



ANDREW M. CUOMO
GOVERNOR

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY
ALFRED E. SMITH BUILDING
80 SOUTH SWAN STREET, SUITE 900
ALBANY, NY 12210-8002

DENNIS ROSEN
CHAIRMAN

JEANIQUE GREENE
NOREEN HEALEY
COMMISSIONERS

MEDIA ADVISORY

For Immediate Release

July 22, 2011

Contact: William Crowley (518) 474-4875

PressOffice@abc.state.ny.us

FORTY-ONE CONVENIENCE STORES CHARGED WITH SELLING TO MINORS **Liquor Authority Underage Decoy Detail Targets 124 Western NY Locations**

Albany, NY – The New York State Liquor Authority (SLA) today charged forty-one licensed convenience stores with selling alcohol to minors. In the largest SLA underage sting ever conducted, SLA Investigators, working with underage volunteer decoys, targeted 124 establishments in Western New York. The decoys were able to purchase alcohol at 41 licensed premises in Buffalo, Niagara Falls, and Rochester, the largest single underage operation ever conducted by the SLA.

At several locations, no proof of ID was requested. At other locations, the decoys were asked to provide their birth dates or to provide IDs. In all instances, decoys provided their actual birth dates, indicating they are under 21. Notably, 83 convenience store clerks and licensees refused to sell to the decoys.

“The State Liquor Authority is committed to cracking down on underage sales,” said SLA Chairman Dennis Rosen. “These details will continue, and licensees must understand when they sell to minors, they are putting their license and livelihood in jeopardy.”

Licensees charged with underage sales face civil penalties of up to \$10,000 per violation, with fines starting at \$2,500 for a first time offense. Repeat offenders also face possible suspension or revocation of their licenses. In addition, employees or licensees who sell to minors can be arrested and charged with a misdemeanor. The SLA underage detail was conducted on June 16 and 17, 2011.

The 41 businesses charged with sales to minors are:

Buffalo:

B-Brite Market
905 Clinton Street

Superior Food King
1084 Clinton Street

Clinton Express
1270 Clinton Street

City Line 1 Grocery, Inc.
860 Walden Avenue

Walden Mini Mart
243 Walden Avenue

Super Market Express Mart, Inc.
143 Walden Avenue

Almin Liquors
1361 Sycamore Street

Myheeb's Deli
2289 Fillmore Avenue

Zip's Food & Beverage Shoppe
896 Niagara Street

City Candy Grocery
544 Fargo Avenue

Island Mini Mart
232 W. Ferry Street

Boo & Bee (d/b/a)
591 Fargo Avenue

Swan Food Market
357 Swan Street

Bailey Mini Market
1245 Bailey Avenue

Baria Deli
160 Doat Street

The Island Food Mart
1635 Genesee Street

Corner Store
1733 Genesee Street

Speedy Market
1799 Genesee Street

Bailey Market
2997 Bailey Avenue, Unit #3

Schreck Grocery
2594 Bailey Avenue

Walden Convenient Store
599 Walden Avenue

M & N Mini Mart
2360 Bailey Avenue

Community Food & Meat Market
533 Walden Avenue

Holly Farm Market II
281 E. Delavan Avenue

Broadway Market
1069 Broadway

Buffalo Mini Mart
1291 Broadway

Od's Food Mart
882 Northland Avenue

Black Rock Food Center
442 Amherst Street

Niagara Falls:

Bridgeway Market
1104 Niagara Street

BG Citgo Mart
700 Main Street

Ashiq & Shabbir Ghug, Inc.
1911 Ferry Street

Merry Mart
336 19th Street

Mario's Novelty
2304 Pine Avenue

Stop One Food Mart
1055 Cleveland Avenue

Karan & Anna, LLC
2221 Hyde Park Boulevard

Walgreens
1202 Pine Avenue

Wilson Farms (#354)
2824 Pine Avenue

Sunoco APlus
8505 Niagara Falls Boulevard

Rodeway Inn
492 Main Street

Rochester:

Northwest Mini Mart (d/b/a)
2042 Dewey Avenue

Everyday Convenience, Inc.
1416 Culver Road

The SLA regulates and controls the manufacture, sale and distribution of alcoholic beverages within the state. The Authority works with local law enforcement agencies and localities across the State to ensure compliance with the Alcoholic Beverage Control Law. In addition, the Authority issues and renews licenses and permits to manufacturers, distributors, wholesalers and retailers of alcoholic beverages.

On the web
www.abc.state.ny.us

###

www.abc.state.ny.us



BACKGROUND

STATE LIQUOR AUTHORITY DISCIPLINARY PROCEEDINGS

An investigation by the New York State Liquor Authority may include: (a) on-site inspections of a licensed establishment; (b) on-site undercover investigations by SLA Investigators and other law enforcement agencies; (c) a review of reports and investigations by other law enforcement and regulatory agencies; and (d) interviewing potential witnesses/complainants and collecting evidence of potential violations.

Information obtained is reviewed to determine if there is sufficient evidence to bring administrative charges against a licensee. A disciplinary proceeding is commenced by the issuance of a Notice of Pleading setting forth the alleged violations. The licensee may enter one of the following pleas; (1) Not Guilty; (2) No Contest; or (3) Conditional No Contest. If the licensee fails to respond, the matter is treated as a No Contest plea.

If a licensee pleads not guilty, a hearing date is scheduled with an Administrative Law Judge (ALJ). At the hearing, the SLA and the licensee may produce witnesses, cross-examine witnesses and submit evidence in support of their case. Findings are made by the ALJ and presented to the Members of the Authority. Again, the ALJ's findings are not final, only the Members of the Authority may make a final determination.

- If the licensee pleads No Contest, the case is sent directly to the Members of the Authority for final determination of the appropriate penalty.
- If the licensee submits a conditional no contest plea, the licensee's offer is forwarded to the Members of the Authority for final determination. If the offer is rejected by the Members, the matter is returned to Counsel's Office to schedule an administrative hearing.
- Each case brought to the Members of the Authority is examined on its individual merits. If a disciplinary charge

is sustained, the Members of the Authority may impose one or more of the following:

- License suspension, cancellation or revocation [ABCL § 17(3)];
- A monetary penalty, up to \$10,000 per violation[ABCL § 17(3)];
- A bond forfeiture [ABCL § 112 and 9 NYCRR 81(3)];
- A two-year ban against the issuance of a license to any part of the building containing the revoked licensed premises [ABCL § 113(1)].
- In addition, if the Members of the Authority find the actions of a licensee are a threat to the public health, safety, or welfare, they may vote for an **Immediate Summary Suspension** of the license.

Disciplinary Penalty Definitions

- **Summary Suspension** - under the State Administrative Procedure Act, a State agency is authorized to summarily suspend a license when the agency finds that public health, safety, or welfare imperatively requires emergency action.
- **Revocation** - terminates the license and bans the licensee from holding any liquor license for two years.
- **Cancellation** - terminates the license, but does not ban the licensee from applying for a license for two years.
- **Suspension** - prohibits consumption or sale of alcoholic beverages for a designated period.
- **Civil penalty** - monetary fine that may be levied against the licensee with or as an alternative to a revocation, cancellation, or suspension.
- **Bond Claim** - a claim made against the licensee's surety bond.
- **Proscription** - prohibits the issuance of a liquor license for any part of the licensed premises for two years. Can only be issued when a license is revoked.