
DECLARATORY RULING

828 / 850 Madison Avenue Members' Club, Inc.

Agenda # 2022-01385

Introduction

Applicant 828 / 850 Madison Avenue Members' Club, Inc. ("Applicant") is a not-for-profit corporation which intends to apply for a club liquor (CL) license to operate a private members club at 840 Madison Avenue in Manhattan under the trade name "Maxime's". The Members of the Authority are in receipt of a request from applicant for a Declaratory Ruling as to whether the Alcoholic Beverage Control Law ("ABCL") would allow it to operate with a proposed method of operation including storage of club member's personally owned bottles of wine on the licensed premises.

Under the facts presented to the Authority, applicant would both sell bottles of wine to their club members for on-premises consumption via the usual Three Tier System distribution channels and also allow club members to bring their own personally owned wine bottles to the licensed premises for either consumption immediately on the premises or for storage on the premises for later consumption.

Question Presented

Is a not-for-profit corporation allowed to operate a club license with a method of operation including storage of club members' personally owned wine for consumption on the premises at a later time?

Determination of the Members

The Authority has longstanding policy allowing patrons of on-premises licensees including club licensees to bring their own alcoholic beverages ("BYOB") to be consumed on the licensed premises with the caveat that alcoholic beverage type must be covered under the establishment's license. For example, a customer cannot bring liquor into a restaurant that is only licensed for wine and beer.

In this case, applicant seeks to ensure that its club members may store their personally owned bottles of wine at the licensed premises without the club running afoul of the ABCL. The Members of the Authority find that as long as club members are not allowed to leave the licensed premises with their wine bottles that they have stored at the club, there is no prohibition in the ABCL prohibiting not-for-profit corporations from operating club licenses with a method of operation including storage of club members' personally owned alcoholic beverages for later on-premises consumption.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on September 14, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greely Ford. The above written ruling was approved by Chair Fan on behalf of the Members on October 23, 2024.



**Liquor
Authority**

KATHY HOCHUL
Governor

LILY M. FAN
Chair

Dated: 10/23/24

A handwritten signature in black ink, appearing to read "Donald Roper".

Donald Roper
Secretary to the Authority