



**KATHY HOCHUL**  
Governor

**LILY M. FAN**  
Commissioner

**VINCENT G. BRADLEY**  
Chairman

**GREELEY FORD**  
Commissioner

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DELEGATION OF POWER

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Delegation of Power with respect to Licensing Board

Agenda #2022-00211

Pursuant to Section 17 of the Alcoholic Beverage Control Law (“ABCL”), the Members of the State Liquor Authority hereby delegate the following powers to the following employees of the Authority, collectively known as the Licensing Board:

- The power to act on any license, permit or renewal application statewide: Executive Deputy Commissioner; and Deputy Commissioner of Licensing.
- The power to act on any license, permit or renewal application statewide that has no opposition or no complex or controversial issues: Employees within the Licensing Bureau in the Licensing Examiner 4; Licensing Examiner 3; Licensing Examiner 2; and Office Assistant 3 titles.
- The power to issue a “Twenty Day Temporary Letter” allowing an applicant who has been conditionally approved and is awaiting issuance of the license certificate to operate under the privileges of that license: 1) when the only conditions of approval that have not been submitted to the Authority are: Certificate of Authority, Workers’ Compensation & Disability Insurance, Newspaper Affidavit, photos showing the applicant is ready to open and operate and/or surrender of the current license in effect: or 2) for good cause shown: Chairman of the Authority; Executive Deputy Commissioner; Deputy Commissioner of Licensing; and employees within the Licensing Bureau in the Licensing Examiner 4 title.
- The power to authorize the issuance of a miscellaneous permit under ABCL §99-b(1)(k) when the facts supporting the need for such a permit are not likely to reoccur: Executive Deputy Commissioner; and Deputy Commissioner of Licensing.
- The power to grant an extension of time, consistent with advisories issued by the Members of the Authority, to an applicant to comply with the conditions of approval of an application: Chairman of the Authority; Executive Deputy Commissioner; Deputy Commissioner of Licensing; employees within the Licensing Bureau in the Licensing Examiner 4 title; and such other employees within the Licensing Bureau as designated in writing by the Deputy Commissioner of Licensing.

- The power to act on all types of permit applications statewide: such other employees within the Licensing Bureau as designated in writing by the Deputy Commissioner of Licensing.
- The power to act on Temporary Retail Permit and Liquidation Permit applications: such other employees within the Licensing Bureau as designated in writing by the Deputy Commissioner of Licensing.
- The power to act on any renewal application that has no opposition or no complex or controversial issue: such other employees within the Licensing Bureau as designated in writing by the Deputy Commissioner of Licensing.

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Notwithstanding the aforesaid delegation of powers, the following licensing matters must be presented to the Members of the Authority for consideration unless there is a statutory provision requiring the disapproval of the application by the Licensing Board:

- All new (non-transfer) package store license applications.
- All package store removal applications unless all three of the following apply:
  - 1) There is no change in the four closest stores;
  - 2) The new location is:
    - (a) In New York City and is no more than 400 feet from the current location; or
    - (b) In Nassau County and is no more than 1,500 feet from the current location; or
    - (c) Outside of New York City/Nassau County and is no more than one-half mile from the current location; and
  - 3) The licensee's total square footage is not increasing more than 25% from the current premises.
- All package store alteration applications when the licensee's total square footage is increasing by more than 25%.
- Applications where an application filed by the applicant or for the location has been disapproved for cause within the last 2 years.
- Applications for a location where the prior license was revoked or cancelled must be forwarded to the Full Board. The following are exceptions where the Licensing Board may act in these situations:
  - 1) The prior license was cancelled and there is nothing in the record to show a connection between the prior licensee and the applicant;
  - 2) The prior license was revoked and there is nothing in the record to show a connection to the applicant and there is no "public convenience and advantage" or "focal point" issue involved;
  - 3) The application is subject to the 500 Foot Law, there are no objections and the Administrative Law Judge conducting the 500' Hearing determines that the applicant has demonstrated public interest;

- 4) An application where the prior license was cancelled or revoked, and that penalty was based solely on the prior licensee having been a prohibited person by revocation; or
  - 5) The prior license was cancelled due to non-payment of a civil penalty and no other complex or controversial issues exist.
- Applications where the Full Board has: issued an emergency summary order of suspension or a STOP on the proposed licensed premises within the last five years; or directed a STOP on the applicant.
  - Applications involving questions of eligibility of the applicant (citizenship, conviction record, police officer, etc.)
  - Reconsiderations of Licensing Board determinations disapproving an application when a Member of the Authority has determined that reconsideration is warranted by the Full Board.
  - Reconsiderations of prior Full Board licensing determinations.
  - Applications where a protest to an application has been received from a governmental/elected official, police agency or municipality.
  - Applications for on-premises licenses in the Village of Spring Valley, Rockland County.
  - A request by an applicant who has been conditionally approved for an extension of time to comply with the conditions of approval when such applicant has exhausted the extensions that may be issued by the Licensing Board.
  - All other applications which, in the judgment of the Deputy Commissioner of Licensing, involve unusual, complex matters or those involving the public interest.

This delegation of power shall be effective immediately and replace all prior delegations of power with respect to action on licensing applications.

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This matter was heard and determined by the Members of the Authority at a Full Board meeting held on January 19, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan and Commissioner Greeley Ford. The above written delegation of power was approved by the Members of the Authority on January 19, 2022.

Dated: 1/20/22



Donald Roper  
Secretary to the Authority