



STATE OF NEW YORK
EXECUTIVE DEPARTMENT

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

STATE LIQUOR AUTHORITY

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IN REPLYING REFER TO
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MEDIA ADVISORY

For Immediate Release

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**Action Taken by the State Liquor Authority
Full Board Emergency Meeting**

ALBANY - (June 18, 2007) The Members of the State Liquor Authority (SLA), Chairman Daniel B. Boyle and Commissioner Noreen Healey, voted to delegate to the agency's Counsel the ability to resolve disciplinary charges related to On-Premises renewal applications. This action was necessitated due to a substantial number of licensees filing renewal applications without providing proper prior notice to their respective municipalities (community board, village, town or city) as required under the Alcoholic Beverage Control (ABC) Law.

Under Section 109(2) of the ABC Law, all On-Premises establishments (bars, taverns, restaurants, clubs, etc.) must notify their municipality of the intent to renew a license application 30 days before filing the renewal application with the SLA. Under this section, renewal applications received by the SLA without proper proof of notice to municipalities must be disapproved. Acceptable proof consists of:

- A copy of the notice sent to the municipality and either the original or a copy of the certified mail receipt card; or
- The original or a copy of the notice sent to the municipality, date stamped and signed by the municipality showing receipt.

Proper and timely notification to local governments and community boards is an essential part of the State Liquor Authority's licensing process. In order to obtain a comprehensive representation of an establishment's operations, the SLA relies on participation from local governments. The SLA places substantial weight on these recommendations, as well as that of local law enforcement and members of the community during the renewal process. Providing notification 30 days prior to filing the renewal application gives local governments the necessary time to comment during the decision process. This participation is important in helping the SLA to protect the public from licensees who do not run their establishments responsibly.

“Our ability to judge whether a license should be renewed is enhanced when local governments are involved in the process,” said Chairman Boyle. “Our goal is to ensure compliance with the law, however, we do not want to impose harsh penalties or force the closing of legitimate businesses.”

In February of 2007, the SLA reminded licensees of their obligations under the law by posting notice on the agency website and additionally by prominently posting notice for licensees utilizing on-line renewal transactions. In addition, all renewal application packets sent out beginning in March of 2007 included a warning notice, in bold lettering on yellow paper instructing licensees that renewals would be denied unless they notified their municipality (community board, village, town, or city) of their intent to renew 30 days before submitting their renewal application. Renewal application packets are sent to licensees 10 weeks prior to the expiration of the original license.

Because of the high rate of non-compliance, the Members of the Authority took action today designed to expeditiously, consistently, and equitably resolve the matter. Licensees in good standing will be offered the opportunity to have their license renewed and remain open by acknowledging a violation of Section 109(2) of the ABC Law and paying a civil penalty. By raising awareness among licensees of their obligations under the law, the SLA seeks to increase voluntary compliance.

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.

On the Web: www.abc.state.ny.us

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