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(Supersedes Bulletin #227
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STATE OF NEW YORK
LIQUOR AUTHORITY

TO: MANUFACTURERS AND WHOLESALERS OF LIQUOR, WINE, CIDER & BEER

SUBJECT: ANNUAL TEMPORARY SOLICITOR'S EMPLOYMENT PERMIT
(Replaces Driver-Solicitor's Permit)

Subdivision 4 of Section 93 of the A.B.C. Law has been amended and reads as follows:

4. Notwithstanding the foregoing provisions of this section, any duly licensed manufacturer or wholesaler may apply to the liquor authority for an annual temporary solicitor's employment permit. Such permit shall authorize such manufacturer or wholesaler to employ one or more persons as a solicitor for a period of not exceeding fifteen consecutive working days provided that within five days after such employee has been employed as a solicitor such employee shall file his application for a solicitor's permit with the liquor authority. The license fee for such permit shall be thirty dollars per year, or for any part thereof, and the permit shall be issued for the calendar year. Such permit and the exercise of the privileges hereby granted thereunder, shall be subject to such terms and conditions as may be prescribed by the liquor authority.

To implement such changes the Authority has amended Rule 35, (copy annexed).

Manufacturer and wholesaler licensees may now apply to the nearest Zone Office of the Liquor Authority at Albany, Buffalo or New York City for such permit. For the convenience of licensees copies of Form 607 (Application for Temporary Solicitor's Employment Permit) are enclosed.

One such permit authorizes employment of one or more persons as temporary solicitors provided that each such person within five days after he has been employed as a temporary solicitor shall file his application for a solicitor's permit at the nearest Zone Office of the Liquor Authority at Albany, Buffalo or New York City together with required fingerprints, photographs and fees.

It shall be noted that persons who are disqualified from employment by any licensee pursuant to Section 102 subdivision 2 or, Persons Forbidden to Traffic in Alcoholic Beverages pursuant to Sections 123 and 128 of the Alcoholic Beverage Control Law do not fall within the purview of eligibility for employment as a Temporary Solicitor.

Before any such person may accept or solicit any orders for alcoholic beverages on behalf of a manufacturer or wholesaler who has been issued a Temporary

Solicitor's Employment Permit, such person must be in possession of a letter issued by such manufacturer or wholesaler licensee evidencing such employment and bearing the signature of an authorized representative of said manufacturer or wholesaler. Such letter shall be on the letterhead of the manufacturer or wholesaler and in the form prescribed by the Liquor Authority as set forth in the attached specimen. In no event shall the date of the expiration of the authorization contained in such letter be more than fifteen (15) consecutive working days later than the date of the issuance of the letter.

A duplicate copy of the foregoing letter shall be promptly mailed to the Zone Office of the Liquor Authority at Albany, Buffalo or New York City whichever is nearest to the Wholesaler or Manufacturer license and shall be postmarked no later than the next business day following the date of said letter.

State Liquor Authority



D. S. Hostetter
Chairman

RULE 35 - *ANNUAL TEMPORARY SOLICITOR'S EMPLOYMENT PERMIT

Promulgated pursuant to Sect. 93 subd. 4 of the Alcoholic Beverage Control Law:

1. DEFINITION.

A solicitor is a person employed by a manufacturer or wholesaler of alcoholic beverages who, on behalf of his employer, solicits or accepts orders for alcoholic beverages, at the licensed premises of his employer or at the licensed premises of the purchaser.

2. PLACE OF FILING.

Applications for temporary solicitor's employment permits should be filed in the zone office of the Liquor Authority for the zone where the applicant's place of business is located.

3. RESTRICTIONS UPON ISSUANCE OF USE OF PERMITS.

Any manufacturer or wholesaler to whom an annual temporary solicitor's employment permit has been issued by the Authority may temporarily employ persons, eligible for such employment, as solicitors for a period not to exceed fifteen consecutive working days provided that:

- (a) Simultaneously with the commencement of such employment, the manufacturer or wholesaler shall issue to such temporary employee a letter certifying to his employment. Such letter shall be on a letterhead setting forth the name, address and license number of the said manufacturer or wholesaler.
- (b) Within five days after such employee has been employed as a solicitor, such employee shall file his application for a solicitor's permit with the Liquor Authority. In the event that the Authority shall notify any manufacturer or wholesaler that it does not approve the employment of any such temporary employee as a solicitor, the said manufacturer or wholesaler shall forthwith terminate the employment of such person.
- (c) No manufacturer or wholesaler shall employ or re-employ any person as a solicitor subsequent to receipt of notice from the Liquor Authority advising that the employment of such individual has been disapproved by the Authority.
- (d) No person shall be approved for employment as a solicitor contrary to the provisions of subdivision 2 of Section 102 of the Alcoholic Beverage Control Law.
- (e) This requirement does not apply to the employment of a person already holding a valid solicitor's permit for the current year. In such cases, a record of the change in employers will be endorsed on the Authority's records and upon the solicitor's permit upon its submission to the Authority's Zone Office with appropriate authorization by the new employer. The application for endorsement of such solicitor's permit must be submitted to the Authority within five days after the solicitor has been employed.

SPECIMEN LETTER OF AUTHORIZATION
TO BE IMPRINTED ON
LETTERHEAD OF MANUFACTURER OR WHOLESALER

This is to certify that _____
(Insert Name of Employee)

whose description appears below is employed as a temporary
solicitor by this company. Pursuant to the terms of permit
_____ issued by the State Liquor
(Insert Permit Number)

Authority, he is authorized to offer for sale and solicit
orders for alcoholic beverages on behalf of this company in
connection with the performance of his duties as a temporary
solicitor.

Description

Name _____

Height _____ Weight _____ Age _____

Color of Hair _____ Color of Eyes _____

The authorization herein contained expires midnight

(Insert Date)

Signature of Licensee

Dated: