

STATE OF NEW YORK
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

80 South Swan Street, Suite 900
Albany, NY 12210-8002

317 Lenox Avenue
New York, NY 10027

125 Main Street
Buffalo, NY 14203

IN THE MATTER OF PROCEEDINGS TO CANCEL OR REVOKE

NOTICE OF PLEADING

1128252, NEW YORK CR 1128252

3482-2006/Case No. 36875

530 W 28TH STREET L P
CROBAR PINK ELEPHANT
530 WEST 28TH STREET
NEW YORK, NY 10001

PLEASE TAKE NOTICE, that pursuant to Section 118 of the Alcoholic Beverage Control Law you are required to answer by mail as provided below, or in person, at the office of the **Division of Alcoholic Beverage Control, Harlem Center, 317 Lenox Avenue, 4th Floor, (between 125th & 126th Streets), New York, New York 10027**, on **12/13/2006**, at 11:00 AM, in connection with proceedings to cancel or revoke the above-referenced license, and to plead to the following charge(s):

1. That on 8/13/06, 9/10/06, 9/16/06, 9/17/06, 9/24/06, 9/30/06, 10/8/06 & 10/22/06 the licensee suffered or permitted the licensed premises to become disorderly by engaging in and/or suffering or permitting the storage, possession, use and trafficking of a controlled substance and/or marijuana on the licensed premises in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
2. That the licensee has violated rule 54.2 of the Rules of the State Liquor Authority [9 NYCRR 48.2] in that the licensee has failed to exercise adequate supervision over the conduct of the licensed business; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].
3. That on 7/29/06, 8/19/06, 8/25/06, 9/3/06 & 9/9/06, the licensee suffered or permitted the licensed premises to become disorderly in that the licensee suffered or permitted an excessive amount of noise to emanate from the licensed premises in violation of subdivision 6 of Section 106 of the Alcoholic Beverage Control Law.
4. That on 8/1/06, 8/13/06 & 8/27/06, the licensee suffered or permitted the licensed premises to become disorderly by suffering or permitting an assault to occur on the licensed premises in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
5. That on 8/20/06, the licensee failed to comply with all applicable health, safety and governmental regulations; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority (9 NYCRR 53.1(f)).
6. That on 8/26/06, the occurrence of noise, disturbance, misconduct or disorder in the licensed premises, in front of or adjacent to the licensed premises, or in the parking lot of the licensed premises adversely affects or tends to affect the protection, health, welfare, safety or repose of the inhabitants of the area in which the licensed premises are located; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(q) of the Rules of the State Liquor Authority [9 NYCRR 53.1(q)].

PLEASE TAKE NOTICE THAT YOUR FAILURE TO PLEAD WILL BE DEEMED A "NO CONTEST" PLEA AND NO FURTHER HEARING WILL BE HELD.

PLEASE TAKE FURTHER NOTICE that you may be represented by counsel. If you need a translator, you must bring one with you at your own expense.

PLEASE TAKE FURTHER NOTICE that you may plead to the charge(s) by mail instead of by personal appearance provided that a letter signed by you or your attorney, setting forth your plea of "Not Guilty" or "No Contest" is received by the Office of Counsel of the Division of Alcoholic Beverage Control at the above New York City address on or before the pleading date specified above.

PLEASE TAKE FURTHER NOTICE that the maximum penalty may be a revocation and forfeiture of the Bond filed by you, and or a civil penalty. In addition, if the Authority revokes the license, the Authority may proscribe the issuance of a license at the premises for a period of two years from the date of revocation of the license.

PLEASE TAKE FURTHER NOTICE: If you plead not guilty to the charge(s), a hearing will thereafter be scheduled at which you may appear with counsel, produce witnesses, and introduce evidence in your behalf.

PURSUANT TO SECTION 301 of the State Administrative Procedure Act, interpreter services shall be made available to deaf persons, at no charge, by the Authority.

Licensee's name and residence address
BARALICH, KENNETH R.

Date: 11/09/2006

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Robert F. Buckley, Associate Attorney
Office of Counsel