

(Series 1968)
Bulletin #437
August 29, 1968
(Supersedes Bulletins
395 - 395a - 395b -
395c Dated May 5, 1967)

TO: All Club Licensees

SUBJECT: Club Licensees Catering to Non-Members

At the 1968 legislative session, the Alcoholic Beverage Control Law was amended to enable licensed clubs to sell alcoholic beverages to non-members at special occasions, functions or events held on the club premises, upon compliance with specified conditions and first obtaining an on-premises caterers permit from the Authority.

The legislation is constructive, progressive and serves a meaningful purpose. It is not intended to enable club licensees to compete with licensed restaurants, hotels and other on-premises licensees in selling alcoholic beverages to the general public.

On-premises Caterers Permits-(Amended Law)

Under the amended law, a licensed club seeking a caterers permit for an affair to be held on the club premises must certify (1) that the club has not solicited the event; (2) nor advertised the affair in any manner as open to the public; and (3) that alcoholic beverages will be sold only to persons invited to and attending the function, occasion or event. In addition, the licensed club must also show:

1. That the particular function or event is to be held by a sodality, auxiliary or other organization affiliated with the club; or
2. That a particular charitable or non-profit function or event is to be held by a charitable or non-profit organization, and that such organization has one or more members who are also members of the club; or
3. That the function or event is to be held by an organization not affiliated with the licensed club but in conjunction with the use of the primary athletic or sports facilities of the club.

On-premises Caterers Permits-(New Law)

A new and highly important addition to the law authorizes the Authority to issue an on-premises caterers permit to a licensed club if the facts set forth in the application establish to the satisfaction of the Authority that no other suitably licensed premises authorized to sell alcoholic beverages to the public is available within a reasonable distance.

It is essential that such applications contain facts to comply with the new law. Standing alone, the statement "That no other suitably licensed premises authorized to sell alcoholic beverages to the public is available within a reasonable distance" is not sufficient. The statement should show the efforts made to obtain accommodations at premises authorized to sell alcoholic beverages to the general public, the names, addresses and distances of the nearest two or three restaurants, hotels or catering establishments within a reasonable distance and the reasons why

such premises are not suitable for the affair. f

To comply with the new law, good and sufficient reasons must be shown to the satisfaction of the Authority. For example, if the restaurants, hotels or catering establishments within a reasonable distance will accommodate a maximum of 100 persons and 150 or 200 persons are expected to attend, this fact should be stated. If the affair is an anniversary dinner or occasion, and the anniversary date is not available at such restaurants, hotels or catering establishments, this fact should be included. If the nearest hotel, restaurant or catering establishment suitable for the affair is not located within a reasonable distance, or if the affair is being held during the winter months and transportation or inclement weather poses a hardship to persons attending the affair, facts to establish this reason should be set forth.

It is desirable that the circumstances which necessitate the use of the club premises be fully stated in the application. The Authority does not propose nor does time permit an investigation by the Authority's staff to establish good and sufficient reasons for approving the application. This is the province of the applicant club. Absent such facts, the application will be denied.

Off-Premises Caterers Permits-(No change in Law)

The Alcoholic Beverage Control Law continues to provide that a caterers permit will not be granted to a club licensee for a function held off the club premises except where such is exclusively for the use and benefit of the club members only and is so restricted.

Necessity for Caterers Permits

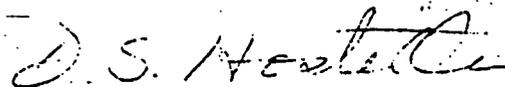
Club licensees are cautioned that unless a caterers permit is first obtained, a club licensee may sell alcoholic beverages only to its members and their guests accompanying them. Absent a caterers permit, the sale of alcoholic beverages to non-members, other than invited guests accompanied by host members, is a violation of law and jeopardizes the club license.

Application Forms for Caterers Permits

New application forms for caterers permits should be used by club applicants as distinguished from applications used by licensees other than clubs. Such new forms are available at all offices of the Authority and Local Board. The proper completion of such applications with the necessary information will facilitate action by the Authority and will expedite notification to the licensed club.

Club Licensees when requesting caterer's permit application forms should specify "for Clubs".

STATE LIQUOR AUTHORITY



D. S. HOSTETTER
Chairman

**STATE OF NEW YORK
LIQUOR AUTHORITY
Zones 1 & 2**

**THIS FORM TO BE USED BY
CLUB LICENSEES ONLY**

**CLUB LICENSEE
APPLICATION FOR
CATERER'S PERMIT**
(Sect. 98 of the A.B.C. Law)

This application is to be used by a Club Licensee to apply for a CATERER'S PERMIT under Section 98 of the Alcoholic Beverage Control Law and Rule 19 of the Rules of the State Liquor Authority.

This application must be properly executed and filed with the zone office of the Liquor Authority at Albany or New York City whichever has jurisdiction over the licensed premises of the applicant, at least 5 days before the date of the function or affair, or 30 days before such function or affair if held at premises covered by a summer license during the preceding summer season.

The application must be accompanied by a CERTIFIED CHECK, BANK OFFICERS' CHECK or DRAFT, or MONEY ORDER in the sum of Thirty Dollars (\$30.) payable to the order of the State Liquor Authority.

Such permit shall be valid for a period not to exceed 24 consecutive hours commencing 8:00 A.M. of the effective date of such permit and shall authorize the permittee to furnish provisions and alcoholic beverages for use at an indoor function, occasion or event, under the following conditions:

- (1) No sale or service of alcoholic beverages shall be made during the hours prohibited by the provisions of Subdivision 5 of Section 106 of the Alcoholic Beverage Control Law or by rule of the local A.B.C. Board having jurisdiction in the county in which the function is held.
- (2) No game of Bingo or other game of chance may be played in any room or outdoor area where beer or other alcoholic beverages are being sold or served.
- (3) Licensee is the holder of a Special Annual Federal Tax Stamp or has complied with Federal Tax requirements.

*ALL ANSWERS MUST BE TYPEWRITTEN OR PRINTED IN INK IN THE BOXES BELOW.
Any false answer or statement made by the applicant constitutes perjury.*

The Club Licensee designated below hereby applies for a CATERER'S PERMIT to furnish provisions and alcoholic beverages at the function described below.

Name of Applicant-Licensee		License Number	
Address of Applicant's Licensed Premises		City, Town or Village - Zip Code	
		County	
1	State nature of the function and estimated number of people attending such function.	Nature of Function	Number
2	State date, day of the week and time of the day when such function will be held.	Date	Day of the Week Time
3(a)	State whether function will be held on the above licensed club premises. (If answer is yes, skip to question #4)	3(a) Yes or No	
(b)	If "no" set forth address of premises where function will be held, and complete the following certification and no further questions need be answered.	(b) Name	
		Address	
		City, Town or Village	

"A caterer's permit will not be granted to a licensed club for a function to be held off the club premises except where such is exclusively for the use and benefit of club members only and is so restricted." (Sect. 98 of the A.B.C. Law)

This certification to be used when affair is not to be held on the Club Premises.

3(c)certifies that he is an authorized officer of the above named licensee club; that the function to be held will be exclusively for the use and benefit of the club members only and will be so restricted. That the club has not advertised such affair as open to the public; alcoholic beverages shall be sold only to members attending such function; and that the statements contained in this application are true.

Signature Authorized Officer _____ Title _____ Date _____

The following questions are to be answered when function will be held on the Club Premises.

4(a)	State whether the function will be held by the licensee club. <i>(If answer is "yes" complete the certification on the reverse side) and question #5 need not be answered.</i>	4(a) Yes or No	
(b)	If "no" set forth name and address of person or organization holding said function and continue with question #5.	(b) Name	
		Address	

Forms Memorandum

- (1) Form 711 - Club (S-68)
Zone 1 and 2
 - (2) Form 711 - Club (S-68)
Zone 3
 - (3) Bulletin #437 - Caterer's Permits
by Club Licensees
- September 3, 1968

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: Zone Offices and Local Boards

SUBJECT: New Application Forms for Caterer's Permits by Club Licensees.
Forms 711 - Club-Zones 1 and 2; Forms 711 - Club-Zone 3
(Does not obsolesce present use of Forms 711 and 711.1).

Supplies of the captioned forms are being distributed to Local Boards and Zone Offices. Henceforth, requests for application forms for Caterer's Permits should specify whether they are for a Club Licensee. A copy of Bulletin #437 should be given out with the Application Blanks.

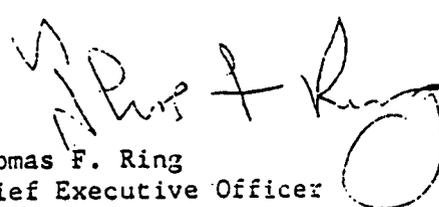
Those Club entities which have a class of license other than "Club" do not fall within the purview of captioned new forms and will continue using old Forms 711 (10-63) and 711.1 (7-63) when making application for caterer's permits. On-premises licensees, other than licensed clubs, will continue to use the old forms.

The Zone I office is mailing today to each Club licensee Bulletin #437 and appropriate Form 711 - Club (S-68).

When acting on applications for Caterer's Permits, Zone Offices will be guided by the principles set forth in Bulletin #437.

A token supply of Bulletin #437 and New Club Licensee Caterer's Permit Forms is being distributed with this memorandum.

STATE LIQUOR AUTHORITY


Thomas F. Ring
Chief Executive Officer