



NEW YORK STATE LIQUOR AUTHORITY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

A LETTER FROM THE CHAIRMAN

"Until Victory Comes to the United Nations!" so closed out the last edition of Alcoholic Beverage Control News in April of 1943. Temporarily suspended due to labor shortages during World War II, I am pleased to announce the long awaited return of the State Liquor Authority's newsletter, after a nearly 65 year break.

In the introductory edition of ABC News in August of 1933, Edward P. Mulrooney, the first Chairman of the State Liquor Authority, declared the purpose of the newsletter was to obtain a mutual understanding of the work of the SLA and the County Alcoholic Beverage Control Boards; to communicate information to licensees and the public on the specifics of the ABC Law; to foster cooperation between localities, local law enforcement and the SLA; and to examine the effectiveness of the law and elicit suggestions for necessary changes. From the first issue in 1933 to the last a decade later, the focus of ABC News included issues like price postings, ways bars can be better neighbors, the law banning gifts between wholesalers and retailers, the SLA's joint efforts with local law enforcement, and cooperation between local governments and the SLA in licensing establishments to sell alcohol.

In reviving this publication, we share many of our predecessors' goals and concerns. We continue to work at increasing awareness and compliance by informing licensees and the public of their rights and responsibilities. We also continue building our partnerships with local governments, community boards, and law enforcement agencies. In this edition and those to come, we will focus on current issues affecting the SLA, licensees, and the communities where they



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The ABC NEWS was first published in 1933. The first issue, in August of that year, stated that the purpose of this monthly bulletin was to help to make a strong, closely knit organization of the State and local A.B.C. Boards by a mutual understanding of the working problems of the State Liquor Authority; to make available to the local boards information regarding administration of the law throughout the State; to disseminate information of value to the public in the interpretation of the law; and to obtain data enabling the State

Liquor Authority to judge the effectiveness of the law.

The success of the ABC NEWS exceeded our expectations. In response to requests, Boards of Education and Health Departments of many states, public libraries, university libraries, and civic groups, were included in our mailing list. Requests were also received from hundreds of individuals, but because of financial restrictions, its distribution had to be limited to public institutions, public officials and agencies, and industry organizations. Now, curtailment of manpower compels us to discontinue the publication of the ABC NEWS for the duration of the war.

We take pride in the fact that this monthly bulletin set a pattern for similar publications by other State Control Authorities. We will not write "Finis" to this issue of the ABC NEWS, but merely, "UNTIL VICTORY COMES TO THE UNITED NATIONS!"

The Editor,

Mrs. John S. Sheppard, Commissioner

operate; take a look back at issues from the past; and continue to move forward by advancing our vision for the future of this agency.

This issue will include articles on notifications to local governments on renewals, and advice on how communities can participate in the licensing process. Our General Counsel Thomas Donohue will discuss gambling in licensed establishments. Additionally, Scott Wexler, Executive Director of the Empire State Restaurant and Tavern Association, provides us with a guest letter from the industry. Future installments will focus on our efforts to combat underage drinking, online price posting, legal and regulatory updates and more.

Looking to the future, concentrating on the present, and guided by the past, today's SLA is an agency continuously improving and moving forward. As always, we at the State Liquor Authority welcome your comments and suggestions.

Daniel B. Boyle

Chairman



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NOTICE TO COMMUNITIES ON RENEWAL APPLICATIONS

All on-premises licensees (bars, taverns, restaurants, clubs, etc.) must, 30 days before submitting a renewal application to the State Liquor Authority, notify their municipality of their intent to renew their license.

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 attain 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.

Again, under Section 109(2) of the ABC Law, all On-Premises establishments 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.

COMMUNITY BOARD CORNER



The following are some Frequently Asked Questions from community board members:

Q: What typical stipulations would SLA consider not under its jurisdiction and therefore not make a condition of license?

A: Regarding letters from CB's with stipulations in general, SLA policy is that the application must be placed on a Full Board agenda and considered by the Members of the Authority. Regarding specific stipulations, the Members of the Authority would have to determine first if the stipulations are within their jurisdiction to impose and second if the stipulation should be imposed based on the particular facts of the application. The Members would look at these on a case by case basis.

Q: If a community board and applicant agree to certain conditions, some of which can be written into the license and some that cannot, how can the CB handle this? Should the CB have an applicant sign two separate attachments?

A: If the CB and the applicant can agree on certain issues, they should include as much of the agreements as possible in Section H (Method of Operation) of the application. The CB should send a letter/resolution to the SLA which indicates that the CB's support is based on the agreed upon method of operation and attach Section H. Other agreements should be signed by the CB and the applicant and forwarded to the SLA; these agreements aren't binding on the SLA unless the Members of the Authority approve them to be part of the license.

Q: Community Board's have been told that a new owner can buy an existing corporation and not apply for transfer. Is this true that no notification to the CB or the SLA is required?

A: If the corporate licensee is remaining the same, but new persons will become the corporate principals, this is a corporate change that is not subject to the notification provisions to the CB but needs SLA approval.

Q: Applicants that do not receive approval for transfer sometimes operate under the old license or have the old license in safekeeping reactivated. Please explain this process as there seems to be nothing to trigger SLA inspection when this happens even if the new applicant is obviously operating as a new business and method of operation has changed; such as from full service restaurant to a nightclub. Is this because the new applicant, after being denied by the SLA, then decides to buy the old corporation and obtains license in that manner?

A: If a licensee chooses to remove their license that they have voluntarily placed in safekeeping, the SLA has no authority to deny the licensee's request. If the question concerns the new owners operating the establishment under the existing license, this could be a possible availing or unauthorized corporate change. If any licensee operates outside of their approved method of operation, the SLA can bring a disciplinary proceeding against the licensee.

Q: What weight does the CB have in recommending approval or denial of retail license?

A: The SLA seriously considers input from CBs and follows all laws related to public interest and community board advice.



Chairman Daniel Boyle meets with community members in New York City

A MESSAGE FROM THE CHIEF EXECUTIVE OFFICER

Joshua B. Toas



A major component towards proper regulation of the alcohol industry is to ensure those we regulate know what is expected of them by explaining the laws and policies they are required to follow. In the time I have had the honor to serve at the State Liquor Authority, a key focus of our agency has been to increase our communication efforts with licensees and the public. We recognize that policies and decisions made, with little input from or understanding of the daily challenges faced by communities, businesses or law enforcement officials, are policies that are often misguided, misunderstood, or misinterpreted. Effectively regulating this industry demands an inclusive process that seeks out the perspectives of a diverse range of stakeholders. Furthermore, as public servants, we have an obligation to explain our actions to the people of this state and to those we regulate.

Consequently, for nearly two years, I and staff from the agency have attended countless meetings across the state with community groups, police departments, local governments, and the industry. These meetings have been crucial in helping us explain and clarify the sometimes confusing ABC Law as well as our licensing process and agency policies. Just as important though, our outreach efforts have provided us with the opportunity to listen to questions, concerns and ideas from licensees, community boards, police departments, elected officials and others. Our outreach efforts have provided a forum where contentious issues facing the industry and communities can be openly discussed and debated. We have received a great deal of positive feedback on these efforts, not because every group we meet with agrees with all we have to say, but because they appreciate our openness and our willingness to listen and respond. Our inclusive approach has brought stakeholders into the fold and provided both formal and informal channels to share information, vent grievances, and exchange ideas. Our message to everyone we speak with is simple; whether you have questions, concerns or complaints, we are here to listen, provide assistance and find answers. Although, our responses aren't always immediate we strive every day to be as responsive as possible within the constraints of our resources.

Building on the partnership started over the past two years, we will continue to bring the SLA, licensees, and the communities in which they operate closer together to help solve problems of mutual concern. This ongoing collaboration allows us to not only discuss the direction we want to take our agency, but more importantly, examine how we collectively get there. Working in these partnerships, the SLA will continue to successfully carry out our mission of protecting the public health and safety by efficiently regulating the industry in a fair and consistent manner.

Joshua B. Toas is the Chief Executive Officer of the State Liquor Authority.



BRINGING YOUR OWN

The acronym B.Y.O.B.... has been commonly known as “Bring Your Own Bottle” since at least the 1950’s. What is not commonly known is that in New York State, if you run a B.Y.O.B. restaurant without a license, you are most likely breaking the law.

In New York, some newer restaurants and eateries awaiting a liquor license allow customers to bring their own alcohol to be consumed with a meal. Some other more established venues that haven’t been granted a license also operate on a B.Y.O.B. basis.

Either way, the “B.Y.O.B.” phenomena is more often than not an illegal practice. Here are a few guidelines for pending licensees and other businesses to keep in mind.

In New York, you **MUST** have a liquor license or permit to sell beer, wine or liquor to the public. Venues without a license or permit may not allow patrons to “bring their own” alcoholic beverages for consumption. Establishments may not give away alcoholic beverages to their patrons. Those that do are in violation of the NYS Alcoholic Beverage Control Law. There is a limited exception for establishments with maximum occupancies of fewer than 20.

Under the ABC Law, establishments may apply for a “bottle club” license, allowing them to legally permit B.Y.O.B. However, few places apply for such a license, as it is just as costly and time consuming to get as a beer and wine license.



Licensed establishments may allow patrons to “bring their own”, provided that the beverage is covered by the license. For example, a restaurant with a wine/beer license may not allow patrons to bring liquor into the establishment. Patrons may want to check with the restaurant or bar owners before doing so. These venues sometimes charge “B.Y.O.B’ers” a corkage fee for use of glasses, table service etc. The ABC law does not prohibit such fees.

As a licensee, being aware of state and local laws which pertain to your business is a sound investment. A little time taken to have employees educated in these laws will lessen potential problems for your business in the long-run.



LIQUOR AUTHORITY INVESTIGATORS UNCOVER ILLEGAL PERMIT SCAM



SLA Investigator working in Rochester uncovered an operation where counterfeit catering permits were being sold to unsuspecting event promoters. During the course of a regular investigation of a licensed establishment neighboring the Auditorium Center at 875 East Main Street in Rochester, SLA Beverage Control Investigator Martin Semrau learned that Black Tie Catering Inc, at 1011 Culver Road in Rochester, was providing catering services for events at the Auditorium Center without a license or permit. Upon request, the Auditorium Center's landlord provided SLA Investigators with what were assumed to be valid catering permits for use by promoters at the Auditorium. Upon receipt of the documents, Investigator Semrau discovered the permits were forged and requested copies of all past permits for the location.

The investigation determined a total of eight previous catering permits used at the Auditorium Center were fraudulent. On May 26, 2007, Senior Investigator Bartikofsky and Investigator Semrau made a disclosed visit to the Auditorium during a scheduled catered event. At that time, SLA Investigators were presented with a ninth counterfeit permit from Jeffery Friedman, owner of

Black Tie Catering Inc. Freedman admitted to creating the phony permits and selling them to unwitting event organizers. Freedman, who does not hold a license to sell alcoholic beverages, stated that he charged event promoters \$500 to \$900 for the one day permits. Under the ABC Law, a caterer's permit is available only to those currently holding an on-premises license. The cost for the one day permit is \$38 with a \$10 filing fee.

Freedman, reportedly a former employee of a club licensed to sell alcohol, used a previously valid caterers' permit taken from his previous employer to create the false documents. The alcoholic beverages were removed from the premises and SLA Investigators referred the matter to the Rochester Police Department. Freedman was subsequently arrested and charged with nine counts of violating Section 170.10 (3) of the New York State Penal Law, felony forgery in the 2nd degree. The Auditorium Theater, housed in the same building at 875 East Main Street in Rochester, is a licensed establishment and was not part of this investigation.

FIND THAT LICENSE ON THE SLA WEBSITE!	NEW YORK STATE		
	Eliot Spitzer Governor	Division of Alcoholic Beverage Control State Liquor Authority	Daniel B. Boyle Chairman
	Noreen Healey Commissioner	Joshua B. Teas CEO	

As a licensee, you may want to find out if a former partner is still listed on your license. Or you may be an entrepreneur who is looking to purchase property for a great new business opportunity and want to research your potential investment. Or you may just want to know who owns a particular venue. All of those answers can be found on the State Liquor Authority's website through the section called the "Public License Query".

Using this feature is simple and can be quite helpful in searching information that you seek from the comfort of your own office or home. This section provides five different ways for you to search the information you hope to obtain.

- Premises Name (Name of Corporation/ Company name or venue name)
- Trade Name (or Doing Business As)
- License Number (Find a license using the license serial number)
- Premises Location (Find a license based on the location of the premises)
- Name of Principal (s) (Find a license according to the name of the principal for the license)

Enter just the zip code and town/city and you will get a list of ALL types of licenses in that particular area. A full list of license types and codes are also available on our site under the "Licensing" section. Print out the list and use as a key when searching through your zip code-wide lists. If your information that you are using doesn't seem to provide results, use less information to get more hits to scroll through.

The Public License Query is located on our website, the direct link is:

<http://abc.state.ny.us/JSP/query/PublicQueryInstructPage.jsp>

ZONE 3 OFFICE MAKES NEW HOME

On Monday, January 8th, 2007 the State Liquor Authority greeted the public from its new downtown Buffalo location at The Electric Tower, 535 Washington Street. The move from the Donovan State Office Building at 125 Main Street was affected during the prior week. The relocation planning process began in June of 2005, with the expectation that the Donovan Building would be leveled to accommodate the downtown Buffalo business district economic development plan.

The Electric Tower originally opened in 1912, patterned after the Tower of Light, a highlight of Buffalo's Pan-Am Exposition, leading the world as one of the first fully electrified buildings. It is recognized in the region's premier New Year's Eve celebration with fireworks brilliantly flashing across the sky while a globe of light falls from the Electric Tower, as crowds in excess of 40,000 watch. The Iskalo Development Corp accomplished the comprehensive renovations, embracing stewardship of this landmark architectural treasure which rises 15 floors.



The Electric Tower

The State Liquor Authority is located on the fully accessible 3rd floor of the Tower, joined by other state agencies including the Department of State Fire, the Public Employee Relation Board, Agriculture and Markets, Governor's Office of Employee Relations, and the Division of Correctional Services. Metered street parking is available, as well as several adjacent surface lots and garages. The downtown skyline view includes the M & T Bank, the Hyatt Regency at Fountain Plaza, and other historic theatre district sights.

On April 4, 2007, SLA Chairman Boyle called for the meeting of the Full Board to be held in Buffalo, fulfilling a desire to bring the agencies' services to the people throughout the Empire State.



FullBoard Meeting-Buffalo, NY-April 4, 2007

Left to Right: Counsel to The Authority Thomas Donohue, Chairman Daniel B. Boyle, Commissioner Noreen Healey, Director of Enforcement Daniel Malay

COMMISSIONER GEDDA RETIRES

Years of Service: 1963 - 2007

Commissioner Lawrence (“Larry”) Gedda has retired from the State Liquor Authority after a career spanning almost 45 years.

Larry began his career with the Division of Alcoholic Beverage Control in 1963 as Executive Officer of the Herkimer County Alcoholic Beverage Control Board at a time when the Division had a physical presence in all 57 of the counties of New York outside New York City. Larry soon left bucolic Herkimer County and came to work in the New



York City office where he spent the bulk of his career. Larry was successively an investigator in the Authority’s Bureau of Investigation, a Deputy Commissioner for Enforcement, the Director of Wholesale Services, and for a period of over 14 years, a Commissioner of the Authority having been initially appointed to that position by Governor Mario Cuomo in 1992.



Larry had wide interests outside of the SLA including flying (he was a licensed pilot), assisting disabled children, and above all college football. Larry had attended Penn State University and went to every Nittany Lion game he had a chance to. Larry was an innovator, particularly in the area of

regulation of wholesalers and manufacturers of alcoholic beverages, but also firmly believed that “you don’t have to constantly reinvent the wheel.” Larry is a recognized national expert on regulations involving wholesalers and manufacturers and was often called on for advice and counsel by industry representatives, regulators from other states, and even foreign governments.

Larry always told it like it was, and while some of his decisions weren’t popular, everyone knew he was fair. The SLA wishes Larry and his wife Marilyn a long, happy, healthy, and well deserved retirement.



GAMBLING IN A LICENSED ESTABLISHMENT

By Thomas J. Donohue

The Alcoholic Beverage Control Law (ABC) prohibits “gambling” in all establishments licensed for the retail sale of alcoholic beverages. Section 106(6) governs those licensed for on-premises consumption and Section 105(22) applies to those licensed for sales for off-premises consumption. These statutes, however, do not define what constitutes “gambling” and the Authority routinely receives inquiries from licensees and the public asking whether certain conduct is, or is not, prohibited gambling.

Many licensees who allowed football pools, dice games and friendly poker games in their establishments may not have believed they were violating the ABC Law until they received a disciplinary pleading in the mail. Needless to say, these licensees were none too happy to learn that they were facing civil penalties and suspensions of their licenses even when the pools were conducted solely for the benefit of their patrons. The issue became further complicated with the growing popularity of “Texas Hold ‘Em” tournaments. In May of 2005, the Authority published a memo on its website concerning these tournaments. Proving once again that lawyers can always make simple things sound very complicated, the memo seemed to only add to the confusion.

More recently, the Members of the Authority were asked to issue a declaratory ruling on what types of activity is considered illegal gambling under the ABC Law. The Members declined to issue the ruling but directed me, as Counsel to the Authority, to write an “opinion of counsel” on the subject. With that background, the following is a summary of what a licensee needs to know about gambling to avoid receiving a disciplinary pleading from one of my prosecutors.



Definition of gambling used by the Authority

Since the ABC Law does not contain a definition of “gambling”, the State Liquor Authority, as a matter of practice, relies on the definition of “gambling” that is in Section 225.00(2) of the New York State Penal Law. Put not so simply, that section defines “gambling” as a person risking “something of value upon the outcome of a contest of chance or influence, upon an agreement or understanding” that the person will receive “something of value in the event of a certain outcome.”

In deciding whether an activity is gambling, the Authority will consider three questions. An answer of “yes” to each of these questions means that the activity will be considered to be gambling by the Authority.

(1) Is the activity a contest of chance?

A “contest of chance” is defined in the Penal Law as “any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestant may also be a factor.” For example, shooting pool and playing darts are considered contests of skill (or, in some cases, lack of skill). Dice games, raffles, and poker (no matter how good you think you may be) are considered games of chance.

(2) Is the person giving something of value to participate?

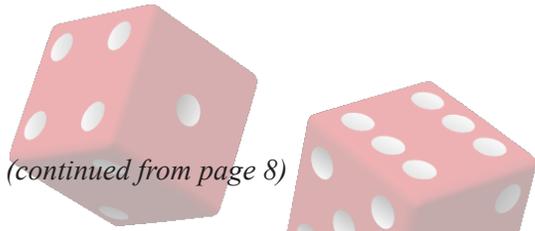
Actual wagering or betting is not the only way someone may give “something of value to participate.” If a person is required to pay an entry fee, or if there is a purchase of food, drink, etc., required to participate, then the person is giving “something of value.”

(3) Is there something of value being offered as a prize?

The prize does not have to be cash. Anything that has value, even a free drink, would suffice. It isn’t gambling if there is nothing to win. For example, a licensee hosts a “Las Vegas Night” for a charity. Participants donate money toward the charity and wager “play money” on various games of chance. If the participants do not win anything for playing the games, there is no gambling for the purposes of ABC Law.

Activities considered to gambling

Under the Authority’s interpretation of gambling, there is no distinction between professional (or criminal) betting and social (or casual) wagering. The friendly poker game at the corner



(continued from page 8)

table of the neighborhood tavern, or the roll of the dice to win a free drink, is considered gambling just the same as the “bookie” taking bets on professional sporting events. It does not make a difference whether or not the licensee shares in the proceeds of the wagers. However, the licensee who is found to have allowed criminal conduct, rather than just social gambling, will often be facing more severe penalties from the Members of the Authority.

It also does not matter whether or not the licensee is conducting the gambling. If you are allowing gambling to take place in your establishment, you are violating the ABC Law.

Provided that the answer to the three questions above is yes, the following are examples of activities that are considered to be gambling by the State Liquor Authority:

- Card games;
- Pools (for example, football pools);
- Dice games;
- Raffles; and
- Pull tabs.



If a non-profit organization has obtained the necessary permits to conduct a contest of chance, then the activity is not considered gambling.

Activities not considered to be gambling

While the ABC Law does not define what gambling is, the law does state that certain activities are not considered to be “gambling”. The sale of lottery tickets (with the appropriate state authorization) at an off-premises licensed premises is not considered to be gambling. On-premises licensees are also allowed to sell lottery tickets. In addition, bingo, games of chance, and simulcast betting facilities are allowed at on-premises licensed premises provided that they are conducted with the appropriate state authorization.

As mentioned above, certain other activities also fall outside the definition of a “contest of chance. For example, dart or billiard leagues are considered by the Authority to be contests of skill. Therefore, prizes may be offered to contestants on such events. However, individuals who are not participating in the event cannot place a wager on the outcome of a game.

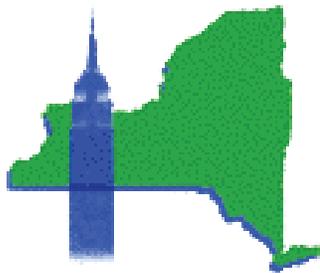
Summary

If you are found to have gambling activity in your establishment, you will be prosecuted. If the charges are sustained, you face penalties ranging from fines to suspension of your license to cancellation or revocation of your license. The “everybody else is doing it” defense is never successful. If you are not sure whether the game or contest you wish to conduct at your establishment is prohibited gambling, please feel free to call the SLA’s Enforcement Bureau in New York at (212) 961-8378, in Albany at (518) 474-0385, in Buffalo at (716) 847-3039, or Office of Counsel (518) 474-6750.

Thomas J. Donohue is Counsel to the New York State Liquor Authority



GUEST COLUMN



Empire State Restaurant & Tavern Association

The Empire State Restaurant and Tavern Association, originally formed in 1934, is a grassroots association representing New York State's on-premises beverage alcohol licensees.

I am pleased to be the first to publicly congratulate the State Liquor Authority for reinstating publication of a newsletter concerning the regulation of alcoholic beverages in New York. This is the latest effort by the Authority to “get the word out” about the regulation of alcoholic beverages in New York and is another valuable contribution to the understanding of the rules that govern our industry.

This initiative should come as no surprise to observers of the Liquor Authority. Chairman Boyle and the members of his administration have made a concerted effort to work with the licensed community and the public to increase the knowledge of the rules that govern the sale of alcoholic beverages.

Our association is especially aware of the SLA's commitment to the concept of “voluntary compliance” – the idea that licensees be informed of their obligations and responsibilities and implement steps on their own to ensure their business complies with the law rather than forced compliance through the enforcement system.

Two projects on which we've collaborated with the Authority this past year demonstrates that commitment. While the State Liquor Authority initiated the Alcohol Training Awareness Program (ATAP) in 2000 to instruct alcohol beverage servers on their responsibilities when selling alcohol only about 20,000 servers have participated in an ATAP program since its inception - a small percentage of all servers. In order to overcome the barriers preventing servers from participating in training we've developed an online ATAP program. This training, available for both on and off premises servers, covers the same curriculum as the traditional classroom training except it's presented over the Internet making the program more convenient and more affordable.

The Authority also assisted us in the creation of the first-ever comprehensive training program for on-premises licensees and managers on their responsibilities under the law. This course provides owners and managers with the tools they need to comply with the many laws governing the operation of their premises. The program does more than merely advising licensees and managers of the laws and rules that govern their business. It includes detailed guidelines on the steps licensees and managers can take to ensure they comply with the law.

These two programs provide licensees and their employees with the tools they need to understand the responsibilities that come with operating a licensed premise. And the State Liquor Authority's willingness to support these programs demonstrates their willingness to partner with the licensed community to achieve compliance with the law – in order to protect the public, our communities and our businesses.

*Scott Wexler, Executive Director,
Empire State Restaurant
& Tavern Association*



*For more information
about these programs
or the association
Log on to our website
www.esrta.org
Contact us by email
esrta@verizon.net,
Call us toll-free
1-877-436-8121.*

LICENSEE VIOLATIONS AND PENALTIES

The following businesses received penalties from the Full Board of the State Liquor Authority. They were selected randomly from the Full Board calendars from January 2007 to July 2007. The penalties are reported to raise the awareness by informing licensees on the potential penalties for violations of the New York State Alcoholic Beverage Control Law. Our goal is to help deter future violations by alerting licensees to potential penalties they may face.

Type of License	Violation	Penalty	City
Bar	Disorderly premises noise/assault, unlicensed cabaret/ maximum occupancy, local regulations	20 day suspension and 7,000 civil penalty	Brooklyn
Bar	Disorderly premises - Lewd & Indecent, Noise	20 day suspension \$10,000 civil penalty	Hampton
Bar	Focal Point of Police Attention, Altercation/Assaults, Failure to Supervise	10 days license sus- pension \$12,000 Civ	New York
Grocery Store	Possession of a gambling device	\$2,500 civil penalty	Bronx
Liquor Store	Sale to a Minor	\$4,000 civil penalty	Glen Cove
Restaurant (beer & wine only)	Altercation/Assault	\$4,000 civil penalty	Hempstead
Bar	Previous Sale to Minors, Disorderly Premises, Failure to Comply w/ Health Regulations	cancellation \$1,000	New York
Convenience Store	Sale to a Minor	60 day license sus- pension	Troy
Bar	Sale to a Minor	45 days license sus- pension \$2,000 civil penalty	New York
Bar	Non Bona Fide	revocation \$1,000 bond claim	New York
Bar	Failure to Supervise, Disorderly Premises-Lewd & Indecent Conduct, Failure to Comply	revocation \$1,000 bond claim	Jackson Heights
Convenience Store	Failure to Post Warning Signs-Pregnancy, Prohibited Sales, Failure to Display License, Non Bona fide	7 days license sus- pension \$6,000 civil penalty	Bohemia
Convenience Store	Sale to Minor	\$3,000 civil penalty	Oswego
Convenience Store	Improper Conduct	cancellation	Bronx
Bar	Sale to a Minor	cancellation	Elmira
Bar	Improper Conduct	\$4,000 civil penalty	Brooklyn
Convenience Store	Non Bona Fide	cancellation \$1,000 bond claim	Seaford

NOW THAT YOU ARE LICENSED WHAT ABOUT SECURITY PERSONNEL?

In large metropolitan bars and nightclubs, licensees often hire employees to exclusively perform security guard or “bouncer” functions. In smaller establishments, owners sometimes have one or more employees perform similar functions on a part time basis. In either case, if the employees are unregistered and untrained, the licensee is in violation of the Rules and Regulations of the State Liquor Authority.



Utilizing untrained persons to perform security guard functions can create unnecessary risks to your licensed premises. Untrained persons may overreact to an incident and inadvertently injure a patron by using excessive or inappropriately applied force. Unqualified individuals may themselves be swept into a dispute which escalates to a point where the untrained “bouncer” becomes an active participant in a disorder where a trained security guard would have prevented. This is why it is of paramount importance for licensees to ensure their security personnel are properly trained and registered. The General Business Law mandates that if an employee works providing security services more

than half of their time on duty, they must be registered as security guards. The training curriculum for security guards is regulated by the New York State Department of Criminal Justice Services. Any person working in security jobs in New York, including bouncers, must be registered through the NY Department of State, through their Division of Licensing Services. Applications and minimum requirements can be found on their website at:

<http://www.dos.state.ny.us/lcns/licensing.html>



As part of your business operation, and compliance with the Alcoholic Beverage Control (ABC) law, proper maintenance of your “books and records” can help you avoid a costly violation with the State Liquor Authority. Part of that responsibility of compliance includes obtaining a completed employment application form that should be kept on file for each employee. This file should include licenses for any staff performing security functions.

The Mission of the New York State Liquor Authority

Chapter 478 of the Laws of 1934, known as the Alcoholic Beverage Control Law, created the State Liquor Authority and the Division of Alcoholic Beverage Control. The Legislature enacted this measure “for the protection, health, welfare and safety of the people of the State.”

The SLA has two main functions: issuing licenses and ensuring compliance with the Alcoholic Beverage Control Law. The Authority’s Licensing Bureaus are responsible for the timely processing of permits and licenses required by the ABC Law. The compliance Unit is responsible for the protection of the public by working with local law enforcement agencies to uphold the law and bring administrative action against licensees who violate the law.

The Authority seeks to:

Respect applicants and licensees;

Work cooperatively with community groups and local leaders to ensure public participation in the licensing and enforcement process;

Increase productivity by utilizing available resources, education and training to successfully deliver a quality service to our customers;

Ensure that those who do not respect the privileges of holding a license are fairly and firmly disciplined;

and

To create a unified, comprehensive approach to all Agency functions to achieve maximum effectiveness and efficiency.



Alfred E. Smith Office Building - Albany, NY

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OFFICE DIRECTORY

Executive Office – If you need to reach the Chairman, CEO, Office of Administration or Government Affairs Office, please call (518) 486-4767

Enforcement – If you would like to make a complaint or have questions on enforcement issues, please call (212) 961-8378 in Zone 1, (518) 474-0385 in Zone 2, in (716) 847-3039 in Zone 3 or send an email to: Enforcement@abc.state.ny.us

Licensing - If you have questions concerning how to obtain a licenses or permit please call (212) 961-8385 in Zone 1, (518) 474-3114 in Zone 2, (716) 847-3035 in Zone 3 or send an email to: LicensingInfo@abc.state.ny.us

Wholesale – If you are a manufacturer, wholesaler, retailer or other interested party with questions concerning trade practice, price schedules, brand label registrations or delinquent/credit statutes, please call (518) 474-6820 or send an email to: Wholesale@abc.state.ny.us

FOIL – If you would like to make a Freedom of Information request, please call 518-486-4767 or send an email to: FOIL@abc.state.ny.us

Legal - If you have a legal question, please (518) 474-6750 or send an email to: AlbanyCounsel@abc.state.ny.us

Office of the Secretary – If you have questions regarding the Full Board Calendar or questions on fines or penalties imposed by the Board please call (518) 402-4394 or send an email to: Secretarys_Office@abc.state.ny.us

Information Technology – If you have questions or suggestions regarding the Agency’s use of Information Technology please call (518) 402-4070 or send an email to: Web_Master@abc.state.ny.us

The State Liquor Authority maintains three Zone Offices and one Satellite Office. Please contact the Zone office that supports the county where your business is located.

<p>Zone 1 317 Lenox Ave. New York, NY 10027</p> <p>Bronx Kings Nassau New York Queens Richmond Suffolk Westchester</p>	<p>Zone 2 80 S. Swan St. Albany, NY 12210-8002</p> <p>Albany Clinton Columbia Dutchess Essex Franklin Fulton Greene Hamilton Montgomery Orange Putnam Rensselaer Rockland Saratoga Schenectady Schoharie Sullivan Ulster Washington Warren</p>	<p>Syracuse District 333 E. Washington St. Syracuse, NY 13202</p> <p>Broome Cayuga Chenango Cortland Delaware Herkimer Jefferson Lewis Madison Oneida Onondaga Oswego Otsego St. Lawrence</p>	<p>Zone 3 535 Washington St. Buffalo, NY 14203</p> <p>Allegany Cattaraugus Chautauqua Chemung Erie Genesee Livingston Monroe Niagara Ontario Orleans Schuyler Seneca Steuben Tioga Tompkins Wayne Wyoming Yates</p>
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