



ANDREW M. CUOMO
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2021-15

Subject: The Rescinding of COVID-19-Related Method of Operation Conditions

In resolving disciplinary proceedings against certain licensees that have been charged with violating one or more COVID-19 related Executive Orders -- particularly licensees subject to emergency orders of summary suspension -- the Members of the Authority have required these certain licensees to include (in conditional no contest pleas) their agreement to conditions on the method of operation for the licensed premises: restrictions on hours of operation, permissible entertainment, and otherwise (altogether, the "COVID-19 Method of Operation Conditions"). The Members imposed these conditions in disciplinary charge CNC pleas to address their concerns about allowing licensees to continue to operate in the midst of a dangerous pandemic after proving unable to comply with Executive Order restrictions designed to stop the spread of a deadly virus.

As explained in Advisory 2020-19, the COVID-19 Method of Operation Conditions became part of the approved method of operation for those licenses and would remain in place even if state or local COVID-19 directives changed. In Advisory 2020-19, the Members of the Authority advised that such licensees would have to make a request to the Authority to have those conditions removed or modified once all Executive Order restrictions regarding the operation of licensed premises were no longer in effect, but a standard change in Method of Operation Application would not be required. The Authority intended to introduce a separate process to streamline the removal of conditions.

While all COVID-19 restrictions have not yet been lifted, the concerns that led the Members of the Authority to impose these restrictions have abated substantially and, thus, the time has come to remove the COVID-19 Method of Operation Conditions.

With respect to the process to do so, licensees will not be required to submit a request to remove those conditions. Effective immediately, the Members of the Authority hereby rescind the COVID-19 Method of Operation Conditions. The Authority's Licensing Bureau shall issue new license certificates to these licensees that do not include the conditions imposed as part of the resolution of the Executive Order violation-related disciplinary proceedings. Licensees will thus be allowed to revert to the method of operation in place on their licenses prior to the imposition of the COVID-19 Method of Operation Conditions.

Importantly, however, please note that ***affected licensees must wait until they receive their updated certificates before reverting to their prior method of operation.***

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on May 24, 2021 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 May 26, 2021.

Dated: 5/27/21

Thomas J. Donohue
Secretary to the Authority