

(Series 1982)
Divisional Order #775
July 16, 1982

TO: ZONE OFFICES AND LOCAL BOARDS

SUBJECT: Drive-In Grocery Stores
1. Licensing
2. Enforcement

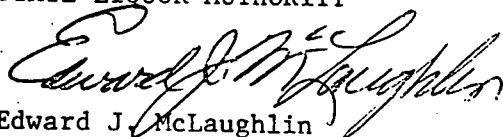
1. Licensing. The New York Court of Appeals has upheld an Authority determination that beer may not be sold through the windows of so-called "drive-in" or "drive-through" dairy stores. The Authority had refused to issue a grocery beer license to such a store even though the applicant had offered to require prospective purchasers to get out of their vehicles so that their age or state of intoxication could be observed.

Accordingly, it is the Authority's policy that no grocery beer license should be issued for any "drive-in" or "drive-through" premises unless the applicant agrees that beer will be sold only in the interior of the premises to customers who have left their vehicles and entered the premises. The window or opening through which other products are sold should not constitute part of the licensed premises.

When the Local Board or Licensing Bureau becomes aware that an applicant is planning to conduct a "drive-in" or "drive-through" operation, the applicant should be requested to sign a stipulation on the form attached.

2. Enforcement. Where the Enforcement Bureau becomes aware of any violations of this policy, the matter should be referred to the Retail Disciplinary Appraisal Board. In disposing of any such referral, Retail DAB shall take into consideration whether or not the licensee has previously signed a stipulation, or otherwise been formally advised of the Authority's policy.

STATE LIQUOR AUTHORITY


Edward J. McLaughlin
Chairman

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In the Matter of the Application for a
GROCERY BEER License by

APPLICATION
STIPULATION
FOR GROCERY
BEER LICENSE

for premises located at

SERIAL NO. _____

for license period 198__ to 198__

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WHEREAS, the above-captioned applicant has filed or is about to file with the New York State Liquor Authority an application for a Grocery Beer License and

WHEREAS, the applicant intends to operate a "drive-in" or "drive-through" grocery store and

WHEREAS, the Authority has determined that beer may not be sold through the windows or other openings of such premises

NOW, therefore, it is stipulated and agreed by and between the applicant and the New York State Liquor Authority that if the Authority approves the captioned application, then and in that event, the license will be issued for the above license period subject to the following conditions:

1. The licensee will not sell, give away or in any manner dispense or transfer beer through any window or opening of the premises.
2. No customer of the licensee will be served or sold beer unless such customer physically

(OVER)

leaves the vehicle and enters into and upon the physical limits of the licensed premises where such sale and/or transfer of beer shall then be consummated.

3. The licensee enters into this Stipulation with full knowledge that the State Liquor Authority will rely on the agreement contained herein in issuing the said license.
4. It is fully understood by the licensee that failure to abide by the terms of this Stipulation may result in the institution of proceedings to revoke, cancel, suspend or refusal to renew said license.

THE STATE LIQUOR AUTHORITY

LICENSEE

FOR THE LICENSEE

Dated: New York, New York

, 198



STATE OF NEW YORK
LIQUOR AUTHORITY

250 BROADWAY
NEW YORK, N. Y. 10007

**FROM THE DESK OF
BARBARA JOANNI LORD**

7-16-76
Charles -

This is the one
Divisional Order (775)
of the 3 you requested,
which we have a copy of.

No. 778 was never issued.

Its subject matter was the
amendment to Rule 36.1 (5);

The subject matter of No. 776
was fingerprints - apparently was
not issued due to problems of
coordination with DC JD.