



STATE OF NEW YORK
EXECUTIVE DEPARTMENT

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

STATE LIQUOR AUTHORITY

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**SLA ORDERS EMERGENCY SUSPENSION FOR SPIRIT
SLA Board Rejects \$100,000 Offer, Suspends License**

NEW YORK – (January 10, 2007) The New York State Liquor Authority (SLA) summarily suspended the license of Spirit New York LLC. at 530 542 West 27th Street, doing business as Spirit. The suspension was ordered by the Members of the State Liquor Authority, Chairman Daniel B. Boyle, Commissioner Lawrence J. Gedda, and Commissioner Noreen Healey at the Full Board meeting on Wednesday, January 10, 2007.

The SLA received numerous police referrals dating back to April 2004. Charges leveled against Spirit include several assaults, stabbings, hiring of unlicensed bouncers, excessive noise violations, underage sales, drug sales and use, failure to maintain supervision, health and building code violations as well as possessing bottles of liquor infested with fruit flies.

Lawyers for the nightclub, which has become a focus of police attention, offered to pay a \$100,000 fine with a six month suspension to settle the charges. Determining the bar posed an imminent threat to the public, the Members of the Authority rejected the offer and voted unanimously for an emergency suspension of the license. Effective immediately, no alcohol may be served or consumed on the premises.

The motion to summarily suspend the license was made by Chairman Boyle after reviewing the offer to settle. Upon his review, the Chairman noted, "This is one of the worst places I've seen in operation since I've been on the Board. To consider a fine to resolve this would be inappropriate." Chairman Boyle immediately requested that Commissioners Gedda and Healey support the summary suspension.

Spirit was previously fined \$1,000 by the SLA on October 12, 2005 for disorderly premises due to an unruly crowd directly outside the premises and for failure to provide supervision. The club was recently closed under court order as a result of the New York Police Departments Nuisance Abatement litigation. However, under a subsequent agreement, Spirit

was permitted to remain open one day per week with a 1 AM closing time.

“This club is clearly out of control,” State Liquor Authority Chief Executive Officer, Joshua B. Toas said. “People have a right to go out without being subject to this type of mayhem, parents have a right to know their kids aren’t being served alcohol and city residents have a right to a decent nights sleep. The Members of the State Liquor Authority have shown again this type of behavior by licensees will not be tolerated.”

The State Administrative Procedure Act authorizes a State agency to summarily suspend a license when the agency finds that public health, safety, or welfare imperatively requires emergency action. When the SLA summarily suspends a liquor license, it also serves upon the licensee a Notice of Pleading alleging one or more disciplinary violations. In invoking a summary suspension, the SLA has deemed the violation(s), considering each licensee’s disciplinary history, to be sufficiently serious upon initial review to warrant an immediate suspension.

The SLA’s decision to summarily suspend a license is not a final determination on the merits of the case. The licensee is entitled to an expedited hearing before an administrative law judge to address the alleged violation(s) that led to the suspension. An order of summary suspension remains in effect until such time as it is modified by the State Liquor Authority or a reviewing Court.

The State Liquor Authority 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.

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