

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF 01/09/2019
REFERRED FROM: SECRETARY'S OFFICE

2019-00138

REASON FOR REFERRAL
REQUEST FOR DIRECTION

DELEGATION OF POWER TO COUNSEL'S
OFFICE

The Members of the Authority at their regular meeting held at the Zone I New York City Office on 01/23/2019 determined:



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

To: Members of the Authority
From: Thomas Donohue, Secretary to the Authority
Re: Proposed delegation of power for Counsel's Office
Date: January 16, 2019

Attached please find a proposed delegation of power to Counsel's Office. This would replace the existing delegation (a copy of same is also attached). There are no substantive changes. The intent is to have a separate delegation for each bureau, rather than one that addresses three different bureaus.



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

DELEGATION OF POWER

Delegation of Power with respect to Counsel's Office

Agenda #2019-xxxxx

Pursuant to Section 17 of the Alcoholic Beverage Control Law, the Members of the State Liquor Authority hereby delegate the following powers to each attorney assigned to Counsel's Office:

- The power to commence disciplinary proceedings;
- The power to hold hearings;
- To administer oaths;
- To examine any person under oath; and
- The power to issue subpoenas to compel the attendance of witnesses and the production of documents and other evidence in connection to such hearings and examinations.

Pursuant to Section 17 of the Alcoholic Beverage Control Law, the Members of the State Liquor Authority hereby delegate to the Counsel to the Authority the power to terminate and close a disciplinary proceeding that has been commenced against a licensee if: (1) after review of the record, there is insufficient evidence of any violation; or (2) the charge or charges were brought in error.

This delegation of powers shall be effective immediately and replace all prior delegations of power with respect to any such powers delegated to Counsel's Office.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on January __, 2019 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 January __, 2019.

Dated:

Thomas J. Donohue
Secretary to the Authority

STATE OF NEW YORK
LIQUOR AUTHORITY

WHEREAS, Section 17 of the Alcoholic Beverage Control Law specifies the functions, powers and duties of the State Liquor Authority and provides that such powers may be delegated by the Authority to designated personnel, and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Members of the Authority, sitting as a body, do hereby delegate, subject to the supervision and control of the Authority, to each Attorney attached to Counsel's Office the following functions, powers and duties:

1. To commence disciplinary proceedings, hold hearings, subpoena witnesses and records, compel their attendance, administer oaths, to examine any person under oath and in connection therewith to require the production of any books or papers relative to the inquiry.
2. To accept pleas of no contest or not guilty to charges in connection with proceedings to revoke, cancel or suspend any license or permit and to submit reports thereon.

IT IS FURTHER RESOLVED, that the Members of the Authority, sitting as a body, do hereby delegate, subject to the supervision and control of the Authority, to each Administrative Law Judge the following functions, powers and duties:

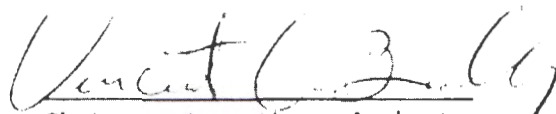
1. To hold hearings, subpoena witnesses and records, compel their attendance, administer oaths, to examine any person under oath and in connection therewith to require the production of any books or papers relative to the inquiry.

IT IS FURTHER RESOLVED, that the Members of the Authority, sitting as a body, do hereby delegate, subject to the supervision and control of the Authority, to each Investigator assigned to the Enforcement Bureau the following functions, powers and duties:

1. To subpoena witnesses and records, compel their attendance; administer oaths, to examine any person under oath and in connection therewith to require the production of any books or papers relative to the inquiry.

IT IS FURTHER RESOLVED, that the delegation of power set forth herein is effective immediately and shall replace the delegations approved by the Authority at a meeting of the Members of the Authority on April 24, 2013; and

We, VINCENT G. BRADLEY and KEVIN KIM, Members of the State Liquor Authority, certify that the foregoing is a true copy of the resolution duly adopted by the State Liquor Authority at a meeting of its Members held on July 14, 2015.


Chairman, State Liquor Authority

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF 01/09/2019
REFERRED FROM: SECRETARY'S OFFICE

2019-00141

REASON FOR REFERRAL
REQUEST FOR DIRECTION

DELEGATION OF POWER TO
ENFORCEMENT BUREAU

The Members of the Authority at their regular meeting held at the Zone I New York City Office on 01/23/2019 determined:



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

To: Members of the Authority
From: Thomas Donohue, Secretary to the Authority
Re: Proposed delegation of power for Enforcement Bureau
Date: January 16, 2019

Attached please find a proposed delegation of power to the Enforcement Bureau. This would replace the existing delegation (a copy of same is also attached). There is one substantive change with respect to confirming the Enforcement Bureau's ability to conduct inspections of licensed premises. The intent is to have a separate delegation for each bureau, rather than one that addresses three different bureaus.



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

DELEGATION OF POWER

Delegation of Power with respect to Enforcement Bureau

Agenda #2019-xxxxx

Pursuant to Section 17 of the Alcoholic Beverage Control Law, the Members of the State Liquor Authority hereby delegate the following powers to each Investigator assigned to the Enforcement Bureau with respect to investigations and inquiries conducted by the Bureau:

- To administer oaths;
- To examine any person under oath; and
- The power to issue subpoenas to compel the attendance of witnesses and the production of documents and other evidence in connection to such investigations and inquiries.

Pursuant to Section 18 of the Alcoholic Beverage Control Law, the Chairman of the State Liquor Authority hereby delegates to each Investigator assigned to the Enforcement Bureau with respect to investigations and inquiries conducted by the Bureau the power to inspect any premises where alcoholic beverages are manufactured or sold.

These delegations of powers shall be effective immediately and replace all prior delegations of power with respect to any such powers delegated to the Enforcement Bureau.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on January __, 2019 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 January __, 2019.

Dated:

Thomas J. Donohue
Secretary to the Authority

STATE OF NEW YORK
LIQUOR AUTHORITY

WHEREAS, Section 17 of the Alcoholic Beverage Control Law specifies the functions, powers and duties of the State Liquor Authority and provides that such powers may be delegated by the Authority to designated personnel, and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Members of the Authority, sitting as a body, do hereby delegate, subject to the supervision and control of the Authority, to each Attorney attached to Counsel's Office the following functions, powers and duties:

1. To commence disciplinary proceedings, hold hearings, subpoena witnesses and records, compel their attendance, administer oaths, to examine any person under oath and in connection therewith to require the production of any books or papers relative to the inquiry.
2. To accept pleas of no contest or not guilty to charges in connection with proceedings to revoke, cancel or suspend any license or permit and to submit reports thereon.

IT IS FURTHER RESOLVED, that the Members of the Authority, sitting as a body, do hereby delegate, subject to the supervision and control of the Authority, to each Administrative Law Judge the following functions, powers and duties:

1. To hold hearings, subpoena witnesses and records, compel their attendance, administer oaths, to examine any person under oath and in connection therewith to require the production of any books or papers relative to the inquiry.

IT IS FURTHER RESOLVED, that the Members of the Authority, sitting as a body, do hereby delegate, subject to the supervision and control of the Authority, to each Investigator assigned to the Enforcement Bureau the following functions, powers and duties:

1. To subpoena witnesses and records, compel their attendance; administer oaths, to examine any person under oath and in connection therewith to require the production of any books or papers relative to the inquiry.

IT IS FURTHER RESOLVED, that the delegation of power set forth herein is effective immediately and shall replace the delegations approved by the Authority at a meeting of the Members of the Authority on April 24, 2013; and

We, VINCENT G. BRADLEY and KEVIN KIM, Members of the State Liquor Authority, certify that the foregoing is a true copy of the resolution duly adopted by the State Liquor Authority at a meeting of its Members held on July 14, 2015.


Chairman, State Liquor Authority

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF 01/09/2019
REFERRED FROM: SECRETARY'S OFFICE

2019-00142

REASON FOR REFERRAL
REQUEST FOR DIRECTION

DELEGATION OF POWER TO HEARING
BUREAU

The Members of the Authority at their regular meeting held at the Zone I New York City Office on 01/23/2019 determined:



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

To: Members of the Authority
From: Thomas Donohue, Secretary to the Authority
Re: Proposed delegation of power for Hearing Bureau
Date: January 16, 2019

Attached please find a proposed delegation of power to the Hearing Bureau. This would replace the existing delegation (a copy of same is also attached). There are no substantive changes. The intent is to have a separate delegation for each bureau, rather than one that addresses three different bureaus.



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

DELEGATION OF POWER

Delegation of Power with respect to Hearing Bureau

Agenda #2019-xxxxx

Pursuant to Section 17 of the Alcoholic Beverage Control Law, the Members of the State Liquor Authority hereby delegate the following powers to each Administrative Law Judge assigned to the Hearing Bureau:

- The power to hold hearings;
- To administer oaths;
- To examine any person under oath; and
- The power to issue subpoenas to compel the attendance of witnesses and the production of documents and other evidence in connection to such hearings and examinations.

This delegation of powers shall be effective immediately and replace all prior delegations of power with respect to any such powers delegated to the Hearing Bureau.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on January __, 2019 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 January __, 2019.

Dated:

Thomas J. Donohue
Secretary to the Authority

STATE OF NEW YORK
LIQUOR AUTHORITY

WHEREAS, Section 17 of the Alcoholic Beverage Control Law specifies the functions, powers and duties of the State Liquor Authority and provides that such powers may be delegated by the Authority to designated personnel, and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Members of the Authority, sitting as a body, do hereby delegate, subject to the supervision and control of the Authority, to each Attorney attached to Counsel's Office the following functions, powers and duties:

1. To commence disciplinary proceedings, hold hearings, subpoena witnesses and records, compel their attendance, administer oaths, to examine any person under oath and in connection therewith to require the production of any books or papers relative to the inquiry.
2. To accept pleas of no contest or not guilty to charges in connection with proceedings to revoke, cancel or suspend any license or permit and to submit reports thereon.

IT IS FURTHER RESOLVED, that the Members of the Authority, sitting as a body, do hereby delegate, subject to the supervision and control of the Authority, to each Administrative Law Judge the following functions, powers and duties:

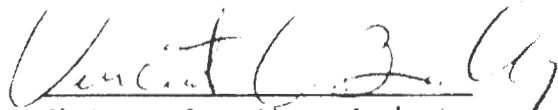
1. To hold hearings, subpoena witnesses and records, compel their attendance, administer oaths, to examine any person under oath and in connection therewith to require the production of any books or papers relative to the inquiry.

IT IS FURTHER RESOLVED, that the Members of the Authority, sitting as a body, do hereby delegate, subject to the supervision and control of the Authority, to each Investigator assigned to the Enforcement Bureau the following functions, powers and duties:

1. To subpoena witnesses and records, compel their attendance; administer oaths, to examine any person under oath and in connection therewith to require the production of any books or papers relative to the inquiry.

IT IS FURTHER RESOLVED, that the delegation of power set forth herein is effective immediately and shall replace the delegations approved by the Authority at a meeting of the Members of the Authority on April 24, 2013; and

We, VINCENT G. BRADLEY and KEVIN KIM, Members of the State Liquor Authority, certify that the foregoing is a true copy of the resolution duly adopted by the State Liquor Authority at a meeting of its Members held on July 14, 2015.


Chairman, State Liquor Authority

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF 01/09/2019
REFERRED FROM: SECRETARY'S OFFICE

2019-00143

REASON FOR REFERRAL
REQUEST FOR DIRECTION

DELEGATION OF POWER TO
SECRETARY'S OFFICE

The Members of the Authority at their regular meeting held at the Zone I New York City Office on 01/23/2019 determined:



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

To: Members of the Authority
From: Thomas Donohue, Secretary to the Authority
Re: Proposed delegation of power for Secretary's Office
Date: January 16, 2019

Attached please find a proposed delegation of power to Secretary's Office. The intent is to confirm the functions performed by Secretary's Office on behalf of the Full Board. There appears to be no existing delegation of power on this subject.



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

DELEGATION OF POWER

Delegation of Power with respect to Secretary's Office

Agenda #2019-xxxxx

Pursuant to Section 17 of the Alcoholic Beverage Control Law, the Members of the State Liquor Authority hereby delegate the following powers to the Secretary to the Authority:

- To issue notices of disposition with respect to penalties imposed by the Members of the Authority;
- To issue orders of suspension, cancellation, revocation and summary suspension imposed by the Members of the Authority;
- To otherwise enforce penalties imposed by the Members of the Authority, including the collection of civil penalties, making and collecting bond claims, and the imposition of alternate penalties when a licensee or permittee fails to submit a timely civil penalty;
- Upon approval by the Members of the Authority, issue written decisions, declaratory rulings, delegations of power and other documents as directed;
- To serve as the designee of the Members of the Authority to sign certifications of the text of new rules adopted by the Members of the Authority;

This delegation of powers shall be effective immediately and replace all prior delegations of power with respect to any such powers delegated to the Secretary to the Authority.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on January __, 2019 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 January __, 2019.

Dated:

Thomas J. Donohue
Secretary to the Authority

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF 01/09/2019
REFERRED FROM: SECRETARY'S OFFICE

2019-00144

REASON FOR REFERRAL
REQUEST FOR DIRECTION

ADVISORY REGARDING ALTERNATE
PENALTIES

The Members of the Authority at their regular meeting held at the Zone I New York City Office on 01/23/2019 determined:



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

To: Members of the Authority
From: Thomas Donohue, Secretary to the Authority
Re: Proposed advisory on alternate penalties
Date: January 16, 2019

Attached please find a proposed advisory on alternate penalties imposed if a licensee fails to make timely payment of a civil penalty. There is no existing advisory, divisional order or bulletin on this subject. The proposed advisory makes one change to the current schedule of alternate penalties now in use. Secretary's Office proposes to switch to a "7 day cycle" for suspensions rather than a "10 day" cycle.



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

ADVISORY #2019-x

To: All licensees and permittees

Subject: Alternate penalties in disciplinary proceedings

In the event a licensee or permittee fails to submit payment for a civil penalty within the time provided in the Notice of Disposition issued by the Secretary to the Authority, an alternate penalty will be imposed as follows:

<u>Original penalty</u>	<u>Alternate penalty</u>
No more than \$1,000	\$1,000 bond claim
\$1,001 to \$1,500	\$1,000 bond claim and 7-day suspension
\$1,501 to \$2,500	\$1,000 bond claim and 14-day suspension
\$2,501 to \$3,500	\$1,000 bond claim and 21-day suspension
\$3,501 to \$4,000	\$1,000 bond claim and 28-day suspension
\$4,001 to \$5,000	\$1,000 bond claim and 35-day suspension
\$5,001 to \$10,000	\$1,000 bond claim and cancellation of license
More than \$10,000	\$1,000 bond claim and revocation of license
Suspension and any civil penalty	\$1,000 bond claim and cancellation of license
Cancellation and any civil penalty	\$1,000 bond claim and revocation of license

In the event the license has expired, been surrendered or placed in safekeeping, an alternate penalty of a bond claim and suspension shall be replaced with a penalty of bond claim and cancellation.

In the case of a wholesaler or manufacturer, the bond claim imposed as an alternate penalty shall be the full amount of the bond when the original penalty exceeds \$5,000.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on January __, 2019 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by Chairman Bradley on behalf of the Members of the Authority on January __, 2019.

Dated:

Thomas J. Donohue
Secretary to the Authority

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF 01/23/2019
REFERRED FROM: LICENSING BUREAU

2019- 00002 (OVER)
2019- 00172

REASON FOR REFERRAL
REQUEST FOR DIRECTION

REQUEST FOR DECLARATORY
RULING - HUDSON YARDS'
ADVERTISING RIGHTS

The Members of the Authority at their regular meeting held at the Zone I New York City Office on 01/09/2019 determined:

Barbara Kwon, Esq. appeared with Jay Cross for Hudson Yards.

Item held over to 01/23/2019 Full Board meeting for additional information on public area that will be subject of ruling.

The Members of the Authority at their regular meeting held at the Zone I New York City Office on 01/23/2019 determined: