



ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

DELEGATION OF POWER

Delegation of Power with respect to Requests for Reconsideration

Agenda #2018-02502

Section 54(3) of the Alcoholic Beverage Control Law provides that, in the event an application is disapproved, the applicant may request a review of that determination and that such review shall include an administrative hearing. That review is limited to determining whether the disapproval was supported by the law and the record before the Authority at the time of such disapproval.

The Members of the Authority have determined that, in lieu of a hearing pursuant to Section 54(3), applicants should be afforded the ability to submit new or additional facts in support of their request to rescind a decision to disapprove an application and to have the Authority reconsider the merits of the disapproval. As with a decision upon a disapproval hearing, a decision on a request for reconsideration shall be deemed a final determination of the Authority for purposes of judicial review under Article 78 of the Civil Practice Laws and Rules.

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 and the Deputy Commissioner of Licensing the power to review requests for reconsideration of determinations made by the Full Board and the Licensing Board subject to the conditions set forth below. This Delegation replaces and rescinds the Delegation with respect to reconsideration requests approved by the Members of the Authority on July 14, 2015.

Full Board Disciplinary matters

Requests for reconsideration of a determination in a disciplinary matter made by the Full Board shall be reviewed by an individual Member of the Authority who shall either: (1) deny the request; or (2) submit the request for further review and decision to the Full Board. With respect to a request being forwarded to the Full Board, the individual Member may, for good cause, stay any penalty that has been imposed.

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Full Board Licensing matters

Requests for reconsideration of a disapproval of an application in a licensing matter made by the Full Board shall be submitted directly to the Full Board without review by an individual Member of the Authority.

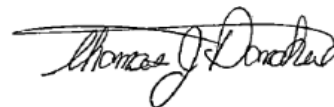
Licensing Board matters

Requests for reconsideration of a disapproval of an application in a licensing matter made by the Licensing Board shall first be reviewed by the Deputy Commissioner of Licensing who may: 1) grant reconsideration and rescind the prior determination; 2) forward the request to Counsel's Office; or 3) in the case of an application that was disapproved for failure to comply with a deficiency letter or failure to submit a complete application, deny reconsideration.

If a request for reconsideration is forwarded by the Deputy Commissioner of Licensing to Counsel's Office, the request shall be reviewed by an individual Member of the Authority who shall either: (1) deny the request; (2) grant the request and return the matter to the Licensing Board for further consideration; or (3) submit the request for further review and decision to the Full Board. Provided, however, that if the request seeks reconsideration of a determination regarding an application for a permit for a single day or single transaction shall be reviewed by an individual Member of the Authority who shall either: (1) deny the request; or (2) grant reconsideration, rescind the prior determination and return the matter to the Licensing Board for continued review.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on December 19, 2018 before Chairman Vincent Bradley, Commissioner Lily Fan and Commissioner Greeley Ford. The above written delegation of power was approved by Chairman Bradley on behalf of the Members of the Authority on December 20, 2018.

Dated: 12/20/18



Thomas J. Donohue
Secretary to the Authority