

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS

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September 14, 2017

Start: 1:10 p.m.

Recess: 4:16 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: RAFAEL L. ESPINAL, JR.
Chairperson

COUNCIL MEMBERS: Vincent J. Gentile
Julissa Ferreras-Copeland
Karen Koslowitz
Rory I. Lancman

A P P E A R A N C E S (CONTINUED)

Lindsay Greene, Senior Advisor to Deputy Mayor
Housing and Economic Development

Shira Gans, Senior Director
Policy and Programs
Mayor's Office of Media and Entertainment

Tamala Boyd, General Counsel
Department of Consumer Affairs

Mercedes Ellington

Max Travis, Associate
Muchmore & Associates, PLLC

Jerry Goldman, Attorney

Olympia Kazi
New York City Artists Coalition

Frankie Decaiza Hutchinson
Dance Liberation

Rachel Nelson
Brooklyn Small Business Owner

Wally Ruben
Manhattan Community Board 5

Andrew Rigie, Executive Director
NYC Hospitality Alliance

Robert Bookman, Attorney and Founder
Hospitality Alliance
Partner in Law Firm of Pesetsky and Bookman

Christopher Carroll, Political Director
Associated Musicians of Greater New York
Local 802 AFM

Greg Miller, Executive Director
Dance Parade

Jaime Burkhart, Member
New York City Artists Coalition

John Barclay
Bar Owner

Robert Blumenblatt
Dance Parade

Justin Carter
Musician and Owner of Nowadays

Conrad Neblett
Harlem Resident

Allen Sugarman
Attorney and Social Dancer

Julia Shelly Covan (sp?)
Independent Artist & Event Organizer

Nikki Brown, Managing Director
Boiler Room

Gail Madera, Dancer

Anna Rockefeller Garcia, Dancer & Founder
Full Circle Production, Bronx

Tom Marinetti, Restaurant Owner

Rachel Santos

Jeanine Hopper, DJ & Radio Producer
Liquid Sound Lounge Radio Show
DJ, Radio Producer

Glenn Raymond, Night Club Owner

2 [sound check, pause] [background
3 comments]

4 CHAIRPERSON ESPINAL: Just for
5 clarification, we are going to be hearing the bill to
6 repeal the Cabaret Law, but we also have another bill
7 regarding used car auto dealers that we want to vote
8 out at some point as my colleagues roll in, and we
9 get quorum we would vote out the bill. I'm got put
10 the current hearing on pause to allow for the vote to
11 happen. Then we'll go back to the cabaret. [pause]
12 Okay. [gavel] Good afternoon. My name is Rafael
13 Espinal and I'm the Chair of the Consumer Affair
14 Committee. Today, the committee will be holding
15 hearing on Proposed Intro Bill No. 1652-A, a local
16 law to amend the Administrative Code of the city of
17 New York in relation to security cameras and security
18 guards of certain night life establishments and
19 repealing Subchapter 20 of Title 20 of such code
20 relating to licensing, public dance halls, cabarets
21 and catering establishments also known as the
22 infamous cabaret law. But first, we'll be holding a
23 vote on Proposed Introductions 1539-A and 1540-A
24 relating to improving consumer protections against
25 predatory lending in the used car industry. I, along

2 with my colleague Council Member Dan Garodnick have
3 worked diligently to improve consumer protections and
4 protect New Yorkers from a growing trend of predatory
5 car loans. Intro 1539-A requires increased
6 disclosures to consumers about the car loans they are
7 about to sign, as well as a two-day cancellation
8 option that would allow consumers to cancel their
9 sales contract and car loan within two days. The
10 bill also strengthens penalties against used car
11 dealers who violate its provisions. I believe these
12 increased protections will go a long way in
13 protecting New Yorkers from a predatory-caught from
14 predatory car loans. As the Chair, I recommend a yes
15 vote. Mr. Clerk, please call the roll.

16 CLERK: William Martin, Committee Clerk.

17 Roll call vote in Committee on Consumer Affairs.

18 Both items are coupled. Chair Espinal.

19 CHAIRPERSON ESPINAL: I vote aye.

20 CLERK: Gentile.

21 COUNCIL MEMBER GENTILE: Aye vote.

22 CLERK: Koslowitz. [pause]

23 COUNCIL MEMBER KOSLOWTIZ: I vote aye.

24 CLERK: Lancman.

25 COUNCIL MEMBER LANCMAN: Aye.

2 CLERK: By a vote of 4 in the affirmative,
3 0 in the negative and no abstentions, both
4 Introductions have been adopted by the committee.

5 CHAIRPERSON ESPINAL: Alright.

6 [background comments, pause] And could we close the
7 roll? Our hearing on the cabaret law today
8 represents a continuation of this committee's efforts
9 to improve the regulation of the night life industry.
10 Many of us can agree that the city's cabaret law
11 needs to be updated and modernized to respond to
12 every-changing trends in the industry. From its
13 inception in 1926, the cabaret law has been used to
14 target particular establishments and has not been
15 equally enforced in its application. It is time we
16 right this historical wrong, and remove New York
17 City's inappropriate, arbitrarily enforced dancing
18 license. On August 24th, we passed Intro-Intro Bill
19 No. 1688, a Local Law to amend the New York City
20 Charter in relation to establishing an Office of
21 Nightlife and a Nightlife Advisory Board. Intro 1688
22 represents an important first step towards reform. I
23 hope that this-I hope that with the establishment of
24 the Office of Nightlife and a Nightlife Advisory
25 Boards we can begin the task of updating many more of

2 our laws and regulations in order to restore and
3 enhance the city's night time economy, and think
4 progressively about new ideas to plan our city so
5 that nightlife goers, artists, local residents
6 government can all communicate and live in harmony.
7 The bill we are hearing today Proposed intro 1652-A
8 represents another important step towards this goal.
9 By repealing the Cabaret License, we are moving
10 towards decriminalizing dancing in New York City. We
11 acknowledge that this issue goes beyond the license,
12 and their reforms to zoning laws area also necessary,
13 but I'm confident that the changes we are
14 implementing today are moved in the right direction.

15 Proposed Intro 1652-A also preserves
16 existing safety measures. It does not repeal
17 requirements to employ only licensed security guards,
18 and the installation of surveillance cameras or
19 comply with fire and electrical safety codes.
20 Current questions about the viability of city's
21 nightlife are hampering New York City's cultural
22 reputation. The City's night time economy is
23 estimated to be around \$10 billion. If the city does
24 not take steps to repeal or significantly modernize
25 our laws, we risk crippling New York City's cultural

2 and artistic development and over-burdening
3 businesses. More than this, we continue to uphold an
4 historical blight that has no place on our current
5 books. Dancing does not need to be licensed. The
6 Committee looks forward to hearing from advocates,
7 the Mayor's Office, the Department of Consumer
8 Affairs, and the sister agencies, the industry and
9 other interested parties on these topics. So, wit
10 that said, I'd like to call up the Administration to
11 address Intro 1652-A, but we may--will you please
12 raise your right hand so that we can administer the
13 oath. Do you affirm to tell the truth, the whole
14 truth and nothing but the truth in your testimony
15 before this committee and to respond honestly to
16 council member questions?

17 [off mic] I do.

18 CHAIRPERSON ESPINAL: Thank you. [pause]
19 You may begin.

20 LINDSAY GREENE: Thank you. Good
21 afternoon, Chairman Espinal and members of the
22 Committee on Consumer Affairs. I am Lindsay Greene,
23 the Senior Advisor to the Deputy Mayor for Housing
24 and Economic Development. I work closely with
25 several agencies that are involved in economic

2 development, public space and business opportunity
3 including the Department of Consumer Affairs, the
4 Department of Small Business Services and the New
5 York State Economic Development Corporation among
6 others. I am joined today by colleagues for city
7 agencies that touch the nightlife and entertainment
8 industries: Shira Gans, Senior Director of Policy
9 and Programs as the Mayor's Office of Media and
10 Entertainment, and Tamala Boyd, General Counsel at
11 the Department of Consumer Affairs. I will be giving
12 testimony on behalf of the Administration today on
13 the Cabaret Repeal and Nightlife Security Bill, and
14 Shira and Tamala are joining me for Q&A. We are
15 pleased to be representing Mayor de Blasio's
16 Administration here today. First, Chairman Espinal,
17 I want to thank you again for your leadership in
18 surfacing and trying to resolve issues relating to
19 nightlife economy broadly. Second, I want to
20 reiterate how excited we are to work with you and
21 your colleagues as we establish our Office of
22 Nightlife at MOME, and build out and begin working
23 the Nightlife Advisory Board. As we stated at the
24 hearing for 16-Intro 1688, this Administration feels
25 strongly that the nightlife economy is essential to

2 the New York City economy and overall culture, and we
3 want to help the industry flourish while also
4 ensuring that New Yorkers are safe and secure while
5 they're enjoying the diversity of the city's
6 entertainment and nightlife offerings. With regards
7 to our specific topic today, the so-called cabaret
8 law, I want state clearly that the Administration and
9 Mayor de Blasio strongly support repealing the
10 current cabaret law while simultaneously retaining
11 the requirements for nightlife establishments to
12 maintain certain security measures. We feel there
13 are better way than the current cabaret law to create
14 a strong and healthy nightlife economy while also
15 ensuring the safety and security of everyone
16 participating in that economy. As it relates to the
17 specifics of the legislation under consideration
18 today, I want to make a few brief comments. As you
19 know, the Department of Consumer Affairs currently
20 issues licenses under the cabaret law, which was
21 first enacted in 1926. This law requires businesses
22 to obtain a license before operating a cabaret or a
23 catering establishment. With the repeal of the
24 cabaret law, catering establishments will continue to
25 be regulated as food service establishments by the

2 Department of Health and Mental Hygiene. Under this
3 proposed legislation the cabaret law would be
4 eliminated reducing the administrative burden on
5 businesses—on business owners that were labeled as
6 such. Instead, certain businesses classified as
7 nightlife establishments would be required to
8 maintain security cameras, and ensure that any
9 security guards they employ are properly licensed and
10 registered. These security measures represent the
11 unique safety and security elements of the cabaret
12 law that we feel are important to retain, and we must
13 ensure that these necessary public safety provisions
14 are retained in a manner that is enforceable.

15 However, as written, the current legislation proposes
16 placing the security requirements in the Department
17 of Consumer Affairs section of the Administrative
18 Code while all enforcement responsibility would be
19 undertaken by the Police Department, which would
20 issue any violations of the proposed law. As such,
21 we feel strongly that the security requirements in
22 the proposed legislation should be placed within the
23 Public Safety Section of the Administrative Code. We
24 think that an important aspect of repealing the
25 cabaret law is to reduce the administrative burden on

2 businesses, which is important work we have been
3 doing in the context of our broader crime reduction
4 efforts, and our small business first efforts, and as
5 well some specific legislative items we've undertaken
6 with your colleagues. Place, security requirements
7 from nightlife establishments in DCA's Code would
8 simply create confusion by giving the impression that
9 the agency would still be involved in nightlife
10 regulation directly undermining a key benefit of this
11 legislative proposal and our collective goal of
12 streamlining the regulatory landscape for New York
13 City businesses. In fact, DCA will have no
14 involvement in the—in either the Office of Nightlife
15 or the enforcement of these Public Safety laws. Aside
16 from this point, however, we look forward to working
17 with you in ensuring this legislation maintains both
18 public safety and vibrant nightlife industry in this
19 city. Lastly, I want to remind members of the
20 committee that the city of New York is in active
21 proceedings regarding a challenge to the city's
22 cabaret law. As such, I'm certain—we will
23 unfortunately not be able to comment on certain
24 aspects of the cabaret law in questions to day.
25 Again, I want to echo that the de Blasio

2 Administration firmly believes in the importance of
3 nightlife and entertainment to the city's economy,
4 culture and identity, and we look forward to working
5 with you on our plans for helping the industry first-
6 flourish and expand in a safe and responsible way.
7 Repealing the cabaret law while maintaining important
8 safety provisions will go a long way to ensuring that
9 New Yorkers can fully enjoy the city's vast array of
10 nightlife venues. Thank you for inviting us to
11 testify here today. We'll welcome your questions.
12 Thank you.

13 CHAIRPERSON ESPINAL: Thank you so much.
14 [pause] I'm going to give my colleagues a chance to-
15 to ask questions first because I know they-they have-
16 they have a schedule that they have to attend to.
17 But, my-my, I guess my direct and clear question did
18 I hear correctly when-when you said that the
19 Administration and the Mayor-and Mayor de Blasio is
20 on board repealing the Cabaret Law?

21 LINDSAY GREENE: With the current
22 proposal to retain the security measures, yes we
23 support repealing the Cabaret Law.

2 CHAIRPERSON ESPINAL: Great. So, I guess
3 today's conversation will be more focused towards
4 security and--

5 LINDSAY GREENE: [interposing] Uh-hm.

6 CHAIRPERSON ESPINAL: --how we're moving
7 forward on--on that--that front. Okay. Alright, with
8 that said, I want to allow Vinny Gentile to ask a few
9 questions.

10 LINDSAY GREENE: Sure.

11 COUNCIL MEMBER GENTILE: Thank you and
12 thanks for being here. I'm just not clear what the
13 definition of a cabaret is in the law. I mean what
14 is the difference--how do you tell the difference
15 between a restaurant or a cabaret?

16 LINDSAY GREENE: I think in--in the
17 Cabaret Law the way it's currently written, I think
18 that was challenging at time, which is why we feel
19 like the direction we're moving with the proposed
20 amendments actually goes a long way towards
21 clarifying the universe more as--as traditional night
22 clubs or nightlife establishments by focusing on
23 occupancy levels and hours of operation and on
24 premise alcohol consumption.

2 COUNCIL MEMBER GENTILE: You're saying
3 that's what the new proposal--

4 LINDSAY GREENE: [interposing] Yes.

5 COUNCIL MEMBER GENTILE: Right.

6 LINDSAY GREENE: Yes.

7 COUNCIL MEMBER GENTILE: Okay.

8 LINDSAY GREENE: We support that
9 language.

10 COUNCIL MEMBER GENTILE: So, we wouldn't
11 have that confusion, you're saying?

12 LINDSAY GREENE: We—we are focused on
13 reducing that by—by changing those requirements, yes.

14 COUNCIL MEMBER GENTILE: Okay, and as far
15 as the enforcement goes, you're saying no DCA but--

16 LINDSAY GREENE: The Police Department.

17 COUNCIL MEMBER GENTILE: The Police
18 Department.

19 LINDSAY GREENE: Yes.

20 COUNCIL MEMBER GENTILE: Okay, I missed
21 that.

22 LINDSAY GREENE: Yes.

23 COUNCIL MEMBER GENTILE: Okay, so it's
24 the Police Department--

25 LINDSAY GREENE: Yes.

2 COUNCIL MEMBER GENTILE: --that you're
3 saying. So it should be in the Administrative Code
4 under Public Safety?

5 LINDSAY GREENE: Yes.

6 COUNCIL MEMBER GENTILE: I see. Okay.
7 Very good. Thank you.

8 LINDSAY GREENE: Uh-hm.

9 CHAIRPERSON ESPINAL: Okay. I guess my
10 question goes to the placement of the bill language
11 to other agencies.

12 LINDSAY GREENE: Sure.

13 CHAIRPERSON ESPINAL: The--the--I've been
14 hearing a lot of concerns from business owners that
15 shifting the--the--the camera provisions into public
16 safety would end up in heavier enforcements on their
17 businesses to kind of give free range, right for the
18 NYPD and to the business at any point that they'd
19 like to or--or more frequently than they'd like to,
20 and kind of use the cameras as a--as a reason to get
21 into the door. Is that something that--that the
22 Commission has thought about or have any concerns
23 about?

24 LINDSAY GREENE: We've--we've discussed it
25 certainly. I think, you know, certainly. I think

2 certainly nightlife regulation is not the primary
3 focus or priority of the Police Department. They
4 con—they conduct investigations and visit
5 establishments when there is a safety concern, which
6 is consistent with how they've—they've interacted
7 with this law. To date, I don't believe that anyone
8 feels that that would change, and the notion of
9 having the camera requirement in the codes simply
10 goes to it's—it's something, it's a tool that—that we
11 feel in the interest of public safety is helpful for
12 businesses to have in the event of a serious issues
13 where having access to footage might be helpful to
14 an investigation.

15 CHAIRPERSON ESPINAL: One—one idea that
16 we were floating around internally was about shifting
17 it to the Building Code so that when business owners
18 go and—and get their places inspected to get their
19 permits and licenses that the—the camera would be—
20 actually be inspected at that point. Is there any
21 hesitation to that idea?

22 LINDSAY GREENE: I think—I certainly
23 understand the desire to have it as part of an
24 inspection. I think the nature of the cameras
25 differs from the majority of the Building Code, which

2 is about a different type of-of construction safety
3 measures as opposed to sort of broader public safety,
4 but is something we can keep discussing.

5 CHAIRPERSON ESPINAL: Okay. How many
6 violations to date have there been of the security
7 guard and surveillance camera provisions?

8 LINDSAY GREENE: To-to our knowledge we
9 don't unfortunately have the ability to easily access
10 the type of specific subchapter of-of the Cabaret Law
11 that might have been subject to a violation. We-I do
12 know anecdotally that in the instances of certain
13 major incidents having access to footage has been
14 helpful, but we don't have an ability to break down
15 if the violation was specifically about having the
16 cameras or not.

17 CHAIRPERSON ESPINAL: Okay, there's also
18 a concern about the way the bill is currently written
19 that it will capture thousands of new businesses that
20 in the past they didn't have to install security
21 cameras. Do you see that same issue or do you think
22 that's something that the Administration would want,
23 ideally want?

24 LINDSAY GREENE: I-I think we're still
25 trying to get a-a handle on the scope in-in terms of

2 number. I—I think by trying to make it more focused
3 on sort of night club like establishments, we—we
4 don't think—we are—we are trying not to sweep in new
5 businesses that would not previously have been
6 covered, but we're continuing to try to figure out
7 the nature of that universe. It's not—it's not the
8 intention to add regulation where we didn't it was
9 necessary before.

10 CHAIRPERSON ESPINAL: Okay, so we—we
11 actually currently, also currently exploring on—on
12 ways to make sure that the language again only
13 covers—only captures the businesses that currently
14 have cameras. Is that something that you'll be
15 interested in—in talking about and considering moving
16 forward?

17 LINDSAY GREENE: I—we can certainly talk
18 about it. I think there are probably—in—in the event
19 there are large establishments with on premise
20 alcohol consumption who operate late into the night
21 who don't have cameras, we certainly would want them
22 to have cameras. So, if—if there's a concept that
23 does both, we'd—we'd be happy to entertain it.

24 CHAIRPERSON ESPINAL: I mean being that
25 the Administration is on board with repealing the

2 Cabaret Law, and the only discussion here is really
3 about the safety of the patrons and these
4 establishments, I really don't have any other
5 questions. I don't know if my colleagues do? No. I
6 guess my last question is the State—the State Law
7 currently covers the need for security guards in
8 these establishments. Is it necessary to have
9 security guard language in the bill?

10 LINDSAY GREENE: I think we believe it's
11 generally helpful given we do think it's an important
12 safety feature to have any security guards that are
13 employed actually be licensed, and so in the event
14 that we don't control what happens with state law,
15 we'd like have the same requirements here in local
16 law.

17 CHAIRPERSON ESPINAL: Okay, great. Well,
18 thank you. You guys are free to go.

19 LINDSAY GREENE: Thank you.

20 CHAIRPERSON ESPINAL: [pause] I'd like
21 to call up the next panel. With pleasure I would
22 like to call up Mercedes Ellington, Duke Ellington's
23 granddaughter, which is an honor to have her here
24 today. Thank you for coming. Yeah. We have Max
25 Travis from Much, Moore & Associates, LLC; Jerry

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2 Goldman; Frankie Hutchinson from Dance Liberation;
3 Olympia Kazi of New York City Artists Coalition; and
4 Rachel Nelson. [background comments, pause]

5 CHAIRPERSON ESPINAL: Ms. Ellington you
6 could bring—you could begin. Just state your name
7 before you give your testimony.

8 MERCEDES ELLINGTON: [off mic] Good
9 afternoon.

10 CHAIRPERSON ESPINAL: Oh, turn the-the
11 mic on.

12 MALE SPEAKER: Is the mic on?

13 CHAIRPERSON ESPINAL: You can bring it
14 closer, yeah.

15 MERCEDES ELLINGTON: It's okay now?
16 Yeah, alright, Good afternoon, Chairman and
17 distinguished members of the City Council Committee
18 on Consumer Affairs. I'd to—

19 FEMALE SPEAKER: Now, bring your
20 microphone closer.

21 MERCEDES ELLINGTON: Okay, I'd like to
22 thank you for giving me the opportunity to testify
23 and I'd like to thank the Council Members, Council
24 Member Espinal and the sponsors of this bill for
25 taking the initiative to repeal the existing Cabaret

2 Law, thereby reuniting live music with live dancing.
3 Who am I? You were—you heard my introduction. Yes,
4 I'm appearing on behalf of my musical Ellington
5 family headed by my Grandfather Edward Kennedy Duke
6 Ellington who insisted the entire family and close
7 friends address him as Uncle Edward, my father Mercer
8 who called him, Pop. My dad picked up the baton
9 after my grandfather's death in 1974 and most notably
10 conducted the band on stage for Sophisticated Ladies
11 on Broadway, and now I have picked up the baton as
12 Founder and President of the Duke Ellington Center
13 for the Arts a 501(c)(3) and an educational entity.
14 I am a performer, choreographer, director, producer
15 and historian of sorts. I was sent to kindergarten
16 at 18 months old, and when I was three I made my
17 stage debut as a snowflake in the Nutcracker's Suite
18 in a local uptown dance recital. I majored in dance
19 and received a BS degree from the Juilliard School of
20 Music in 1980—in 1960. I've been dancing ever since.
21 The year that JFK was assassinated was my first year
22 at a June Taylor Dance on the Jackie Gleason Show,
23 and that even caused quite a stir, as you can
24 imagine. I currently participate in ballroom dance
25 competitions in the rhythm category: Somba, Rumba,

2 Cha Cha, Paso Doble and Jive. But enough about me and
3 my qualifications. Let's get to the current
4 situation. The freedom to be beyond category to
5 explore and express through music and dance is our
6 human responsibility. The current Cabaret Laws were
7 designed to restrict, curtail and separate these
8 freedoms. Moving and dancing is a natural reaction
9 and response to the sounds we hear coming from our
10 musicians. Please repeal the Cabaret Law. It has no
11 place here in the greatest city on earth or anywhere
12 on this earth. My grandfather's orchestra was at one
13 time the house band at the original Cotton Club in
14 Harlem. The club boasted its fair of bands of color,
15 and white only audiences. Yet, the Savoy Ballroom a
16 few blocks away packed in around 5,000 dances a night
17 in an integrated situation. Astor Piazzolla, the
18 famous Tango composer used to frequent the Cotton
19 Club and was said to be inspired by Ellington to
20 break out of his traditional Tango music-musical
21 structure and create extended compositions. Both
22 composers were inspired to write their music for
23 dancers. Both composers were highly criticized for
24 straying from their normal accepted structure of
25 their compositions. These days musicians seldom get

2 an opportunity to play in clubs or restaurants and
3 then dancing is not allowed. Musicians inspire
4 dancers, inspire musicians. Please repeal the
5 Cabaret Law. The dance police who are able to shut
6 down the clubs when a few enthusiastic patrons get up
7 and move to the music, can turn their attention to
8 other really disruptive situations, and maybe they'll
9 feel a little better if they start to swing and sway
10 themselves.

11 CHAIRPERSON ESPINAL: [laughs] Thank you
12 so much. You may begin.

13 MAX TRAVIS: [off mic] My name is Max
14 Travis. I'm Associated with Muchmore and associates.

15 MERCEDES ELLINGTON: Is it on?

16 MAX TRAVIS: I don't think so.

17 MERCEDES ELLINGTON: Your time is up.

18 MAX TRAVIS: [on mic] Hello, my name is
19 Max Travis. I'm an associate at Muchmore &
20 Associates, PLLC, the principal attorney of our firm
21 is challenging the constitutionality of the Cabaret
22 Law in Federal Court, and I want to read part of his
23 statement. After a decade of inaction by the city
24 despite unsuccessful attempts at reform by the
25 Bloomberg Administration, I commenced with a

2 Constitutional Challenge of the Cabaret Law in
3 federal court on behalf of my own music venue. I
4 argued that at least in the context of a live music
5 venue, dancing is protected First Amendment
6 expression. Almost every culture around the world
7 has developed unique forms of music and dance and
8 these traditions are often central to one's cultural
9 identity. Even if social dancing were not protecting
10 by First Amendment, the rights of musicians and other
11 performers clearly are. As a practical matter, my
12 establishment Muchmores is required by the Cabaret
13 Law to censor musical genres that might lead to
14 dancing. We can play folk music or expense-
15 experimental electronic music, but we cannot allow
16 DJs or any kind of dance music. Most forms of hip-
17 hop and Latin music are dance oriented, which has a
18 disparate impact on minority musicians. Together
19 with the racial motivation behind the Cabaret Law,
20 this creates a violation of the Equal Protection
21 Clause. The Cabaret Law is also unconstitutionally
22 vague and overbroad. It does not define dancing,
23 leave officers to guess when toe-tapping, head
24 nodding or swaying exceed permissible bounds. It
25 defines a public dance hall as any room, place or

2 space in the city in which dancing is carried on and
3 to which the public may gain admission. This could
4 include a church, a wedding or even this very
5 chamber. It defines a cabaret as any room, place or
6 space in the city in which any musical entertainment,
7 signing, dancing or other form amusement is permitted
8 in connection with a restaurant business. An
9 unlawful other form of amusement could be almost any
10 behavior that tends to elicit a smile. In
11 demonstration of this, Caroline's Comedy Club was
12 ticketed with a violation of the Cabaret License and
13 a court said that technically it was. Even though
14 there was no dancing they were telling jokes. If the
15 Cabaret Law is repealed, what should it be replaced
16 with? The answer is that all of the laws needed to
17 address its purported concerns were enacted years
18 ago. To the extent the city is concerned about
19 noise, the New York City Noise Codes provides precise
20 decibel limits that cannot be exceeded. To the
21 extent the city is concerned about fire or
22 overcrowding the Fire Code and Building Code
23 thoroughly addresses issues. For an establishment to
24 have a legal capacity of more than 74 persons, it
25 must obtain a place of assembly, certificate of

2 operation, which requires submission of a seating
3 plan annual Fire Department inspections. I will add
4 that Councilman Espinal's bill that's being
5 considered right now also adds that—the security
6 requirements, but for establishers that have more
7 than 150 persons. Not every establishment and space
8 in the city. New York is one of the most heavily
9 regulated jurisdictions on earth. Were I not a
10 lawyer, I could not have established a small music
11 venue here. People with less resources and less
12 legal expertise including artists, musicians, and
13 underserved communities, find the cost of compliance
14 beyond reach. This crisis is compounded with rising
15 rents. In my neighborhood Williamsburg, the number
16 of music venues has fallen by half in two years.
17 Artists have been priced out. New York is being
18 sapped of its cultural vitality. I'd like to talk
19 about zoning now. In addition to the repeal of the
20 Cabaret Law the Zoning Resolution must be amended to
21 remove references to dancing. Zoning Resolution
22 Section 32-15 defines Use Group 6 to include "eating
23 or drinking establishments with musical entertainment
24 but not dancing with a capacity of 200 persons or
25 fewer. Zoning Resolution Section 32-2-1 defines Use

2 Group 12 to include "eating and drinking
3 establishments with entertainment and a capacity of
4 more than 200 persons or establishments of any
5 capacity with dancing. Dancing presents no unique
6 hazards. Three people dancing is not the same as 200
7 people in a room. Use groups should depend on
8 capacity. According to Zoning Resolution Section 32-
9 2.1, use group 12 consists primarily of a fairly
10 large entertainment facilities that (1) have a wide
11 service area and generally considerable pedestrian,
12 automotive or truck traffic; and (2) are, therefor,
13 appropriate only in secondary major or central
14 commercial areas. Most eating and drinking
15 establishments are not in central commercial areas.
16 As a result, they can't even apply for a Cabaret Law.
17 With more than 25,000 bars and restaurants in New
18 York City, no more than 118 can legally permit
19 dancing, and yes, I looked this next part up. A
20 quarter of them are the strip clubs. Entire
21 neighborhoods such as Bedford-Stuyvesant and El
22 Barrio lack a single location where people can
23 legally dance in public. In conclusion, as the
24 founding fathers reiterated time and again, useless
25 laws render necessary laws ineffective. What are the

2 necessary laws? The Noise Code, the Fire Code, the
3 Building Code, the Criminal Code, the regulations of
4 the State Liquor Authority, the regulations of the
5 Department of Consumer Affairs. By outlawing dancing
6 the Cabaret Law forces dancing to occur in venues
7 that are outside the realm of the necessary laws
8 endangering anyone who dances. A repeal of the
9 Cabaret Law will move dance venues above ground where
10 the necessary laws will be able to regulate the space
11 in which dancing occurs. Make no mistake, the
12 position that advocates the repeal of the Cabaret Law
13 is the law and order position. Please repeal this
14 unconstitutional and dangerous law. Thank you.

15 CHAIRPERSON ESPINAL: Thank you.

16 [background noise, pause]

17 JERRY GOLDMAN: My name is Jerry Goldman.
18 I'm an attorney and I primarily handle complex high
19 stakes litigation at a major national law firm based
20 in New York. I'm also a daddy and I'm a Pop Pop
21 jungle, and ineligible for MTA discounts. When I
22 started campaigning to change this law, I had kids.
23 Somehow, they're now grown-ups. I'm also a drummer.
24 I'm a member of the Board of the Dance Parade. I'm a
25 member of Legalized Dance, and I chair the board of a

2 not-for-profit organization, which promotes
3 participatory arts both here and in the state of
4 Nevada at Burning Man. I do all that pro bono. I
5 was born in Brooklyn. I lived in Sunnyside. Lived
6 and went to college in the West Bronx a mile from
7 where hip-hop came to be. At the same time that hip-
8 hop came to be, I was a prosecutor in Brooklyn and
9 presently live and work in Manhattan. These remarks
10 were all my own, and not on behalf of any client, my
11 law firm Anderson Kill or any organization with which
12 I'm affiliated. I do believe there are any
13 conflicts. I do not believe I represent any
14 organizations that would financially benefit from any
15 change in this legislation. As a matter of brevity,
16 I will incorporate my testimony and the documents
17 produced and submitted on June 18th, and I will
18 submit today after the hearing a copy of my
19 testimony. I've handed in a chart, which was given
20 to me, which represents the approximately 100
21 organizations, which presently have Cabaret Law
22 licenses in New York. And while I thank and applaud
23 the Mayor's Office for the position that they've
24 taken at today's hearing, I still believe that these
25 remarks are important, that this hearing is important

2 and the testimony of those here and in the audience
3 is important. This is a note from legislative work,
4 legislation isn't legislation until it's enacted.

5 Thank you for the opportunity to speak and I'm here
6 to speak to you about dance, something, which unifies
7 a quite divided species, the human species. I'm here
8 to speak to you specifically about the right to
9 dance, which sadly the city, our city, my city for a
10 host of reasons that we know are bad reasons has
11 deprived us of contrary to the rights of the people
12 as guaranteed by the Constitutions of the State of
13 New York and the United States of America. I suggest
14 that this Cabaret Law, which was enacted in 1926 at
15 the time of the regressive prohibition, which existed
16 in the city, state and country was flawed. I'm not
17 an historian. I'm not a sociologist. I wasn't there
18 when it was enacted. I do not know the true reasons
19 why it was enacted. We can look at the words in the
20 legislation and we can look at the context of what
21 was going on in this city, in this country. But I
22 understand that historical environment. That
23 historical environment was not friendly to people
24 with color. In fact, that historical environment at
25 that time was not friendly to people of a lot of

2 races, a lot of religions, a lot of national origins.

3 But I do know that at that time and afterwards how

4 this law has been utilized. It has been utilized in

5 a discriminatory manner based on race, based on

6 national origin. It has been used in a

7 discriminatory manner based on people's choice of

8 lifestyle, on people's sexual orientation on what

9 they look like, how they act and what they do, and

10 than cannot be countenanced. It cannot be

11 countenanced today. It's just plain wrong. It's

12 just plain unconstitutional and it's not fair. And

13 this city, this city of everything else is known as

14 the city that strives to be fair, and for that reason

15 alone before we get into anything else it has to be

16 repealed. Dance and art. Dance and art go to our

17 very heart. It goes to our very heart of each and

18 every one of us in this room, and most particularly

19 it goes to the heart of this city, its economy and

20 what makes us different than a place like Cleveland.

21 It's important now. It was important historically,

22 and it's important for tomorrow, and for all of those

23 reasons, too, this legislation must be passed. The

24 Cabaret Law has been enforced in an unfair manner.

25 As the chair of the committee used the words I

2 believe capricious and arbitrary. When laws are
3 enforced in a capricious and arbitrary manner, it
4 causes all to disrespect the meanings of the
5 enforcement clause. If laws are enforced in a fair
6 manner, it is good for everybody. For that reason,
7 too, this legislation must be passed. We've heard at
8 the prior hearing through Mr. Muchmore and others
9 about the underlying legal issues. I suggest quite
10 strongly that the analysis that the Second Department
11 adopted a number of years ago, and the upholding the
12 statute is flawed. It's based on a flawed analysis
13 of a Supreme Court case that was designed to protect
14 children. That case dealt with legislation that
15 barred adults from going into a facility where kids
16 were dancing. We don't want that. We want a
17 situation where we can dance. Nothing more and
18 nothing less. Communication isn't just words on a
19 piece of paper or spoken through a microphone at a
20 hearing or spoken from a state. Communication is
21 movement. Communication is rhythm. Communication is
22 sound. Communication is dance. Communication is
23 when somebody looks at me in the eye. Communication
24 is when somebody nods their head. Communication is
25 when somebody smiles, when somebody frowns, when

2 somebody hugs, when somebody kisses and when somebody
3 dances. Communication is protected speech, and dance
4 is protected speech, and for that reason again, this
5 legislation must be passed. My written remarks are
6 longer. I do not want to nor do I believe to take up
7 any--

8 CHAIRPERSON ESPINAL: I could listen to
9 you all day.

10 JERRY GOLDMAN: Huh? [laughter]

11 CHAIRPERSON ESPINAL: But in the interest
12 of--but the interest--from an interest if time, let's,
13 yeah, let's--lets--

14 JERRY GOLDMAN: I'm--I'm doing my dancing
15 there, but please I urge you to enact this
16 legislation. I urge City Council to enact this
17 legislation with reasonable protections for society
18 and again, thank you for all the work that all of you
19 have done on this.

20 OLYMPIA KAZI: Hi. My name is Olympia
21 Kazi, and I'm going to read the--the New York City
22 Artists Coalition testimony. It's an honor and a
23 privilege to be back here after only three months.
24 We were here last time to discuss the oversight, and
25 now we're here to discuss the repeal of the Cabaret

2 Law, this law that say some have unfairly been
3 criminalizing social dancing, and from the mental
4 culture and expression. The reasons for repeal are
5 many with about 100 active Cabaret Licenses and over
6 25,000 venues where New Yorkers may dance while
7 experiencing a de facto ban on social dancing in New
8 York City. A tradition and a law with a racist and
9 homophobic legacy has no place in contemporary
10 society. Today the Cabaret Law is not enforced
11 across t he board, but arbitrarily. Thus, it allows
12 for discriminatory practices by law enforcement
13 agencies. So, a law that is not supposed to be
14 enforced should actually not be on the books. This
15 law, which fit out of scale permitting requirements
16 and zoning restrictions that's going to be the next
17 thing we do need to address. It's a great burden on
18 small businesses and grassroots cultural spaces. It
19 also affects the livelihood of many when it becomes
20 means for closing the venues. Last but not least,
21 this law makes all New Yorkers unsafe by forcing us
22 to dance in unlicensed spaces, but for all of those
23 reasons avoid city safety and security controls and
24 the system. So, the New York City Actors Coalition
25 advocates for the safety and preservation of informal

2 cultural spaces and in the past two months we've
3 worked with the Dance Liberation Network and Dance
4 Parade and many other great organizations that will
5 be testifying here today in a relentless campaign to
6 legalize social dancing and to ensure cultural
7 vibrancy and safety for all New Yorkers. So, I'm
8 going to—you know, I was very happy to hear today
9 that the de Blasio Administration is supporting the
10 repeal, but as Jerry explained there is a process,
11 and we need to keep on knocking on doors, and this
12 law needs to come out from this committee. I'm very
13 happy that Councilwoman Karen Koslowitz is here.
14 She's one of the co-sponsors and we need to get some
15 more and then get the Speaker to give us a vote. So,
16 it's great that we're all here, and we're testifying
17 because—well, there is some work still to be done,
18 but it seems like we may get there. So, I wanted to
19 let you know that that's where the campaign is going.
20 We had great coverage from a lot of media, and that
21 we already got samples of the answers from the
22 Department of Consumer Affairs that included the
23 Cabaret Law Repeal in the Cultural Plan that has been
24 recently created, and that the Mayor's Officer of
25 Media and Entertainment has been working with us to

2 the nightlife, for the information of the Nightlife
3 Office and, of course, we need to say a great thanks
4 to our charismatic tireless ally in the City Council,
5 Council Member Espinal who has been working and
6 presenting these bills and giving me this opportunity
7 to, you know, address this historic wrong. So, this
8 is where we stand right now with the campaign, but
9 we, you know, we need to continue. So, please do
10 call your Council Members. Get them to become co-
11 sponsors of Bill Intro 1652. So in all these months
12 we've met with many council members and I wanted to
13 let everybody know that not once has someone told us
14 the Cabaret Law is good. The only arguments we had
15 for keeping it were either misinformation about
16 safety and nuisance requirements, but that Max
17 explained, as Max explained, these issues are
18 addressed in the Building Fire and Noise Codes or
19 worse we heard that this very bad law, which has been
20 used to harm so many can be a useful tool against a
21 few bad elements. You know, we need to have better,
22 fairer laws, policies and programs to address
23 nightlife related issues. Criminalizing social
24 dancing for all New Yorkers cannot be the means to
25 address a few bad nightlife actors. So, many people

2 have fought these laws for many decades and please do
3 the right thing. Repeal the Cabaret Law. Thank you.

4 FRANKIE DECAIZA HUTCHINSON? Hello. Hi,
5 my name Frankie Decaiza Hutchinson, and I'm doing
6 this, and also I want to say thank you City Council
7 for having us here today. It's been a long journey,
8 and we've come leaps and bounds so it's, you know,
9 important to celebrate the sort of things that we
10 have achieved and there is still a long way to go. I
11 represent the Dance Liberation Network and Discwoman.
12 I've lived in New York City since 2009, and like I
13 just mentioned I'm one co-founders of Discwoman
14 Platform and dedicated to progression in he music
15 industry particularly for women and LGBTQ folks. Our
16 work has been spotlighted, and awarded by Forbes and
17 PR and called LGBQ-LGBTQ Health Center for what we do
18 to help center the experience of marginalized people
19 in the artistic communities in New York City as well
20 as 15 other cities globally and other-over 200
21 artists. I mention this as I want it to be clear
22 that that I'm coming here as someone who works as an
23 activist in the communities that are affected by
24 Cabaret Law. Today, you know, I really want to ask
25 why. I want to ask the Council Members here today

2 why, why we hang onto a law that's been used
3 historically and systematically to oppress black
4 folks and other marginalized communities. It really
5 begs the question is this law being kept on the books
6 as a tool of oppression and the Administration can
7 use and abuse as t hey please? It's dangerous.
8 We've seen the impacts of its legacy during the
9 Giuliani Administration. With this law on the books
10 this kind of enforcement can easily be applied again.
11 This law was introduced in the 1926. Whilst there is
12 apparently some skeptics as to whether this law was
13 founded out of racism or not, this is America. If
14 one understand how slavery to the state has an
15 economical and visceral impact on black communities,
16 then it isn't hard to understand how any legislation
17 created in 1926 would also impact black communities.
18 The law was introduced in this very room in the 1926
19 Orderly (sic) Report, which officially enacted
20 Cabaret Law kicks off by specifically protesting jazz
21 a genre invented and overwhelmingly performed by
22 African-Americans before stating: *Well, it has been*
23 *altogether too much running wild in some of these*
24 *night clubs, and in the judgment of your committee,*
25 *the wild stranger and the foolish native should have*

2 *the check rate applied a little bit.* It's crucial in
3 to remember that jazz music is the reason why we're
4 all here today. The music that is loved and adored
5 and most importantly profited off. The irony that
6 this genre was founded out of oppression and then
7 folks were oppressed for playing it is astounding.
8 The law didn't just affect patrons at jazz clubs. It
9 later affected the musicians, too, who were forced to
10 carry cabaret cards, which would often be revoked,
11 overwhelming affect—overwhelmingly affecting black
12 musicians and left them unable to work. In addition,
13 instrumentation was also limited prohibiting use of
14 brass and percussion instruments. So, why is the
15 City Council keeping this law on the—is keeping this
16 law in the toolbox exactly? The City Council claims
17 it isn't using it. Then what is it its purpose of
18 it? Everyone is uneasy with the arbitrary nature of
19 the law founded on oppression. The fact that it's
20 still here reveals how it's always been available to
21 be used oppressively. Everyday I work with people.
22 I work with people of color in LGBTQ communities to
23 convince legal systems in New York City a bill
24 against that interest. This is one of those systems.
25 We have an opportunity to break for other people who

2 feel disenfranchised. I'm listened to and I'm care
3 about by city government. We have an opportunity to
4 press the reset button and start fresh with how we
5 treat those we feel like they're being criminalized
6 for freedom of expression and more specifically
7 dancing. The city is being laughed at by other
8 cities of world having a no dancing law. This is New
9 York City. This is absurd. This needs to be
10 repealed now.

11 CHAIRPERSON ESPINAL: Thank you. Rachel,
12 I'm going to keep you for the next panel.

13 RACHEL NELSON: Okay.

14 CHAIRPERSON ESPINAL: But I'm going to—
15 I'm just going to thank everyone for their
16 testimonies. Ms. Ellington, again it's an honor and
17 a pleasure to have you here today. I think you with
18 your history and the history of your family I'm sure
19 that you are very aware. I think you bring weight to
20 this conversation. So, than you for being here

21 MERCEDES ELLINGTON: This is happening
22 here.

23 CHAIRPERSON ESPINAL: Alright, thank you
24 guys. So, I would like to call up Rachel Nelson,
25 Wally Ruben from Community Board 5, Andrew Rigie and

2 Robert Bookman from the New York City Hospitality
3 Alliance. [background comments]

4 RACHEL NELSON: Hello. My name is Rachel
5 Nelson. I'm here today on behalf of small business
6 owners in Brooklyn. I own three bars, but I'm also
7 here as a representative of somebody who's been a
8 part of the New York City DIY scene for the last 15
9 Years. We come to you today not as a group of naïve
10 party people who think that things in politics happen
11 overnight or the laws can be changed at a group's
12 whim, but as a constituency of social activists, as a
13 constituency of small business owners and artists and
14 as a constituency of taxpaying voting concerned-
15 concerned citizens that see a flaw in our system that
16 requires immediate remedy so that all people are
17 treated equally under the law. It is illegal to
18 dance in New York City, the city that never sleeps,
19 where nightlife is a \$9 to \$10 billion industry.
20 I'll say it again. It is illegal to dance in New
21 York City. Okay, not fully illegal.

22 CHAIRPERSON ESPINAL: [laughs]

23 RACHEL NELSON: It is illegal to dance
24 without a Cabaret License, a license that only one
25 percent of most-mostly wealthy backed investor

2 establishments are granted. One percent. That is 97
3 places out of around 10,000 otherwise legally
4 licensed establishments are allowed the privilege of
5 dancing. Does this scenario resonate or sound
6 familiar with another national dialogue. New York
7 City is supposed to be a place where you come to make
8 it, a city of neighborhoods where small businesses
9 truly are the back bone of local economies. I spent
10 12 years working in New York City bars and
11 restaurants while running an art space that has faced
12 not only a 600% increase over 13 years, but also I've
13 had to move four times to spaces deeper and deeper
14 into Brooklyn. For my pain, I have been accused of
15 gentrifying and/or displacing, but while my rents go
16 up causing others perhaps less fortunate than me to
17 do so, too. Photographs of my art space have been
18 used literally on advertising and marketing campaigns
19 for condos, without my permission I might add,
20 creating revenue and cultural cache for the city at
21 the cost of my self and other art spaces that have
22 helped reshape New York City culture since the
23 Giuliani Era. The discussion about dancing is a part
24 of much bigger picture. It cuts at the very heart of
25 which New York City we all want to live in, a place

2 that rewards and values its small businesses and
3 cultural spaces with fair laws that are enforced and
4 granted equally, or a city in which only change and
5 investors can afford the right to dance while
6 exploiting cultural spaces and the little guys to see
7 which neighborhoods they're going to take off next.
8 Recently I've been lucky enough to find a landlord
9 who is willing to give me a 10-year lease for my art
10 space. Me and a group of dedicated friends invested
11 our life savings in this space. We spent months
12 renovating and did every job that we were legally
13 allowed to do ourselves so that it still feels
14 handmade and with love, and because we signed a lease
15 six days after the deadly ghost ship fire, we were
16 leaving fourth (sic) floor exits in a room that is
17 left and 1,100 square feet. We want to be safe in
18 safe, but one thing after all this time money and
19 energy puts us in jeopardy—jeopardy of being signed
20 out of existence. Our customers like to dance. To
21 this, I ask you has anyone here applied for a liquor
22 license lately? Did you know that you get
23 photographed, fingerprinted, your bank statements and
24 personal history are submitted to the State Liquor
25 Authority. It's a 20 something page application, and

2 you need to apply for the department—the Department
3 of Health permit. To incorporate through the
4 Department of State and federal law, you register
5 your business with the IRS. You have to file a
6 certificate for the honor of collecting taxes. You
7 go to community board meetings. You have insurance
8 for Workers' Compensation, Disability, Liability and
9 liquor liabilities not to mention the Department of
10 Buildings Local Fire Code, establishing relationships
11 with your local precincts. And I promise you
12 whatever the laws don't require of you, your
13 commercial insurance carrier will including video
14 surveillance and licensed security. So, yes, it is a
15 true privilege to hold a liquor license and to run a
16 nightlife venue in this space. It comes with a lot
17 of responsibility, but what is curious is that we are
18 granted all this grave responsibility to serve and
19 watch over people who are consuming alcohol. We
20 establish and pay for the creation of trust between
21 the state and ourselves, but somehow the simple act
22 of dancing we are not trusted with. To this concern,
23 I'm often told the Cabaret Law is not enforced. To
24 this I tell you come out to Brooklyn or Queens on a
25 Friday night around 1:00 a.m. when unknown,

2 unregulated paramilitary enforcement agency know as
3 MARCH raids your place, shuts down—shuts down and
4 frightens customer away from ever coming back. Often
5 triggered by something as small as a compliant maid
6 three months ago by a neighbor who has already
7 forgotten. One of the favorite tools and
8 intimidation especially when you are otherwise up to
9 code is a fine for illegal dancing, a violation of
10 the Cabaret Law. So, yes it is enforced. It is
11 enforced arbitrarily often against minority owned and
12 small venues. When you receive a cabaret violation
13 that is a dancing violation, you may not be able to
14 renew your liquor license. You may never be able to
15 open another place. It is not a small thing.
16 Dancing puts small business owners in constant fear
17 for ourselves and the livelihood of the many people
18 we employ, and let me reassure you we employ a lot of
19 people. There are concerns that repealing the
20 Cabaret Law will lead to a surge in new bars, but
21 nothing about repealing the Cabaret Law will change
22 any of the things I mentioned before. That is it
23 will be just as hard and just as bureaucratically
24 tedious and just as expensive to open a bar. For
25 this, the status quo will remain intact and

2 neighborhoods with few bars can breathe a sigh of
3 relief. For those of us open—already open or hoping
4 to open it will clear away some of the red tape and
5 fear in doing business. So, in this today, we come
6 here today not naively to wipe away in one swoop a
7 law steeped in racism and bias against minority and
8 small business owners. There—there is a call to
9 eradicate any such inequity from our books. We do
10 come here today with our eyes wide open to a long-
11 term relationship and to a process. We come here
12 today as a Nightlife Constituency--that I might add
13 paid almost a billion dollars in sales tax last year--
14 to ask the City Council and the de Blasio
15 Administration to take the first step by repealing
16 the Cabaret Law, which wills start the process by
17 decriminalizing dancing in New York city, and yes we
18 are impressioned of the fact that decriminalization
19 is not the same as legalization, but we'd like the
20 dancing to be at least as legal as other things the
21 city has deemed not worthy of enforcing any more.
22 Thank you.

23 Good afternoon and thank you for allow
24 Manhattan Community Board 5 to address you today on
25 the issue of revoking the Cabaret—the New York City

2 Cabaret Law. We strongly urge the Council to be
3 mindful of the important tools that the Cabaret Law
4 gives to communities around the city. Manhattan
5 Community Board 5 is located in the Central Business
6 District of Manhattan. Yet, increasingly we are a
7 residential community as well. CB5 has had
8 tremendous success in recent years working with our
9 partners at the SLA, the DCA, the NYPD and members of
10 the public to maintain a necessary public review
11 process for Cabaret License applicants in our
12 district. The New York City Cabaret Law has been a
13 critical component of this process. It has ensured
14 that standards of public safety and quality of life
15 from that by making certain that venues are
16 appropriately constructed with adequate life safety
17 protections, that operators are qualified and that
18 proposed methods of operation are appropriately
19 balanced with the needs of the local community. More
20 importantly, it has afforded us an opportunity to
21 bring nightlife applicants into a public hearing
22 process with a clear set of expectations where
23 residents and neighbors can weigh in to express their
24 concerns or show their support and through our
25 auspices come to collaborative agreements that work

2 for all parties. We have concerns about whether the
3 recently created Office of Nightlife under the
4 jurisdiction of the Mayor's Office of Media and
5 Entertainment has the proper experience to play this
6 role. MOME has traditionally and predominantly been
7 the proponent and advocate for media industries
8 within New York City government, which is its proper
9 role. It cannot substitute, however, for a community
10 board process within which nightlife applicants must
11 directly address their prospective neighbors. Film
12 and television production comes and goes. Nightlife
13 venues are part of their community night after night.
14 Manhattan Community Board 5 hopes this committee will
15 proceed cautiously regarding changes to the New York
16 City Cabaret Law, always keeping in mind the valued
17 and necessary role community boards currently play to
18 balance the concerns of this important industry with
19 those local residents and neighbors. Thank you.

20 CHAIRPERSON ESPINAL: Thank you. Before
21 we move forward I just want to address some—an
22 important point about the—the Office of Nightlife,
23 right. The Office of Nightlife is an office that
24 will be just as accessible to the community boards,
25 as it is going to the business, and it's going to be

2 representative of all parties and all stakeholders
3 when it comes to nightlife and communities. So, I-I
4 wouldn't want the community boards to see this as a
5 way to hinder quality of lives and communities, but
6 it's more about opening a dialogue between the
7 community board, the city and-and the businesses in
8 the community. So, it's-it's designed to help
9 everyone in a way where we value and look for ways to
10 help the night time economy grow at the same time.
11 So, you know, you're-you're part of the conversation.
12 The community boards are part of the conversation,
13 business is part of the conversation, and you all
14 will have equal weight in whatever is being said or
15 done in the future.

16 ANDREW RIGIE: Good afternoon. My name
17 is Andrew Rigie. I am the Executive Director of the
18 New York City Hospitality Alliance. We are a not for
19 profit trade association that represents thousands of
20 eating and drinking establishments throughout the
21 five boroughs. Now, many of our members are impacted
22 by the Cabaret Law, which requires restaurants, bars
23 and clubs to meet specific zoning safety requirements
24 and also then obtain a license from the city's
25 Department of Consumer Affairs before they're

2 permitted to allow dancing with their establishment.

3 Now, it's been said here today the history of the

4 Cabaret Law is very controversial, and its

5 enforcement has certainly been described as racist

6 and selective. Over the years the courts have

7 rightfully struck down many provisions of the Cabaret

8 Law as unconstitutional. So, we have—today is really

9 a skeleton of the original much more controversial

10 law that acts almost as a checklist to ensure that

11 other zoning and public safety requirements are

12 adhered to before dancing is permitted. Nonetheless,

13 repealing the Cabaret Law or I should say the license

14 is an important action and a symbolic step for many

15 people as you've heard here today. However, upon

16 repeal of the Cabaret License, the New York City

17 Hospital Alliance urges the City to advise businesses

18 and the public that such a repeal does not mean that

19 people can now just dance at every restaurant, bar,

20 club or other venue around the city. To allow

21 dancing, a business still is going to have to meet

22 the proper zoning requirements, have the proper

23 public assembly permit, have video cameras and fire

24 safety systems and, if they employ security guards,

25 they must meet additional standards. When all these

2 requirements are met, the business will then need to
3 amend their liquor license to permit dancing in the
4 licensed establishment. Now, because of this multi-
5 step process, as it often is for the business
6 community, we believe that the Office of Nightlife,
7 which we commend you on and congratulate everyone
8 that can do a lot of work around this issue, and
9 begin addressing the public safety, the zoning
10 requirements in a really comprehensive and thoughtful
11 way to ensure that we can allow dancing at more
12 establishments around the city, which generates
13 revenue for business, allows people to go out dancing
14 and enjoy themselves, and that gets rid of the
15 blemish of the history of this law. Now, we also
16 want to just say and make sure that the record
17 reflects that prior to this hearing we have expressed
18 concern on the current language contained in Intro
19 1652, and we do appreciate you and the teams
20 responsiveness and openness to address these concerns
21 because we do not want them to have negative and
22 unintended consequences on the nightlife community
23 and our city's culture. So, we really look forward
24 to working with you to make sure that this bill is
25 done in a straightforward effective way, and then

2 again, we thank the Office of Nightlife can really
3 work in a comprehensive way to look at this and all
4 the issues that impact nightlife and the night time
5 economy. So, thank you and I'll turn it over to our
6 Counsel Rob Bookman.

7 ROB BOOKMAN: Good afternoon. My name is
8 Robert Bookman. I'm an attorney in the city of New
9 York. I'm counsel and one of the founders of the
10 Hospitality Alliance and a partner in the law firm of
11 Pesetsky and Bookman. We specialize in the
12 hospitality industry, and while I am nowhere near as
13 famous as the granddaughter of Duke Ellington, I did
14 want to spend a minute to give you my background so
15 you know where I come from on this issue. I helped
16 form the New York Cabaret Association back in 1989
17 after I left city government in '86 for the sole
18 purpose of trying to address the unfairness of the
19 Cabaret Law. That expanded that New York Cabaret
20 Association in the New York Nightlife Association
21 back in 1994, and that remained in full force and
22 effect until five years ago when we formed the New
23 York City Hospitality Alliance. I have been at the
24 forefront of this issue for literally 30 years. I
25 worked with Council Member Koslowitz about 20 some

2 odd years ago in legislation to try to liberalize the
3 Cabaret Law to allow more places where we—I think the
4 definition we came up with the then Councilwoman was
5 incidental dancing so that local neighborhood bars
6 could do it when they weren't really dance clubs.
7 There was no political desire for it at the time.
8 So, it simply didn't go anywhere. I think Giuliani
9 was mayor at the time. But that's my background.
10 So, we are huge supporters of lawful and safe
11 dancing, and would support any bill that would
12 increase the number of places where businesses can
13 offer dancing legally as long as it is in a safe
14 environment. New York City Because of two major
15 tragedies over the decades the Happy Land and the
16 Blue Angel in which unlicensed, unsafe establishments
17 or operating as dance clubs had fire tragedies, New
18 York passed what we consider the toughest and sanest—
19 well, the toughest safety laws in the world. So,
20 when you walk into a licensed dance club today, you
21 know that they have met the toughest safety standards
22 for any place in the world, and we think that's
23 important and we shouldn't lose that because God
24 forbid there's another incident, the pendulum is
25 going to swing completely in the opposite direction.

2 I don't think anybody, you know, wants to lose that.
3 The problem, you know, I have, you know, with this
4 bill is that you repeal the Cabaret Law today and
5 tomorrow not one additional place that currently
6 cannot have dancing will be able to have dancing.
7 Let me repeat because a number of people like to
8 repeat the headline here. Repealing the Cabaret Law
9 does not increase by one establishment the number of
10 places where dancing can legally occur, and by the
11 way, dancing is not criminal and the people who dance
12 are not violating the laws. We're talking about
13 businesses who are regulated and how the city and the
14 state chooses to regulate those businesses, and
15 that's because the Cabaret Law and my old agency the
16 Department of Consumer Affairs they did-it doesn't
17 decide where people can dance, where businesses can
18 allow dancing. It's simply acts as a checklist to
19 ensure that the business has all of those
20 requirements that are otherwise required so that I
21 meets the zoning requirements, that it meets the fire
22 safety codes, and it meets the building codes. And
23 when you have-all those items are checked, you get
24 your Cabaret License. It's as of right. There's no-
25 no discretion. What this bill does is remove the

2 checklist, but it keeps all the items that are on the
3 checklist, and it doesn't change anything. One of
4 the attorneys in the first panel correctly testified
5 that zoning laws is what determines where dancing can
6 occur and not occur, and repealing the Cabaret Law
7 doesn't change that. And while the Cabaret Law over
8 the decades appropriately has been found more and
9 more unconstitutional, leaving now only patron
10 dancing is the only thing that the Department of
11 Consumer Affairs insists on a Cabaret Law for. The
12 zoning laws become more and more expansive and
13 restrictive about where you can have dancing. So,
14 that's where the battle ultimately needs to take
15 place is at City Planning as to where they're going
16 to allow businesses, you know, to dance, you know,
17 and to have dance clubs. Then, of course, you have
18 the fire safety issues. I've sat in many meetings
19 with the Fire Department and they will tell you as
20 they have told us and I know they told Council Member
21 Koslowitz over the years that a patron's awareness of
22 their surroundings and, therefore, safety laws
23 [bell]need to be different for a bar where you're
24 sitting and having a beer and talking with a friend,
25 a restaurant where you're having a meal versus a

2 nightclub where there's a dance floor where the music
3 tends to be lower, where the lights tend to be lower,
4 and because you're not as aware of your surroundings
5 that's why they have all of these safety laws. So,
6 what we're worried about is that mixed message will
7 go out to all these businesses in Brooklyn and
8 elsewhere that the reason why they don't have Cabaret
9 Licenses now is because they're probably not zoned
10 for it because if they were they could go get a
11 Cabaret License. We're concerned that there's going
12 to be a confusing message out there that the dance
13 laws have been thrown out, the dance police are out
14 of business. It's okay now for every neighborhood
15 bar on a Friday or Saturday night to push the tables
16 and chairs away, bring in a DJ, put a red line, a red
17 velvet rope outside, charge \$10 and be a dance club.
18 That's a bad message, and if that's what is the
19 result of this because there's going to be more legal
20 enforcement for the police not less as a result of
21 that because people will be complaining to their
22 Council Members and otherwise that that nice bar down
23 in the city is now, you know, some loud club on the
24 weekends, and they will use whatever tools they can
25 and they don't need a cabaret law to issue violations

2 to a place like that. They will issue violations,
3 which we defend in my office all the time for
4 operating contrary to the C of O or if they have more
5 than 75 people in there, you don't have a public
6 assembly permit or that you don't have the fire
7 safety. Or, my nightmare scenario is God forbid
8 there's a fire in one of these places and people get
9 killed, and—and then they—and then they get a turn
10 with the city government and say well you told me to
11 us it's okay. You said the dance laws don't exist
12 any more. So, if you're going to do this, you've got
13 to very clear that its step 1 in a long process and
14 nothing has changes other than there's one less law
15 they could write a ticket under. But if the police
16 are coming to a place in, you know, now, they're not
17 coming because of a complaint of dancing inside. I
18 assure you. They're coming because there are
19 complaints of other issues, and they use the dancing
20 as something to issue a ticket for. They wills till
21 issue the ticket if people are dancing there because
22 it's violating three or four of the different zoning
23 and fire safety laws. So, that's our concern and we
24 want—and we wanted to express that to you. As to the
25 other language, I'm a little concerned that what we—

2 if we're going to repeal this law, we don't exchange
3 and the numbers, everybody has a different number. I
4 understand it's 175 license categories left. Some of
5 the numbers today were people say there are less, but
6 let's just say they're less. But let's if we can use
7 the larger number 175, I don't want to exchange the
8 security camera, you know, requirements, which are
9 not—which are not inexpensive for a small
10 neighborhood business. I don't want to change 175
11 places that have to install that for hundreds or
12 maybe thousands of places who meet this new
13 definition of this new thing called a nightlife
14 establishment. So we want to want to continue
15 working with you. It's like I don't think anybody is
16 looking to add more burdens to these local businesses
17 who now still can't dance, but now they have to have
18 security cameras because of, you know, they—they meet
19 this new definition of nightlife establishment. So,
20 let's work together on language, and by the way, the
21 police love security cameras. If they could require
22 every business in the city of New York to have
23 security cameras inside and out, they would. So, I'm
24 not surprised that the Administration says, you know,
25 well, you know, we're not—they didn't give you a

2 clean answer to your insightful question. You know
3 would you support language that only limited security
4 cameras to the 175 places that currently are required
5 to have them and they kind of gave you an answer that
6 sounds like to me like well we're going to capture
7 some more places. I don't think that that would be
8 fair. So, those are the issues that we have. We-we
9 appreciate working with you on this. We will
10 continue to work with you on it. Thank you.

11 CHAIRPERSON ESPINAL: Alright, thank you.
12 I'm just going to say for the record I agree with
13 you. I wouldn't want more than 175 of those
14 businesses beyond that to be captured under a new
15 bill. So, we're going to work towards that.

16 ROB BOOKMAN: That's great.

17 CHAIRPERSON ESPINAL: I guess my next
18 question to you is if we repeal the Cabaret Law, the
19 businesses within the zoning that you've mentioned
20 earlier would they need a license for people to
21 dance?

22 ROB BOOKMAN: They won't need a license
23 to dance. No.

24 CHAIRPERSON ESPINAL: Okay.

2 ROB BOOKMAN: It-but they'll-they'll
3 still need everything else.

4 CHAIRPERSON ESPINAL: Yeah, yeah, of
5 course right. That's the-that's the point making
6 sure we have the security in there for that to
7 happen.

8 ROB BOOKMAN: They'll still-they'll-if
9 they're in the zone, they won't need a license.
10 They'll just have to install if they don't already,
11 they'll have to install all the safety systems, which
12 the Fire Code requires for dancing, and they will
13 most likely have to go back to the State Liquor
14 Authority and step one will be the community board
15 and what's called the Changing Method of Operation
16 Application. Because they clearly when they filed,
17 they filed as a bar with no dance because they-
18 because the SLA License Application says if you
19 checked yesterday and since you're in New York City
20 you have to give us a Cabaret License. So they
21 clearly check no that they're not having dancing.
22 So, if they're going to have dancing because they're
23 zoned for it, they're going to have to do that, but
24 they're also going to have to change their C of O.
25 Just because you're in a zone for it doesn't mean you

2 can legally do what that zone allows for. C of Os
3 are for building and for floor.

4 CHAIRPERSON ESPINAL: So a Cabaret
5 License is that first step in--

6 ROB BOOKMAN: [interposing] The Cabaret
7 Law License was the last step. The first step was
8 your C of O. You can't operate without a C of O.

9 CHAIRPERSON ESPINAL: [interposing] But
10 removing the Cabaret License is that first step and
11 then they can go back and start worrying about the--

12 ROB BOOKMAN: [interposing] You're
13 repealing the top of the--of the--of the pyramid, not
14 all the things that led to the top of the pyramid.

15 CHAIRPERSON ESPINAL: It's--

16 ROB BOOKMAN: [interposing] When I--I did
17 many Cabaret License for--

18 CHAIRPERSON ESPINAL: [interposing] But
19 legislatively as--as a City Council member, the only
20 action I can take is to repeal the Cabaret Law, and
21 it will just start that transaction--

22 ROB BOOKMAN: [interposing] Oh, well,
23 yeah--

24 CHAIRPERSON ESPINAL: --allowing for
25 people--

2 ROB BOOKMAN: [interposing] You're also-

3 -

4 CHAIRPERSON ESPINAL: --to be able to
5 dance in the use groups without a license.

6 ROB BOOKMAN: Right, you—you have some
7 input.

8 CHAIRPERSON ESPINAL: Alright, thank-
9 thank you.

10 ROB BOOKMAN: You certainly have input
11 because the Council is a strong zone--

12 CHAIRPERSON ESPINAL: [interposing]
13 Thanks, thanks. I have a question for Rachel that I
14 want to get.

15 ROB BOOKMAN: Right, but it has a strong
16 zoning law.

17 CHAIRPERSON ESPINAL: Alright. Rachel,
18 you—you have a very colorful history in Brooklyn and
19 the city. As you mentioned before, you ran a lot of
20 DIY venues, some that I'm very familiar with or-or
21 some that were in the manufacturing areas in
22 Williamsburg. Possibly you know or you have
23 acquaintances that—that run some of the manufacturing
24 areas in Bushwick. Would you say that you've seen
25 venues close in Williamsburg and possibly Bushwick

2 because they didn't have a license to allow dancing
3 in that--in--?

4 RACHEL NELSON: Yeah, it's often a tactic
5 of various administrations and the local law
6 enforcement that when a neighborhood is under rapid
7 gentrification, they start to use the Cabaret Law to
8 quickly evict people from spaces. So, yes, it's
9 something that's been used. Over the last 20 years
10 I've seen it numerous amounts of times in order to
11 get lower paying tenants out and get even higher
12 paying tenants or redevelopment for condos then.

13 CHAIRPERSON ESPINAL: In Use Group 12
14 have there been DIY spaces--

15 RACHEL NELSON: [interposing] Oh, yeah--

16 CHAIRPERSON ESPINAL: --and for the
17 entire--

18 RACHEL NELSON: --for sure. I mean the
19 entire Tenth Avenue in Williamsburg was all I believe
20 Use Group 12. It was all industrial. I mean those
21 condos are sitting on things that used to be garbage
22 dumps.

23 CHAIRPERSON ESPINAL: Okay. Thank you.
24 [pause] Alright. So, guys, we're going to work
25 together. We--we just want to make sure that we

2 protect all other businesses from being captured into
3 this law.

4 ROB BOOKMAN: Right.

5 CHAIRPERSON ESPINAL: I think it's
6 something that I strongly agree with you, and I look
7 forward to continue the dialogue after this hearing.
8 Thank you. Thanks guy.

9 ROB BOOKMAN: Thank you.

10 CHAIRPERSON ESPINAL: You're a pleasure
11 to work with.

12 CHAIRPERSON ESPINAL: You, too, man,
13 always. [background comments]

14 CHAIRPERSON ESPINAL: Alright, next let's
15 call up Christopher Carroll from Local 802, the
16 American Federation of Musicians, and Greg Miller of
17 Dance Parade, Jamie Burkhart from New York City
18 Artist Coalition. John Barclay from Dance Liberation
19 network. [background comments, pause] And we're
20 going to set the clock for two minutes. When you're
21 ready, you can begin testifying.

22 CHRISTOPHER CARROLL: Good afternoon,
23 Chair Espinal and members of the Committee on
24 Consumer Affairs. My name is Christopher Carroll and

2 I'm the Political Director for the Associated
3 Musicians of Greater New York, Local 802, AFM.

4 CHRISTOPHER CARROLL: [off mic] Is this
5 on? [on mic] It's on. Great. Thank you. I would
6 like to thank you for the opportunity to present
7 testimony in support of the full repeal of the
8 Cabaret Law. As this law has no place in our
9 society, and if New York City is a place that
10 supports the arts and creativity as well as the
11 businesses and performers that make New York City a
12 cultural capital, it must be repealed. Local 802 is
13 the largest local union of professional musicians in
14 the world including musicians of all styles and
15 background to the Metropolitan Opera an orchestra to
16 Broadway and the thousands of musicians playing in
17 recording studios, jazz clubs, hotels, bars, lounges,
18 dance halls. They perform each day and every night.
19 Musicians come to New York from across the country
20 and the globe for the opportunity to perform with the
21 most talented artists and be part of the most
22 creative community. Many of these musicians perform
23 in our city's nightlife venues and it is here in
24 those venues that much of our vibrant, artistic and
25 cultural life is born, developed and encouraged. As

2 a result, New York City is home not only to the most
3 talented musicians in the world but also to the most
4 innovative, the most diverse, the most flexible and
5 the most creative. However, the Cabaret Law, a lot
6 steeped in both racism and bigotry is arbitrarily
7 enforced, limits performers freedom of expression,
8 hinders the health of small businesses and venues and
9 diminishes our city's identify as a cultural and
10 entertainment capital. It runs contrary to values
11 that New Yorkers hold der, the values of inclusion,
12 the values of compassion, the values of acceptance
13 and artistic freedom. This undue and unreasonable
14 burden is not just felt by the business owners forced
15 to comply or risk liability, and it's felt by the
16 musicians whose livelihoods depend on them performing
17 live music at a restaurant or at a bar or in a night
18 club. Local 82 advocates everyday for the creating
19 of performance opportunities that encourage live
20 music and allow musicians to be treated fairly and
21 support themselves and their families. These types
22 of opportunities are vitally important both for the
23 vibrancy of our city's cultural identify as well as
24 the health of our-our entertainment economy.
25 Musicians are subject to frequent exploitation,

2 misclassification, for infrequent economically
3 sustainable opportunities for employment. As a
4 result, the median income for musicians is in the
5 five boroughs is just \$30,000 a year, oppressive
6 lives, but the non-musicians crucial opportunities
7 they need to continue to live and work in our city
8 must be abolished. Ultimately, the city—the city and
9 the Council must leverage every opportunity [bell] to
10 create laws and regulations to support the musicians
11 and performers who make New York City a cultural
12 capital of the world. Local 802 is proud to support
13 the Office of Nightlife and Advisory Board under the
14 stewardship and leadership of Council Member Espinal
15 in August, and we hope the new office will provide
16 the administrative and its very support musicians
17 need to survive. The abolishment of the Cabaret Law
18 is an important component of those efforts, and
19 musicians of our city fully support its immediate
20 repeal. Thank you.

21 GREG MILLER: My name is Greg Miller.

22 I'm the Executive Director of Dance Parade, and a
23 member or legalizeddance.org. We actually started
24 the dance parade in 2007 as a result of the State
25 Supreme Court case where a number of dancers brought

2 a case that said dancing should be legal in all the
3 venues, and we were shocked to hear that all kinds of
4 social dancing, Latin, ballroom, country western and
5 many more might be considered not expressive under-
6 even when we had the First Amendment. We responded
7 with the Dance Parade not just on Broadway, but in
8 schools and community centers, senior centers. We
9 bring dance programs that culminate in the final
10 event in May, and we now have 80 unique styles of
11 dance, and all these people they originally came out
12 because of the Cabaret Law, and I'm going to go off
13 script here, and kind of respond a bit to the
14 Hospitality Alliance, and some of the community board
15 opposition to the law. I think it's kind of a scare
16 tactic to say that there's going to be discos popping
17 up everywhere, that-that the fire safety is an issue
18 because when-when it did happen, the Happy Land fire
19 for example, you know, in the Bronx was an
20 unregulated space. It was gang related. It
21 happened, you know, because there weren't safe
22 conditions. Now we have the safe conditions. We
23 have a 2007 Noise Reduction Act where the Council
24 passed the law to make the city quieter. So, a lot
25 of the issues that we're talking about today that

2 scare people about—about repeal have already been
3 covered by existing laws. [bell] So, I just wanted
4 to say that, and I question, you know, what about
5 corruption? This is 1926 when this law occurred.
6 When did the corruption stop? We all know it
7 happened, but didn't actually stop. There's 104
8 licenses and I just want to like have everybody look
9 at the list, and—and ask ourselves, you know, do we
10 need to investigate why some clubs get them and other
11 don't. Very famous large clubs don't have them, and
12 we don't want to cause problems for them. We want to
13 have dancing for everybody but let's look at, you
14 know, where the money is or, you know, try to come up
15 with a fair way. So, I want to thank you for—so much
16 for the task force. I think it's a great step that's
17 going to assist the not in my back yard argument, and
18 it's going to make a huge difference. We're going to
19 have a better city because of this. Right now,
20 culture is going away, and we need your help, the
21 committee's help to make this a better city. Thank
22 you.

23 JAMIE BURKHART: My name is Jamie
24 Burkhart. I'm a member of the New York City Artists
25 Coalition. I'm asking the New York City Council to

2 repeal the Cabaret Law. The Cabaret Law makes social
3 dancing illegal in all but fewer than 100 places in
4 New York City. I'm talking about birthday dancing.
5 I'm talking about the first dance at a wedding. At a
6 wedding we should all dance. Dance is how we express
7 the unity of our families becoming one. Dance is how
8 we move our cultural traditions forward across
9 generations. Dance should not be illegal, nor should
10 it jeopardize city's vital community places, which
11 we're already losing due to the affordability crisis.
12 The Cabaret Law was created in 1926 to stop inter-
13 racial dancing in Harlem dance clubs. It was use by
14 Mayor Giuliani in the '90s to target and shutter gay
15 bars decimating culture. Stonewall was the only gay
16 bar at the time to allow dancing in spite of not
17 having a Cabaret Law. The Civil Right Issue law was
18 used time and time again, and it's still on the books
19 and its prejudicial history is still felt today.
20 Because of the Cabaret Law, there are zero legal
21 places to dance in Bed-Stuy nor in El Barrio for
22 instance. There are zero Cabaret Law instances in
23 Council Member Cumbo's district where I live nor in
24 the Speaker Melissa Mark-Viverito's district. With
25 fewer that 100 active Cabaret Licenses in all five

2 boroughs, there is nowhere legal to dance in the vast
3 majority of New York City's neighborhoods. Walking
4 in today Council Member Dromm just told me that they
5 never grant Cabaret Licenses for LGBTQ spaces in his
6 district. In 2017, we as a city must take a clear
7 stand against racism and homophobia. This tool of
8 discrimination from another time has no place in our
9 civil society. My life as an advocate began with the
10 loss of another. My good friend Nick Mahoff (sp?) he
11 was one of the 36 people killed in the Ghost Ship
12 tragedy earlier this year. From the minute I heard
13 he was missing, I know he was gone. They all were.
14 I was filled with shock, then grief. [bell] My
15 first response was to organize for safety of
16 community spaces. I soon found myself in league with
17 long time safety advocates in the arts. We
18 facilitated fire safety walk-throughs and workshops.
19 Our study groups for the Fire Department's Fire Guard
20 Certification Exam have 100% pass rate. Working
21 directly with spaces we found though that they were
22 up to code and ready for inspection, some were afraid
23 to engage with the Fire Department because they knew
24 they did not have a Cabaret License. The Fire
25 Department doesn't care about if you have a Cabaret

2 License because the Cabaret Law has nothing to do
3 with life safety. For those who claim the Cabaret
4 Law is about safety, we know what makes community
5 spaces safe, and it is not a ban on dancing. Improve
6 the relationship of trust to save lives. Repeal the
7 Cabaret Law. For those who say that the Cabaret Law
8 is not being enforced, many spaces cited--it is.
9 Many spaces cited in the last year are closed. The
10 Cabaret Law is an easy way for extreme conservative
11 groups to arbitrarily shut down spaces. Since the
12 presidential election, there have been target
13 outright attacks against community spaces in New York
14 City. Through the Internet, they incite others with
15 their political views to anonymously call authorities
16 on art spaces, which they see as liberal organizing
17 centers. They posted my home address on their
18 website. At least one space I know of was visited by
19 authorities. A teenage prankster in Wyoming can shut
20 down spaces in New York City with this outdated law.
21 Repeal the Cabaret Law, legalize dance. Don't Ask,
22 Don't tell isn't good enough.

23 JOHN BARCLAY: Thank you. Hi. My name
24 is John Barclay. Thank you for having me here.
25 Thank you for coming out. Real quickly I want to

2 just address a few of the comments made by the
3 gentlemen that were defending the New York City
4 Cabaret No Dancing Law in 2017. He mentioned the
5 zoning—the zoning issue, and I just want to reiterate
6 that we're—all of us advocates including Mr. Espinal
7 are very aware of the zoning changes that need to be
8 made and we are working on them 100% in regards to
9 the camera requirements, the fear of a—a venue with
10 let's say 150 capacity now has to have cameras
11 outside. I have—I have a small bar with a 141
12 capacity. I also had a restaurant with around 50
13 capacity and for both of those we were required by
14 our commercial insurance to already have those. So,
15 almost every place nowadays the coffee shops
16 everything is—is putting up cameras. You also get a—
17 it's like a public safety officer, a community
18 affairs officer that come by, and that's part of the
19 recommendation that goes along with the community
20 board recommendation. So, that' in my personal
21 belief already very much covered, and I don't see
22 that as being a, you know, a burden to—to small
23 businesses as a small business owner. So, yes, my
24 name is John Barclay. I have a decade of experience
25 in New York City nightlife. I'm well versed on the

2 Cabaret Law, the Cabaret License Application process.

3 I can speak at length regarding contemporary

4 enforcement, which I believe to be discriminatory to

5 say the least. I'm currently amongst other things a

6 New York City bar manager who has repeatedly been

7 negatively affected by the Cabaret Law and I support

8 a full repeal of the law, which I believe is absurd,

9 antiquated, racist, dangerous and extremely

10 embarrassing for our city. I currently operate a

11 modestly sized bar that in its five years of

12 harmonious existence has had literally zero noise

13 complaints, is in good graces with our local precinct

14 and community board, zero insurance-zero insurance

15 claims and exists peacefully with our neighbors. We

16 have a Certificate of Occupancy, a place of assembly,

17 emergency lighting, several egresses, regularly

18 inspected fire extinguishers, an A Health Rating for

19 whatever that's worth. We employ licensed and

20 insured security guards who are also certified fire

21 guards. We are conveniently situated on the same

22 block as our fire station. We have passed dozens and

23 dozens of FDNY, DOB, SLA, DOH and NYPD inspections.

24 Yet, we live in constant fear and paranoia of our

25 city government. A few years ago we received a

2 single cabaret citation, which resulted in
3 appearances and fines in both Criminal and State
4 Court here in New York City. We were told by the
5 city and the State Liquor Authority that if we
6 continued to allow dancing we would be shut down. My
7 government has repeatedly told me they will pull my
8 liquor license and that my business and the
9 livelihood of myself and 15 employees will cease to
10 exist all for allowing dancing. This has been
11 happening for 91 years now. Bars are raided, fined,
12 and shut down. Nights ruined, money is lost. Yet
13 for 91 years New York City still dances. You can
14 embarrass New Yorkers, you can bankrupt them and you
15 can injure them but New York City will never stop
16 dancing. No law, no agency, no military occupation
17 will ever come close. When you push New Yorkers out
18 of bars, they dance in warehouses. If you shut down
19 the warehouses they will dance in the subways and the
20 sewers and City Hall. You cannot stop them. You can
21 only shuffle them around. The incredible dance music
22 of New York City, Disco, Salsa, Hip-hop, Free Style,
23 it feels like it's appreciated by everyone in the
24 world except for our city government. The same
25 institution who brags about its cultural contra-

2 contributions routinely oppresses the contributors.
3 Council Members of the cultural capital of the world
4 please take this opportunity to decriminalize social
5 dancing. It's harmless, it's healthy, it's beautiful
6 and it's engrained in the complex and incredible
7 identity of this city. I'm happy to answer any
8 questions regarding my professional and personal
9 experiences with the Cabaret Law. Thank you very
10 much for having me.

11 CHAIRPERSON ESPINAL: Thank you so much
12 all for your testimony and Jamie, thank you for
13 sharing your personal story. I'm sure it's tough,
14 but appreciate your advocacy on behalf of your
15 friends and the city. Thank you. Chris-Chris, you
16 represent the musicians of the city

17 CHRISTOPHER CARROLL: That's right. Its
18 unionized musicians, but we—we make a point of being
19 legislatively and politically active for every
20 musician in the city regardless if they're in our
21 union.

22 CHAIRPERSON ESPINAL: And you—and the
23 union believes that repealing the Cabaret Law and
24 allowing for nightlife to flourish will create more
25 opportunities for—for those musicians and artists?

2 CHRISTOPHER CARROLL: It is important to
3 our union both for the job creation components, but
4 also for the signal that it's sending. To your
5 point, the signal that is sent there the city
6 government is sending to our culturally active arts
7 community, but with—do we prioritize arts? Do we
8 prioritize culture? Do we see it part of being a New
9 Yorker.

10 CHAIRPERSON ESPINAL: No, we appreciate
11 your—you advocacy and support on this.

12 CHRISTOPHER CARROLL: Thank you for
13 having us.

14 CHAIRPERSON ESPINAL: Thank you. John,
15 you—you mentioned that currently in order to receive
16 insurance for your business, commercial insurance
17 that there is a requirement for cameras?

18 JOHN BARCLAY: Yeah, I mean—

19 CHAIRPERSON ESPINAL: [interposing] For
20 that—for that.

21 JOHN BARCLAY: In my personal experience
22 absolutely.

23 CHAIRPERSON ESPINAL: So—so--

24 JOHN BARCLAY: [interposing] I don't know
25 if every insurance company, and I don't know how that

2 varies venue to venue, but I think most business
3 owners would agree that it would be very hard to
4 operate especially a large capacity venue to have
5 ensured without security cameras.

6 CHAIRPERSON ESPINAL: Okay.

7 JOHN BARCLAY: 100%.

8 CHAIRPERSON ESPINAL: You—you do have—I'm
9 sorry. Do you have any-any businesses within Use
10 Group 12.

11 JOHN BARCLAY: I don't. Almost no bars
12 and restaurants exist in this city within Use Group
13 12.

14 CHAIRPERSON ESPINAL: Do you have any
15 acquaintances that—for Use Group--

16 JOHN BARCLAY: [interposing] Well,
17 actually I can't believe I just said that. I-I
18 actually do have a lease [chuckles] on a building
19 that is within Use Group 12. I'm working with some
20 people. We are trying to obtain Cabaret License. We
21 have not opened yet, but the reason we chose that and
22 it's in a—it's a Sanitation district is because it's
23 one of the only areas in North Brooklyn where a
24 license is obtainable.

2 CHAIRPERSON ESPINAL: If you don't have a
3 Cabaret License that means people cannot dance in
4 your-in that venue, correct?

5 JOHN BARCLAY: Correct, yes. I mean that
6 venue does not exist yet, and maybe--

7 CHAIRPERSON ESPINAL: [interposing] Yes.

8 JOHN BARCLAY: --and maybe it never will,
9 but if it did that would be--that would be accurate.

10 CHAIRPERSON ESPINAL: So, you would need
11 a license in order for people to dance?

12 JOHN BARCLAY: 100%.

13 CHAIRPERSON ESPINAL: If we repealed the
14 Cabaret Law would you need a license for people to
15 dance in Use Group 12?

16 JOHN BARCLAY: It-it sounds like no.

17 CHAIRPERSON ESPINAL: Okay, alright,
18 thanks.

19 JOHN BARCLAY: Yes, I-I encourage repeal
20 [laughter] just to set the record straight.

21 CHAIRPERSON ESPINAL: [laughs] Alright
22 guys, I appreciate it. Thank you Greg also for all
23 your advocacy. I know you've been part of this fight
24 for--for decades.

2 GREG MILLER: Just to note, too, half of
3 the existing licenses aren't even in Use Group 12.
4 I'm just saying. So, it's ineffective, a totally
5 ineffective law, the licensing is. Half to the 104
6 licenses that exist now are not in Use Group 12.

7 CHAIRPERSON ESPINAL: Do-do you have any
8 data to show that?

9 GREG MILLER: We'll get it to you.

10 JOHN BARCLAY: A lot of those have been
11 grandfathered in because the-the-the zoning thing
12 was-was not part of the original law. So there's a
13 lot of spaces that have been around for a long time.

14 CHAIRPERSON ESPINAL: Yeah, that-that is
15 accurate. Actually, in my district we do have a
16 business that's been grandfathered in and they're
17 able to obtain a cabaret license even though they're
18 not--

19 JOHN BARCLAY: [interposing] Sure.

20 CHAIRPERSON ESPINAL: --in Use Group 12.
21 They're actually in a residential/commercial area.
22 So, yeah, yeah, that's the group.

23 JOHN BARCLAY [interposing] Yeah, it's
24 possible there's another reason that some of these
25 exist for sure, but some of them are-are

2 grandfathered in and the zoning thing is definitely
3 something that was put there ex post factor in my
4 opinion to discourage dancing in the city.

5 CHAIRPERSON ESPINAL: Right. Alright,
6 great. Thank you guys. I appreciate it.

7 JOHN BARCLAY: Thank you.

8 GREG MILLER: Thank you.

9 CHAIRPERSON ESPINAL: We're going to try
10 to stick to the clock. That way we can all leave by
11 5:00. I mean I can stay past 5:00 but I'm just—just
12 saying. [laughs] We have Conrad Neblett, Matt
13 Ardsley (sic) and I again I'm sorry if I'm
14 mispronouncing your names. Robert Blumenblatt (sp?),
15 Jonah Levy. Oh, wait. I'm sorry. I'm sorry. Please
16 forgive me this panel. I actually another panel that
17 I—that I kept aside, but you'll—you'll be next after
18 this one. I will have Justin Carter and Kevin Dougan
19 from New York State Restaurant Association. Kevin—
20 Kevin Dougan.

21 MALE SPEAKER: [off mic] He left a few
22 minutes ago.

23 CHAIRPERSON ESPINAL: He left? Okay. So
24 Kevin is not here. Alright. I'm going to call back
25 the other guys. Conrad Neblett, Matt Arsic—Ardsley,

2 Robert Blumenblatt. [pause] Justin, you may begin
3 whenever you're ready.

4 JUSTIN CARTER: Okay, yes. Check. There
5 we go. Good. Okay, oh thanks for having me.

6 ROBERT BLUMENBLATT: My name is Robert
7 Blumenblatt and I'm a resident of Manhattan. I'm
8 privileged to be a friend of Greg Miller with whom I
9 work to organize the Dance Parade. I'm retired. My
10 hearing is not as good as it used to be, but I can
11 still dance, and I tell you living in New York City
12 is a privilege and dancing, as I want to remind
13 everyone, is a fundamental human experience. I am
14 surprised to learn today for the first time that the
15 Supreme Court ruled that dancing is not a
16 constitutional right. I find that surprising and I
17 bet none of the judges are good dancers. [laughter]
18 So, I'm even thinking of the possibility of trying to
19 amend the Constitution to make dancing a right that
20 all Americans have. We will be the first dancing
21 nation in the world who has its own constitutional
22 amendment that permits dancing. Anyway, I wanted to
23 make another observation. Living in this city, being
24 an immigrant, coming here at the age of 10, I had the
25 privilege of attending City College in 1965, and one

2 of the tings I noticed when I was attending is that
3 in one ballroom where I used to go were the kids
4 dancing rock and-rock and roll when you could only
5 show Elvis Presley up to his waist. And when I left
6 to the next auditorium-by the way my mother was a
7 natural ballerina and she was tough in the classes as
8 she was a high school student in Europe. So I must
9 have developed that sense from my mother. At any
10 rate, I went to the next auditorium where I noticed
11 African-Americans. This is 1965. They music was
12 different. Anyone could go and I was the only white
13 teen-ager who was in that room, and I said this is
14 the way I want to learn to dance.

15 JUSTIN CARTER: [interposing] Yep.

16 ROBERT BLUMENBLATT: And I've been doing
17 that all my life. Now, two days ago I attended the
18 ballroom where I know for years after 12:00, you can
19 dance there. I don't know if it's legal or not. I
20 didn't ask, but I go there. It so happens at my age
21 because I'm such a great dancer I the most fun. I
22 even had a young lady asking me to-party with me. I
23 said I'm probably too old for you. She says no but
24 we can party together. So, let me remind you if
25 you're dancing, you're not going to drink too much,

2 because when you drink, you're sloppy on the dance
3 floor and the ladies won't look at you. [laughter]
4 You understand? But it's a great thing for—for men
5 and women and being a man I tell you if you're good
6 on the dance floor, you don't have to ask a woman to
7 dance with you. She will come and say I want to be
8 with that guy and she will strategically be there.
9 The young guys unfortunately are too aggressive,
10 don't understand that. So, anyway, I think our
11 judicial system—by the way, my field is also
12 philosophy and history. So, it's—I want to remind
13 you that 1680 was the glorious revolution. What that
14 means it was glorious in England, but the Puritans
15 came to the United States, and the Puritans invented
16 the idea that anything have to do with nature and sex
17 is dirty. That's the problem we have. African-
18 Americans one fortunate thing they di not experience
19 this kind of thing in the stripping of their culture.
20 They preserved their music and their dancing in
21 churches, and so naturally African-Americans excel in
22 dance and music. This is part of our American
23 culture, and it was in 1926 I believe it's true the
24 real reason to prohibit dancing is racist because the
25 culture that supports dancing is a dancing culture.

2 Do you know the English as being dancing? Of course
3 the Beatles made the exception. [laughs] But at any
4 rate, I want to I want to sum up and I want to, I
5 will tell you this, I live at Waterside Plaza and I'm
6 not very political, but I will look at the Council
7 Members to support this bill and those that are
8 against it. I'm surprised there are Garodnick is not
9 on the list, and I will tell everyone at Waterside
10 Plaza who supports dancing and who doesn't. We have
11 a venue there where people can get up and dance, and
12 they have it every month, but I don't know if it's
13 legal, you know.

14 CHAIRPERSON ESPINAL: Thank you.

15 ROBERT BLUMENBLATT: And thank you for
16 your time and I think you're the chairman who
17 supports it. I'm glad to meet you and I--

18 CHAIRPERSON ESPINAL: I'm glad to meet
19 you, too, and thanks for the dance stories.

20 ROBERT BLUMENBLATT: I'm sorry I can't
21 hear you.

22 CHAIRPERSON DROMM: I'll put it to use
23 this weekend for sure.

24 ROBERT BLUMENBLATT: Can you hear him?

2 MALE SPEAKER: Oh, yes. He said thank
3 you.

4 ROBERT BLUMENBLATT: Thank you.

5 CHAIRPERSON ESPINAL: Thank you, yeah,
6 and let's go back to Justin. I think you were
7 starting.

8 JUSTIN CARTER: Okay.

9 CHAIRPERSON ESPINAL: Yeah.

10 JUSTIN CARTER: So, my name is Justin
11 Carter. I'm a musician. I'm one of the owners of an
12 outdoor and soon to open indoor place in Ridgewood
13 called Nowadays, and I'm one of the resident DJs and
14 founder of two parties based her in New York called
15 Mr. Sunday, and Mr. Saturday Night. I'm here today
16 as one of very few fortunate business owners with a
17 lease on a space that is actually zoned for Cabaret,
18 and we've got all the work done to be compliant with
19 the law. So, as a business owner, I don't really
20 have a horse in the race here, but the repeal of
21 Cabaret is about more than business, which is why I'm
22 still here. I have this friend I met here in New
23 York at a club on the Lower East Side. His name is
24 Andrew and he grew up in Richmond [coughs] and he
25 grew up in an unofficially, but still very segregated

2 neighborhood that was full of Confederate monuments.
3 And, right down the street from the Confederate White
4 House, and lucky for Andrew had a really cool aunt
5 who didn't really fit in with the family and she
6 moved down to New Orleans and when Andrew was growing
7 up he would visit her every now and then. And on one
8 of those visits she took him to a party, and it was
9 the first time he'd ever really been in the casual
10 company of people who didn't look more or less the
11 same as him. But when he tells the story, he doesn't
12 talk about how different he felt or how foreign the
13 experience was. He remembers that there was a band
14 playing and that he started dancing, and he looked
15 around the room and all the other people there, many
16 of whom he had nothing visibly in common with, and he
17 saw that they were enjoying themselves in the same
18 way that he was. They were all dancing together, and
19 that was the experience that began to break down the
20 false barriers of difference in his life. Having the
21 Cabaret Law on the books in New York City keeps
22 people from having this kind of experience for no
23 clear, no good reason, and the last thing we need
24 right now are barriers to understanding each other.
25 Many people here today have spoke about the financial

2 hardships imposed by Cabaret. I could go on about
3 those because we're at the end of the process.
4 They're kind of gone now from me. There's selective
5 enforcement that many people have spoken about, the
6 redundancies of the law that are built in, but I'll
7 just leave it at that. I printed out my-my statement
8 here, which I can give to you. For now, I'll just
9 leave you with a request that you do everything that
10 you can to get this law passed and get Cabaret
11 repealed and thank you very much for everything that
12 you've done. Thank you.

13 CONRAD NEBLETT: My name is Conrad
14 Neblett and I live in Harlem. I'm asking you guys
15 to--appealing to you guys to repeal this unjust law.
16 My father was born in 1916 in Harlem, and so he was
17 affected by this law, and he went to the Renaissance
18 and places that Mercedes' father performed at. And
19 so, this law has affected three generations in my
20 family: My grandmother my--he son, my father, and
21 myself. For me this is an issue of--it leads me to
22 the question of how can social dancing be illegal?
23 To me it's unjust. It doesn't make sense. Social
24 dancing is a form of expression that you get to
25 release and let go if you're doing it with stress and

2 I'm a social dancer. I'm also a performer, and I'm
3 also a producer of a dance party called Together in
4 Spirit, and I've been doing it since 1996 providing a
5 nurturing environment for people to release and let
6 go on the dance floor. And over the years it gets
7 harder and harder to find a place to provide Together
8 in Spirit, and it's a very-- The type of music is
9 soulful house music. It's very peaceful. People, you
10 know, there was one point we didn't even have a
11 security guard, and it-- You know, I--it really is
12 time to--for the city I say is to be in alignment
13 with what people need. You know, we're really in
14 very trying times, and releasing and dancing is a
15 good thing, and it supports. You know, if you go out
16 to dance it supports other businesses like
17 restaurants and, you know, just on and on and on.
18 And, I just am clear that it's time, and so, I really
19 do appeal to you to repeal this unjust law, and a lot
20 of people have said it's racist based, and separating
21 whites and blacks during the Renaissance time 1926,
22 it's just-- It keeps evolving and evolving and
23 evolving, and it's--the--the injustice never changes.
24 It's still the same, and I'm excited that we're

2 having these kind of dialogues [bell] to really
3 appeal, potentially repeal this law. Thank you.

4 ROBERT BLUMENBLATT: May I add another
5 point, please?

6 CHAIRPERSON ESPINAL: Let's—lets allow
7 the last gentleman to give us testimony.

8 MATT ARDSLEY: Okay, let me speak first
9 and then you, too.

10 ROBERT BLUMENBLATT: Oh.

11 CHAIRPERSON ESPINAL: And the we can open
12 up a--

13 MATT ARDSLEY: Thank you esteemed members
14 of the Council. My name is Matt. I don't really
15 have an affiliation other than I like to dance. I'm
16 very confident about this law passing through this
17 committee and moving onto the next step. I know each
18 of you have supported the LGBTQ community in various
19 different ways. I think this bill is an opportunity
20 for more than just a photo, but to actually stand
21 behind the same community. I'm going to talk about
22 two different points. I want to talk about the
23 economics that are—are happening now because of the
24 current dance situation, and then I would like to
25 address quality of life arguments. So what I'm

2 trying to do is basically take the side of someone
3 who is against it, and argue against. So,
4 specifically more conservative members of our
5 community who might be more interested in economics
6 for example. So, politically each party has views on
7 government involvement in economics that are
8 different. New York City is the most economically
9 segregated city in the United States. It is number
10 one. The current legal dance culture presents
11 [coughs] a number of economic hurdles, which hurt the
12 lower economic classes the most. Door fees are
13 substantial. People making minimum wage it's almost
14 3% of their income if they go out twice a month. On
15 top of door fees, wardrobes must be maintained,
16 typically expensive clothing and shoes just to get
17 through the door. There are other incidental costs
18 like transportation, since the boroughs are
19 underserved. This culture of paying means that the
20 lower class cannot afford to dance as others can. I
21 would argue that they need it more than us. With
22 more establishments there are more choices, more
23 competition to lower or eliminate door fees. Instead
24 of paying door fees, people buy alcohol, which
25 carries a higher tariff. Attracting more people means

2 more liquor sales, which means more city and state
3 revenue. Now for socio-economics, as an example,
4 many establishments routinely and openly use
5 asymmetric gender based prices. This is illegal and
6 it goes unenforced for license holders. This fees
7 segregates males on economic lines keeping it at
8 lower classes to curate a specific club experience.
9 The door policies are discriminatory, weeding out
10 those who don't fit the desired look. This includes
11 more than just racist. It includes anyone who
12 doesn't fit what they want to see. This specific
13 regulation creates one class of people who are
14 allowed to dance and one that is not, and that is not
15 just in establishments that don't allow dance, but
16 establishments that do. This class of people is
17 dictated by less than a hundred individuals in the
18 city. It's actually far less because they own
19 multiple establishments and apparently most are strip
20 clubs. There's an oligarchy on dance in the city, and
21 they get away with anti-social behavior because of
22 it. I can't imagine people who believe in small
23 government would agree with limited choice on venue
24 because of government regulations. They need access
25 to existing venues because of government regulations.

2 Artificially limiting business creation, job creation
3 and spending opportunities because of regulations.
4 Not supporting growth of existing small businesses
5 and requiring big government to police what should be
6 policed locally by community boards. So, for quality
7 of life, I just established a group of people, which
8 are being economically and socially [bell] excluded
9 from dancing. Okay. Yeah, I'll just skip. I mean
10 we've heard the quality of life arguments rather.
11 So, anyway by [coughs] repealing this law we can
12 release the city's white-knuckled grip on the battery
13 ram that broke Stonewall. Thank you for your time.

14 ROBERT BLUMENBLATT: I just wanted to add
15 one point I was thinking about for quite a while. We
16 have the 1954 ruling that separate is not equal, and
17 I was thinking of applying it in a very unusual way
18 perhaps. If you think about restaurants in New York
19 City, which have tables and people come in, sit down
20 and eat. I assume that there are very strict safety
21 standards, exit signs in case of fire, et cetera.
22 Now, imagine this establishment clears the tables,
23 puts it some place in storage. Now, the people are
24 standing. They turn on the music and now they say
25 you may dance. Is the safety now greater or less? I

2 would think you are safer now. The tables are not
3 around. If there's fire, you can leave the place,
4 and if you're dancing you are drunk because if you're
5 drunk you're sloppy on the floor and everyone will
6 avoid you. So, I think separate but equal principle
7 still applies to dancing. All these ridiculous
8 safety regulations make no sense. If a place is safe
9 to have 150 people sitting at tables, eating food,
10 and getting drunk and then you remove the table they
11 drink less and now they want to dance and it's not
12 legal. So, I would recommend that you have the
13 Department of—the Fire Department determine whether
14 an eating establishment is less safe when the tables
15 are removed and the people start dancing. Otherwise,
16 you really have a racist law. I think that's a
17 racist law. I'm making a joke now. Who's the better
18 dancer here besides me? Thank you.

19 CHAIRPERSON ESPINAL: Thank you, sir. I
20 appreciate that. Just quick questions for Justin
21 just for some clarity and specifics. So, you—you
22 currently own a space in the Use Group 12 area?

23 JUSTIN CARTER: [off mic] Yes. [on mic]
24 Yes.

2 CHAIRPERSON ESPINAL: In Bushwick? Sorry
3 Ridgewood?

4 JUSTIN CARTER: Ridgewood. Yeah.

5 CHAIRPERSON ESPINAL: Right, you—so you
6 allow dancing. You have the dance parties that you
7 said Sundays and right?

8 JUSTIN CARTER: Yeah, you know, my
9 understanding of the law is actually when it's
10 outdoors, the Cabaret Law or the Cabaret License
11 isn't required. So, we do not have a Cabaret License
12 outdoors, but as we're opening our indoor space, we
13 are—we've done all of the things. We're—we're nearly
14 finished with construction. So, we've done all of
15 the things that we need to do, and once we get our
16 inspections, we are prepared to—to go DCA to get or
17 Cabaret License should—should it remain on the books
18 when we end our process.

19 CHAIRPERSON ESPINAL: Right. I guess my—
20 my question is if that space that you're planning to
21 have a Cabaret License for, is not used for dance
22 events or parties, will you need to apply for a
23 Cabaret Law and that will just open it and run the
24 bar?

25 JUSTIN CARTER: No.

2 CHAIRPERSON ESPINAL: You don't?

3 JUSTIN CARTER: No.

4 CHAIRPERSON ESPINAL: So, technically,
5 you are getting a license to allow dancing?

6 JUSTIN CARTER: Yeah, and as I understand
7 it, we would have to do most of same things. We're
8 required by law to do almost everything that we have
9 to do to get a Cabaret Law whether or not cabaret is
10 there.

11 CHAIRPERSON ESPINAL: Right.

12 JUSTIN CARTER: So, it's—one of the—one
13 of the proponents of—of the Cabaret Law earlier said
14 something about how it's a good thing the Department
15 of Consumer Affairs kind of acts as this clearing
16 house and has this checklist, but since when does the
17 Department of Buildings not show up and give you an
18 inspection and you need to go to the Department of
19 Consumer Affairs so that they can say oh yes, the
20 Department of Buildings came and gave you an
21 inspection. Good job. Oh, did the Fire Department
22 come, too. The Fire Department is going to come.
23 The Department of Buildings is going to come, the
24 Department of Health is going to come. You're going
25 to go to the community board anyway. You're going to

2 have to get your license from the State Liquor
3 Authority and these are all things that you have to
4 do in order to go to the Department of Consumer
5 Affairs so that this superfluous step that you have
6 to take that just costs you money and—and that very
7 few people can actually—it's year 2. Anyway, because
8 they're not in the—in the specific use group area
9 that we are.

10 CHAIRPERSON ESPINAL: Okay, great.
11 Thanks. Thanks for sharing that. Appreciate it.
12 Well, thank you guys. Thanks for testifying.

13 JUSTIN CARTER: Thank you.

14 CHAIRPERSON ESPINAL: Thank you.

15 ROBERT BLUMENBLATT: Thank you.

16 CHAIRPERSON ESPINAL: Let's go to the
17 next panel. We have Nicky Brown from the Dance
18 Liberation Network. We have Julia from the New York
19 City Artist Coalition. We have Wolfgang Busch, Arts
20 from the Heart, and we have Allen Sugarman or Sugar--

21 ALLEN SUGARMAN: [off mic] Sugarman.

22 CHAIRPERSON ESPINAL: Sugarman, here.
23 [background comments, pause] Okay, we have one chair.
24 It seems like someone we've called up is not here.

2 I'm going to call up my good friend Allie Coleman,
3 House Coalition.

4 ALLEN SUGARMAN: Oh, good afternoon. My
5 name is Allen Sugarman. I'm an attorney here in New
6 York City and a social dancer. I submitted a
7 statement in June and have written to the Council
8 since then. First I want to deal with a couple of
9 business issues. Eli Aman (sp?) was not able to come
10 and Mercedes Ellington submitted his statement, but
11 that was—that's not in the record that Eli Aman is a
12 musician affected by this law, and second I have a
13 statement from Café Taluah and Greg Hunt, which I
14 will submit. He is an owner of a beautiful facility
15 at Columbus and 71st Street with a first class lounge
16 downstairs, and he's unable to allow dancing there.
17 He is directly affected by this law. Unfortunately,
18 he's in an area zoned not for dancing, and this will
19 not solve his problems. While everyone is giving
20 their anecdotes so my first experience with the
21 dancing restrictions was in 1956 in Elizabethan,
22 Tennessee when I was in the fifth grade and the
23 locals in this rather reactionary community didn't
24 like Elvis Presley, mentioned earlier, and they
25 passed a resolution that you could not have social

2 dancing in the schools, and I promptly prepared a
3 petition to assert my—our First Amendment Rights.
4 All my classmates signed it, and I was threatened to
5 be kicked out of school for that. So, this goes back
6 a long way for me. I started dancing seriously in
7 the '90s and was fortunate to meet my wife in our
8 endeavors as Lindy Hoppers. So, I support the repeal
9 of the Cabaret Law if for no other reason than it's
10 an erratic unconstitutional—unconstitutional
11 enforcement. It's widely ignored but unfortunately
12 it still has an impact in smaller venues, which are
13 not willing to risk violation of even a rarely
14 enforced law such as Taluah. They have millions of
15 dollars into this restaurant and they can't take the
16 chance of being shut down for a night. I think
17 that's something you should take into account. I
18 want to bring to your attention that on November 29,
19 2017, the Hilton Hotel on 54th Street, which has no
20 cabaret license is hosting a gala benefit open to the
21 public by the Alvin Ailey Dance Company featuring
22 patron dancing. Most hotels ignore the Cabaret Law.
23 I don't know how they get away with it, and, oh, by
24 the way, outdoor dancing under the strict words of
25 the law still requires a Cabaret Law. But it's just

2 not fair or appropriate for some powerful or favorite
3 venues to not face enforcement while others do. I
4 want to make a point, too, about the demographics
5 affected by the Cabaret Law. Every demographic is
6 enforced. When Giuliani came in his, and I hate the
7 word Nazi like enforcement. Everyone was affected.
8 Gays were affected. Blacks were affected, but so
9 were Latinos, so were Jews, so were white people, so
10 were people that did folk dancing, Greek dancing. We
11 were all affected, and all of this racist rhetoric is
12 not useful at all. The only historian who's studied
13 this period says there is no evidence that that was
14 the original intent of the law. Indeed, people
15 sometimes cite the Three Musician Rule against
16 saxophones, et cetera. That didn't come into place
17 until 1961. The words "running wild" do we know what
18 running wild is? Do you want to Google that? You
19 might note that that was a very famous review in 1923
20 about Charleston dancing. It started the Charleston
21 Craze done mostly by white flappers and I just
22 confirmed that with Ms. Ellington and this was the
23 time when her father came to town. So, the other
24 thing is that it's just not helpful to go to go to
25 the community boards and tell them your concerns

2 about congestion, and noise makes them racist, and I
3 don't think that is very helpful, and unfortunately
4 it's also not true. There's no doubt that there's
5 been racism in the enforcement of this law. I want
6 to get also into the point of the--this recent
7 amendment on the definition of a nightlife
8 establishment. The way I read this it will make
9 many, many restaurants in the city subject to or
10 considered to be a nightlife establishment. You only
11 have to have 2,500 square feet and over 150 persons
12 to be dragged into this. I think that entire
13 provision should just go, and you should go back to
14 the original version, which just repeals the law
15 simply. And this is--as others have noted this is
16 the first step in modernizing the regulation of
17 dancing, and the fire and building codes refer to
18 dancing without defining what it is, and oddly as
19 this gentleman pointed out before, he took the words
20 out of my mouth these codes in some instances allowed
21 greater density of patrons for dining than dancing.
22 But when in a fire tables are obstructions. I don't
23 understand this. We have to figure out a way to do a
24 zero based analysis of our fire laws and the
25 construction laws so they make sense, and they should

2 also apply to everybody, hotels, non-profits, clubs,
3 catering halls, membership organizations and
4 religious institutions. If we're going to have a law
5 in this city that is--does--that uses dancing as a
6 criteria, it must apply to everyone. Otherwise, it's
7 unfair and also will be applied I would agree in a
8 racist manner most likely by those with that intent.
9 Okay. I thank you very much.

10 CHAIRPERSON ESPINAL: Thank you.

11 ALLIE COLEMAN: Happy Thursday, everyone.

12 My name is Allie Coleman, I'm part of the House
13 Coalition a New York City Party organizer for 23
14 years, a dancer going on in New York since the late
15 70s, and I had a written statement here, but I've
16 been hearing a lot of stuff about quality of life. I
17 have a question: Whose quality of life? Like whose
18 quality of life are we talking about? Are we talking
19 about all New Yorkers' quality of life or just the
20 people who are opposed to people actually dancing and
21 having fun. They--they--they were speaking earlier,
22 and none of them are here to rebut anything, but they
23 spoke on issues of people just running wildly through
24 the streets and bars are going to open up. They're
25 acting as if business owners aren't going to pay

2 attention to the law. Like business—we are—we're
3 not—we're not adversaries. We're neighbors. We're—we
4 live in the city, too. We pay taxes. So, of course,
5 we ant to pay attention the laws. We're not just
6 going to open up a club. I'm a dancer. I don't go
7 into a place if I don't feel I'm safe. I'm not going
8 to go in a basement. I—I remember Happy Land. I
9 remember all those places. So, we're—we're kind of
10 speaking it seems like they're speaking where we
11 don't have a consciousness. Like we're just going to
12 run rampant through the city because we want to
13 dance. Well, it's more about us just wanting to be a
14 part of this city, and having a voice and that's why
15 we're—me personally I'm so very happy to be sitting
16 in this seat along with everyone else with the
17 opportunity just to say what we want to say. I said
18 a lot last time. I'm going to keep it even shorter
19 than three minutes because I want to go home, too,
20 and I just want everybody to know that we want to
21 work together. We're not going to just run rampant
22 because the law doesn't exist any more. There are
23 other laws that exist. We just want this one off the
24 books. That's all.

2 CHAIRPERSON ESPINAL: Allie, a quick
3 question.

4 ALLIE COLEMAN: Yes.

5 CHAIRPERSON ESPINAL: If there were less
6 places to dance, would that impede on your quality of
7 life?

8 ALLIE COLEMAN: Absolutely.

9 CHAIRPERSON ESPINAL: Okay.

10 ALLIE COLEMAN: Oh, yes and my quality of
11 life has already been involved. I mean I—I did
12 testify to that last time. It—it definitely impedes
13 my quality of life as a DJ that plays in these small
14 places living in Clinton Hill where the rent is going
15 higher and higher and higher, having less and less
16 work it's, yes, it impedes for sure.

17 CHAIRPERSON ESPINAL: Alright. Thanks.

18 JULIA SHELLY COVAN: Hello, my name is
19 Julia Shelly Covan (sp?). I'm an independent artist
20 and event organizer based in New York for the past
21 decade. To start out, I would like to re-emphasize a
22 statistic that was brought up earlier. 97 out of
23 10,000 venues have a cabaret license, 1%. I gave a
24 general statement at the June 18th, hearing against
25 the Cabaret Law for its repeal. Today I want to talk

2 about some of the New York based community arts
3 organizations I have worked with in the context of
4 the struggle against the Cabaret Law. For five years
5 until 2014, I was a volunteer and the lead organizer
6 of Bushwick Open Studios, also known as Arts in
7 Bushwick. Since 2014, I have served as the gallery
8 manager of Vector Gallery, New York under the
9 directorship as Artist JJ Bryan. At its height under
10 the leadership of our team Bushwick Open Studios
11 encompassed 2,000 artists and 10,000 annual visitors.
12 This is a free public festival organized by an all
13 volunteer team with no external funding outside of
14 small donations from local businesses. To keep it
15 short, the festival has impacted many, helped get
16 artists into galleries where they sell work and
17 garner helpful links in New York Times reviews.
18 However, we always struggled with funding directed
19 most towards maintenance of a website and printed
20 maps. In the early years, we put on an official
21 music festival as part of the programming, events
22 where we could reasonably accept donations at the
23 door and for refreshments, help provide a stable
24 internal source of funding, but over time our ability
25 to find licensed local, DIY venues, which could

2 consistently and safely house these events causes to
3 eliminate music and dancing oriented events. As a
4 coalition of volunteers managing of a vast database
5 and constituency, we became unable to fund robust
6 official programming as an independent organization.
7 Nowadays, Bushwick Open Studios continues and, and I
8 plan to participate as an artist next weekend.
9 However, the team and the funding has been greatly
10 diminished as the neighborhood became more gentrified
11 and policed. Vector Gallery, a performance and
12 visual arts space, which has had three physical
13 locations in New York in the past few years. My
14 partner JJ Bryan was here today, but has left to sign
15 our fourth lease in East Williamsburg. I think the
16 number of times we have had to move is a testimony
17 enough to how hoard it is to afford and maintain DIY
18 space in New York. The gallery has been reviewed by
19 countless publications and been on national
20 television. Repeal of the Cabaret Law would help us
21 grow by making it easier for us to put on events,
22 which could be better publicized and even oriented
23 towards social dancing. As an LGBTQ run and friendly
24 space, it would take away our fears that our
25 performance art events will be mistake by law

2 enforcement, and shut down dancing oriented events
3 [bell] and shut down. Given the Cabaret Law's
4 history of targeting LGBTQ spaces, and sometimes
5 inciting violence, its enforcement is something we
6 fear as we value the safety of our patrons. In
7 closing, in this political era, keeping our community
8 safe as free and open to show the world that New York
9 is still a beacon for diversity, has never been so
10 important. New York Legislators give us the tools to
11 provide safe spaces, and end the racist Cabaret Law
12 which defunds and destroys culture. Instead, fund
13 our spaces and fund young artists who are the
14 architects of our future and of technological
15 solutions. Let New York City dance.

16 NIKKI BROWN: Hello. Thank you all for
17 being here. My name is Nikki Brown, I'm the Managing
18 Director of Boiler Room, and international music
19 platform with an office in Williamsburg. We produce
20 music events across a wide spectrum of genres from
21 jazz and salsa to techno and hip-hop, most of which
22 are live streamed [coughs] around the world in an
23 effort to give global visibility to burgeoning local
24 scenes. On average, my team and I interface with
25 hundreds of thousands of New York City venues and

2 creators each year, and I cannot stress enough the
3 impact that music and dance venues [coughs- --sorry.
4 I'm a little sick--and events have on the city's
5 creative community. People in pursuit of dance in
6 very little terms create opportunities jobs, and in
7 come for New York's creative community. For many
8 creative musicians and otherwise spaces that
9 regularly host music and dance events [coughs] act as
10 both places of employment and career launch pads.
11 Nightlife and dance events are often entry points to
12 creative careers for many New Yorkers from graphic
13 designers who got their start making dance event
14 flyers to set designers who began doing party décor.
15 We should be nurturing these spaces and learn--spaces
16 of learning not making them over and vulnerable and
17 that's when we're moving these vital opportunities.
18 Landing a job in the creative field in New York isn't
19 getting any easier. So to threaten the vital avenue,
20 night life is a shame in a city that posits itself as
21 one of the creative capitals of the world, and bit
22 of--a bit of a slap in the face to the creative--
23 creatives that drive the city's cultural cash today.
24 The Cabaret Law is a very real threat to small
25 business owners, workers and creatives and has no

2 practical merit or ethical place in the city as
3 progressive and creative as ours. It's a very real
4 cultural impact of New York's creative community and
5 maintaining the spaces that often give those
6 creatives their starts isn't enough to sway you.
7 Think about the economic impact that these music and
8 dance venues and events have on our city. The result
9 of the Mayor's Officer's first ever music industry
10 economic impact study showed just how big of a
11 revenue driver music is for the city. The music
12 industry accounts for 60,000 jobs, \$5 billion in
13 wages and about \$21 billion in economic output. All
14 of that music has to be hosted somewhere and with
15 less than 1% of food and beverage establishments in
16 possession of a Cabaret License, that means the vast
17 majority of this money making activity is being done
18 illegally. [coughs] This leaves those businesses and
19 especially the small businesses among them extremely
20 vulnerable. The owner of a small bar in Bed-Stuy at
21 risk of losing a business and liquor license or
22 bartenders at risk of loss of wages and we as a city
23 are at risk of jeopardizing a \$21 billion industry.
24 After conducting a study to demonstrate just how
25 vital and sub-vital music and subsequently dances to

2 our city's economy, if the city has allowed this law
3 to remain on the books is astounding. Why not choose
4 to protect an industry that fuels the city's economy?
5 Why not say to every musician, dance and owner and
6 employee that desire their cultural and economic
7 contribution enough to protect them against such an
8 antiquated law? The time is now for change and we
9 look to you to City Council to make that change.
10 Please do the right thing and get rid of this
11 repressive law, protect our city's greater community
12 and repeal the Cabaret Law now.

13 CHAIRPERSON ESPINAL: Thank you all for
14 your testimony. I appreciate all the stories and
15 testimony you gave. Thank you. I'm going to take a
16 five-minute break but before I do, the next panel is
17 Gail Madera, Hannah Jew of Joe, Anna Rockefeller-
18 Garcia and Akim Funk Buddha, the World Dance
19 Community. [background comments, pause] We will
20 being.

21 GAIL MADERA: [off mic] Right my name is-

22 MALE SPEAKER: The mic isn't on.

23 CHAIRPERSON ESPINAL: Is the mic-is the
24 microphone on? Yeah. Yeah.

2 GAIL MADERA: Hi. My name is Gail
3 Madera. I've been a dancer for 42 years and a
4 professional ballet and modern dancer in New York
5 City since 1992. I started social dancing 20 years
6 ago and started dancing Argentine Tango 11 years ago.
7 I'm a two-time U.S. tango champion, and web master
8 for a number of New York City Tango Websites. I want
9 to point out that we have a crisis of obesity in this
10 country and in New York City as well. We also have a
11 crisis of disconnection, people interacting with
12 screens instead of each other. Buenos Aires,
13 Argentina, which is the mecca of Tango, there are
14 around 100 to 200 Tango events every night. In those
15 events you see old women dancing with their
16 grandsons, cab drivers dancing with bankers, Asians
17 dancing with Russians, et cetera. The question
18 really comes down to money versus health and
19 wellbeing. The dancers of New York City have a
20 dream. We have a dream of getting people off their
21 seats, off their screens to dance with each other.
22 We have a dream of seeing dance everywhere making the
23 people of New York City healthier, happier and more
24 peaceful not just the wealthy who can afford the high
25 costs of the Cabaret Law and the high cost of the

2 cover to get into those places, but for everyone.

3 Anything that can be done to get more people to dance

4 and interact in person should not only be allowed, it

5 should be encouraged, and I want to thank you guys

6 for pursuing this and I want to let you know that we

7 understand that this is just the first step in a long

8 process of figuring out how to safely support dancing

9 in New York City. We are happy and excited to help

10 you with this process. Perhaps the next steps after

11 repeal, I'd like already talk about after repeal,

12 would be to include a more granular treatment of

13 dance venues so that social dancing is not lumped in

14 with raves or big night clubs, nor with bars that

15 have a lot of drinkers as well as a renovation of the

16 zoning laws, and we want to work with you and not

17 just- You know, often lawmakers are sort of

18 abandoned after they have one big push for something,

19 and I will be the point person for Tango to let

20 people know why we're having this hearing. A lot of

21 people didn't realize that-that this hearing needed

22 to happen, and why and I want to let people know.

23 So, thank you very much for your work.

24 CHAIRPERSON ESPINAL: Okay.

25

2 HANNAH JEW: Good afternoon. My name is
3 Hannah Jew. I'm here on behalf of Dance NYC and
4 Dance NYC is a service organization working to
5 advance the dance field especially in the areas of
6 racial equity and inclusion of disabled people in
7 dance, and today I'm here to endorse the Proposed
8 Bill, Intro No. 1652 and call for the repeal of the
9 Cabaret Law, and in doing so I support the NYC Dance
10 Coalition and join my colleague advocates here today
11 in recognizing the many-many challenges posed by the
12 Cabaret Law and I'd like to bring forth some of the
13 points articulated by the coalition and the Dance
14 Liberation Network. The law prohibits dancing in all
15 establishments without Cabaret License, which is
16 virtually unattainable. It drives NYC's thriving
17 dance culture into unregulated potentially dangerous
18 environments. The law was originally enacted to
19 break up black jazz clubs in the 1920s, and currently
20 a very small percentage of NYC bars and restaurants
21 can legally allow dancing in their spaces, and
22 finally it restricts economy and freedom of
23 expression. These points echo much of what has
24 already been said today, and I would like to also
25 emphasize that Dance NYC opposes the significant

2 barriers to creativity and free expression created by
3 this law and recognizes that this is a about making
4 our city a more equitable place, which the law
5 undermines. We would also like to advocate the
6 growth and vibrancy of social dance, and dance
7 outside of conventional spaces like theaters. I'd
8 like to highlight that it is these types of dances
9 that are often not provided equitable resources and
10 the visibility that they deserve, and also that these
11 dance forms are essential to wider dance ecology to
12 moving forward the art form and all of the people of
13 our city including artists, business owners and
14 everyday New Yorkers. And to close, I'd just like to
15 thank Chairman Espinal and all of the sponsoring
16 council members.

17 ANNA ROCKEFELLER GARCIA: [off mic] This
18 is—oh, not on. Peace, yes. Peace, that's the way
19 hip-hop was—used to always meet in people is peace
20 because it is obviously a movement of peace. My name
21 is Anna Rockefeller Garcia. Rockefeller because I
22 rock the fellows. I couldn't right the fellows in my
23 neighborhood right, unless I was out there with them.
24 I couldn't do it in my living room. I got this name
25 because I was able to move up the ranks doing the

2 moves that the guys did. So, I was rocking the
3 fellows. Internationally I am hired to judge, teach,
4 speak about the history and the aesthetics. As a
5 woman or just as a member gender neutral of this hip-
6 hop community. That started in New York City. I was
7 born in Mount Sinai East Harlem, and we moved to the
8 Bronx because my dad thought it was it safer.
9 [laughs] I love my dad and he Bronx has been the
10 place where I have really held court. I've been able
11 on the best Youth Dance Performance Awards Committee.
12 I am actually an artist and resident of at the
13 American Tap Dance Foundation. I don't tap, but
14 because they see what I have and how I bring people
15 together, I am an artist in residency there. I've
16 done a lot of extensive work in the community. I
17 work with the Department of Education, I work in high
18 schools and a lot of times the teenagers will tell me
19 well me a lot, but, you know, where are we going?
20 Where are you taking me? You know, how amazing is
21 this thing about being a dance—being a dancer and
22 having it as a career, and I try to tell them you—you
23 can evolve. You're in New York City. There's so
24 much available to you here, and so I have evolved and
25 now I curate events. The 501(c)(3) that me and my

2 husband founded, New York's only break dance theater
3 a 501(c)(3) Full Circle Production in the Bronx has
4 been able to receive funding awards because we apply.
5 We have a board that helps us create proposals that
6 we can curate dance events at museums and libraries,
7 galleries, church basements. Why? Because there
8 were no clubs. Why? Because I can't perform at the
9 Roseland because that was closed down. Palladium
10 that was closed down, the underground, Webster Hall
11 just closed. A lot of these places now are closed.
12 Where are kids going? And so people complain because
13 we're dancing in the subway trains. Okay, why are we
14 there? Why are we dancing in the subway trains?
15 Because we have no place else to go. And so you want
16 us to go where? And so, I think that this law not
17 only has to be repealed, amended and like the sister
18 here was talking about next steps. I believe that
19 when you finally repeal this law and you, you know,
20 give these places the ability to have dance, can you
21 then connect a dance company, a dance crew, a
22 choreographer a teacher to that place that they can
23 be a residency and they can curate the performances
24 and the workshops that are happening within that
25 borough or café restaurant. Because that's what we

2 need to also have leadership that will help put this
3 in-in-in just a better reference. I am producing a
4 party tomorrow at Camarell's (sic), which is a bar in
5 East Harlem. Two weeks from there at Angel of Harlem
6 on 122nd Street and Frederick Douglas a restaurant,
7 but I'm curating a dance party. So, they will move
8 the tables. She's a little nervous so she will keep
9 some tables up so she can continue keeping the
10 kitchen open, but I'm not trying to bring problems to
11 anyone. [bell] I do want to have dance thrive in New
12 York City. I am only as successful as I am even
13 being a professor at the New School University
14 because there were places to go as a youngster and a
15 young adult in New York City. And so, I am asking to
16 please repeal this law, but also amend it amend it
17 and come to some of the leaders in the community to
18 help with the new law that will be in place. [pause]
19 You want me to hold that for you?

20 Yeah, please do.

21 ANNA ROCKEFELLER GARCIA: Technology.

22 CHAIRPERSON ESPINAL: There is also a
23 video online that you mail out--

24 AKIN: [interposing] Okay.

25 CHAIRPERSON ESPINAL: After today.

2 AKIN: Okay. Yes, everybody. My name is
3 Akim, a/k/a Akim Funk Buddha. I've been
4 participating in the theater world, the dance world,
5 the music world, the poetry slam world and, of
6 course, hip-hop world and this world. If it was up
7 to me, I would make dancing mandatory, and we started
8 today's session, I would say all of you sitting over
9 there even the security guards they got to dance.
10 And I just know things would move a lot smoother.
11 Having said all of that, I was affected mostly by
12 this Cabaret Law in—I can't remember what—what year
13 it was exactly, some time in the '90s where I was
14 performing at Baby Jupiter and really it was quite—if
15 felt like I was in a sci-fi because the cops would
16 roll in, and the owner of the venue would say stop
17 dancing, and so what I had to do to prepare for this
18 was I would tell the audience if the cops come in
19 everybody just freeze, and—and I would tell the
20 musicians to stop hitting their instruments, but
21 everybody keep dancing, and internalize the sound.
22 Now, that might just sound like poetic theatrics and
23 it is, but really what is dance? Is dance responding
24 to a movement, to—to music? Is—what if you take away
25 the music, is it then dance? Whatever it is, it is

2 our first tongue and this thing I'm doing now called
3 language is learned. When a baby is born [mimics
4 baby crying] it's making music, it's crying. Crying
5 is music. When it's crawling, it's—it's dancing.
6 It's an intuitive art form. Now that I have won an
7 award for the U.S. Japan Commission so the National
8 Endowment of the arts, I've also gotten a grant from
9 the State Department and Cultural Affairs, and I've
10 gotten grants from the Jerome Foundation. I have
11 started to turn all this awareness into a teaching
12 practice, and I teach kids with so-called ADD and
13 learning differences, different states of Autism, and
14 I noticed that these kids their stage fright or
15 their—sometimes even their Autism it kind of takes a
16 hiatus once they start dancing, and it actually has
17 helped them become more confident, and has helped
18 them become more present human beings. And I
19 realized that wow all these years of just dancing I
20 spent also years [bell] busking on the streets, and
21 body painting myself and being harassed by police,
22 being told don't do that here, and I would say to the
23 cop, this is my expression. This is my human right.
24 This is my vocabulary. This is my currency and I
25 have a right to do it. After having many tough times

2 on the—performing on the streets, I was able to take
3 my show and work indoors, and now here today I say to
4 you that the biggest mistake that this planet is
5 making not even the country, not even just New York
6 is really undermining what dance is, and every day
7 there's a new app and there's a new technology and
8 we're making films about the forests and looking for
9 dark crystals and so on. Really, we're suppose to
10 come together and dance, and when we figure that out,
11 everything else will figure itself out. So, we do
12 need to dance on the sidewalks, dance. Wherever
13 there's space, we need to be dancing, and some people
14 were saying before we can't just have people dancing
15 everywhere. I say, yes we can.

16 CHAIRPERSON ESPINAL: [laughs] Thank
17 you, sir. Appreciate your testimony, appreciate all
18 your testimony. Thank you for coming. Thank you.
19 I'd like to call up Tom Martigotti, Jeanine Hopper,
20 Jonathan Freo (sp?), Glenn Raymond. [pause] So,
21 Glenn Raymond, Jonathan Freo, Jeanine Hopper and Tom
22 Martigotti.

23 TOM MARNETTI: [off mic] Marnetti.

24 CHAIRPERSON ESPINAL: Martigettti,
25 Martigettti?

2 TOM MARNETTI: Marnetti.

3 CHAIRPERSON ESPINAL: Marnetti.

4 TOM MARNETTI: Got it.

5 CHAIRPERSON ESPINAL: Alright, I'm going
6 to call one more. You know, I'll call the last two
7 people up. We have Rachel Santos and Megan Callea.
8 Rachel Santos and Megan Callea. Is there anyone else
9 that's—that was hoping to testify today here whose
10 name hasn't been called? Okay, alright, so you're
11 the last panel. You may begin either side. It
12 doesn't matter. (background comments & laughter) The
13 sooner we begin the sooner we can go. [laughs]

14 TOM MARNETTI: This one? Great. Awesome.
15 I did not write anything in preparation for this. I
16 woke up this morning late. I work in nightlife and
17 have for a long time in Manhattan. I think in the
18 city's eyes, I would probably be one of the bigger
19 offenders of illegal dancing in my places over the
20 years in Manhattan. This past summer I retired from
21 nightlife. I'm now in the restaurant business. I own
22 five restaurants in Manhattan, and so I think I'm
23 uniquely qualified to discuss in essence the Cabaret
24 Laws. I have been hit with them a number of times.
25 I've been watched (sic) a number a times marshalled a

2 number of times and I've realized very early on
3 obviously the Cabaret Laws are a joke. We all know
4 that. If everybody said that, great. You hit on
5 something very early on that that is actually one of
6 the real issued, and the word 'arbitrary' has been
7 banded about today a lot. When you hear the word
8 'arbitrary' it's actually—you change to the word
9 called 'pretext'. They're coming in to stop what
10 you're doing. They're using dancing as a—they're
11 using the Cabaret Laws as a pretext to stop what
12 you're doing. Okay. So, whence, you know, when the
13 Cabaret Laws, which will be repealed, it should be
14 they will continue, though, to—to try to stop what
15 you're doing under the pretext of different other—
16 other laws that are currently on the books. So, I
17 just want to say my—my—my concern is what happens
18 next, and—and, you know, the people that really—the
19 police are the ones that—are the ones that are in
20 charge of these laws. People—everybody else in the
21 government, you know, it's overnight, the police who
22 we interact with on a nightly basis, and I have for
23 years and 15 or 18 years at this point, and for the
24 most part they are—they are—they are decent. But,
25 you know, the real issue here is when you try to open

2 up a place in Manhattan, you will get an offhand word
3 from a sergeant or from someone at the community
4 board saying, You be cool, but don't do any hip-hop
5 nights, or don't do any gay nights, and this is—this
6 is really the issue here. We can talk all night
7 about, you know, change the, you know, the Cabaret
8 Laws, but this is what's really happening on the
9 street is that they're going to find another way to
10 shut you down. Are the Cabaret Laws racist? A
11 hundred percent. Will that stop once they've
12 appealed? Absolutely not. Right now between the
13 will off condo owners in New York City, and the
14 police, it's very tough to operate anywhere around
15 residences. The—the noise control laws are way, way,
16 way too low. So, what's going to happen next they're
17 going to hit you with the noise abatement laws, which
18 are very, very, very tough to operate anywhere around
19 residences. The—the noise control laws are way, way,
20 way too low. So, what's going to happen next,
21 they're going to hit you with the noise abatement
22 laws, which are very, very tough, and the—and they'll
23 also hit you with the unsafe—unsafe establishments.
24 The police come in, they see a broken piece, a bottle
25 on the floor and they hit you with another ticket.

2 This is an unsafe establishment. It's just as big as
3 the cabaret ticket. You mentioned something earlier
4 on that I thought was very sharp when they were
5 talking about the—the—the video cam system, how you
6 want to take that out of the police hands. [bell]
7 You couldn't be more right about that. We have to—
8 you have to take as much things out of the police's
9 hands as possible. Because what's going to happen
10 then they use the video cameras as a pretext to get
11 into your establishment. That I think—I think you
12 really to something there, and I think that's really
13 the pretext to anything is that the police entering
14 establishment to give you tickets. People aren't
15 going to like dancing. People who live in high-end
16 residences aren't going to like dancing. So, what
17 are they going to start doing? They're going to, you
18 know, call 311, start complaining about noise and
19 then they get it that way. I do commend you
20 unbelievably for—for doing this. I think it's a
21 great step in—in the direction. I would like to just
22 say one last thing that obviously no—people that are
23 go to nightclubs, and I guarantee not one of them has
24 ever worked in food and nightclub before. The idea
25 that we require nightclubs to serve food is the most

2 ridiculous and antiquated law other the cabaret that
3 there is. That's the next step. Once you kill the
4 cabaret, they're going to start—that's your biggest
5 hurdle now is that all the night clubs are going to
6 have big menus of food. If you could repeal both the
7 cabaret and the idea that New York City at a night
8 club you have to be able to serve food with alcohol,
9 which is the most ridiculous law other than the
10 Cabaret Law there is, that would be a massive step in
11 the direction of—of separating the police from
12 nightlife, and putting the control of nightlife back
13 into other city agencies. The idea that if you
14 spread it around and not give all one agency all of
15 the, you know, all of the—all of the important
16 control—I mean taking it away from Consumer Affairs
17 that's like the end of the world. Consumer Affairs
18 is the toughest city agency to deal with. Even to
19 renew your café license outside is—is impossible but
20 I do think that you have to prepared next for what
21 happens next because the police and—and the community
22 board that the guy from Community Board 5. I mean
23 that guy from Community Board 5 is who we deal with.
24 He is what's holding you back. That guy from
25 Community Board 5 is not going to vote or his

2 community bard is not going to vote for any place
3 that's going to even say they can have dancing. I
4 mean we can sit here all day, but that guy from
5 Community Board 5, who is sitting right here is he's
6 no--there's-d-he doesn't want dancing in his
7 neighborhood. He represents the people in his
8 neighborhood who own high end condos. That's who he
9 represents. He doesn't represent you. He doesn't
10 represent the people who want to dance. That's who
11 he represents. So, he sit up here all day and say
12 yeah, you know, what I'm progressive with a
13 progressive city, but he does not want the night club
14 next door to him or even the local bar to have
15 dancing. So, I think that you have to do--I think you
16 have to piggyback a couple of items that are going to
17 completely separate almost church and state here.
18 The police should not be the sole--the sole control of
19 nightlife, which they are, and you're right about the
20 pretext with cameras. That's--that's under your
21 control. That's how they can get in, and then
22 require the other things. And I will get back to
23 food by saying that it's crazy because that--that, you
24 know, that brings in other city agencies and this and
25 that, and by the way, it's a lot easier to open up if

2 you don't have to go to the kitchen to have a fake
3 menu. I know people that build out fake kitchens and
4 have a fake menu just to pass code, or to be opened
5 up and that's just ridiculous. And people out in
6 Brooklyn can't \$20,000 kitchens like they can in
7 Manhattan to basically serve drinks. I think that
8 is—I think one—one in the—one has to go with the
9 other. If, you know, you want to--

10 CHAIRPERSON ESPINAL: [interposing] I'll
11 ask you to wrap up only for the--

12 TOM MARNETTI: Yes.

13 CHAIRPERSON ESPINAL: --sake of time.
14 Yeah.

15 TOM MARNETTI: I'm done.

16 CHAIRPERSON ESPINAL: You done?

17 TOM MARNETTI: I could go on, but yeah.

18 CHAIRPERSON ESPINAL: But thanks—thanks
19 for your testimony. Appreciate it.

20 RACHEL SANTOS: Hi everybody. My name is
21 Rachel Santos and I am here with you today actually
22 to read a testimony on behalf of someone else who is
23 not wanting to put his event, his livelihood and the
24 community and culture that—that event fosters at risk
25 under the current Cabaret Laws. So, the following is

2 his testimony: As many producers of dance events, I
3 fear enforcement of the city's Cabaret Law, which is
4 why I am submitting my anonymous written testimony.
5 I'm an American citizen and a New Yorker. I have
6 been a tango dancer for over 22 years. Tango has
7 been a transformative experience for me and many
8 people I know. It is a major part of my cultural
9 identity and how I relate to other people. Social
10 tango dancing is a subtle communication between the
11 partners and between couples on the dance floor. It
12 welcomes people of all ages and cultures. It is a
13 popular art of great cultural significance declared a
14 treasured heritage of humanity by UNEFSCO. It has
15 been shown to have numerous health benefits, among
16 them relieving the symptoms of Parkinson's Disease
17 and prevent Alzheimer's Disease. By contrast to
18 stage tango, it does not involve any acrobatic moves.
19 It is noiseless and calm. Couples move around the
20 dance floor gently in harmony with each other to
21 beautiful music that is played at a much lower volume
22 than—that at an average bar or club. A typical tango
23 dance in New York City attracts no more than 100
24 people during the week, and on occasion around 200 on
25 weekends. Affordable dance spaces have been rapidly

2 disappearing in Manhattan, and on top of that the
3 enforcement of the arcane Cabaret Law has made it
4 next to impossible to have a Tango dance in public
5 space that serves food and drink. Most public spaces
6 such as restaurants and bars, which have a dance
7 space and pay for the Cabaret License, charge upward
8 of \$3,000 per night, which is far beyond what our
9 small scale Tango events are able to afford. The few
10 venues that have some space for dance and are willing
11 to rent it to Tango events at a lower rate are either
12 unable to obtain a Cabaret License or do not consider
13 it worth their time and expense. Lately, the New
14 York City Tango community suffered several closings
15 of long-running events by city inspectors because
16 places where they were held did not have a Cabaret
17 License. Tango events are being increasingly sources
18 into dance studios or most function underground in
19 Manhattan. For a survival of a popular dance such as
20 Tango, having a dance in public spaces that serves
21 food and drink is essential, but Tango dancers never
22 drink very much as it is a dance requiring balance
23 and precision. A place that welcomes dancers and
24 non-dancers alike allows those who do not yet dance
25 Tango to watch it, [bell] become interested while

2 having food or drink or otherwise socializing.
3 Because of the enforcement of the Cabaret Law, there
4 are almost no places like that left in the city, and
5 Tango is getting increasingly forced underground or
6 into dance studios drastically cutting down on the
7 exposure of new people to social Tango dancing. At
8 the same time, many dance studios, which provided
9 classrooms for Tango events have recently closed
10 because of the rent hikes. While preventing the
11 prohibitive rent hikes in the city may be an
12 insurmountable task, it seems much more feasible to
13 repeal the arcane Cabaret Law or at least change it
14 to exempt culturally significant dance forms like
15 Tango. I hope that this can be done for the sake of
16 the survival of Tango dancing in New York City.
17 Thank you.

18 JEANINE HOPPER: Hi. Thank you so much
19 for taking the time. Hello, and thank you for
20 joining me on my radio show earlier this summer as
21 well-

22 CHAIRPERSON ESPINAL: [off mic] That was
23 great. (sic)

24 JEANINE HOPPER: --on WBAI. I've been I
25 guess social activist for underground communities in

2 New York City utilizing the public airways of our
3 community radio station longstanding WBAI.

4 CHAIRPERSON ESPINAL: Jeanine.

5 JEANINE HOPPER: Yes.

6 CHAIRPERSON ESPINAL: Before you
7 continue, can you just state your name for the—for
8 the record.

9 JEANINE HOPPER: Oh, this is Jeanine
10 Hopper, Liquid Sound Lounge, and I'm a DJ. I wear a
11 lot of hats with the community. I did have a
12 prepared statement, but I kind of want to reflect on
13 a lot of the things that I've actually just heard
14 today, and that I've been covering. Jamie Burkhart.
15 He said the issue of somebody—him being targeted by
16 the outright so to speak and someone from Oregon to
17 be able to harass him in that manner. To me, when
18 311 came in that became our biggest harassment in the
19 underground and not even underground but community
20 scenes. That compounded by the no smoking in
21 establishments law, which I completely agree with and
22 it's fabulous. [laughs] I'm healthier for it and so
23 are many of us in nightlife, but what happened is
24 these people went out into streets, and also there is
25 this 311 line where you can call anonymously. From

2 cases that I've spoke with Norman Segal who has
3 worked on many of these cases going back to the
4 Slipper Room, it usually results in--an also even Warm
5 Up PS1, which I work closely with and built up a
6 community radio station for Moma PS1. A lot of times
7 it results in one person in the neighborhood, one
8 person calling repeatedly anonymously and then 311
9 has to send, you know, that alert to the local Police
10 Department. They have to go investigate. Well,
11 guess whose face is there for them to deal with?
12 That establishment, that person who owns that
13 establishment and their staff. They don't have the
14 face of the person who's complaining. So, it's
15 resulted in--now, mind you, I know that there are
16 establishments that have violated a lot of laws, but
17 I'm talking about so the next situation, cameras. I
18 know many establishments that put cameras in because
19 of the harassment by the Nightlife Task Force so that
20 they would have documentation of what happened in
21 their establishment. I have faced DJing where that
22 task--that Nightlight Task Force shows up. The entire
23 place it's like--I don't want to use this term, but
24 like the bugs just scatter. Everybody leaves as soon
25 as the lights come on. I don't know any other

2 establishment where you're allowed to walk in. If
3 McDonald's, if a health inspector comes in and they
4 com in with a giant task force, we're going to
5 inspect your place, do they suddenly tell everybody
6 to leave and make it so uncomfortable that all the
7 patrons can't even, you know, eat there? I mean
8 it's—it's excessive force, and that's what this scene
9 has been dealing with. One last thing I want to say
10 quickly is I also work with the Drug Policy Alliance
11 when it came to the Ray Vac (sp?), which I feel is
12 still on the federal books and what that Ray Vac
13 means—are you familiar? It means that all of us in
14 an establishment if someone is doing drugs or there's
15 illegal behavior or sale of drugs, in this case it
16 came up with Rave and Ecstasy and other illicit
17 drugs. Each one of us is now liable from the
18 bathroom attendant to the bartender to the DJ for the
19 actions by a patron. And, so this—this became very
20 heavy on a national level clearly, but in London what
21 they did is they—the Drug Policy Alliance brought
22 over someone from Scotland Yard, and we were able to
23 actually hear how they were able to actually face
24 respecting cultural hubs, places that turn in—that
25 create culture that brings a lot of money after the

2 fact, but you need that seed, that space for it to
3 start, and how they worked with the clubs. Why?
4 Another person had brought this up, too, improved
5 trust saves lives. So, if you can't trust to call
6 the Police Department as an establishment that
7 something is going on, and instead you're going to be
8 looked at as the problem, the establishment owner,
9 that's very serious. So, they got together with the
10 club owners, the Police Department. So, I really
11 urge you to have them at the table, and be a part of
12 this--what is it called--the, that you want to assemble
13 the--the Nightlife Panel or whatever the--

14 MALE SPEAKER: Like the association.

15 JEANINE HOPPER: What is it?

16 CHAIRPERSON ESPINAL: The Nightlife--

17 JEANINE HOPPER: [interposing] The
18 Nightlife Association.

19 CHAIRPERSON ESPINAL: The Nightlife--
20 Nightlife Advisory Board and Office of Nightlife.

21 JEANINE HOPPER: Yeah, because I do have
22 an issue with the Nightlife Association, which was--
23 spoke about the gentleman who talked about 1989 to
24 now. There's a lot of issues that come up with that,
25 which is that that law firm and that lawyer from what

2 I know from reporting, um, became a firm recommended
3 by the city as expediters for your cabaret licenses.

4 CHAIRPERSON ESPINAL: I understand you
5 wrote about that, by the way. Your--

6 JEANINE HOPPER: [interposing] Yeah, an
7 expediter for your Cabaret Licenses. So you go to
8 the city recommended expediter and you will get your
9 cabaret license easier, faster, um, compared to--

10 CHAIRPERSON ESPINAL: This guy was head
11 of Consumer Affairs.

12 JEANINE HOPPER: Yeah. So, there is a
13 lot of corruption in my opinion already at play, and
14 it's going to take a lot to unfold all of these
15 layers, but getting rid of the Cabaret Law is just I
16 mean--it's a great start. It's a huge start because I
17 don't know any other business with the third strike
18 you're going to be shut down. You can have three
19 shootings in your establishment and you're not going
20 to be shut down, but for dancing you are. And by the
21 way, that second fine that you get they keep adding
22 it up and adding, they add onto it and you're
23 padlocked until you pay it, and they make it so it
24 keeps going up every day. Now, how are you going to
25 pay that fine when your establishment isn't even

2 open? How are you going to come up with that money?

3 So, last but not least, that means the only people

4 who can afford to have a cabaret license or a legal

5 establishment is big money corporations, and that's

6 what's happened to our scene. Our scene has been

7 corporatized, and I—I will admit it right here I

8 illegally dance. I illegally throw parties and DJ in

9 illegal spaces. I do. Why? Because I believe in

10 community unity and the diversity of what social

11 dancing is about and what it used to look like. Now,

12 I see segregation happening, which is because of this

13 corporatization and this harassment and you can say

14 gentrification all of it. It's really, really torn

15 people apart. Before you were gay, straight, every

16 economic status the freaks, the geeks would want—and

17 then the--the Wall Streets, the Uptowns they'd want

18 to come down and hang out with them and we all—we

19 were all better for it because we all got to know

20 each other, see each other, and—and we see how music

21 crosses borders from hip-hop being these kids in the

22 Bronx to a national phenomenon, and even having

23 greater wide audiences in some cases if you read

24 Questlove's book, his current autobiography--

25

2 CHAIRPERSON ESPINAL: [interposing] Thank
3 you.

4 JEANINE HOPPER: --you'll learn a lot.
5 So thank you.

6 CHAIRPERSON ESPINAL: Thank you for your
7 time. Thank you. I appreciate it.

8 GLENN RAYMOND: My name is Glenn Raymond.
9 I'm actually in the process of opening a night club.
10 I had the honor to open a night club that's very
11 historic in New York. It used to be Sound Factory in
12 Posher. The new name is going to be Mecca. I'm
13 going through the loopholes with the community boards
14 and so forth. I think that it's an embarrassment in
15 2017 that we're even speaking about this. At the end
16 of the day, whoever is going to be the ambassador of
17 nightlife should be handling the codes. They should
18 be handling the liquor licenses. You don't need a
19 cabaret license for dancing. At the end of the day,
20 you're not opening until the fire departments and
21 everybody else come in. You're going to have to get
22 fully right--all your regulations up to code. When it
23 comes to the community boards, the cabaret license,
24 it's all punitive damages and not punishment that at
25 the end of the day the community board is just

2 sitting there to punish you financially. The lawyers
3 want the cabaret license so this way they have
4 somebody to represent. Abolish that. Take away the
5 night clubs even being seen by the community board.
6 You have what, 45, 50 members over 50, 60 years old
7 who have nothing better to do with their life, but
8 they exert a little bit of power and punish people.
9 Most of the people in the community board don't even
10 own a business. So, who are they to tell anybody,
11 give you stipulations, tell you if you can dance,
12 tell you what you can and cannot do. I think that
13 the—the Mayor's Office, the councilman's and
14 everybody in the city should be embarrassed right
15 now. Globally our nightlife doesn't exist. We're—
16 New York City fell asleep years ago, and at this
17 point right now, we're taking a multi-billion
18 industry and just destroying it. So, I have one
19 question: In 2017, we're fighting about a Cabaret
20 Law that should have been wiped out years ago. How
21 about all the homeless people? How about all the
22 methadone clinics that the city is putting in, and
23 all the drugs that are running rampant over our city.
24 Maybe the community board should focus on that

2 because guess what, they're failing. Just move past
3 this. This should already be done.

4 CHAIRPERSON ESPINAL: Thank you. Just
5 for--just for clarification, previous City Council and
6 previous mayors, it should be we see this go.

7 GLENN RAYMOND: [interposing] I'm--I'm
8 very familiar with what you do.

9 CHAIRPERSON ESPINAL: Rafael Espinal and
10 his colleagues are on the right direction. [laughs--

11 GLENN RAYMOND: I'm very familiar with
12 your office. You do a lot of organic really ground
13 work, and I support Mayor de Blasio's work that he's
14 putting in. He takes a lot of black guys on a lot of
15 stuff, and I think that more club owners should come
16 out and actually support. Instead of just sitting
17 back, I think that you need to get out there to make
18 the change happen, and I know that the work you're
19 putting in on this, you're going up against a lot of
20 red tape behind the closed doors. So, I appreciate
21 everything personally.

22 CHAIRPERSON ESPINAL: Thanks for coming
23 and I appreciate--

24 GLENN RAYMOND: Thank you.

2 CHAIRPERSON ESPINAL: --and we'll talk
3 I'm sure. Well, thank you guys. Thank you. That's
4 it. We are concluding this hearing. So that means
5 we're one step closer to the repeal, and what happens
6 from now to actually voting this bill out is just
7 kind of figuring out, you know, what are the security
8 issues that the administration has problems with,
9 what--what we're--what we are--we're comfortable with
10 living with and moving forward with. So, that's
11 what's going to happen within from now to the vote,
12 and we can't schedule the vote until those
13 conversations have happened and those amendments are
14 made, but that's the only thing getting in the way,
15 and I think that we'll be able to be successful if we
16 continue advocating and staying together in this
17 conversation. Thank you guys. Appreciate it. This
18 meeting is adjourned. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 23, 2017