



**STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
STATE LIQUOR AUTHORITY  
[www.abc.state.ny.us](http://www.abc.state.ny.us)**

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**IN REPLYING REFER TO  
Albany**

**MEDIA ADVISORY  
For Immediate Release  
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**EMERGENCY SUSPENSION ORDERED FOR BOGIE II NIGHT CLUB  
Stabbings, Assaults, Brawls Leads to Summary License Suspension for Utica Nightclub**

*Albany, NY* – The New York State Liquor Authority (SLA) summarily suspended the license of 113 N Genesee Inc., doing business as the Bogie II Night Club at 113 N Genesee Street in Utica, NY. The suspension was ordered by the Members of the State Liquor Authority, Chairman Dennis Rosen, Commissioner Jeanique Greene, and Commissioner Noreen Healey at a Special Meeting of the Full Board on Tuesday, December 22, 2009.

The decision to suspend the license was based on a string of recent violent incidents reported to the SLA by the Utica Police Department (UPD). On November 29, 2009, UPD Officers responded to a fight near the entrance of the club involving approximately 50 patrons. During the fight, one person was stabbed. In response to this incident, the SLA and UPD Officers conducted a follow up inspection of the premises on December 4, 2009. Six separate violations of the of the ABC law were observed, including employing unregistered bouncers and contaminated liquor bottles. In addition, one of the bouncers was found to be in possession of an illegal handgun. On December 19, 2009, the Utica Police responded another to a stabbing at the nightclub. While officers assisted the victim, several large fights broke out between patrons inside the club, and gun shots were fired in the parking lot. Based on these serious charges, the Members of the SLA determined that the bar posed an imminent threat to the public and voted unanimously for an emergency suspension of the license. Effective immediately, no alcohol can be served or consumed on the premises.

“Today’s summary suspension demonstrates the SLA’s renewed focus on cracking down quickly and decisively on licensees who pose a threat to their communities,” said SLA CEO Trina Mead. “Just over two weeks ago, the SLA issued four summary suspensions at dangerous bars around the state. These actions are sending a clear message to licensees that the new SLA will not tolerate reckless behavior that jeopardizes the public health and safety.”

The Bogie II Night Club also had a number of prior violations with the SLA. On August 8, 2007 the SLA Board fined the licensee \$1,500 for a December 16, 2006 underage sale. On December 15, 2007 Bogie was charged with disorderly premises stemming from a large fight in which six people were stabbed or cut. The SLA Board levied a \$5,000 fine for this incident. The licensee was also fined \$5,000 on November 10, 2009 for violations including unregistered bouncers and contaminated liquor bottles.

The State Administrative Procedure Act authorizes a state agency to summarily suspend a license when the agency finds that public health, safety, or welfare imperatives require 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 reviewing court.

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

On the Web: [www.abc.state.ny.us](http://www.abc.state.ny.us)

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