



**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

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**WATERLOO BAR SERVED WITH EMERGENCY SUSPENSION
Drugs, Gambling, ABC Violations Prompts SLA to Take Emergency Action**

ALBANY – (December 20, 2006) The New York State Liquor Authority (SLA) summarily suspended the license of Elaine S. Cilbrith at 37 Virginia Street in Waterloo, doing business as the Smokin Mule. 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, December 20, 2006.

An investigation by the SLA, the NYS Police, the Waterloo Police Department, and the Seneca County Sheriff's Department found the licensee's spouse had sold cocaine at the bar to undercover agents on three separate occasions. Current SLA charges against the bar include; five counts disorderly premises related to illegal drugs, permitting gambling at the bar, purchasing alcohol from an unauthorized source and possession of liquor bottles contaminated with insects. The owner was also charged with making a false statement on her application. Previous charges by the SLA against the bar include; sale to a minor, sale to an intoxicated person and after hours consumption. The Members of the Authority determined the bar posed an imminent threat to the public. Effectively immediately, no alcohol may be served or consumed on the premises.

“When bar owners allow drugs to be sold, sell alcohol to minors and intoxicated persons and allow their premises to be gambling dens they will lose the privilege of holding a liquor license,” State Liquor Authority Chief Executive Officer, Joshua B. Toas said. “The decisive action taken today by the Members of the State Liquor Authority sends a clear message that irresponsible licensees will not be tolerated.”

“I commend the State Liquor Authority for taking swift action, in conjunction with the well organized efforts of State and local law enforcement agencies to shut down the Smokin Mule. A great deal of time and effort was devoted towards this investigation,” said Chief D. L. Marquart of the Waterloo Village Police Department.

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.

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

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