



KATHY HOCHUL
Governor

VINCENT G. BRADLEY
Chairman

LILY M. FAN
Commissioner

ADVISORY #2023-2

Subject: Surrender of licenses – disputes between licensee’s principals

Recently, the State Liquor Authority (“SLA”) has dealt with several situations where one of the licensee’s principals of record has surrendered the license certificate and subsequently a second principal claims that the first principal was not authorized to surrender the license.

The SLA will not become involved in disputes between a licensee’s principals (or other parties) as to whether a principal was authorized to surrender the license certificate. The following individuals will be deemed to be authorized to surrender the license:

- For a license issued to an individual, the individual.
- For a license issued to a partnership, any individual who is a partner or any individual who has been listed as an officer of the partnership.
- For a license issued to a corporation, any individual listed as an officer of the corporation.
- For a license issued to a limited liability company, any individual listed as a managing member, or a non-member manager/officer of the limited liability company. If there is no such individual listed, then any individual listed as a member of the limited liability company.
- For a license issued to a club, the individual listed as the ABC Officer.

Please note that if the parties are engaged in litigation regarding the licensed business, a court order addressing the status of the license is ineffective with respect to the SLA unless the agency was named as a party in the litigation.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on January 4, 2023 before Chairman Vincent Bradley and Commissioner Lily Fan. The above written advisory was approved by the Members of the Authority on January 4, 2023.

Dated: 01/06/23

Donald Roper
Secretary to the Authority