



State Liquor Authority

KATHY HOCHUL
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

To: Karen Persichilli Keogh, Secretary to the Governor; Elizabeth Fine, Counsel to the Governor
From: Vincent Bradley, Chairman, State Liquor Authority
Re: Government Transparency Initiative
Date: October 20, 2021

In recognition of Governor Hochul's pledge to usher in an era of greater transparency and accountability, the Division of Alcoholic Beverage Control/State Liquor Authority (SLA) presents the following transparency summary and plan.

Introduction:

The SLA is the executive agency charged with licensing and regulating the trafficking of alcoholic beverages within the state. As a matter of scale, the SLA operates on a cash budget of \$10.3 million, with a 114 FTE target, and produces approximately \$75 million in direct, annual revenue for the general fund. The agency consists of 8 bureaus or offices: Office of Administration; Office of Counsel; Enforcement Bureau; Executive Office; Hearing Bureau; Licensing Bureau; Public Information Office; and Secretary's Office.

The SLA currently has over 50,000 active licenses – manufacturers, wholesalers, retailers– and the Licensing Bureau processes 5-7,000 new applications per year, in addition to over 30,000 renewals, over 20,000 special event permits, and thousands of other miscellaneous applications.

The SLA's Enforcement Bureau receives and investigates over 5,000 complaints per year. Office of Counsel brings charges and proceeds with 2-3,000 cases per year. The Hearing Bureau holds over 1,000 hearings per year. And Secretary's Office holds 40 or more Board meetings per year, with 116 held last year.

As a licensing and regulatory agency charged with the administration of a complex area of law, the SLA has always placed and will continue to place the highest value on making information and data readily available to the public. SLA's commitment to such is demonstrated by, among other things: the extensive collection of guidance documents available on the agency's website; the recently updated and readily available license status and mapping tool provided to the public; the large number of data sets that have been made available and continuously updated on Open Data; the live-streamed and open-to-the-public Full Board meetings held bi-weekly (which are subsequently archived to Youtube); the agency's diligent and timely response to FOIL requests; the numerous public information meetings held for businesses, the public, and associations (which are often video recorded and archived to Youtube); and the wide variety of means that the agency offers to the public to contact it and to provide input into agency decisions.

Division of Alcoholic Beverage Control/State Liquor Authority Transparency Plan

I. Review of Agency/Authority's Current Public Engagement

- SLA surveyed each of its bureaus and offices to determine those items most requested by the public and those items in the control of those offices and bureaus that are of public concern.
- Review of how the agency interacts with the public.
 - **What public meetings and hearings does the agency hold?**
 - SLA holds generally bi-weekly Full Board meetings with its three commissioners to take up licensing and disciplinary matters.
 - SLA holds 500 Foot Law hearings under law in order for an administrative law judge (ALJ) to make a recommendation as to whether public interest exists as to licensure of certain applicants.
 - SLA holds disciplinary hearings to allow presentation of evidence by a licensee and the Authority to an ALJ, who makes evidentiary findings as to the charges presented.
 - SLA holds miscellaneous public meetings such as statutorily required public meetings after a county resolution for the changing of retail hours of service.
 - SLA executive staff holds many informational meetings with the public, electeds, associations, businesses, etc. – many are recorded and archived for future use.
 - **What opportunities exist for the public to participate in agency decision-making?**
 - Full Board meetings are open to the public, and public input may be offered on matters before the Board
 - 500 Foot Law hearings notice the municipality in which the applicant's premises are located to allow input to be provided; additionally a 500 Foot Law hearing schedule is posted on SLA website
 - Letters of support and opposition are entered into the disciplinary record for the Board
 - Applicants must post and send notices for most types of licenses, giving the public the opportunity to comment on those applications. All input received by SLA is entered into the record for the application.
 - SLA's Public Information Office takes input daily from local, state and federal officials, and the general public.

- The SLA provides notice and a comment period before proceeding on advisories and other agency guidance in areas of wide industry application or likely dispute amongst industry groups.
 - Municipalities and an applicant often agree to license stipulations which can be included as conditions on the license
 - SLA executive staff holds many informational meetings with the public, electeds, associations, businesses, etc.
- **What information does the agency make available on its website and in social media?**
 - Quick References and a Retailer Handbook for information on various license requirements and privileges under the law
 - Tutorial on how to apply for a license using our automated application system
 - License application status application
 - Searchable GIS mapping website on pending applications, active/inactive licenses, houses of worship, and schools
 - Information on active licensee disciplinary cases
 - Phone help line
 - “Contact us” page with direct contacts for all bureaus – emails typically answered within hours
 - Youtube live streaming access to Full Board meetings as well as archived access
 - Youtube archives of informational meetings and forums Authority staff has held for the public, associations, representative, and businesses
 - Published detailed agendas for Full Board meetings the week before the meeting
 - All advisories, bulletins, divisional orders, declaratory rulings, etc. posted to Guidance Documents page
 - MWBE and SDVOB utilization plans
 - Important current guidance or matters published prominently on the top of the webpage
 - Annual reports
 - A list of all active licenses
 - A list of all pending license applications
 - A list of inactive licenses
 - A list of expired licenses
 - All active brand labels
 - Wholesale and retail liquor and wine price postings
- **What access does the public have to engaging with the agency leadership?**
 - Full Board meetings provide for public input.

- The Chairman and other executive staff do many public meetings, including meeting with each Community Board in NYC multiple times, meetings with associations, meetings with businesses, and with electeds and their constituents, etc.
 - The executive staff routinely communicates by telephone and email with industry groups, individual licensees/applicants, and their attorneys/representatives on matters of general applicability and matters applying to particular licenses and operations.
- **What are the information requests most commonly sought from the agency?**
 - Licensing files (leases, diagrams, etc.) by applicants and their representatives to use to emulate the information for a new application
 - Application status
 - Application processing timeframes
 - Regulatory/compliance questions
- **What are the areas of greatest public interest in the agency's work?**
 - Licensing – status, opposition, application questions, timeframes, diagrams, etc.
 - Enforcement -- efforts being made to coordinate with law enforcement and/or bring charges after problematic incidents at licensed businesses
- **What does the agency do to solicit input from the public?**
 - Agency leadership has established relationships with, and an open-door policy to, the associations representing the various tiers and sectors of the tiers, e.g., Brewers Association, Distillers Guild, Beer Wholesalers, Hospitality Alliance, Empire State Restaurant and Tavern Association, etc.
 - The agency provides myriad avenues for public input on all matters before the agency – many noted above, e.g. meetings with elected's and their constituents; support and opposition placed in record for determination; notification of identified opposition to Full Board matters; notification to municipalities of licensing matters/500 Foot hearings; notice and opportunity to comment on industry guidance, etc.
 - Key executives, including the heads of the Licensing Bureau and Office of Counsel, make themselves available to licensee attorneys and representatives to handle questions on individual applications and matters to facilitate their businesses.
 - SLA executive staff holds many informational meetings with the public, electeds, associations, businesses, etc.

II. Proposed Plan to Expand Transparency and Expected Timeline

- **What plans does your agency have to improve transparency with respect to expanding information you make available to the public, filing timely reports with the legislature, complying with Project Sunlight, timely compliance with FOIL, compliance with Open Data NY, reducing costs for and easing access to for agency data and records, expanding agency participation in public and community events and increasing access to and public participation in meetings, hearings and decision-making?**

- SLA's annual report is published each year – there is no required date in law
- SLA complies with Project Sunlight, requiring and submitting forms for those that appear before the agency in a means required under the law
- SLA timely complies with FOIL, using extensions only where necessary based on the complexity of a request, and does not charge for records access
- SLA will continue to participate in public events as invited and resources permitting
- SLA complies with Open Data (EO95) by supplying a number of frequently (often daily) updated data sets
- SLA is continuously working internally and with ITS to make more data available to the public. Much of what can be made available is reliant on current technology systems. For example, as SLA and/or the state upgrade to new technology systems, more information is constantly being made available, e.g., SLA's new LAMP GIS system, brought online in 2021, has made a number of new data sets available and searchable, such as disciplinary data and license conditions.

SLA and ITS are in the end stages of a multi-year, wholesale redesign of SLA's back-end licensing and compliance systems. Once operational, SLA will have significantly more digitized licensing and compliance information and will be able to share that information with the public.

Prior to that, however, the SLA's bureau and office survey has determined the following items that are of public concern and can be made available in the near future:

- General application processing time ranges provided on application receipt
 - Estimated date of determination for application provided as additional data in the status query
 - Full Board meeting minutes posted to the website
 - Posting of declaratory ruling requests prior to Full Board consideration
 - List of Full Board actions on licensing matters to be posted subsequent to each bi-weekly meeting
- What is the timeline for implementation of those plans?
 - SLA's new back end system will be operational likely 1Q or 2Q of 2022.

- The bulleted items above can start to be made available generally within a few weeks with the help of ITS
- What resources will you use to implement your plan?
 - SLA will utilize existing resources where necessary

III. Measures of Success and Long-term Monitoring

In this section, you can explain how your agency/authority intends to monitor and assess the changes implemented, including any metrics you will use, to ensure that your initiatives are serving to increase transparency and expanding opportunities for public access to information and participation in government meetings and decision-making.

- SLA will continue to periodically survey bureau and office heads to determine what the frequent items are that are being requested by the public. Additionally, SLA will continue to monitor webpage traffic to see how the public is utilizing tools provided to access public data/information.