



State Liquor Authority


KATHY HOCHUL
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

To: Members of the Authority

From: Gary Meyerhoff, General Counsel 
Amy Male, Licensing Administrator

Subject: Full Board Review of Attorney Self-Certification Program
Appendix of Exhibits

Date: 11/4/21

Attached please find the following exhibits referenced in the memoranda of Gary Meyerhoff and Amy Male

- Exhibit 1: August 5, 2009 Full Board Meeting Agenda Sheet 2009-03543C with attached memorandum from Kerri J. O'Brien
- Exhibit 2: March 3, 2010 Board Meeting Minutes
- Exhibit 3: May 14, 2010 New York Times Article
- Exhibit 4: May 12, 2010 Board Meeting Minutes
- Exhibit 5: May 26, 2010 Board Meeting Minutes
- Exhibit 6: May 28, 2010 New York Times Article
- Exhibit 7: Delegation (adopted at June 6, 2010 meeting)
- Exhibit 8: September 22, 2010 Board Meeting Minutes
- Exhibit 9: December 5, 2012 Board Meeting Minutes
- Exhibit 10: Attorney Self-Certification Form (Revised 08/06/2014)
- Exhibit 11: Emails between Kerri O'Brien/Amy Male (12/30/09)
- Exhibit 12: Email from Judith Woodruff (4/27/10)
- Exhibit 13: Email from Amy Male (2/18/14)
- Exhibit 14: Email from Amy Male (8/27/14)
- Exhibit 15: Email from Amy Male (10/17/14)
- Exhibit 16: Selected Program Removal/Deficiency Letters (redacted)

EXHIBIT 1

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF AUGUST 5, 2009
REFERRED FROM: COUNSEL'S OFFICE

2009-03543C

REASON FOR REFERRAL
REQUEST FOR DIRECTION

SELF-CERTIFICATION BY ATTORNEYS
FOR 6 MONTHS

The Members of the Authority at their regular meeting held at the Zone I New York City Office on AUGUST 5, 2009 determined:

Proposal approved as outlined in the Deputy Commissioners memorandum. Licensing to perform random audits and report to the Board any misrepresentations.

Voting was as follows:

1. CHAIRMAN DANIEL B. BOYLE Voted: YES
 2. COMMISSIONER NOREEN HEALEY Voted: NO
- Noted: APPROVED ON CONDITION OF REVIEWING THE LANGUAGE IN PROPOSED AFFIRMATIONS
3. COMMISSIONER JEANIQUE GREENE Voted: YES

MEMORANDUM
State Liquor Authority
Licensing Bureau

To: Members of the Authority

From: Kerri J. O'Brien
Deputy Commissioner

Subject: Request For Direction

Date: July 14, 2009

Licensing Board is requesting direction from the Members regarding implementing self-certification by Attorneys for a period of 6 months.

Self-certification would minimize the amount of time it takes an examiner to review an application (current review time is approximately 3-5 hours) which would, in turn, allow the examiner to review more applications during their workday.

Counsel Donohue has prepared a list of information/documentation that the Attorneys would certify. We are recommending that this procedure have a time limit of six (6) months. The Licensing Bureau would perform random audits of applications during this time frame to determine if there have been any misrepresentations made and, if so, refer these cases to Counsel for appropriate action. Should the need arise, this procedure could be stopped at any time.

Attached is the proposed list of documents/information that would be allowed to be certified by the Attorneys.

Statements from attorneys to be included in "self-certification" form:

- 1) The documents included in the application are the originals or true and accurate copies of the originals;
- 2) If the location is an existing structure, an on-site visit has been conducted and the diagrams and photos submitted are accurate. If the location is under construction or to be constructed, the diagrams and any photos are accurate to the best of the attorneys knowledge;
- 3) For on-premises liquor, package stores and wine stores, an on-site visit has been conducted and there is no school, church, synagogue or other place of worship within 200 feet of the location;
- 4) For on-premises liquor, an on-site visit has been conducted and whether there are three or more existing on-premises liquor licenses within 500 feet;
- 5) Documents with respect to financing have been reviewed and confirm the sources of funding set forth in the application;
- 6) The personal questionnaires submitted for the applicant/principals, spouses, lenders, and donors do not disclose any statutory disqualifications to licensing, nor is the attorney aware of any such disqualifications;
- 7) All principals, spouses, lenders, donors and landlords have been disclosed and submitted a personal questionnaire;
- 8) There is no security interest in alcoholic beverages provided for in any of the loan agreements, leases, etc;
- 9) For on-premises, the applicant/location complies with the requirements of ABCL Sections 106(1), 106(9), and 106(13) and Part 48 of the Rules of the Authority;
- 10) For package and wine stores, the applicant/location complies with the requirements of ABCL Sections 105(1), 105(2) and 105(16);

- 11) Whether there is an agreement with the relevant Community Board/Municipality with respect to the operation of the establishment and, if so, whether such agreement has been incorporated into the application;
- 12) The information given to the relevant Community Board/Municipality is consistent with the information provided in the application;
- 13) All necessary federal, state and local permits and licenses have been obtained or will be obtained prior to the issuance of the license;
- 14) All applicable notice requirements have been complied with;
- 15) All required documents have been submitted. If not all have been submitted, identify same as conditions of the issuance of the license.

The application will not be accepted for "expedited review" unless each item is answered in the affirmative. The form will contain a warning that it is being signed under penalty of perjury and that, in the event it is determined that false or misleading statements are made, disciplinary action (as well as criminal charges) will be pursued against both the applicant/licensee and the attorney, and no further self-certification forms will be accepted from such attorney.

Attorneys filing self-certification forms will be required to file a monthly report (by the 10th of the month) of all such applications filed the previous month.

EXHIBIT 2

**MINUTES OF THE MEETING
STATE LIQUOR AUTHORITY
HELD ON MARCH 3, 2010, 2010
AT THE ZONE I OFFICE
(317 LENOX AVENUE, NEW YORK, NY)**

PRESENT

**DENNIS ROSEN, CHAIRMAN
NOREEN HEALEY, COMMISSIONER
JEANIQUE GREENE, COMMISSIONER**

JACQUELINE HELD, SECRETARY TO THE AUTHORITY

NOTE: Those items listed hereinafter which indicate that the penalty or the balance of the penalty, as the case may be, will be temporarily deferred, are subject to being put into effect at any time within 12 months from the date hereof in the event the Authority within its sole discretion is satisfied from information it receives or obtains that the licensee is not taking practical precautions to assure the proper conduct of the licensed premises.

Meeting was attended by Chairman Dennis Rosen, Commissioner Noreen Healey and Commissioner Jeanique Greene. Staff in attendance: Counsel Jean Marie Cho, Deputy Counsel Lisa Bonacci, Deputy Commissioner Kerri O'Brien and Secretary to the Authority Jacqueline Held.

Meeting dates were announced for March 17, 2010 and March 31, 2010, both to be held in the New York City office. Video conferencing will be available in the Authority's other office locations.

The calendar consisted of 221 scheduled agenda items. The Buffalo office was called, Albany office was called next, then items in New York City.

The first regular item was 2010-04108.

In connection with Agenda no. 2010-00906 Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-00906.

In connection with Agenda no. 2010-00939 Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-00939.

In connection with Agenda no. 2010-00952 Commissioner Healey requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-00952.

In connection with Agenda no. 2010-01008M Commissioner Healey requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-01008M.

In connection with Agenda no. 2010-00977 Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-00977.

Deputy Counsel Bonacci requested the Members go into conference to discuss a legal issued connected to pending litigation. The Members thereafter came out of conference.

A Resolution of Appreciation was signed to acknowledge the retirement of Buffalo Office Enforcement Secretary Diana Martin who served the Authority for 5 years.


The Chairman, together with Deputy Commissioner O'Brien, announced an extension of the Self –Certification licensing program for an additional six months.

Deputy Commissioner O'Brien presented an amendment to the Licensing Board Delegation of Authority which was unanimously approved by the Members.

The foregoing matters reflect the action of the Members of the Authority at their meeting of **March 3, 2010**. The meeting was web-casted and the record of the proceeding is available on the Authority's web-site www.abc.state.ny.us¹.

Consideration of the remaining items on the agenda was deferred until the next regular meeting scheduled to be held on **March 17, 2010**.

ATTEST:



JACQUELINE HELD
SECRETARY TO THE AUTHORITY

¹ Due to an unforeseen technical problem the audio/video recording of the Full Board meeting, which is archived and posted to the Authority's website, is unavailable.

EXHIBIT 3

Liquor License Procedures Return to Normal as Backlogs Decline

By Glenn Collins May 14, 2010 1:21 pm

And now, stunning news from Albany: the demise of a program that was so successful it will soon cease to exist.

Last fall, the then-new chairman of the New York State Liquor Authority, Dennis Rosen, implemented a clutch of streamlining procedures intended to break the worst liquor license logjam in memory, where bar and restaurant owners were waiting as much as nine months for examiners to grant approvals.

A centerpiece of that reform was a self-certification process that allowed applicants' lawyers to legally vouch for important licensing information required by the authority's Byzantine 26-page form.

On Wednesday, at Mr. Rosen's urging, the authority's board voted unanimously to end the self-certification process, starting on July 1. Self-certification "has worked well, and accomplished what we hoped it would," the chairman said in an interview.

The statistics — supplied by the authority — speak for themselves. Last October, the backlog of licenses was 2,116, of which 1,018 were older than three months. The current backlog is 871, for the most part representing recent applications. In New York City, Long Island and Westchester, the waiting time is three months or less for most applicants; in the rest of the state, the waiting time for a license is less than one month, Mr. Rosen said.

Since last September, remarkably, when 3,146 applications were submitted, 3,763 applications were approved — in other words, 617 more applications were approved than received. (The discrepancy is because of the approval of older

applications that were already in the system.) During the last nine months, 768 self-certification applications were received and all but 168 have been approved.

Aside from success, another reason to end the self-certification process was that “we were aware of one criticism of the program from the beginning, that it created a two-tier system to fast-track applications only from those who were represented by lawyers,” Mr. Rosen said. “But now that the backlog has been substantially reduced, it’s time to put everyone back on an even footing.”

But if government furloughs or layoffs “or other policies are implemented due to the budget crisis that might impact our ability to get our work done — then we could re-institute the certification process,” Mr. Rosen said.

Although the self-certification procedure will end after June, other newly implemented red-tape-reducing measures will still be in force and can keep the backlog from rebuilding, the chairman said.

Those changes include the appointment of an internal auditor at the authority, and the assignment of examiners who prescreen applications for missing information — kicking them out quickly for re-application — as well as a redesign of the authority’s intake process requiring fewer examiners to review each application. In addition, a new system to electronically receive required photographs of restaurants — and the fingerprints of the owners — will remain in place.

In certifying the liquor license data, applicants’ lawyers vouched for it — and faced criminal penalties for supplying false information — making authority examiners’ time-consuming verification unnecessary.

During the months of self-certification, three lawyers were censured for supplying incomplete applications — though none thus far have faced criminal charges. “They were kicked out of the self-certification program, and told that they could no longer participate,” said William Crowley, an authority spokesman.

Some who assist restaurant and bar owners with their applications expressed confusion about why the program was ending. “Over time, I suppose I’m concerned that the backlog could go up again, but I think there has been a lasting change in the

commission,” said John Springer, a non-lawyer liquor license consultant who owns the Old Port Pub in Port Jefferson, N.Y.

Self-certification “certainly was a success,” he added, speaking as both a consultant and pub owner.

Leonard M. Fogelman, a liquor license lawyer in Manhattan, said that “I thought the self-certification program was working well, and many of my clients and those of other attorneys benefited from the program, because they were able to get their liquor licenses issued within a few weeks.”

But he added that he was inclined to give the authority the benefit of the doubt, saying he thought “the authority will succeed in its new approach to handling license applications.”

Mr. Rosen said that outmoded computer systems had also hindered efficiency in the agency. “We are upgrading those systems so that ultimately,” he said, “we hope the application process will be entirely electronic.”

EXHIBIT 4

MINUTES OF THE MEETING
STATE LIQUOR AUTHORITY
HELD ON MAY 12, 2010
AT THE ZONE I OFFICE
(317 LENOX AVENUE, NEW YORK, NY)

PRESENT

DENNIS ROSEN, CHAIRMAN
JEANIQUE GREENE, COMMISSIONER

JACQUELINE HELD, SECRETARY TO THE AUTHORITY

NOTE: Those items listed hereinafter which indicate that the penalty or the balance of the penalty, as the case may be, will be temporarily deferred, are subject to being put into effect at any time within 12 months from the date hereof in the event the Authority within its sole discretion is satisfied from information it receives or obtains that the licensee is not taking practical precautions to assure the proper conduct of the licensed premises.

Meeting was attended by Chairman Rosen Commissioner and Commissioner Jeanique Greene. Commissioner Noreen Healey was absent. Staff in attendance: Counsel Jean Marie Cho, Special Counsel Thomas Donohue, Deputy Commissioner Kerri O'Brien and Secretary to the Authority Jacqueline Held.

Meeting dates were announced for May 26, 2010 and June 9, 2010, both to be held in the New York City office. Video conferencing will be available in the Authority's other office locations.

The calendar consisted of 480 scheduled agenda items. The first item called was 2010-02508.

Deputy Commissioner O'Brien requested the Members continue the Self Certification program which was to discontinue on July 1, 2010. Chairman Rosen made a motion to continue the program as there is still a backlog of licensing applications, Commissioner Green concurs. Resolution adopted.

Chairman Rosen announced, as recommended by the Law Revision Commission, that Circulars, Bulletins and Divisional Orders are currently being review by Counsel's and Secretary's offices. Those that are outdated will be rescinded by the Board.

In connection with Agenda no. 2010-02083 Commissioner Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-02083.

In connection with Agenda no. 2010-02497 Commissioner Greene requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-02497.

In connection with Agenda nos. 2010-02511A & 2010-012511B Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda nos. 2010-02511A & 2010-02511B.

In connection with Agenda no. 2010-02042 Counsel Cho requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-02042.

In connection with Agenda no. 2010-02511D Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-02511D.

In connection with Agenda no. 2010-02511C Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-02511C.

In connection with Agenda no. 2010-02461 Dep. Commissioner O'Brien requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-02461.

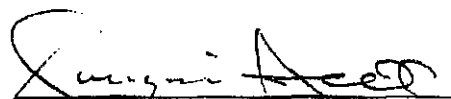
In connection with Agenda no. 2010-02503 Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-02503.

Deputy Commissioner O'Brien presented an updated new Delegation of Authority for the Licensing Board, which was marked Agenda no. 2010-02511E.

The foregoing matters reflect the action of the Members of the Authority at their meeting of **May 12, 2010**. The meeting was web-casted and the record of the proceeding is available on the Authority's web-site www.abc.state.ny.us.

Consideration of the remaining items on the agenda was deferred until the next regular meeting scheduled to be held on May 26, 2010.

ATTEST:



JACQUELINE HELD
SECRETARY TO THE AUTHORITY

EXHIBIT 5

MINUTES OF THE MEETING
STATE LIQUOR AUTHORITY
HELD ON MAY 26, 2010
AT THE ZONE I OFFICE
(317 LENOX AVENUE, NEW YORK, NY)

PRESENT

DENNIS ROSEN, CHAIRMAN
NOREEN HEALEY, COMMISSIONER
JEANIQUE GREENE, COMMISSIONER

JACQUELINE HELD, SECRETARY TO THE AUTHORITY

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Meeting was attended by Chairman Rosen, Chairman Rosen, Commissioner Noreen Healey and Commissioner Jeanique Greene. Staff in attendance: Counsel Jean Marie Cho, Special Counsel Thomas Donohue, Deputy Commissioner Kerri O'Brien and Secretary to the Authority Jacqueline Held.

Meeting dates were announced for June 9, 2010 and June 23, 2010, both to be held in the New York City office. Video conferencing will be available in the Authority's other office locations.

The calendar consisted of 678 scheduled agenda items. The first item called was 2010-03179.

Chairman Rosen announced that the Self Certification program will be continuing. There will be an increase in audited applications.

Prior to the first item being called Chairman Rosen called a conference to speak to Counsel.

In connection with Agenda nos. 2010-03180F & 2010-03180G Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda nos. 2010-023180F & 2010-03180G.

The foregoing matters reflect the action of the Members of the Authority at their meeting of **May 26, 2010**. The meeting was web-casted and the record of the proceeding is available on the Authority's web-site www.abc.state.ny.us.

Consideration of the remaining items on the agenda was deferred until the next regular meeting scheduled to be held on June 9, 2010.

ATTEST:


JACQUELINE HELD
SECRETARY TO THE AUTHORITY

EXHIBIT 6

The New York Times

Liquor Board Will Still Allow Self-Certification by License Applicants

By Glenn Collins May 28, 2010 10:46 am

Two weeks ago, the New York State Liquor Authority announced that in July, a bureaucratic reform that had reduced the worst liquor-license logjam in memory would be sunsetted because it was such a success.

It's still a success, according to the agency's chairman, Dennis Rosen — but it won't be coming to an end any time soon.

So, what gives?

The new program, called the self-certification process, allowed applicants' lawyers to vouch for important information required on the complex 26-page licensing form, rather than waiting for inspectors to verify it. Bar and restaurant owners had been waiting as much as nine months for licenses to be approved.

Mr. Rosen had said this month that the license backlog had been reduced to 871 from 2,116, and that the waiting time had been cut in half to three months for applicants in New York City, Long Island and Westchester County — and to less than a month elsewhere in the state.

But in a meeting of the authority's board on Wednesday, Mr. Rosen said the budget impasse in Albany would affect the agency's functioning severely enough to keep self-certification in place, to keep the backlog from growing again.

Self-certification will continue “due to budget constraints,” said William Crowley, a spokesman for the authority. Although layoffs and furloughs were a concern, the most threatening situation was “the prohibition on overtime for state employees,” he said.

Some of those who represent bar and restaurant owners greeted the news with a sigh of relief.

Leonard M. Fogelman, a liquor license lawyer in Manhattan, said that “I am extremely pleased” at the news, adding that he had had “a good experience with self-certification, which enabled our clients to get their licenses expeditiously.”

Mr. Fogelman added, “This, in turn, enabled them to open up their establishments and start making money and start hiring people, all of which was benefiting the state due to the increased collection of taxes.”

In certifying the liquor-license data, applicants’ lawyers vouched for it — and faced criminal penalties for supplying false information — making authority examiners’ time-consuming verification unnecessary. But during the months of self-certification, three lawyers were censured for supplying incomplete applications — though none have yet to face criminal charges.

As a result, Mr. Crowley said, “The S.L.A. will be auditing a greater number of applications accepted under the program, to ensure that the information presented is accurate.”

EXHIBIT 7

NEW YORK STATE LIQUOR AUTHORITY

WHEREAS the Members of the State Liquor Authority have approved the use of a "Self Certification Program" to expedite the review of license applications; and

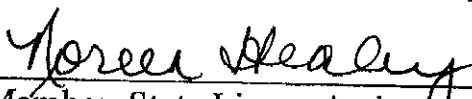
WHEREAS the Self Certification Program requires the applicant's attorney to affirm that he/she has, with due diligence, reviewed the application and that the statements there are true; and

WHEREAS the Members of the Authority have reserved the right to reject from the Self Certification Program applications submitted by attorneys who have previously filed applications with false, misleading or incomplete information; therefore

IT IS HEREBY RESOLVED, pursuant to Section 17 of the Alcoholic Beverage Control Law, that we, DENNIS ROSEN, NOREEN HEALEY and JEANIQUE GREENE, Members of the State Liquor Authority, hereby delegate to Kerri O'Brien, the Deputy Commissioner of Licensing, the power to identify, those attorneys who file applications with false, misleading or incomplete information and, in her discretion, direct that no applications from such an attorney be accepted into the Self Certification Program.

We, DENNIS ROSEN, NOREEN HEALEY and JEANIQUE GREENE, 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 June 6, 2010.


Chairman, State Liquor Authority


Member, State Liquor Authority


Member, State Liquor Authority

EXHIBIT 8

**MINUTES OF THE MEETING
STATE LIQUOR AUTHORITY
HELD ON SEPTEMBER 22, 2010
AT THE ZONE I OFFICE
(317 LENOX AVENUE, NEW YORK, NY)**

PRESENT

**DENNIS ROSEN, CHAIRMAN
NOREEN HEALEY, COMMISSIONER
JEANIQUE GREENE, COMMISSIONER**

JACQUELINE HELD, SECRETARY TO THE AUTHORITY

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Meeting was attended by Chairman Rosen, Commissioner Noreen Healey and Commissioner Jeanique Greene. Staff in attendance: Counsel Jean Marie Cho, Special Counsel Thomas Donohue, Deputy Commissioner Kerri O'Brien and Secretary to the Authority Jacqueline Held.

Meeting dates were announced for October 6, 2010 and October 20, 2010, both to be held in the New York City office. Video conferencing will be available in the Authority's other office locations.

The calendar consisted of 164 scheduled agenda items. The first item called was 2010-04678.

Chairman Rosen announced that the Self Certification program will be extended for another six months. Further, the Authority has finished reviewing the Circulars, Bulletins and Divisional Orders. The remaining items are active and have been posted on our website. The time to comment has been extended to October 15, 2010.

In connection with Agenda no. 2010-04649 Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-04649.

In connection with Agenda nos. 2010-04668, 2010-04672 – 2010-02674 Commissioner Healey requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda nos. 2010-04668, 2010-04672 – 2010-02674.

In connection with Agenda no. 2010-04694 Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-04694.

In connection with Agenda no. 2010-04635 Chairman Rosen requested that the Members go into conference to discuss a legal question. The Members thereafter came out of conference on Agenda no. 2010-04635.

In connection with Agenda no. 2010-04656 Chairman Rosen requested that the Members go into executive session. The Members thereafter came out of executive session on Agenda no. 2010-04656.

The foregoing matters reflect the action of the Members of the Authority at their meeting of **September 22, 2010**. The meeting was web-casted and the record of the proceeding is available on the Authority's web-site www.abc.state.ny.us.

Consideration of the remaining items on the agenda was deferred until the next regular meeting scheduled to be held on October 6, 2010.

ATTEST:

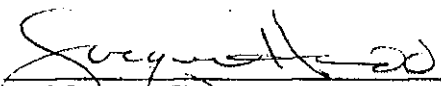

JACQUELINE HELD
SECRETARY TO THE AUTHORITY

EXHIBIT 9

MINUTES OF THE MEETING
STATE LIQUOR AUTHORITY
HELD ON DECEMBER 5, 2012
AT THE ZONE I OFFICE
(317 LENOX AVENUE, NEW YORK, NY)

PRESENT

DENNIS ROSEN, CHAIRMAN
JEANIQUE GREENE, COMMISSIONER

JACQUELINE HELD, SECRETARY TO THE AUTHORITY

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Meeting was attended by Chairman Rosen and Commissioner Jeanique Greene. Staff in attendance: General Counsel Flug, Special Counsel Donohue, Deputy Commissioner Kerri O'Brien and Secretary to the Authority Jacqueline Held.

Meeting dates were announced for December 19, 2012, January 3, 2013 and January 16, 2013, all to be held in the New York City office. Video conferencing will be available in the Authority's other office locations.

The calendar consisted of 107 scheduled agenda items. The first regular item called was 2012-03047.

Chairman Rosen made the announcement that 50 attorneys are not currently allowed to participate in the Self-Certification program; and that 10 attorneys have been placed on warning. Submission of incomplete applications are frequent.

The foregoing matters reflect the action of the Members of the Authority at their meeting of **December 5, 2012**. The meeting was web-casted and the record of the proceeding is available on the Authority's web-site www.sla.ny.gov.

Consideration of the remaining items on the agenda was deferred until the next regular meeting scheduled to be held on December 19, 2012.

ATTEST:



JACQUELINE HELD
SECRETARY TO THE AUTHORITY

EXHIBIT 10

The undersigned applicant and the applicant's attorney hereby submit this statement to certify certain information contained in this application for a license to sell alcoholic beverages. A response to each question is required. The responses to these questions may enable the examiner to review the application in a timely manner.

- 1) Are the documents included in the application the originals or true and accurate copies of the originals?
Yes ___ No ___

- 2) Are all diagrams and all photos accurate to the best of the attorney's knowledge?
Yes ___ No ___

- 3) Date of on-site visit to the proposed location conducted by the attorney: (Required)
Date of visit _____

- 4) For on-premises liquor establishments, package stores, wine stores and satellite stores, is there a school, church, synagogue or other place of worship on the same street and within 200 feet of the location?
Yes ___ No ___ Not applicable ___ If not applicable, state the reason why (use additional sheets if necessary):

- 5) For on-premises liquor establishments, are there three or more existing on-premises liquor licenses within 500 feet?
Yes ___ No ___ Not applicable ___ If not applicable, state the reason why (use additional sheets if necessary):

- 6) Have the documents with respect to financing been reviewed by the attorney and do they confirm the sources of funding set forth in the application?
Yes ___ No ___

- 7) Do the personal questionnaires submitted for the applicant/principals, managers, spouses, lenders, and donors disclose any statutory disqualifications to licensing, or is the attorney aware of any such disqualifications?
Yes ___ No ___ If "Yes," what is the disqualification?

- 8) If the applicant has or has had a license in New York State, and is or has been the subject of disciplinary charges, indicate "Yes" and attach a list of all licenses previously or currently held by the applicant.
Yes ___ No ___

- 9) Have all principals, managers, spouses, lenders, donors and landlords been disclosed and all required personal questionnaires submitted?
Yes ___ No ___

- 10) Does the applicant or any principals report any criminal convictions or pending arrests in the personal questionnaires?
Yes ___ No ___ If "Yes," Which applicant/principal(s)?

- 11) Is there any security interest, other than from a lending institution, in alcoholic beverages provided for in any of the loan agreements, leases, etc?
Yes ___ No ___

- 12) Are all contracts of sale, leases (or any assignments thereof), etc., valid, fully executed and in the name of the entity applying for the license?
Yes ___ No ___

- 13) Do all contracts of sale, leases (or assignments thereof), etc. recite the address of the location as set forth in the application?
Yes ___ No ___

- 14) Is there a clause in the lease, if any, giving a percentage of any of the applicant's gross or net profits to the landlord?
Yes ___ No ___
- 15) Is there a management agreement between the applicant and any other party?
Yes ___ No ___
- 16) For package and wine stores, does the applicant/location comply with the requirements of ABCL Sections 105(1), 105(2) and 105(16)?
Yes ___ No ___ Not applicable ___ If not applicable, state the reason why (use additional sheets if necessary):

- 17) For on-premises, does the applicant/location comply with the requirements of ABCL Sections 106(1), 106(9), and 106(13) and Part 48 of the Rules of the Authority?
Yes ___ No ___ Not applicable ___ If not applicable, state the reason why (use additional sheets if necessary):

- 18) Did the applicant and/or their attorney/representative meet with the Community Board/Municipality?
Yes ___ No ___ Not applicable ___ If not applicable, state the reason why (use additional sheets if necessary):

If yes, what was the date of the meeting? _____

If no, New York City applicants must provide a statement explaining why they did not attend the Community Board meeting.

- 19) Did the Community Board/Municipality request the applicant to agree to place stipulations on the license?
Yes ___ No ___ Not applicable ___ If not applicable, state the reason why (use additional sheets if necessary):

If yes, were all stipulations agreed to by the applicant and incorporated into the application?
Yes ___ No ___

If yes, submit a copy of the executed stipulation agreement.

If no, please submit a statement detailing which stipulations were and were NOT agreed to.

- 20) Is the information given to the relevant Community Board/Municipality on the standardized notice form and in subsequent communications consistent with the information provided in the application?
Yes ___ No ___ Not applicable ___ If not applicable, state the reason why (use additional sheets if necessary):

- 21) Have all necessary federal, state and local permits and licenses required by the Authority been obtained or will they be obtained prior to the issuance of the license?
Yes ___ No ___
- 22) Have all applicable notice requirements been complied with?
Yes ___ No ___
- 23) Have all required documents been submitted. If not, identify those that would be conditions of the issuance of the license.
Yes ___ No ___
- 24) Are you applying for a temporary retail permit?
Yes ___ No ___

PLEASE READ THE FOLLOWING CAREFULLY

The applicant and the applicant's attorney understand and acknowledge that the Authority will rely on each and every answer in this statement:

- (1) to determine whether the application can be reviewed in a timely fashion; and
- (2) to determine whether the application should be approved.

The applicant and the applicant's attorney understand and acknowledge that any false statement or misrepresentation herein will constitute cause for the disapproval of the application or disciplinary action against the licensee if the application is approved, including the possibility of revocation or cancellation of the license.

The applicant and the applicant's attorney understand that any false statements made in this document are punishable as a Class E Felony under Section 175.35 of the Penal Law.

The applicant's attorney further states that he/she is an attorney duly admitted (and in good standing) to practice in the courts of the State of New York and affirms, under penalty of perjury, that the attorney has, with due diligence, reviewed the application (which includes all supporting documents) in this matter and that the statements herein are true and that any false statement or misrepresentation herein will be reported by the Authority to the appropriate authorities, including, but not limited to, law enforcement agencies and the Appellate Division in which the attorney practices for appropriate action. In addition, the Authority reserves the right to reject from the expedited review process applications from attorneys who file applications with false, misleading or incomplete information.

Attorneys filing self-certification forms will be required to file a monthly report (by the 10th of the month) of all such applications filed the previous month. Failure to timely submit such reports may result in future applications being rejected from the expedited review process.

Applicant's signature
(If a partnership, all partners must sign)

Attorney's signature

Print name of applicant or principal signing Statement

Print Attorney's name

Dated: _____

Dated: _____

Applicant's signature
(If a partnership, all partners must sign)

Attorney New York State Registration No.

Print name of applicant or principal signing Statement

Attorney Business Address (Street)

Dated: _____

Attorney Business Address (City, State, Zip)

Applicant's signature
(If a partnership, all partners must sign)

Attorney Business Phone Number

Print name of applicant or principal signing Statement

Attorney Email Address (if applicable)

Dated: _____

EXHIBIT 11

From: O'Brien, Kerri (ABC)
Sent: Wednesday, December 30, 2009 9:34 AM
To: Male, Amy (ABC)
Subject: RE: self certification applications

Correct....they should be listing them all under question #22 if they are there. We're taking the attorneys out of the program who misled us this way.

*Kerri J. O'Brien
Deputy Commissioner
State Liquor Authority
80 South Swan Street
Suite 900
Albany, New York 12210-8002
(518) 486-3267*

From: Male, Amy (ABC)
Sent: Wednesday, December 30, 2009 9:28 AM
To: O'Brien, Kerri (ABC)
Subject: RE: self certification applications

So we are no longer looking at the items below?

CERTIFICATE OF AUTHORITY:
FEDERAL TAX ID#:
WORKERS COMP:
DISABILITY:
CERTIFICATE OF OCCUPANCY:
FILING RECEIPT:
BOND:
BOND RIDER:
PHOTOS (place serial number on the back of each photo):
COLOR APPLICANT PHOTOS:
CERTIFICATE OF ASSUMED NAME

How about the Newspaper Affidavit which would not be filed with the original app because they run it within 10 days of filing?

From: O'Brien, Kerri (ABC)
Sent: Wednesday, December 30, 2009 9:22 AM
To: abc.dl.buffalo.licensing; abc.dl.albany.licensing; abc.dl.nyc.licensing
Subject: self certification applications

I want to clarify the procedures for reviewing self certification applications. Examiners are to review the self certification form to determine if the application qualifies. If the application is for a wholesale license or has to go before the Members, it cannot be accepted into the program. The only documents to be reviewed on a self certified application are the establishment questionnaire, method of operation and diagram. The only time a personal questionnaire is reviewed

is in the event we get a hit from DCJS. At no time should a deficiency letter be sent out for any other document or reason unless it pertains to the 3 documents mentioned above. If the attorney has not listed any documents not provided under question #22 we are to assume that they have provided everything required. If they list items there that can be considered conditions of approval we will list them in the approval letter. If they have not listed any documents and we find in an audit (down the road) that they were not submitted, we will then deal with the attorney who filed the application.

Please let me know if you need any additional clarification. Thank you.

Kerri J. O'Brien
Deputy Commissioner
State Liquor Authority
80 South Swan Street
Suite 900
Albany, New York 12210-8002
(518) 486-3267

EXHIBIT 12

From: Woodruff, Judith (ABC)
Sent: Tuesday, April 27, 2010 4:48 PM
To: Nunziato, Elisa (ABC); Becker, David (ABC); Rost, Diane (ABC); Male, Amy (ABC); Dygert, Elizabeth (ABC); Coppolo, Deborah (ABC); Rinaldi, Nancy (ABC)
Subject: self cert applications as a front end review
Importance: High

Holly normally does a preliminary review of the self certs before we hand them out. We are going to assign them without her preliminary review. The following items must be checked by you during your review. Check the money to make sure it is the correct amount, check the notice of appearance (must be included and must be by an attorney), check if a 500 foot hearing is required and check the bond to make sure it is correct and one is included. If there is no Notice of Appearance this is an automatic rejection with no further review required. Make sure you check who has to be fingerprinted, check the method of operation, the certification form, establishment questionnaire, 200' rule, and the diagrams.

If you have any questions see me.

Judi Woodruff
Head Clerk, Licensing
New York State Liquor Authority
Licensing
80 S. Swan Street, Suite 900
Albany, New York 12210-8002
(518) 486-3267
jwoodruff@abc.state.ny.us

EXHIBIT 13

From: Male, Amy (SLA)
Sent: Tuesday, February 18, 2014 4:36 PM
To: abc.dl.albany.licensing; abc.dl.buffalo.licensing; abc.dl.nyc.licensing
Subject: Self Certified Applications

Good afternoon,

Starting tomorrow Albany will be processing all self-certified applications for the state. The only time a self-certified application will be sent to a zone office is when a 500 foot hearing is required.

This should assist with removing applications that do not meet our criteria or attorneys that either file bad or borderline applications.

If you have any questions please let me know.

Thank you,

Amy Male
Licensing Administrator
New York State Liquor Authority
80 S Swan St Suite 900
Albany, NY 12210-8002
518-474-3114

EXHIBIT 14

From: Male, Amy (SLA)
Sent: Wednesday, August 27, 2014 3:38 PM
To: Becker, David (SLA); Cafiero, Kelly (SLA); Cappuccitti, Susan (SLA); Connors, Erin (SLA); Dygert, Elizabeth (SLA); Flasz, Joseph (SLA); Hotter, Michael (SLA); Johnson, Irma (SLA); Kennedy, Wendy (SLA); Klein, Peter (SLA); Male, Amy (SLA); Martin, James (SLA); Nicholson, Francis (SLA); Nobles, November (SLA); Pariag, Diwanti (SLA); Perrin, Gale (SLA); Pomeroy, Andrea (SLA); Shah, Parag (SLA); Stewart, Kaleena (SLA); Swint, Amy (SLA)
Cc: O'Brien, Kerri (SLA)
Subject: Self Certs

Good afternoon,

I keep seeing SC's submitted to license board where the financials or lease information is filled in. You do not need to look at either item.

Please use the below as a guide for what to look at when reviewing a self cert:

1. The Self Cert Form
2. The first 2 pages of the application- Applicant and principal information – research both-check the data screen for errors
3. Review the establishment questionnaire, diagrams and photos
4. Review the Method of Operation
5. Make sure there is a valid bond

If the SC form is done properly and we do not get any DCJS hits these reviews should be much faster than a regular review since you are looking at only 1/2 the documents.

Of course, if there is something in the paperwork that makes you uneasy or screams at you please bring it to your supervisor's attention.

If you have any questions please let me know.

Amy Male
Licensing Administrator
New York State Liquor Authority
80 S Swan St Suite 900
Albany, NY 12210-8002
518-474-3114

EXHIBIT 15

From: Male, Amy (SLA)
Sent: Friday, October 17, 2014 4:22 PM
To: Sender, Barry (SLA); Becker, David (SLA); Cafiero, Kelly (SLA); Cappuccitti, Susan (SLA); Connors, Erin (SLA); Dygert, Elizabeth (SLA); Flasz, Joseph (SLA); Hotter, Michael (SLA); Johnson, Irma (SLA); Kennedy, Wendy (SLA); Klein, Peter (SLA); Male, Amy (SLA); Martin, James (SLA); Nicholson, Francis (SLA); Nobles, November (SLA); Pariag, Diwanti (SLA); Perrin, Gale (SLA); Pomeroy, Andrea (SLA); Shah, Parag (SLA); Stewart, Kaleena (SLA); Swint, Amy (SLA)
Cc: O'Brien, Kerri (SLA); Herrera, Juan (SLA)
Subject: Self Certs and PQ's
Importance: High

We are changing procedures when it comes to Self Certs. From this date forward please review all personal questionnaires submitted with a self cert application.

Thank you,

Amy Male
Licensing Administrator
New York State Liquor Authority
80 S Swan St Suite 900
Albany, NY 12210-8002
518-474-3114

EXHIBIT 16



State Liquor Authority

ANDREW M. CUOMO
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

May 6, 2021

Re: Self Certification - Serial # 1334279
Avenue A Gourmet LLC
202 Avenue A
New York, NY 10009

Dear Mr. :

Please be advised that the above captioned application is not being accepted into the self certification program. The following documents and/or information were incomplete or not supplied:

Certification of Retail Application for Liquor License questions:

Question #6 asks if the documents with respect to financing have been reviewed by the attorney and do they confirm the sources of funding set forth in the application? This was answered yes; however, the applicant noted that the entire \$230,000 was borrowed for which no loan document was provided.

The attorney signature section on page three (3) of the self-certification form was not fully completed.

Required documents either not submitted or incorrectly submitted with the original filing of the application:

The United States Passport Card submitted for Eli : expired on August 3, 2020. A valid citizenship document is required.

During the self-certification process the Authority is relying upon the Attorney that all required and correct documentation will be provided with the initial filing of the application for a quicker review. If the self certified application is not complete or documents are not correct it is up to the Attorney to indicate to the Authority what documents need corrections or have not been submitted. This was not done on this self certification form.

If the above-mentioned documents had not been discovered during the review process, the license for the above captioned premises might have been issued without correct statutorily required information.

This application will be reviewed under the normal time frame. You will be receiving a deficiency letter from your examiner detailing the information that is required to continue processing your application.

Respectfully,
State Liquor Authority

A handwritten signature in cursive script that reads "Amy Male".

Amy Male
Licensing Administrator

cc:



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

DEFICIENCY LETTER

DATE: April 14, 2021

Response Due Date: 05/05/2021

Sadguru Inc.
DBA: Veeray Da Dhaba
222 1st Avenue
New York, NY 10009

Serial# 1334435

Based on a review of your application, the following deficiencies have been identified and can be found below. You must provide a response, to correct **ALL DEFICIENCIES**, within **fifteen (15) business days** from the date of this notice. Failure to do so is grounds for **disapproval** of the application and any associated Temporary Retail Permits. Please address the following:

LICENSE APPLICATION FORM

- Question #9. A review of the social security number listed for Hemant is not same social security number we have on-file in our database records. Please contact Mr. and provide a revised License Application form disclosing his correct social security number in the box provided for Question #9 for review.

PERSONAL QUESTIONNAIRE FORM- HEMANT MATHUR

- Question #1. A review of the social security number listed for Hemant is not same social security number we have on-file in our database records. Please contact Mr. and provide a revised Personal Questionnaire form disclosing his correct social security number in the box provided for Question #1 for review.
- Question #5D. Please submit an amended form disclosing "yes" along with listing in the boxes provided all information detailing the previous liquor licenses held by Hemant in NYS for review.

PROOF OF MAILING OF 30-DAY NOTICE

- Question #1A. Response given in the 30-day to Manhattan Community Board #3 states the notification was sent certified mail with return receipt requested; however, a copy of the mailing proof was not enclosed with the application. Please submit with the deficiency responses a copy of the proof of mailing for review.

In addition to any deficiency that needs to be resolved, below are items the applicant is required to submit to the Authority. If any of these items are currently available, please submit them with the deficiencies identified above. If items are not currently available, the applicant must submit them prior to a license being issued. The following items will be listed as Conditions of Approval:

- **Workers' Compensation and Disability Carrier Names and Policy Numbers**
- **Bond Rider to amend the expiration date to read 2023**
- **Notice of Publication for premise address: 222 1st Avenue, New York, NY 10009**
- **Certificate of Assumed Name for DBA Name: Veeray Da Dhaba**
- **Certificate of Occupancy for premise address: 222 1st Avenue, New York, NY 10009**
- **Color photos showing all areas of the premises open and ready to operate**

Please send an e-mail response, with the applicant serial number in the subject line to:

deficiency.resolution@sla.ny.gov

Sending items separately may cause a delay in the review process. Additionally, failing to comply with this notice, by the response due date, may prevent a reconsideration request from being granted.

If you have any questions regarding this letter, please call 518-474-3114.

CC:



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

GREELEY FORD
Commissioner

DEFICIENCY LETTER

April 21, 2021

Response Due Date:

Junoon NYC LLC
19 West 24th Street
New York, NY 10010

Serial #1334223

Based on a review of your application, the following deficiencies have been identified and can be found below. You must provide a response, to correct **ALL DEFICIENCIES**, within **fifteen (15) business days** from the date of this notice. Failure to do so is grounds for **disapproval** of the application and any associated Temporary Retail Permits. Please address the following:

PERSONAL QUESTIONNAIRE:

Our records indicate Rajesh currently holds a license to traffic in alcoholic beverages. List all current license history under question #5c.

Rajesh indicted a conviction under question #6b. However, question #10 of the self-certification was answered "No" as to whether the principals or applicant has had a conviction. Please explain.

In addition to any deficiency that needs to be resolved, below are items the applicant is required to submit to the Authority. If any of these items are currently available, please submit them with the deficiencies identified above. If items are not currently available, the applicant must submit them prior to a license being issued. The following items will be listed as Conditions of Approval:

- Notice of Publication*
- Business Telephone Number*
- Certificate of Assumed Name*
- Certificate of Authority to Collect Sales Tax*
- Sidewalk Café Permit*
- Statement affirming No transfer of alcoholic beverages*

cc: