



**ANDREW M. CUOMO**  
Governor

**VINCENT G. BRADLEY**  
Chairman

**GREELEY FORD**  
Commissioner

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DELEGATION OF POWER

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Delegation of Power with respect to non-calendar disciplinary matters

Agenda #2018-01119

Pursuant to Section 17 of the Alcoholic Beverage Control Law, the Members of the State Liquor Authority hereby delegate to the individual Members of the Authority the power to accept and approve the following Conditional No Contest pleas submitted by licensees in disciplinary proceedings alleging one of the following violations without further action by the Full Board.

In addition, the Members of the State Liquor Authority hereby delegate to the individual Members of the Authority the power to impose the following penalties in disciplinary proceedings alleging one of the following violations without further action by the Full Board when the licensee has failed to respond to the pleading.

- Sale to minor (first offense of any kind in five years):
  - \$3,000, if the minor was 19 years of age or older;
  - \$3,500, if the minor was at least 16 years of age, but less than 19 years of age; or
  - \$5,000, if the minor was less than 16 years of age.

For all the above: (1) if the licensee has been licensed for at least five years, the proposed penalty may be reduced by \$500; and (2) if the licensee is a package or wine store, the proposed penalty must be increased by \$500.

- Sale to intoxicated patron (first offense of any kind in five years):
  - \$2,500. If the licensee has been licensed for at least five years, the proposed penalty may be reduced by \$500.

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- Gambling (first offense of any kind in five years):
  - \$2,000. If the licensee has been licensed for at least five years, the proposed penalty may be reduced by \$500.
- Prohibited hours [sales or consumption] (first offense of any kind in five years):
  - \$2,500. If the licensee has been licensed for at least five years, the proposed penalty may be reduced by \$500.
- Extension of premises (first offense of any kind in five years):
  - \$2,000. If the licensee has been licensed for at least five years, the proposed penalty may be reduced by \$500.
- Unauthorized alterations (first offense of any kind in five years):
  - \$2,000. If the licensee has been licensed for at least five years, the proposed penalty may be reduced by \$500.
- Unlicensed additional bars (first offense of any kind in five years):
  - \$2,000. If the licensee has been licensed for at least five years, the proposed penalty may be reduced by \$500.
- Books & records (first offense of any kind in five years):
  - \$2,000. If the licensee has been licensed for at least five years, the proposed penalty may be reduced by \$500.
- Purchase from an unauthorized source (first offense of any kind in five years):
  - \$2,500-\$5,000, depending on quantity purchased. If the licensee has been licensed for at least five years, the proposed penalty may be reduced by \$500.
- Suspension of cigarette registration and/or Improper Conduct- untaxed cigarettes (first offense of any kind in five years):
  - \$3,500.

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- Contaminated bottles (first offense of any kind in five years, 10 or more bottles):
  - \$1,000.
- Non bona fide [when licensee is closed or out of business]:
  - Cancellation and bond claim.
- Unauthorized second business (first offense of any kind in five years):
  - \$500 for a retail licensee; or
  - \$1,000 for a wholesale licensee.
- Failure to notify (first offense of any kind in five years):
  - \$1,000.
- Refilling (first offense of any kind in five years):
  - \$1,000.
- Premixing (first offense of any kind in five years):
  - \$1,000.
- Unauthorized trade name (first offense of any kind in five years):
  - \$1,500.
- Failure to restore surety bond
  - \$500 if the bond has been restored; or
  - Cancellation if the bond has not been restored.
- Visibility (first offense of any kind in five years)
  - \$1,000.

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- Improper conduct - bad check
  - \$250 if repayment has been made and the amount of the check was less than \$500;
  - \$500 if repayment has been made and the amount of the check was \$500 or more; or
  - Cancellation and bond claim if repayment was not made.
  
- Late notice on renewal applications
  - Letter of warning if the licensee has been licensed at least 20 years with no prior violations in those 20 years;
  - \$250 if the licensee has been licensed at least 10 years with no prior violations in those 10 years;
  - \$1,000 if the licensee has a prior disciplinary violation in the last 5 years; or
  - \$500 for all other cases.
  
- Improper conduct - worker's compensation
  - \$500 for a lapse in coverage less than 30 days;
  - \$1,000 for a lapse in coverage between 30 days to 3 months;
  - \$1,500 for a lapse in coverage between 3 to 6 months;
  - \$2,000 for a lapse in coverage between 6 to 9 months; or
  - \$2,500 for a lapse in coverage between 9 months to 1 year.
  
- Sale to non-member (first offense of any kind in five years)
  - \$1,000.
  
- Consumption on premises (first offense of any kind in five years)
  - \$2,000.

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- Failure to display license (first offense of any kind in five years)
  - \$1,000; or
  - \$500 if the licensee has been licensed at least 10 years with no prior violations in those 10 years.
  
- Failure to display prohibited sales or pregnancy warning signs
  - \$100 if charged with one of the violations;
  - \$200, if charged with both violations; or
  - Letter of warning if the licensee has been licensed at least 10 years with no prior violations in those 10 years.
  
- Improper conduct – EBT cards
  - Letter of warning; or
  - \$500, if the licensee has had the same violation in the last five years.

In addition, the Members of the State Liquor Authority hereby delegate to the Counsel for the Authority the power to resolve matters involving the late renewal of licensees, without further action by the Board, by way of a stipulation between the licensee and the Authority provided the licensee pays:

- \$500; or
- \$1,000, if the licensee has a violation within the last five years.

Except with respect to failing to display prohibited warning signs as set forth above, a proceeding alleging multiple violations shall not be subject to this delegation of power.

An individual Member of the Authority exercising the powers delegated herein may, in such Member's discretion, impose a penalty less than that proposed by the licensee or, in the alternative, submit the matter to the Full Board to consider whether the proposed offer should be accepted by the Authority.

For purposes of this delegation of power, a prior sustained violation of any of the following charges shall not be considered a prior offense in determining whether the current violation is the

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licensee's first offense of any kind in five years: failure to restore a surety bond; issuing a bad check; late renewal; or late notice on a renewal application shall not be considered.

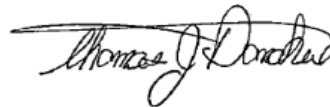
In addition, the Members of the State Liquor Authority hereby delegate to the Counsel for the Authority the power to resolve disciplinary proceedings involving a single charge (other than a sale to minor or disorderly premises) by way of a stipulation between the licensee and the Authority, without further action by the Board when, in the judgment of the Counsel to the Authority, the appropriate penalty in the matter should be a Letter of Warning. The Counsel to the Authority shall, monthly, provide such documentation as may be requested by the Chairman of the Authority to review matters disposed of under this power delegated to the Counsel.

This delegation of powers shall be effective immediately and replace the delegation approved by the Members of the Authority at the September 27, 2016 Full Board meeting.

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This matter was heard and determined by the Members of the Authority at a Full Board meeting held on May 30, 2018 before Chairman Vincent Bradley and Commissioner Greeley Ford. The above written delegation of power was approved by Chairman Bradley on behalf of the Members of the Authority on May 31, 2018.

Dated: 5/31/18



Thomas J. Donohue  
Secretary to the Authority