



**STATE OF NEW YORK
EXECUTIVE DEPARTMENT**

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

STATE LIQUOR AUTHORITY

80 S. Swan Street
Albany, New York 12210

317 Lenox Avenue
New York, New York 10027

125 Main Street
Buffalo, New York 14203

**IN REPLYING REFER TO
Albany**

MEDIA ADVISORY

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Contact: Bill Crowley (518) 486-4767

PressOffice@abc.state.ny.us

**LIQUOR AUTHORITY SUBMITS TASKFORCE REPORT
SLA Chairman Boyle Presents Licensing Report to the Governor**

Albany – (December 27, 2006) – On December 11, 2006, State Liquor Authority Chairman Daniel B. Boyle submitted a report to Governor Pataki outlining proposals to overhaul the process by which bars, nightclubs and restaurants are licensed and regulated in New York State. The report was presented to Governor-Elect Eliot Spitzer on December 20, 2006. The report, developed by the Taskforce for the Review of On-Premises Licensure, is the product of a diverse group of volunteers including members of the Legislature, local government, law enforcement officials, community board members, industry representatives, and nightclub, restaurant and bar owners.

The Taskforce was created by Chairman Boyle on September 6, 2006 to analyze current laws and policies and to develop recommendations for change. Chairman Boyle designated SLA Commissioner Noreen Healey as Chair who appointed volunteer members from across the State representing diverse interests in order to attain a wide range of viewpoints. The Taskforce provided a forum for the development of recommendations to create a systematic licensing process fair to legitimate businesses and the communities where they operate.

“The Taskforce engaged in extensive deliberation and debate to produce recommendations to enhance not only the way the SLA licenses and regulates the industry, but also to improve the quality of life in our communities,” said SLA Chairman Boyle. “I want to thank Commissioner Healey and all of the members for their hard work and dedication over the past three months.”

“This Taskforce provided a forum where policy makers, business people, and citizens could openly discuss contentious issues affecting the industry,” said State Liquor Authority Commissioner and Taskforce Chair Noreen Healey. “Taskforce meetings generated open and honest discussions on issues facing the SLA, licensees and our communities across the State.”

State Senator Martin Connor said, "I want to thank the members of the SLA, especially Commissioner Healey, for the creation of the Taskforce. Many of my constituents have told me their concerns regarding the proliferation of nightclubs, bars, and restaurants in their neighborhoods. Business owners have told me it is often difficult and expensive to navigate through complex SLA regulations. Consequently, when I was invited to be a member of the Taskforce I was skeptical, however I was pleasantly surprised. The Taskforce was made up of a real cross section of New Yorkers and included people from government, law enforcement, local communities, and the businesses sector. The meetings were extremely productive with frank discussions on substantive issues regarding SLA policies and procedures, possible changes in regulations, and proposed changes to existing law. Being a member of the Taskforce was a gratifying and productive experience. A new day has dawned at the much maligned SLA and I look forward to working together in the future."

Senator Thomas K. Duane said, "The new face of the SLA and what's been going on has been extremely heartening. We really appreciate the responsiveness of the Taskforce and look forward to our continued collaboration."

Senator Serphin Maltese said, "I want to thank Commissioner Healey for organizing this effort, through the various meetings, we all were part of an open process which allowed for so many diverse perspectives to come together and deliberate on issues important to our communities. This type of dialogue has been greatly productive and I am certain the Taskforce has provided a very good model from which relevant improvements will be made."

Senator Frank Padavan said, "With the submission of this Taskforce's recommendations, as New Yorkers, we are one step closer to protecting ourselves and our neighborhoods. I'm hopeful that the recommendations will be implemented quickly. I believe our work is on course to help save lives and continue to promote good business in New York."

Senator Nicholas Spano said, "I commend Chairman Boyle and Commissioner Healey for issuing this report that will begin to assist the hospitality and nightlife industry and improve the quality of life in our communities and neighborhoods."

State Assemblywoman Deborah Glick said, "I am very pleased that Commissioner Healey convened this Taskforce. If the community has a sense that there is proper enforcement, they will have fewer problems with these licensees."

Albany Police Chief James W. Tuffey said, "Members of the Taskforce held open and frank discussions on how we could improve the SLA process and the industry it regulates. The input from the Taskforce was essential in the significant progress that was made. Our efforts will enhance law enforcement agencies partnership with the SLA throughout the State, and additionally help address quality of life issues for all our communities".

Deputy Police Chief Brian J. Conroy, Commanding Officer, Vice Enforcement Division New York City Police Department said, "We feel that our participation in the work of the SLA Taskforce has been productive and helpful, and we look forward to continuing our work together as we address the public safety issues connected with New York City's licensed premises."

Manhattan Borough President Scott Stringer said, "The recommendations of the Taskforce go a long way towards bridging the gap between communities and liquor license holders. Streamlining the application process at the SLA and providing communities with more timely information are both long overdue. I applaud the SLA and the Taskforce members for their work and encourage the State Legislature to act upon these recommendations as soon as possible."

Community Board 3 District Manager Susan Stetzer said, "These meetings have been incredibly productive and what has been clarified for us regarding the existing ABC law and procedures has been very helpful. The SLA's recommendation to provide model questionnaires, examples of letters of support and opposition will be very helpful in communication between community groups and the SLA. Many people have agreed on many things and surprisingly so, having everyone in the same room, with such diversified perspectives has been a very good experience."

Community Board 4 President J. Lee Compton said, "Previous to this Taskforce we spent too much time on aspects on the law and how it was applied. Now with a greater understanding of this law, its language and compliance we can use them as tools to assist us with helping our communities become what we hope them to be. We are grateful to the Taskforce and the SLA to allow us to make a fundamental change in what we do in our neighborhoods."

Empire State Restaurant and Tavern Association President Scott Wexler said, "The work of the Taskforce will improve conditions for this industry and the community by giving all parties to the licensing process greater tools to prevent inappropriate applicants and locations from obtaining on-premises licenses."

Steve Harris, President of the New York State Beer Wholesalers Association said, "The extent of the cooperation of the SLA with all effected interests is unprecedented. While not everyone necessarily agrees with the recommendations made by the Taskforce, a continuing dialogue can only add to the goodwill created by the SLA, with those they regulate and the community at-large."

Taskforce meetings addressed the various types of on-premises licenses as well as policies on renewals of existing licenses. Discussions included the 200 foot rule, which limits the issuance of "full" liquor licenses (liquor, wine and beer) within 200 feet of school or place of worship, the 500 foot rule which prohibits the issuance of "full" liquor licenses for on-premises establishments (bars, nightclubs, restaurants, etc.) when there are already three or more existing full liquor licenses within 500 feet in areas with a population of 20,000 or more and other licensing and procedural issues. Recommendations from the Taskforce include:

- Amending the application types to be consistent with the ability to properly classify establishments. Currently, all "full" liquor licenses are designated "on-premises." The SLA should change the license to identify the specific type of license such as "restaurant," "tavern," "wine-bar," etc. Licensees must then be held to the terms and

- conditions of the approved licenses, and the operation must be consistent with the method approved in the application;
- Developing a new, “mixed use” license to help inform the SLA and the community during the licensing process. This will address instances where a legitimate restaurant during the early evening operates as nightclub after dinner hours;
 - Requiring certain sections of license applications filed with the SLA also be provided to community boards or the local equivalent. This would include the “Method of Operation” sections of the application detailing the type of establishment to be operated (e.g. live entertainment, dancing, hours of operation, etc);
 - Granting the SLA the power to disapprove certain renewal applications due to significant adverse compliance history of the licensee;
 - Granting renewal applications on a probationary basis in cases where the licensee has an adverse compliance history. This would provide licensees with adverse history the opportunity to demonstrate they have modified their practices and are in compliance with the law.
 - Providing the SLA with access to criminal records and criminal history databases in order to check the backgrounds of applicants, licensees and in some cases, their employees. Currently the law does not allow the SLA access to these records;
 - Changing the notice on renewal applications to require licensees to post notice next to the license certificate in their establishments 30 days prior to the completion of the renewal process;
 - Standardizing the questionnaire utilized by community boards throughout New York City to ensure important information may be easily retrievable;
 - Providing the SLA with additional resources, specifically in the areas enforcement, licensing and technology.
 - Continuation of the taskforce to explore additional topics and maintain an open dialogue on issues of shared concern.

The full report of the Taskforce for the Review of On-Premises Licensure may be found online at: www.abc.state.ny.us

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.

TASKFORCE MEMBERS

Commissioner Noreen Healey, Esq. Chair
New York State Liquor Authority

Elected Officials:

Senator Martin Connor

Senator Thomas K. Duane

Senator Serphin Maltese

Senator Frank Padavan

Senator Nick Spano

Speaker of the Assembly Sheldon Silver
Represented by Paul Goldstein

Assembly Member Deborah J. Glick

New York City Mayor Michael Bloomberg

Represented by: John Feinblatt

NYC Criminal Justice Coordinator

Shari Hyman, Esq.

Director/ Mayor's Office of Special Enforcement

New York City Council Speaker Christine Quinn
Represented by Lauren Axelrod, Jim Caras and David Pristin

Manhattan Borough President Scott M. Stringer

Represented by Felicia Feinerman

Community Groups/Leaders/Community Boards:

Susan Stetzer

Manhattan Community Board No. 3

J. Lee Compton

Manhattan Community Board No. 4

Giovanna Reid

Queens Community Board No. 3

Industry Representatives:

Scott Wexler

Empire State Restaurant & Tavern Association

Robert Bookman, Esq.

NYC Nightlife Association

Steven W. Harris, Esq.

New York State Beer Wholesalers Association

Law Enforcement:

New York State Division of Criminal Justice Service

Chauncey Parker, Esq.

Director, Criminal Justice & Commissioner

Represented by Gina Bianchi, Esq., General Counsel

New York City Police Department

Susan Petito

Assistant Commissioner, Intergovernmental Affairs

Deputy Police Chief Brian J. Conroy

Commanding Officer, Vice Enforcement Division

New York City Police Department

Albany Police Chief James Tuffey

Deputy Bureau Chief Nicoletta J. Caferra, Esq.

Appeals Bureau

Queens County District Attorney's Office

State Liquor Authority:

Kerri O'Brien

Director of Licensing Operations

Jacqueline Held

Acting Secretary to the Authority

On the Web: www.abc.state.ny.us

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