



**NEW YORK STATE
LIQUOR
AUTHORITY**

**DIVISION OF ALCOHOLIC
BEVERAGE CONTROL**

This article originally appeared in the July 1943 edition of Alcoholic Beverage Control News. It was written by Joseph A. Peters Sr, who served as Chief of Police for the City of Schenectady from 1938 to 1951.

The sale of intoxicating beverages has always been the subject of governmental control and a source of taxation. So, from its very beginning, it has been the policy of the government to both regulate and to tax the liquor industry. During the long history of our country, there have been many occasions when the liquor industry has been subject to attack. This finally resulted in the prohibition amendment to the Constitution. The prohibition amendment had the support as well as the opposition of millions of people. When the amendment was repealed, it was the policy of the government of the individual states to regulate the industry in many ways, in order to eliminate its evils which brought about prohibition.

In many ways, the liquor industry enjoys greater privileges than it did before prohibition. Licenses are on the whole cheaper, closing hours are more liberal and trafficking on Sundays is more advantageous to the dealers. In spite of these more liberal provisions, there are those who insist upon violating the law, thus creating certain public hostility to the industry as a whole and causing injury to those who are in strict compliance with the law.

The enforcing officers of the state and of the various cities of the state, neither make the laws nor interpret them; their duty is one of enforcement. The industry realizes that its best interests lie in compliance with the law. It is also to its best interests to see that others comply and cooperate with the enforcement officers in the performance of their duty. I ask that you give the police department this kind of cooperation because the law enforcement not only will protect the public, but will protect your business from the public as represented by adverse public opinion.



Message from the Chairman

As Schenectady Police Chief Peters wrote back in 1943, cooperation between local police departments, the alcohol industry and the SLA is paramount in ensuring compliance with the ABC Law. Today, nearly 65 years later, this working relationship remains essential in fulfilling the SLA's mission of protecting the public health and safety. As our Director of Enforcement Dan Malay points out in this newsletter, the SLA relies on the numerous referrals originating from local police departments and the vital assistance they provide in investigations and prosecutions. To continue building on these partnerships I, along with investigators from our Enforcement Bureau, have been meeting with police commissioners, police chiefs and law enforcement personnel from around the state. These meetings help underscore the importance of working together to successfully regulate liquor licensees within their jurisdictions. In addition, over the past year our enforcement staff has trained hundreds of police professionals in the ABC Law. I am convinced these joint efforts are helping to provide the quality of life and level of safety our citizens demand and deserve. Whether it is underage sales, violent assaults or unruly bars, I can assure you the SLA and our law enforcement partners take our responsibilities seriously and will not tolerate actions by licensees that endanger the public.

Cooperation with local governments is also crucial in the licensing and enforcement process. I am pleased to present a guest column from one of our partners in our effort to work with and educate local governments, Susan Stetzer, District Manager for Community Board 3 in Manhattan. As Susan notes, when the SLA and local governments communicate openly and frequently, the result is more informed licensing decisions and more intelligent enforcement actions.



Daniel B. Boyle

Chairman

Finally, key to achieving our mission is cooperation between the SLA and our licensees. As our goal is compliance with the law, we continue to work every day with licensees to ensure they know what is expected of them, to answer any questions they might have, and to offer guidance on how they can comply with the law. We at the SLA recognize the vast majority of licensees continue to operate their businesses safely and conscientiously. Across the state, licensees are providing training to their employees, refusing to serve intoxicated patrons, turning away minors and performing many other proactive measures that go beyond simple compliance with the law. I want to thank our licensees for their efforts over the past year in helping the SLA ensure the health, safety and welfare of our communities.

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Guest Column

By Susan Stetzer



Community Boards are the most local form of government in New York City. The City is divided into 59 districts, and each board has 50 appointed, unsalaried members who represent the neighborhoods. The Board members vote on issues regarding planning for the community, including land use, decisions that affect quality of life, and service delivery. The Community Boards are the local municipality charged with holding public hearings for community input and voting on advisory recommendations to the State Liquor Authority on applications.

The SLA has revived its Newsletter to reach out, inform, and educate the SLA community and the public, and a Community Board has been asked to contribute the second guest column. This exemplifies the efforts of the SLA to work openly and fairly with all the participants involved in the licensing of applications.

Community Boards that review liquor license applications have seen a very significant change in the last two years. Those of us involved in the process of making advisory recommendations regarding applications have established a new working relationship with the SLA.

There is no getting around it, until the SLA reorganized about two years ago, Community Boards did not feel that community issues and concerns were given enough weight. It seems that overnight new policies were instituted. I think my board first realized that there was a change when our Board passed a resolution asking the SLA to list 500 foot hearings on the website and suggested a format that would present the information in a community-friendly way. Two months later the change was instituted, exactly as we had asked.

We started receiving calls from the SLA alerting us to hearings of interest to our board. A taskforce was created to review laws and policies and make recommendations for change. Community boards and community groups were asked to participate. This was not just a “check off” for community input—community boards were active participants. This Taskforce not only made us active participants in making recommendations, it helped clarify ABC Law and SLA procedures. This has given us tools to better represent our community interests.

The most immediate effect of SLA efforts to work with Community Boards is better educated Boards. We now have access to SLA staff for answers regarding the hearing process, including both legal issues and SLA operating processes. In the long run, better educated Community Boards mean a more efficient process for all involved. We in turn share this information with the community and are better able to help applicants who come to the Board.

One unexpected effect, I think, is that since Community Boards have become a more respected participant in the process, the Community Boards and the applicants are better able to work together professionally. I see more open communication between the lawyers representing applicants and the Boards. There are preliminary discussions regarding community needs and perspectives early in the process. I also see many more applicants coming to the Board for information and help before applying.

The Community Boards welcome the closer relationship that now exists with the SLA and commends the SLA for working with Boards and elected officials to allow for better accessibility and representation to consider community issues. A process that includes all participants working together improves the process and gives better results for all of us.



Community Board No. 3 is located in Manhattan's Lower East Side

Community Board 3
may be reached by calling
212-533-6015 or on the
internet at:
<http://www.cb3manhattan.org>

Susan Stetzer is the District Manager for Community Board 3 in Manhattan.

Enforcement Bureau News

By Daniel A. Malay, *Director of Enforcement*

The State Liquor Authority's Enforcement Bureau consists of Beverage Control Investigators (BCI's) and support staff assigned throughout the State in zone offices in Albany, Buffalo, New York City and Syracuse. The Enforcement Bureau receives complaints of violations from any number of sources including phone complaints, letters and e-mails. We also receive police referrals of violations and crimes that occur at licensed premises. A complete listing of addresses, phone numbers and contact information can be found at our website along with other useful information and resource material. All complaints are reviewed, investigated, and acted upon. SLA BCI's regularly conduct on-site inspections of licensed establishments, on-site undercover investigations, review reports and investigations by other law enforcement and regulatory agencies, interview potential witnesses/complainants and collect evidence of potential violations.

When the State Liquor Authority was created in 1934, the intention was not for the SLA to exclusively enforce the ABC Law, as state and local law enforcement agencies were already in existence and in a strong position to deal with violations of law within their respective communities. Today, local law enforcement agencies continue to be one of the SLA's first lines of defense against violations. Consequently, a top priority for the Enforcement Bureau of the SLA continues to be building and maintaining a strong working relationship with local, county, state and federal law enforcement agencies to ensure compliance with the ABC Law and the rules and regulations of the Authority. The Authority works collectively with local law enforcement and utilizes the vital information these agencies provide to successfully ensure compliance. The SLA's Enforcement Bureau utilizes its expertise in the ABC Law to position itself to handle enforcement matters in an administrative realm, in a cooperative effort with police in their focus on the criminal justice process. In addition, the Bureau provides training to hundreds of law enforcement agencies across the state, from the basic police academy level as well as "in-service" training for veteran officers and training for specialized police units that deal with licensed premises as a part of their regular duties. The Bureau has developed a "Manual for Law Enforcement" which is available by contacting any zone office. The manual lists common violations of the ABC Law and includes definitions and comments as to interpretation of the law. The manual can be a valuable guide for any law enforcement official. Additionally, in 2008 the Enforcement Bureau will begin to distribute bulletins with updates and helpful information to law enforcement agencies. These bulletins will focus on current issues such as gambling, BYOB, problem premises as well as helpful information in submitting complete police department referrals (PDRs) and training tips.

In an effort to crack down on criminal activity and repeat violations at licensed premises, SLA Chairman Boyle created the Rapid Enforcement Unit (REU) within the Enforcement Bureau to conduct priority investigations and institute prompt disciplinary action where there is evidence a licensed premises poses an imminent threat to public health, safety and welfare. The REU is on the front lines of enforcement working with local police to act against bar and nightclub owners who do not act responsibly. I am pleased to report the REU was recently tripled in size, and the Enforcement Bureau staffing has more than doubled in the past year. The newly hired BCIs are being trained and are performing field work. All have been outfitted with wireless technology enabling them to conduct more investigations while providing up to date reports from the field. In addition, I am pleased to announce the appointment of Peter Person as Assistant Director of Enforcement and Director of Operations in our Zone 1 Office. Peter brings a wealth of law enforcement experience with him, having recently retired as a Major with the New York State Police after over 20 years of distinguished service.

With these new programs and personnel in place, coupled with continued support from State and local police, SLA BCIs will continue to aggressively respond to complaints and participate in proactive measures aimed at curbing ABC Law violations and assisting enforcement officers with the investigation of crimes occurring within licensed establishments.

Daniel Malay was appointed Director of Enforcement to the State Liquor Authority in May of 2006. Prior to his appointment at the SLA, Dan spent a career in law enforcement, retiring as Detective from the Syracuse Police Department after 20 years of distinguished service.



The Disciplinary Process

By Thomas Donohue, Esq. General Counsel to the State Liquor Authority

As a licensee, you may one day find yourself in the uncomfortable situation of receiving a notice from the State Liquor Authority claiming that you have violated a provision of the Alcoholic Beverage Control Law or the Rules of the Authority. The purpose of this article is to explain how the disciplinary process works. It is not intended to give you, as the licensee, legal advice as to whether, and how, you should defend yourself against those charges.

Receiving the pleading

A disciplinary proceeding starts with the Authority's Office of Counsel issuing a Notice of Pleading. This notice advises the licensee of the laws or rules that are claimed to have been violated and the date of the violation(s). The notice also contains instructions regarding when and how the licensee must respond to the pleading. The pleading is sent by certified mail to the licensed premises and by regular mail to the residential address of the licensee (or the residential address of one of the principals in the case of a corporation) and the licensee's landlord.

It is very important that you keep the Authority advised of any changes in the addresses that were supplied in your application. If you have problems with mail delivery at your establishment (for example if you are not open during the daytime) you should provide the Authority with an alternate mailing address to insure that you will receive these and other important notices from the Authority. If you fail to take such steps, you may have difficulty convincing the Authority to excuse your failure to respond to a pleading. The pleading will have a deadline for you to respond with a plea. You do not have to respond in person. You can mail or fax your response. If you send a fax, it is strongly suggested that you send a copy by mail as well. You may represent yourself or obtain the services of an attorney. If you do not respond to the pleading on time, you will be considered in "default" and you will be treated as though you submitted a "No Contest" plea (see below). The pleading will also contain the name of the person in the Office of Counsel assigned to your case. This will, in most cases, be the person who will be prosecuting the charges. Some pleadings may also contain a proposed "conditional offer" (see below) for the licensee to consider.

Responding to the pleading

You may respond to a pleading in one of three ways. You may submit a "Not Guilty" plea, a "No Contest" plea, or a "Conditional No Contest" plea (also known as a "conditional offer"). A "Not Guilty" plea reserves your right to have a hearing on the charges listed in the pleading. After the Authority receives your plea, you should expect to receive copies of documents concerning the charges filed against you. If you don't receive the documents, please contact the prosecutor to have them sent to you. At a later date you may decide to change your plea to "No Contest" or submit a conditional offer. If you do not change your plea or submit an offer, the charges will go to hearing. If you submit a "No Contest" plea, you are giving up your right to have a hearing and the charges are considered proven. You may submit a statement with your plea either to explain the circumstances that led to the charges or to present some other information that you want considered before a penalty is imposed. You may, at any time before your case goes to the Members of the Authority, change a Not Guilty plea to a No Contest plea.

A "Conditional No Contest" plea or conditional offer is a No Contest plea made on the condition that a certain penalty is imposed. As mentioned above, some pleadings will have a proposed conditional offer included (usually on a second page attached to the pleading). If your pleading does not contain a proposed conditional offer, it is strongly recommended that you contact the prosecutor before submitting the offer. The Office of Counsel must approve any offer before it can be considered by the Members of the Authority. Please note that there are deadlines for submitting conditional offers. For example, the Office of Counsel will typically not consider an

offer submitted less than three business days before a hearing on the charges. No Contest pleas and conditional offers (which are approved by the Office of Counsel) are then submitted to the Members of the Authority. They will review the matter and then impose a penalty in No Contest cases and decide whether to accept the proposed penalty in conditional offer cases. If the Members reject the conditional offer, they may propose another penalty. You do not have to accept this penalty. When you submit a conditional offer, you automatically reserve your right to a hearing on the charges if the offer is not accepted by the Members.

The hearing process

If the charges are not resolved by either a No Contest plea or a conditional offer, a hearing will be conducted in front of an Administrative Law Judge (also known as the hearing officer). You will receive a notice with the date, time and place of hearing. Once again, it is important that you keep the Authority advised of any changes to your addresses.

The prosecutor will present evidence in support of the charges and you may submit evidence in defense. The hearing is the only opportunity for the prosecutor and the licensee to submit evidence (including testimony from witnesses) regarding the charges. Once the hearing is concluded, the hearing officer will prepare a report. The report will state the facts found after considering the evidence and include the hearing officer's opinion as to whether, based on the facts and the law, the charges have been proven. You will get a copy of this report and be given an opportunity to submit, in writing, any argument you have with the hearing officer's conclusions. If you fail to appear for a hearing, you will be considered in default. Just as when you fail to respond to a pleading, you will be treated as though you have pled No Contest to the charges.

The Full Board

The Chairman and Commissioners of the State Liquor Authority are also known as the Members of the Authority. They meet on a regular basis (usually bi-weekly), in public, to review matters requiring a decision from them. These meetings are known as Full Board meetings. It is at these Full Board meeting where the Members consider disciplinary cases where there has been a No Contest plea entered, a conditional offer submitted, or a hearing officer's report made after a hearing. With respect to No Contest pleas (including defaults), the Full Board will review the facts, as summarized by the prosecutor and any statement that you submit. After taking into consideration any history of disciplinary violations that you might have, the Members will impose the penalty they find appropriate given all the facts and circumstances.

The Full Board will also review a summary of the facts from the prosecutor and any statement that you submit when deciding whether to accept a conditional offer. If you have prior violations, that will also be considered before a decision is made. The Members will then either accept the offer (or, on occasion, impose a lesser penalty) or reject the offer. When reviewing cases that went to hearing, the Full Board will review the hearing officer's report and any response that you may have submitted. The Members may accept the findings in the report and either dismiss or sustain the charges.



(L to R) Deputy Commissioner Michael Sakovsky, Commissioner Noreen Healey and Chairman Daniel Boyle listen to testimony at a recent meeting of the Full Board.

If the charges are sustained, they will impose a penalty after considering the facts, as found by the hearing officer and any disciplinary history you have. The Full Board, if it disagrees with the hearing officer, may refer the matter to the Secretary to the Authority to review the hearing and prepare a new report. In the alternative, the Members may conclude that the case must be returned to the hearing officer, either to clarify something in the report or to consider additional evidence. In either event, the case will go back to the Full Board for a final determination.

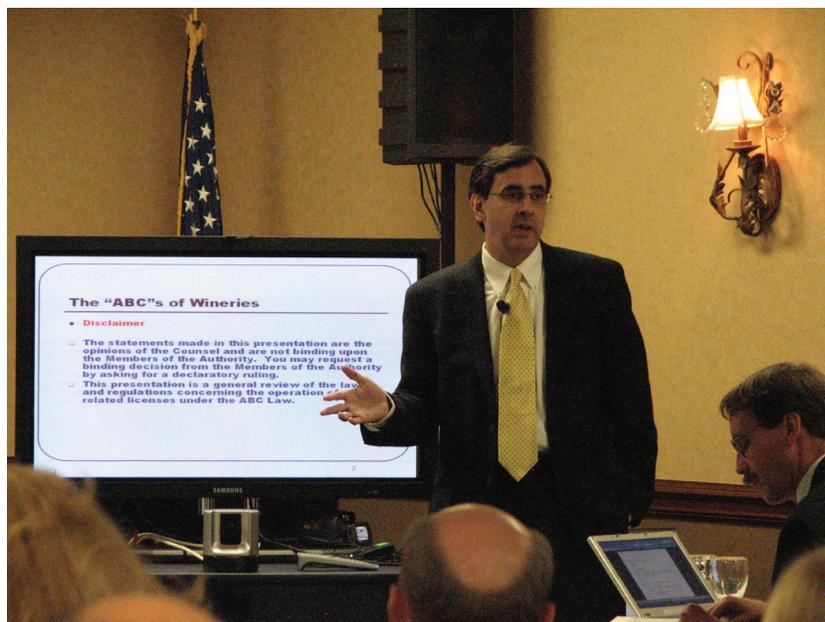
Penalties

The Members of the Authority have a number of options available when deciding what penalty to impose on you for violating either the Alcoholic Beverage Control Law or the Rules of the Authority. The penalties may include:

- Civil penalty - up to \$10,000 (for retailers) for each violation;
- Suspension of the license- your license privilege is suspended for a specific period, but you will receive your license back at the end of the suspension;
- Cancellation of the license- your license is cancelled and you can no longer sell alcoholic beverages. You may re-apply for a license;
- Revocation of the license- similar to a cancellation, except that you will not be able to obtain another license for two years. If you have other liquor licenses, they will also be subject to revocation;
- Bond claim- the Authority makes a claim against the surety bond that you filed with your license;
- Proscription- a directive from the Full Board, when a license is revoked, that no one can obtain a license at the location for two years.

Conclusion

For those unfamiliar with it, and even to those who are, the disciplinary process can sometimes seem very confusing. The Office of Counsel cannot offer you advice on what actions to take if you receive a pleading. However, we are available to explain the process to you and answer any general questions that you might have.



Thomas Donohue, Esq. is the General Counsel to the State Liquor Authority.

Wholesale Corner

By Robert Benedetto, Director of Wholesale

In July 2007, I was appointed Director of Wholesale with the understanding that the agency needed to restructure and consolidate our manufacturing and wholesale compliance program. Over the years, the Authority had predominantly dedicated our enforcement efforts to the retail sector, as we focused on addressing issues that have a direct impact on the health, safety, and welfare of the public. Unfortunately, because of our limited enforcement resources, the manufacturer and wholesale trade did not receive sufficient oversight essential to deter unlawful activity. This difficulty became evident in late 2006 when then Attorney General Eliot Spitzer, with the cooperation of the State Liquor Authority, conducted an investigation of the manufacturing and wholesale industry and found that unlawful trade practices were pervasive. The investigation resulted in what is commonly referred to as the “consent order,” under which manufacturers, wholesalers and retailers adopted a series of reforms and paid millions in fines.

Joining then Attorney General Spitzer to announce the “consent agreement” in Buffalo on August 30, 2006, SLA Chairman Boyle said, “We remain vigilant in our commitment of ensuring that our State’s alcohol industry fully complies with the law, and this agreement is an important part of that ongoing mission.” Presently, we are in the process of enhancing the wholesale compliance program with the anticipated appointment of an attorney and two investigators to be exclusively assigned to wholesale matters. These investigators will dedicate their efforts solely to in-depth, complex, and comprehensive wholesale investigations with the assistance of the Enforcement Bureau as needed. The Wholesale Bureau will continue to perform its primary clerical duties of brand label registration, price filing schedules, monitoring the delinquent list, approval of centralized bookkeeping, as well as review requests for pre-wrapped combination packages and cross merchandising.

During the “consent agreement” announcement, Chairman Boyle noted that the SLA has an open door policy with regard to the industry, adding, “Going forward, if there is any question as to whether a trade practice is acceptable, or a marketing practice is legal, or if you need assistance interpreting the law, I urge you to reach out to our office; we will be happy to help in any way.” It is my goal not only to engage in compliance initiatives, including routine inspections, but also to work with the industry so it is fully aware of what is expected of it. The compliance program will incorporate informational training seminars and meetings to advise licensees of our interpretation of the Alcoholic Beverage Control Law so they may avoid violations. It is my intent that by meeting regularly with industry leaders, trade groups and licensees, we can work together in an atmosphere that will foster economic growth of the industry in a reasonable, equitable and legitimate manner. I look forward to working with you towards this goal.



Robert Benedetto is the Director of Wholesale at the SLA.

Disciplinary 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 August 2007 to December 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	Sale to a Minor/Employment of a Felon	10 Day suspension, \$8,500 Civil Penalty	Bronx
Bar	Availing/ Unauthorized alterations/ Improper Conduct	Revocation, \$1,000 Bond Claim	New York
Bar	Sale to a Visibly Intoxicated Person/Sale to a Minor	20 Day Suspension, \$15,000 Civil Penalty	New York
Convenience Store	Improper Conduct/Multiple Sales to a Minor	Revocation, \$1,000 Bond Claim	Syracuse
Bar	Disorderly Premises/Sale to a Minor	15 Day Suspension, \$6,500 Civil Penalty	New Paltz
Convenience Store	Multiple Sales to a Minor	45 Day License Sus- pension, \$2,500 Civil Penalty	New York
Convenience Store	Multiple Sales to a Minor	Revocation, \$15,000 Civil Penalty	Selden
Restaurant	Focal Point for Police Attention/Failure to Permit SLA Inspection	Revocation, 2 Year Proscription, \$2,000 Civil Penalty	Hudson
Bar	Gambling/ Sale to a Minor	Revocation	Williamsville
Liquor Store	Multiple Sales to a Minor	30 Day License Sus- pension, \$1,000 Civil Penalty	Tupper Lake
Bar	Noise/Sale to a Minor/Disorderly Premises	Revocation, \$1,000 Bond Claim	New York
Bar	Sale to a Minor/Disorderly Premises	Cancellation, \$1,000 Bond Claim	Rochester
Restaurant	Disorderly Premises/Refilling	Revocation, \$1,000 Bond Claim	Philadelphia
Bar	Off Premises Consumption	15 Day Suspension, \$6,000 Civil Penalty	Oswego

Licensing Q & A

This quarter's licensing section is devoted to answering frequently asked questions on permits.

By Kerri O'Brien, Director of Licensing Operations

What is a Caterer's Permit?

A Caterer's Permit is issued to the holder of an On-Premises Liquor license or Catering Establishment licensed to cater a specific function, occasion or event not open to the general public and taking place at a location other than the licensed premises. Permits are issued for one event only. The licensee applying for the caterer's permit is required to furnish the provisions (food) at the event as well as the alcoholic beverages. The service of alcoholic beverages is to be incidental to the service of food.

What is a Temporary Beer & Wine Permit?

A Temporary Beer & Wine Permit is issued to an individual or organization authorizing the sale of wine or beer at retail for consumption at a gathering. This permit is for specific events, not to be used to temporarily open an establishment for the general public to consume alcoholic beverages. Beer and wine must be purchased from a licensed brewer, winery or wholesaler only. You may not purchase the beer/wine from any retail licensee (e.g. grocery store/liquor store).

Temporary Beer & Wine Permits may not be issued for events taking place upon any premises for which the Authority has issued any license or has issued a permit more than four (4) times within any one year period. The Authority may, at its discretion, issue additional single permits if it is determined that the application for a permit is not an attempt to circumvent the licensing process and the issuance of the permit would not be a detriment to the community or the surrounding neighborhood. Whether or not the issuance of the permit would be a detriment to the community is to be determined by the Authority after consultation with municipal authorities and police agencies and community boards to review community or neighborhood or police agency complaints or violations of state or local laws.

The following applies to both the Caterer's Permit and the Temporary Permit:

A separate permit is required for each point of sale and for each consecutive date of the event. A point of sale is any bar, table, counter, cooler, etc. where alcoholic beverages will be sold or given away. This permit must be on display at the function.

No alcoholic beverages may be sold, served or consumed in any outdoor area where bingo is played. Beer may be sold, served or consumed in rooms or areas in which authorized games of chance are held; however, you must have the appropriate permits issued by the NYS Racing & Wagering Board.

In order for the agency to thoroughly review and process the applications filed, they must be received by the Liquor Authority no less than 15 days prior to the function. An application received beyond the required time frame may be disapproved. The Authority may send permit applications to the local law enforcement agency where the event is to be held 3 business days in advance of the event to allow the police agency an opportunity to comment on the application.



Kerri O'Brien (Center), discusses licensing developments with staffers (L to R) Judith Woodruff and Lorraine Maloney.

Successful Legislative Session for the SLA

By Thomas O'Connor, Deputy Commissioner for Government Affairs and Assistant CEO

The State Liquor Authority had a very successful Legislative Session in 2007. For the first time in recent memory, the SLA developed and promoted a full slate of legislative proposals. In fact, during the 2007 Legislative Session, the SLA saw three of these bills signed into law by Governor Eliot Spitzer. These bills will assist the SLA in carrying out its mission, as well as clarifying sections of the ABC Law to better serve both the regulated community and the public at large. The following is a brief summary of SLA's Departmental Bills that were signed into law by the Governor.

- Chapter 406 of the Laws of 2007

This chapter amends the Alcoholic Beverage Control (ABC) Law regarding the 200 foot rule in order to clarify that certain activities may occur at places of worship without jeopardizing the exclusive use requirement. These activities include: the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising performances by or benefiting the not-for-profit religious organization which conducts services at the place of worship or other not-for-profit organizations or groups; the use of the building by other religious organizations or groups for religious services or other purposes; the conduct of social activities by or for the benefit of the congregants; the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and use of the building by non-congregant members of the community for private social functions. Under this chapter, a building occupied as a place of worship will not cease to be "exclusively" occupied as a place of worship where the not-for-profit religious organization occupying the place of worship accepts the payment of funds to defray costs related to another party's use of the building.

Listing specific examples of the types of permitted activities will provide guidance to places of worship and eliminate the need for detailed fact finding in license applications;

- Chapter 319 of the Laws of 2007

This chapter clarifies and streamlines the local option provisions of the ABC Law by providing one list of plain-English local option questions that can be better understood on a ballot. Such local option questions ask the citizens of a town or city if they want to allow taverns, restaurants, year-round hotels, summer hotels, package liquor and/or wine stores, grocery store and drug store beer and wine product stores, and baseball park beer licenses to be issued. The chapter explicitly indicates what other privileges are included, such as, for example, off-premises beer sales by a tavern. Previously the options were incomprehensible, making reference only to the sections of the ABC Law by section number, and consequently were too confusing for all parties involved in the process (local government, the public, licensees and the SLA) to understand. The plain-English options contained in this chapter will eliminate this confusion;

- Chapter 447 of the Laws of 2007

This chapter permits the Members of the Authority to issue, for premises having a capacity for 1000 or more persons, bars in such numbers as the Members of the Authority may determine in the exercise of their discretion. Previously, the ABC Law did not allow for more than two additional bars at any one given licensed establishment. The law did not distinguish between small and large venues. Consequently, large venues that may have reasonably argued that they require more than two additional bars based on volume of sales were prohibited from obtaining licenses for any additional bar beyond the two allowed. This chapter will allow the Members of the Authority to

consider requests from large venues for additional bars and will allow for the issuance of additional bars if the Members of the Authority so choose.

Legislation of Interest:

The SLA is delighted that Governor Spitzer signed into law a bill directing the Law Revision Commission to make recommendations to the Legislature regarding proposed revisions of the Alcoholic Beverage Control Law (Chapter 391 of the Laws of 2007). The chapter begins with the following statement:

The legislature hereby finds and declares it to be the policy of the state that it is necessary to regulate and control the manufacture, sale, and distribution within the state of alcoholic beverages so as to continue to serve the public interest. The legislature further finds that no comprehensive review of the provisions of the alcoholic beverage control law and related laws has been undertaken since the original enactment of the alcoholic beverage control law in 1934. Since that time, many changes in governmental policies and organization and in the regulated industries have resulted in an alcoholic beverage control law that is, in many instances, contrary to the principles of simplicity, ease of administration, fairness, and equity.

Specifically, this chapter directs the Law Revision Commission to review the ABC Law and the way in which it is administered to determine the effectiveness of such laws and their administration in achieving state policy goals. It further directs the Law Revision Commission to make recommendations to the Legislature for such actions, including proposed revision of the ABC Law, with a preliminary report due no later than March 1, 2008 and a final report due no later than September 1, 2008. The SLA fully supports this effort and looks forward to assisting the Law Revision Commission in this very important and long overdue review. Any interested party wishing to submit issues or concerns for the Commission's consideration may contact the Commission:

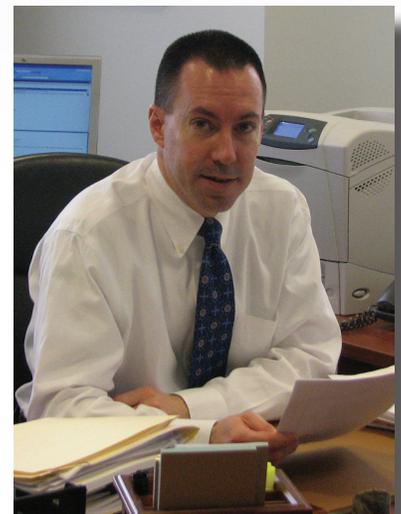
New York State Law Revision Commission
80 New Scotland Avenue
Albany, NY 12208

<http://www.lawrevision.state.ny.us/>

The Commission's telephone number is 518-472-5858.

Email the Commission at nylrc@albanylaw.edu.

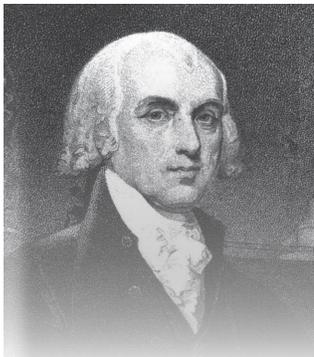
The SLA will continue in its efforts to promote changes to the ABC Law that will better serve the public and our regulated community alike. We look forward to another successful Legislative Session in 2008.



Thomas O'Connor is the Deputy Commissioner for Government Affairs and Assistant CEO at the SLA.

Full Board Webcast

By William Crowley, Director of Communications



"Knowledge will forever govern ignorance. And a people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both."

James Madison

One of Governor Spitzer's first acts upon taking office was to sign Executive Order 3 entitled: *Promotion of Public Access to Government Decision Making*. In an effort to increase transparency, accountability and the ability of citizens to observe their government, the order mandates that all state agencies and public authorities broadcast their open meetings on the internet. On July 11, 2007, the SLA began broadcasting all Full Board meetings. The meetings are also archived on our website, so that the proceedings may be viewed at anytime. Over the past six months, hundreds of people have logged on to watch the SLA Full Board meetings.

Live webcasts: You may view meetings of the Full Board from your computer. A link to the live webcast can be found on the State Liquor Authority Website at: www.abc.state.ny.us

On-demand: In addition to watching the live meetings, citizens have the option to watch archived Board meetings on-demand. The meetings are made available no later than two days following the original live webcast. Links to the on-demand webcasts can be found at: <http://abc.state.ny.us/JSP/content/fullBoard.jsp>

Media Players: The webcasts and on-demand videos are in Windows Media (.wmv) and Real Audio (.rm) format. The Windows Media Player is available for free at the Microsoft

Download Center. The Real Audio Player is available for free at Real.com

Accessibility/Captioning: The archived on-demand webcasts will have synchronized captioning (text transcript that is coordinated in time with the audio and video tracks). Synchronized captioning will be made available for the on-demand webcasts no later than seven days following the meeting.

In addition, in keeping with Governor Spitzer's direction to ensure access to and accountability by government, the SLA not only webcasts all Full Board proceedings, but also allows for testimony by members of the public via videoconference during Board deliberations.

What Happens at the Full Board Meetings?

The Full Board of the New York State Liquor Authority generally holds two public meetings a month to render decisions on licensing and disciplinary matters. The Board may also vote on SLA policies, procedures, and personnel. The Full Board calendar is compiled by the Secretary to the Authority prior to the Board meeting. Items on the calendar are called in the order in which they are signed in for on the day of the Board Meeting.

Licensing: When a licensing item is called by the Secretary to the Authority, the licensee and/or their representative(s) often provides a brief statement followed by questions from the Members of the Authority. Persons appearing in opposition to a license may be afforded an opportunity to speak. No oral arguments are permitted in cases involving an application falling under the 500 foot rule, as a hearing had previously been held. The Members may vote to approve, deny, or carry over a license application. A license application is carried over when questions arise during the Board Meeting requiring further information or when a licensee or their representative requests the license be carried over. Each license application submitted to the SLA is reviewed on a case by case basis. A decision to approve or disapprove a license is made on the merits of the individual application, taking into account the recommendations of local law enforcement, government officials, community boards, and members of the public.

Disciplinary: Members of the Authority vote to sustain or dismiss disciplinary matters and on penalties for licensees found to be in violation of the law. Each case brought to the Members of the Authority is examined on its individual merits. Licensees and/or their representatives are afforded an opportunity to speak regarding penalties. Members of the public may also be permitted to speak; however, no arguments are permitted on the merits of a disciplinary case after a full hearing has been held. The Members of the Authority make the final determination as to whether the violations are sustained.

A disciplinary proceeding originates with the issuance of a Notice of Pleading listing the alleged violations against a licensee. The licensee may enter one of the following pleas in response to the Notice of Pleading: (1) Not Guilty; (2) No Contest; or (3) Conditional No Contest.

If a licensee pleads not guilty, a hearing date is scheduled with an Administrative Law Judge (ALJ). Findings are made by the ALJ and presented to the Members of the Authority. 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 a hearing.

The Members of the Authority may impose one or more of the following penalties:

- License suspension, cancellation or revocation [ABCL § 17(3)],
- Monetary penalty, [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)].

At any time during a Full Board meeting, a Member of the Authority may call a conference to discuss a matter of law. Conferences are not open to the public.

If you have any questions regarding the Board Meetings, please email our press office at pressoffice@abc.state.ny.us or call (518) 486-4767.



The first remote State Liquor Authority Full Board Meeting. This historic meeting was Webcast from Canandaigua NY on October 31, 2007. (L to R) Commissioner Healey, Chairman Boyle and Counsel to the Authority Donohue

Information Technology

By Michael Drake, Director of Information Technology



New Look Agency Website

We are excited to announce the development of a re-designed web site for the Liquor Authority. Work on the new site has been progressing for the past 4 months as we strive to provide a professional and user friendly online site.

Advanced Public Query

Development is currently underway to significantly expand the existing Public Query interface on the website providing addition search criteria and tools to obtain public information and electronic listings related to our licensees. Search options will include county, city, or zip code augments with the ability to refine the searches utilizing a variety of criteria such as license status (active vs. pending), license categories (on-premises retail, off-premises retail, wholesale) and/or various date ranges (date filed, approved, issued).

e-Wholesale

Price Postings

We are pleased to report that the e-Wholesale Price Posting system is now online. The Information Technology Unit has been working with our wholesale licensees over the past 6 months as they have modified their various computer systems to comply with the new electronic price posting requirements of New York State.

Retail Delinquent Access

System modifications are now underway to provide retail licensees access to their delinquent credit information. Wholesale licensees currently maintain the delinquent credit status of a licensee via the online e-Wholesale interface and now retailers will be able to access their own account information via the same online interface.

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, (716) 847-3039 in Zone 3 or email: Enforcement@abc.state.ny.us

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

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

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

Legal - If you have a legal question, please call (518) 474-6750 or email: 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 email: 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 email: 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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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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Noreen Healey, Commissioner
Joshua B. Toas, Chief Executive Officer

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