agree that:

- I am swearing or affirming that I have told the truth on this Application.

Applicant's Signature

Applicant's Title (if any)

Print Full Name

Date

<p>If you are not registered to vote, would you like to register here today? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Whether you apply to register to vote or not, it will not affect the assistance DCA will provide to you. If you wish, we will help you in filling out the voter registration application.</p>



42 Broadway
5th Floor
New York, NY 10004

Dial 311
(212-NEW-YORK)

nyc.gov/consumers

APPLICATION TO REQUEST AN INSPECTION/ RECOMMENDATION

Please complete the form below and DCA will submit your request to relevant parties (i.e., Community Board, Council Member, Fire Department, Police Department).

Check the applicable License Category:	<input type="checkbox"/> Amusement Arcade <input type="checkbox"/> Cabaret <input type="checkbox"/> Catering Establishment <input type="checkbox"/> Gaming Café			
Legal Name of Business:				
Business's Trade or Doing-Business-As (DBA) Name, if applicable:				
Business Address:				
Community Board Number:				
Council Member District:				
Hours of Operation:	Monday			
	Tuesday			
	Wednesday			
	Thursday			
	Friday			
	Saturday			
	Sunday			
Business Contact Name:				
Telephone:				
	Room 1	Room 2	Room 3	Room 4
Room Capacity:				

I understand that falsification of any statement made herein is an offense punishable by a fine or imprisonment or both.

Signature

Date

APPLE AMUSEMENTS

TESTIMONY OF ALLEN WEISBERG, PRESIDENT OF APPLE AMUSEMENTS, GREENVALE AND EASTCHESTER/BRONX, NEW YORK, SECRETARY OF AMUSEMENT AND MUSIC OWNERS ASSOCIATION OF NEW YORK, INC.

DEAR MEMBERS OF THE NEW YORK CITY COUNCIL:

I APPRECIATE YOUR TIME, STUDY, AND EFFORT TO CONDUCT THIS HEARING TO DETERMINE WHY BILL #Int. No. 690 - In relation to amusement arcades. DESERVES TO BE VOTED OUT OF COMMITTEE, FAVORABLY SUPPORTED BY THE CITY COUNCIL AND ENACTED INTO LAW BY THE MAYOR.

I AM AN ENDANGERED SPECIES: A SMALL BUSINESS OWNER, SECOND GENERATION, IN THE GREATER NEW YORK METRO REGION. I AM A RESPONSIBLE EMPLOYER OF ABOUT A DOZEN PEOPLE, AND EVERY FRIDAY, I AM VERY CONSCIOUS AND AWARE OF THE CHALLENGES I FACE TO MEET A PAYROLL...HOW PEOPLE WHO WORK FOR ME, AND MAKE THEIR LIVELIHOOD THROUGH ME ARE DEPENDENT ON MY SMALL BUSINESS FOR THEIR PAYCHECK.

AND FRANKLY, IT IS BECOMING MORE AND MORE DIFFICULT TO CONTEND WITH EVERYTHING THAT THE FEDERAL, STATE, AND LOCAL GOVERNMENTS THROW AT US, WHETHER IT IS INCOME TAXES, SALES TAXES, PROPERTY TAXES, DISABILITY INSURANCE, HEALTH CARE INSURANCE, AND MORE.

BILL #690 IS A RELATIVELY SIMPLE, HARMLESS WAY FOR THE NEW YORK CITY COUNCIL TO GIVE THE SMALL BUSINESS VENDORS IN OUR SECTOR, A MODEST BOOST. WHAT WE ARE SEEKING HERE IS NOT GOING TO HURT ANYONE AND IT WILL CREATE A LITTLE ECONOMIC DEVELOPMENT BUMP FOR US.

SO WHY SHOULD THE NEW YORK CITY CONSUMER AFFAIRS DEPARTMENT ALWAYS LOOK TO PUT ROADBLOCKS AND OBSTACLES IN OUR WAY? IS THIS BECAUSE COMMISSIONER MINTZ IS PARANOID ABOUT LOSING SOME POWER? IS IT REALLY ABOUT HIS IDIOCYNCRACIES?

BECAUSE ANYONE WITH COMMON SENSE AND REASON WHO I SPEAK WITH, WHEN I EXPLAIN THE SIMPLICITY OF WHAT WE WANT: "ONE PLUG EQUALS ONE GAME" SO THAT

APPLE AMUSEMENTS

PEOPLE WHO GO ESTABLISHMENTS WHERE OUR AMUSEMENTS ARE LOCATED WILL BE ABLE TO HAVE SOME FUN TOGETHER, PARTICIPATING IN CONTESTS, HAVING COMPETITION AND THE LIKE....WHERE OUR GAMES MIGHT ENJOY SOME FOCUS OF ATTENTION...THEY CANNOT BELIEVE THAT WITH ALL THAT GOES ON IN NEW YORK CITY, AGENCY OFFICIALS CONCERN THEMSELVES HERE WITH SUCH MINUTIA!

AS IT HAS BEEN PREVIOUSLY STATED HERE, OUR INDUSTRY HAS BEEN GETTING HAMMERED WHERE PEOPLE ARE PASSING UP PLAY AT OUR AMUSEMENTS IN ORDER TO PLAY GAMES RIGHT ON THEIR I-PHONES, WITHOUT ANY CONSUMER AFFAIRS REGULATIONS. IN FACT, THE HOME VIDEO GAMES CONSUMERS ARE NOW ABLE TO BUY VERY OFTEN SURPASS OUR ENTERTAINMENT.

EVERYONE OF OUR AMOA-NY MEMBERS ARE INVESTED WITH THIS EQUIPMENT IN TERMS OF OUR LIVELIHOOD AND OUR EQUITY. SOMEONE SPOKE EARLIER ABOUT AMOA-NY MEMBERS SUFFERING FROM HURRICANE SANDY. I TOO LOST BOTH EQUIPMENT AND LOCATIONS DUE TO THIS DISASTER, AND YET, NO ONE FROM THE GOVERNMENT HAS COME AROUND TO HELP ME...YET, AS I EARLIER POINTED OUT, THE PEOPLE WHO WORK FOR ME ARE COUNTING ON ME FOR THEIR SALARIES AND COMPENSATION EVERY WEEK.

PLEASE, GIVE US A BREAK HERE WITH PASSING 690, SO THAT PERHAPS, OUR REVENUES WILL PICK UP A LITTLE. THANK YOU.



To: Committee on Consumer Affairs #INT. NO. 690: Common Show Games

I am the founder and President of Tricorp Amusements, Inc. Tricorp Amusements is a family owned business founded more than thirty years ago. Tricorp Amusements is an independent supplier of all forms of coin operated amusement games and services. We supply amusement services within all of the boroughs of New York and more than a dozen East Coast States. We employ more than one hundred service personnel.

Additionally, I am the current Acting Secretary for the Amusement and Music Owners Association of New York, Inc. On behalf of our association and its' members we are asking this Committee on Consumer Affairs to consider changes in City regulations so that linked games, (games where multiple people can play together), are counted or considered to be one game.

Many amusements are being introduced into the market today in this format in an attempt to increase player interest, competition, interaction and to produce greater revenues for the business establishments. Our proposed changes with Consumer Affairs will have no negative impact on the city.

Our current economic environment compels all amusement service providers to deliver to its' customers the finest amusement products in an attempt to keep player/patrons engaged.

Any consideration by this Committee on behalf of the New York Amusement and Music Owners Association will be greatly appreciated.

Regards,

A handwritten signature in black ink that reads 'Charles T. Peitz'. The signature is written in a cursive style with a large, sweeping 'C' at the beginning.

Charles T. Peitz

President/CEO

Tricorp Amusements, Inc.

SUPER BIKES 2

Super Bikes 2 is a brand new motorcycle driving game developed by Raw Thrills, the same development team that brought you the incredibly popular motorcycle driver hit, Super Bikes. Super Bikes 2 features a totally redesigned compact bright yellow cabinet with a stunning 42" LCD panel, for in your face Hi-Def graphics and strategically placed LED lights for the most exciting ride of your life.

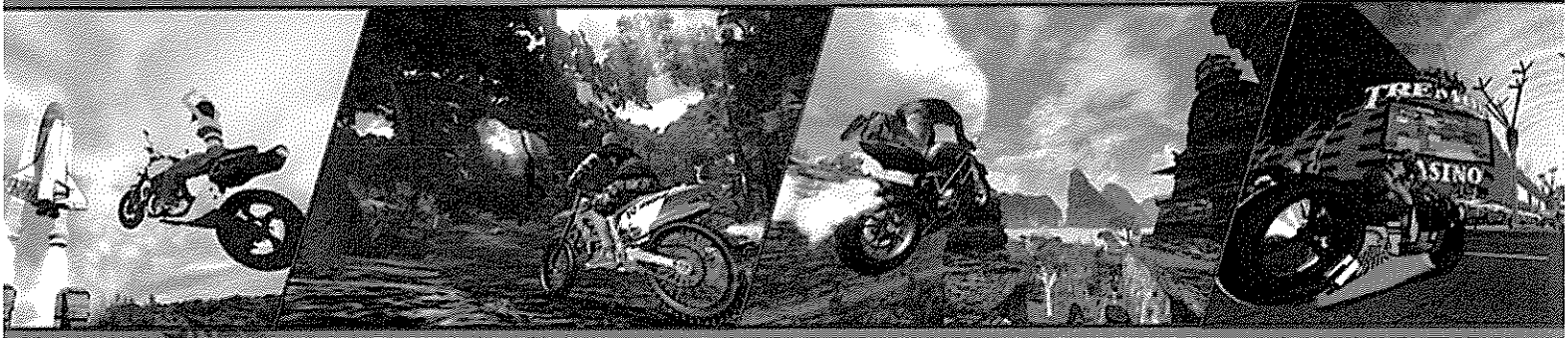
The content is overwhelming with 11 new challenging race courses that offers players of all skill levels plenty of variety. New biker moves and short cuts add depth and will drive repeat play and revenue. As a bonus, Raw Thrills has even added the 8 original Super Bikes courses to this game. Players can choose from 12 new super charged bikes and 9 new awesome riders. A player profile storage feature allows players to store their customized Super Bikes in a location specific cabinet; this promotes repeat play and repeat location visits. This newly designed driver is powered by a high speed Dell computer that allows 8 seats to be linked up for head-to-head competition.

Super Fun!

GAME FEATURES

- Totally Redesigned Compact Cabinet
- 42" LCD Panel For HD Graphics
- 11 All-New Challenging Race Courses
- 12 All-New Super Charged Bikes
- 9 All-New Awesome Riders
- Customized Bikes With All-New Upgrade Options
- Links Up To 8 Seats For Competitive Racing
- Player Profile Storage With Keypad Entry
- High Powered DELL Computer With New RIO Electronics

Deluxe Cabinet
Dimensions:
78.5" (H) x 48.25" (W) x 95" (D)
Weight: 672 lbs.





NBA

Hoops™



CONSTRUCTED FOR DURABILITY

All Metal Front Cabinet.

Backboard made of 3/8" Thick Polycarbonate.

Commercial Grade Net Sensor.

Height with Bonus Marquee is 160".

ADJUSTABLE FRONT CABINET for All Ages.

Dimensions Per Unit:
30" Wide x
120" Deep x
120" High
(without marquee).

BEST PLAYING BASKETBALL GAME IN THE INDUSTRY

Officially licensed NBA Team graphics will enhance any location.

Radius Top Cage for better arc shots.

Official NBA SIZED HOOP for high scores.

40 Second GAME CLOCK with 4" Tall, 7 Segment Display behind Backboard.

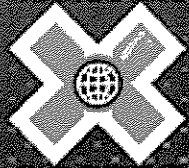
Hardwood Floor angled for faster ball return.

Multiple units can be linked for Head to Head Competition.



Official License for **EVERY** NBA Team!

WINTER



GAMES

SNO CROSS

OFFICIALLY LICENSED
FROM 

#1

FUN

LINK UP TO 8 GAMES

6 AWESOME RACERS

7 HOT TRACKS

SHARE SCORES
ONLINE VIA
Facebook and Twitter

HIGH PROFILE MARQUEE



CABINET DIMENSIONS:
W43" x D84" x H86"



For Your Local Authorized Distributor
Call (847) 679-8373, ext. 29 or email sales@rawthrills.com
Raw Thrills • 5441 Fargo Avenue • Skokie, IL 60077 • www.rawthrills.com

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 690 Res. No. _____

in favor in opposition

Date: _____

Name: Allen Weisberg (PLEASE PRINT)

Address: 200 forest Pr. Broomfield NY

I represent: Apple Amusements Co. Inc.

Address: 200 forest Pr. Broomfield NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 690 Res. No. _____

in favor in opposition

Date: _____

Name: CARY David Kessler esq (PLEASE PRINT)

Address: 55 21st Ave Apt 7B M

I represent: AMOR M

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/15/13

Name: Richard J Kirby (PLEASE PRINT)

Address: 303 Paterson Plank Rd Carlstadt, NJ

I represent: AMOR - N.Y.

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 690 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CHARLES T. PEITZ

Address: TRICORP AMUSEMENTS I

I represent: 5 VERONICA AVE

Address: SOMERSET NJ 08873

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 690 Res. No. _____

in favor in opposition

Date: 1-15-13

(PLEASE PRINT)

Name: Danny Frant

Address: NYAC - 961 180th St, PR 50, NYC

I represent: AMMOA-NY 1009

Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 690 Res. No. _____

in favor in opposition

Date: 1-15-13

(PLEASE PRINT)

Name: Ken Goldberg

Address: 72-10 51 Rd. Woodside

I represent: AIMOA - NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/15/13

(PLEASE PRINT)

Name: Fran Freeman

Address: Deputy Commissioner

I represent: DCA

Address: _____

Please complete this card and return to the Sergeant-at-Arms