Series 2010
Divisional Order # 826
April 1, 2010

State of New York
Liquor Authority

TO: Bureau Heads and Zone Offices

SUBJECT: Grocery Store License Stipulation (Divisional Order No. 780 Rescinded)

At their regular meeting of March 31, 2010, the Members of the Authority ordered that Divisional Order No. 780 be rescinded. The now no-longer-effective Divisional Order No. 780 had set forth grocery store guidelines and directed the use of an inventory stipulation that required the applicant to report in detail the value of displayed inventory for various types of products to be sold in the applicant's grocery store.

Also at the March 31, 2010 meeting, the Members of the Authority ordered that the attached Grocery Store License Stipulation is now to be executed by a grocer applying for a License to Sell Beer at Retail in Sealed Containers for Consumption Off the Premises, or for a License to Sell Beer and Wine Products at Retail in Sealed Containers for Consumption Off the Premises.

Whether a grocery store is in compliance with the Grocery Store License Stipulation may be determined by measuring the number of square feet of floor space that is devoted exclusively to the Consumer Commodities listed in the Grocery Store License Stipulation, and by dividing this number by the number of square feet of floor space occupied by the entire grocery establishment for which the alcoholic beverage license is sought. A sample calculation for a hypothetical grocery store would appear as follows:

384 ←	Number of square feet of floor space devoted exclusively to the Consumer Commodities listed in the Grocery Store License Stipulation **(excludes alcoholic beverages and carbonated beverages)**,
441 ←	**DIVIDED BY** the total number of square feet of floor space occupied by the entire grocery establishment for which the alcoholic beverage license is being sought,
0.87 →	**ESTABLISHES** that, *for this particular store*, the floor space exclusively occupied by Consumer Commodities constitutes **87%** of the Total Floor Space occupied by the applicant/licensee Grocery

State Liquor Authority

Dennis Rosen
Chairman

GROCERY STORE LICENSE STIPULATION

WHEREAS, the Applicant has applied to the New York State Liquor Authority for a

License to Sell Beer at Retail in Sealed Containers for Consumption Off the Premises,

or a

License to Sell Beer and Wine Products at Retail in Sealed Containers for Consumption Off the Premises,

and

WHEREAS, as is required by ABC Law § 54 (4) or ABC Law § 54-a (2), the Applicant represents that the Applicant shall operate a Grocery Store,

NOW THEREFORE,

IT IS HEREBY STIPULATED BY THE APPLICANT – in consideration for the New York State Liquor Authority's issuance to the Applicant of a License to Sell Beer at Retail in Sealed Containers for Consumption Off the Premises, or a License to Sell Beer and Wine Products at Retail in Sealed Containers for Consumption Off the Premises, and as a continuing condition of licensure, the violation of which condition constitutes cause for license revocation and/or other disciplinary penalties within the reasonably exercised discretion of the Authority – that the Applicant will operate a bona fide retail Grocery Store, and that such establishment will devote not less than 50% of its public floor space exclusively to the display of the following consumer commodities, however packaged or contained:

(a) **food**,* including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients to be added thereto for any purpose; and

(b) napkins, facial tissues, toilet tissues, foil wrapping, plastic wrapping, paper toweling, disposable plates; and

(c) detergents, soaps, and other cleansing agents; and

(d) non-prescription drugs, hygiene products, and toiletries.

*** For the purposes of this stipulation, "food" <u>does not include</u> alcoholic beverages and carbonated beverages.**

Dated: _____

_____
Title or Status of Person Signing (If Applicable)

_____
Name of Applicant Corporation or other Applicant Legal Entity (If Applicable)

_____
Printed Name of Person Signing

_____
Signature

(03/31/2010)