



**STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

STATE LIQUOR AUTHORITY

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**IN REPLYING REFER TO
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MEDIA ADVISORY

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**PAULY'S HOTEL LOSES LIQUOR LICENSE
Liquor Authority Orders Emergency Summary Suspension**

ALBANY – (November 14, 2007) The New York State Liquor Authority (SLA) summarily suspended the license of JHM, Inc. at 337 Central Avenue in Albany, doing business as Pauly's Hotel. The suspension was ordered by the Members of the State Liquor Authority, Chairman Daniel B. Boyle and Commissioner Noreen Healey at the full board meeting on Wednesday, November 14, 2007.

On November 10, 2007, SLA Investigators, the Albany Police Department, the Department of Motor Vehicles, the Albany County District Attorney's Office, and the Albany Department of Public Safety conducted a surprise inspection of the Pauly's Hotel, targeting underage drinking. The investigation discovered that of the approximately 35 patrons at the bar that night, 29 were under the age of twenty-one. Fifteen minors were observed purchasing alcoholic beverages and another three admitted that they had obtained alcohol at the establishment. In addition to serving minors, the bar was also cited by the SLA for hiring unregistered security guards, failure to provide adequate supervision, offering unlimited drink specials, failure to maintain adequate books and records, and failure to comply with the New York State Clean Indoor Air Act. Determining the bar posed an imminent threat to the public, the Members of the Authority voted to impose an emergency summary suspension of the license. Effective immediately, no alcohol can be served or consumed on the premises.

"Bars that continue to ignore the law and repeatedly sell to minors will not be tolerated," State Liquor Authority Chairman Boyle said. "This operation illustrates how cooperation between local law enforcement and state agencies can help ensure the health and safety of the public."

"This is another example of agencies working together to curb the underage drinking problem," said Albany Police Chief James Tuffey. "I applaud the SLA for taking immediate action when this type of behavior is discovered in a licensed establishment."

“The consumption of alcohol continues to play a role in many of the most avoidable and tragic cases presented to my office and I applaud the State Liquor Authority for their aggressive stance on establishments who continue to blatantly violate the law,” said Albany County Office of the District Attorney David Soares. “We began working with the SLA in July of this year and I am committed to continuing that partnership to ensure that all drinking establishments in Albany County follow the laws intended to keep our citizens safe.”

Previously, the Members of the State Liquor Authority imposed a \$3,500 penalty on Pauly’s for a sale to a minor in February 2005 and a \$6,000 penalty for sale to minor and disorderly premises in February of 2006. In July of 2007, the bar was fined a \$3,500 civil penalty from the Members for offering unlimited drink specials.

The State Administrative Procedure Act authorizes a State agency to summarily suspend a license when the agency finds that public health, safety, or welfare imperatively requires emergency action. When the SLA summarily suspends a liquor license, it also serves upon the licensee a Notice of Pleading alleging one or more disciplinary violations. In invoking a summary suspension, the SLA has deemed the violation(s), considering each licensee’s disciplinary history, to be sufficiently serious upon initial review to warrant an immediate suspension. The SLA’s decision to summarily suspend a license is not a final determination on the merits of the case. The licensee is entitled to an expedited hearing before an administrative law judge to address the alleged violation(s) that led to the suspension. An order of summary suspension remains in effect until such time as it is modified by the State Liquor Authority or a reviewing Court.

The State Liquor Authority regulates and controls the manufacture, sale and distribution of alcoholic beverages within the State. The Authority works with local law enforcement agencies and localities across the State to ensure compliance with the Alcoholic Beverage Control Law. In addition, the Authority issues and renews licenses and permits to manufacturers, distributors, wholesalers and retailers of alcoholic beverages.

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