

New York State Liquor Authority

Commission to Reform the Alcoholic Beverage Control Law

Commission Meeting #2

Briefing Material – Policy Research

Topic – 5: “Amendments to the law, increases in resources available for administering existing laws and rules, and new state liquor authority practices that would lessen processing times for the issuance of licenses, license renewals, and permit applications”

Adam Clayton Powell, Jr. State Office Building

163 West 125th Street

New York, NY 10027

November 16, 2022

Commission Meeting #2

Agenda Topic – 5

State	Control State or License State	Population	Funding Level for Current Year	FTE's	# of Current Active Licenses	Average # of License Applications Processed per Year
Arizona	License	7,151,502	\$8,014,000	54	17,000	16,250
California	License	39,538,223	\$92,000,000	519	93,000	11,000
Colorado	License	5,773,714	\$5,836,718	63.7	17,487	13,016
Hawaii - County	License	1,455,271	\$2,000,000	18	400	50
Hawaii - Kauai	License	73,298	See additional information	8	217	10 - 12
Illinois	License	12,801,989	\$11,500,000	49	31,404	Data not available
Indiana	License	6,785,528	\$12,000,000	105	15,000	15,000
Iowa	Control	3,271,616	\$1,075,000	61	11,804	14,576
Kansas	License	2,937,880	\$2,800,000	42	6,223	4,400
Kentucky	License	4,505,836	\$7,161,300	54	19,416	14,000
Maryland	License	6,177,224	\$5,312,492	31	7,400	3,000
Massachusetts	License	7,029,917	\$5,100,000	39	35,000	39,000
Michigan	Control	10,077,331	\$22,201,500	145	41,511	5,500
Montana	Control	1,084,225	\$1,268,105	16	6,000	1,290
New York	License	19,850,000	\$15,711,000	153	50,256	14,500
New Mexico	License	2,117,522	\$1,400,000	15	71,900	26,725
North Dakota	License	779,094	Data not available	Data not available	2,365	Data not available
Oregon	Control	4,237,256	\$142,300,000	390	16,620	1,957
Pennsylvania	Control	13,002,700	\$2,500,000,000	7,000	20,000	87,000
South Dakota	License	886,667	\$5,600,000	69	6,115	6,115
Tennessee	License	6,910,840	\$9,869,000	90	38,870	38,870
Texas	License	29,145,505	\$50,624,627	640	70,000	66,000
Vermont	Control	643,077	See additional information	71	7,536	4,767
Virginia	Control	8,631,393	See additional information	4,813	20,148	See additional information
Washington	License	7,705,281	\$49,900,000	288	35,416	3,000
Wisconsin	License	5,893,718	No response provided	No response provided	No response provided	No response provided
Wyoming	Control	576,851	\$143,297,388	51	1428	2,600

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Agenda Topic – 5

State	Funding Level for Current Year Additional Information	FTE's Additional Information	# of Current Active Licenses Additional Information	Average # of License Applications Processed per Year Additional Information
Arizona	\$8.014 mil plus \$3.5 mil one time expenditure for agency renovation.		14,000 plus 3,000 special event licenses	15,000 to 17,500 per year
California		Authorized for 519 Fulltime positions		
Colorado	\$5,836,718.00 (inclusive of personnel and operating budgets). The Division is cash funded.	Fully staffed, the Liquor & Tobacco Enforcement Division (LED or Division) has a total of 63.7 FTE. 9 FTE in the Administration section, 39 in the Enforcement section (divided in three (3) field offices throughout the State), and 15.7 FTE in the Licensing section. As this time (September 2022) there are 22 vacant FTE positions, mainly in the Enforcement section.	The LED currently serves approximately 17,487 liquor licensees and 4,201 tobacco licensees. Services for active licenses include, but are not limited to, renewal applications, temporary and permanent modifications of premises (569 processed in FY22), festival permits, special event permits, delivery and takeout & delivery permits (723 issued in FY22), report of changes including location and business/trade name changes, addition of storage and/or warehouse permits, salerooms, applications and renewals (446 renewed in FY22), and surrender licenses.	The Licensing section processed 1,406 new liquor licenses applications and issued 11,610 liquor license renewals during FY22. In addition to liquor licenses, the Division issued 3,785 new tobacco licenses and renewed 717 tobacco licenses during FY22. It is important to note that the tobacco licensing program is new to the Division (tobacco licenses are required by the State as of July 1, 2022), so the count of new tobacco licenses issued each year will most likely decrease overtime, increasing the count of yearly tobacco license renewals processed annually.
Hawaii - County	Approximately \$2.0 million			
Hawaii - Kauai	Our funding comes from a percentage of Gross Sales reported from our licensees.			
Illinois			31,404 to date	Unknown
Indiana	Our annual budget is around \$12 million. We are a dedicated fund agency and do not receive anything from Indiana's General Fund.	The Indiana ATC has ~35 civilian staff, and then another 70 Excise Police Officers.	Indiana has ~15,000 facility licenses.	Most of those 15,000 permits are renewed annually.
Iowa	ABD receives a General Fund appropriation of \$1,075,000 from the Iowa legislature. Beyond this funding, we do not receive any additional funding in this area. We are however self funded based on our liquor sales and license fees as the two primary revenue sources with income from other miscellaneous sources. The total operating and non operating revenue for FY22 was \$470,861,335. It should also be noted that we pay all operational expenses first then transfer back any additional revenue to the State of Iowa General Fund.			
Kansas	Our FY23 budget allocation has not been finalized. The FY22 budget was \$2.8 million.			Roughly 4,400 annually.

Commission Meeting #2
Agenda Topic – 5

<i>State</i>	<i>Funding Level for Current Year Additional Information</i>	<i>FTE's Additional Information</i>	<i># of Current Active Licenses Additional Information</i>	<i>Average # of License Applications Processed per Year Additional Information</i>
<i>Kentucky</i>				2022-YTD-11,051 applications; 2021 after data migration (6-24-2021) and until 12-31-2021 7,573 applications. I can't pull the numbers from before we changed systems. So, from these numbers/trends, I would imagine about 14,000 per year.
<i>Maryland</i>	5,312,492.00 - total budget amount FY23.	Eff. 10/19/2022 - 31 employees	Licenses & Permits	Licenses & Permits 3,000
<i>Massachusetts</i>				4,000 applications + renewals of 35,000= 39,000 Total
<i>Michigan</i>				
<i>Montana</i>				
<i>New Mexico</i>			Approximately 2,800 liquor establishments, 2,100 non-resident and direct ship permits, and 67,000 server permits.	Approximately 500 applications for various types of transactions for in-state, 225 non-resident and direct ship permits and 26,000 new and renewed server permits.
<i>New York</i>				
<i>North Dakota</i>	Data not available	Data not available	1,169 Supplier, 28 Wholesales; 1,168 Direct Shippers (619 out-of-state Manufacturers, and 549 out-of-state Retailers)	Data not available
<i>Oregon</i>	Funding for liquor regulation totals \$142.3 million for the fiscal year 2023 (7/1/22-6/30/23). Funding for cannabis regulation, capital construction, and debt service is not included in this liquor regulation funding amount.		16,620 alcohol licenses	1,957 new or change of location applications processed annually, in addition to renewals, or change of privilege actions.
<i>Pennsylvania</i>	As a revenue generating agency, the PLCB is self-funded via the wholesale and retail of wines and spirits. Our budget for the current fiscal year is \$2.5B which included operating costs and product.	Between store and administrative positions, the PLCB has just over 7,000 positions as part of its compliment. Not all those positions are currently filled.	PA has over 20,000 retail, manufacturing, distributing and importing licensees.	Last fiscal year, the PLCB received and processed over 87,000 applications.
<i>South Dakota</i>	Approximately \$5.6 million. This is for the entire Business Tax Division which administers sales/use tax, contractor's excise tax, bank franchise tax, energy mineral severance tax, precious metal severance tax, cigarette/other tobacco products excise tax, as well as taxation, licensing, and regulation of alcoholic beverages.	Approximately 69. It is estimated that fewer than three FTE are utilized for taxation, licensing, and regulation of alcoholic beverages.		Every license is renewed annually.
<i>Tennessee</i>		31 administrative and licensing, 56 law enforcement, 3 part time commissioner	8,870 yearly licenses/30,000 employment permits (Servers, wholesaler reps, etc..)	8,870 yearly licenses/30,000 employment permits (Servers, wholesaler reps, etc..)

Commission Meeting #2

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State	Funding Level for Current Year Additional Information	FTE's Additional Information	# of Current Active Licenses Additional Information	Average # of License Applications Processed per Year Additional Information
<i>Texas</i>	<i>\$50,624,627 for FY2023 (September 2022- August 2023)</i>	<i>640 FTE cap with more than 100 vacant positions</i>		<i>55,000; approximately 10,000-12,000 original applications issued annually</i>
<i>Vermont</i>	<i>The budget is still currently under review.</i>	<i>71 FTE, 5 Vacancies</i>		
<i>Virginia</i>	<p><i>For Topic #1, our annual report should contain most of the answers. Our FY22 annual report (for period ending June 2022) should be out by December, so I've attached the link to FY21</i></p> <p><i>**Note: Funding level and Average # of License Applications for the current year was not located in the link to their 2021 annual report</i></p>	<p>4,813 as of June 30, 2021</p> <ul style="list-style-type: none"> • Full-time salary employees 1,299 • Wage employees 3,514 • Full-time salary hired 229 • Wage employees hired 3,488 <p><i>(Source: page 32 Annual Report)</i></p>	<p>Retail Licenses Granted 20,148</p> <ul style="list-style-type: none"> • New retail, wholesale and special-permit licenses 1,937 • Licensed retail establishments 19,192 • Private or corporate owners 14,809 • One-day banquet and special-event licenses 9,832 <p><i>(Source: page 30 Annual Report)</i></p>	<p>https://www.abc.virginia.gov/library/about/pdfs/2021-annual-report-final-web-res.pdf</p>
<i>Washington</i>	<i>Liquor only FY23 appropriation - \$49.9 million</i>	<i>Liquor only FY23</i>	<i>35,416 liquor licenses</i>	<i>On average, we issue between 2,500 and 3,000 new liquor licenses each year. In addition, we process approximately 1,100 liquor license change requests each year.</i>
<i>Wisconsin</i>	<i>No response provided</i>	<i>Wisconsin does not have a separate agency for the purpose of enforcing liquor laws and collecting liquor taxes. It is all part of the Wisconsin Department of Revenue.</i>	<i>are you asking about retail licenses? Those are issued by the municipality where the business is located.</i>	<i>No response provided</i>
<i>Wyoming</i>			<i>1,428 retail</i>	<i>2,600-New, Transfer and Renewal.</i>

New York State Liquor Authority

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Briefing Material – Advisories

Topic – 5: “Amendments to the law, increases in resources available for administering existing laws and rules, and new state liquor authority practices that would lessen processing times for the issuance of licenses, license renewals, and permit applications”

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November 16, 2022



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ADVISORY #2022-6

Subject: Submission of fingerprints

The Alcoholic Beverage Control Law [ABCL §110(1)(i)] requires the submission of the fingerprints of the applicant's principals. The Members of the Authority are aware of situations where, through no fault of the applicant, fingerprints of one or more of its principals cannot be submitted.

To address this situation, the Authority will be exercising its power [ABCL §110(6)] to waive the submission of fingerprints for a principal of any applicant if the applicant can demonstrate good cause to the Licensing Board why the fingerprints cannot be submitted. Good cause shall include but shall not be limited to: 1) physical impairment that prevents the principal from providing fingerprints; and 2) the inability, despite reasonable efforts, for the principal to be fingerprinted within a reasonable time.

If a waiver is given to an applicant, the applicant must submit an affidavit signed by the principal stating that the principal: 1) has never been convicted of a criminal offense classified as a felony in this state; 2) has never been convicted of a criminal offense in any other state, district or territory of the United States that is classified therein as a felony and would, if committed in this state, would constitute a felony in this state; and 3) is not currently charged with a criminal offense in this state or in any other state, district or territory of the United States.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on July 27, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on July 27, 2022.

Dated: 07/29/22

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

Donald Roper
Secretary to the Authority



**State Liquor
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ADVISORY #2022-8

Subject: Temporary permits for manufacturing license applicants

Recent legislation has made applicants for all manufacturing licenses eligible for temporary operating permits to operate while the manufacturing license is being reviewed. If the applicant is also applying for an on-premises license in or adjacent to the manufacturing premises, the applicant (if it meets all other requirements for the permit) can also obtain a temporary retail permit to exercise the retail privileges while the on-premises license application is being reviewed.

There is no temporary permit available to operate a manufacturer's branch office while the branch office application is pending. An applicant applying for an on-premises license in or adjacent to the branch office cannot obtain a temporary retail permit until the branch office permit is approved and issued.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on August 31, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on August 31, 2022.

Dated: 09/01/22

Donald Roper
Secretary to the Authority



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ADVISORY #2022-11

Subject: Statement of Area Plan

This form will only be required from applicants seeking an on-premises liquor, off-premises liquor, or off-premises wine license. Applicants are reminded that they should disclose any school or place of worship that may be within a 300 foot radius of the applicant's premises even if the applicant takes the position that: 1) the premises is not on the same street as the school or place of worship; 2) the building is not exclusively occupied by the school or place of worship; or 3) the premises has been licensed continuously since a time before the building was used as a school or place of worship.

If the applicant's position is that the building is not exclusively occupied by the school or place of worship or that the premises has been licensed continuously since a time before the building was used as a school or place of worship, it should submit supporting documentation with the application.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on August 31, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on August 31, 2022.

Dated: 09/01/22

Donald Roper
Secretary to the Authority



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ADVISORY #2022-12

Subject: List of Expenses & Financial Disclosure

The Financial Disclosure form must be submitted by all applicants. That form must list all expenses already incurred and those the applicant expects to incur to start the business and the sources of the funds to pay those expenses.

1. Expenses (actual or estimated): this section should include all expenses that the applicant has paid, or reasonably expects to pay to open the business.
 - a. Real Property: this section should be completed if the applicant is purchasing the property (not just the business).
 - b. Purchase/Contract Price of Business: this section should include the cost (if any) of purchasing the business and any funds paid or to be paid toward the lease of the property to open the business.
 - c. Renovations/Improvement Costs: this section should include costs related to improving the physical premises.
 - d. Miscellaneous: this includes, but is not limited to, the cost of inventory, required licenses and permits and fees for representation related to the purchase of the business, obtaining required licenses and permits, etc.
2. Cash: this section should include all funds being used toward the expenses that is not being borrowed. This includes "cash on hand" and any funds gifted to the applicant or the applicant's principal(s).
3. Borrowed: this section should include all funds being used toward the expenses that must be repaid. This includes loans, mortgages, lines of credit, promissory notes and credit card advances.

The Authority will no longer be requiring bank statements and related documentation from all applicants. After reviewing the Financial Disclosure form, the Authority reserves the right to request additional documentation to verify the source of the funds being invested.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on August 31, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on August 31, 2022.

Dated: 09/01/22

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Donald Roper
Secretary to the Authority



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ADVISORY #2022-13

Subject: Personal Questionnaires and disclosure of principals in license applications

Section 110 of the Alcoholic Beverage Control Law lists the information that must be included with an application to obtain a license. That section also allows the Authority to require additional information or waive the submission of certain categories of information. The Authority is undertaking a review of the application process to eliminate the submission of information that is not critical to the review and determination of the application.

The Authority is modifying the information that must be submitted regarding the principals of the applicant. This advisory explains the information that will now be required for both the original application and any applications made to obtain approval of changes to the principals of the licensed entity. The guidance provided in this advisory will apply to all pending applications as well as applications submitted after the advisory is issued.

Individuals

For an individual applying for a license in their own name, the second page of the application form must list the name, residential address, social security number and date of birth of the individual. The individual must also submit a Personal Questionnaire.

Partnerships

For a partnership applying for a license, the second page of the application form must list the name, residential address, social security number and date of birth of any individual who is a partner. The individual must also submit a Personal Questionnaire.

If one of the partners is another partnership, or a corporation, or limited liability company, the application form must list that partnership, corporation, or limited liability company and the name, residential address, social security number and date of birth of any individual who owns (directly or indirectly) 10% of that partnership, corporation, or limited liability company. Any individual listed must also submit a Personal Questionnaire.

Corporations (For-Profit)

For a corporation applying for a license, the second page of the application form must list the name, residential address, social security number and date of birth of the individuals who hold the following titles (or their equivalent): president; treasurer; secretary; and chief executive officer (if any). Any individual listed must also submit a Personal Questionnaire.

In addition, the form must list the name, residential address, social security number and date of birth of any individual who directly (as a stockholder of the applicant corporation) owns 10% or more of the applicant corporation. Individuals owning less than 10% of the corporation, regardless of the number of individual owners, do not have to be listed. Any individual listed must also submit a Personal Questionnaire.

If one of the stockholders of the applicant corporation is a partnership, or a corporation, or limited liability company, the application form must list that partnership, corporation, or limited liability company and the name, residential address, social security number and date of birth of any individual who, through their ownership of that partnership, corporation, or limited liability company, owns 10% or more of the applicant corporation. Any individual listed must also submit a Personal Questionnaire. Please refer to the "Holding Company" section below for further information on this requirement.

Limited Liability Companies

For a limited liability company applying for a license, the second page of the application form must list the name, residential address, social security number and date of birth of the individuals who are Managing Members of the applicant LLC. Any individual listed must also submit a Personal Questionnaire.

In addition, the form must list the name, residential address, social security number and date of birth of any individual who is a Member of the LLC and owns 10% or more of the applicant corporation. Individual Members owning less than 10% of applicant LLC, regardless of the number of individual Members, do not have to be listed. Any individual listed must also submit a Personal Questionnaire.

If one of the Members of the applicant LLC is a partnership, or a corporation, or limited liability company, the application form must list that partnership, corporation, or limited liability company and the name, residential address, social security number and date of birth of any individual who, through their ownership of that partnership, corporation, or limited liability company, owns 10% or more of the applicant corporation. Any individual listed must also submit a Personal Questionnaire. Please refer to the "Holding Company" section below for further information on this requirement.

Corporations (Non-Profit)

For a non-profit corporation applying for a license, the second page of the application form must list the name, residential address, social security number and date of birth of the individuals who

hold the following titles (or their equivalent): president; treasurer; secretary; and chief executive officer (if any). Any individual listed must also submit a Personal Questionnaire.

If the non-profit is only applying for a club license, the second page of the application form must list the name, residential address, social security number and date of birth of the individual serving as the Alcoholic Beverage Officer. The individual must also submit a Personal Questionnaire.

Trust

For a trust applying for a license, the second page of the application form must list the name, residential address, social security number and date of birth of the individuals who serving as trustees. The individual must also submit a Personal Questionnaire.

Co-Licensee

In some instances, the Authority will require an entity to be included on the license as a “co-licensee.” Examples of co-licensees are managers and other third-party providers that are entitled to more than 10% of the applicant’s revenues. The “co-licensee” will be subject to the disclosure requirement for the co-licensee’s type of entity. For example, if the co-licensee is a limited liability company, the provisions above for a limited liability company must be followed.

Holding Company

For a partnership, a corporation or limited liability company, if the structure includes holding companies, the applicant must include a diagram showing the ownership structure. As noted above, the Authority will require the identification and a Personal Questionnaire of all individuals who, through the ownership structure, own 10% or more of the applicant.

As an example:

- The applicant is a corporation with four individual stockholders (“A”, “B”, “C” & “D”) and one limited liability company (“E”) as a stockholder.
- The percentage of ownership of the applicant corporation is:
 - Individual “A” owns 15%
 - Individual “B” owns 15%
 - Individual “C” owns 5%
 - Individual “D” owns 5%
 - LLC “E” owns 60%, “E” is owned entirely by one individual, “F”

Under this example, “A” & “B” must be listed on the second page of the application form and submit Personal Questionnaires since they are individuals who each directly owns at least 10% of the applicant corporation. In addition, “F” must also be listed on the second page of the application form and submit a Personal Questionnaire since they indirectly own at least 10% of the applicant corporation.

Lender/Donor

Any individual who is providing, directly or indirectly (by gift or loan) 10% or more of the funds being invested in the proposed licensed business must submit a Personal Questionnaire.

Manager

Unless made a condition of the approval of the application, an applicant is not required to identify the manager of the premises and that individual is not required to submit a Personal Questionnaire.

Fingerprints

Fingerprints are required for any individual who must be named on the second page of the application form. For good cause, the Licensing Board can waive the submission of fingerprints.

Proof of Citizenship


The Personal Questionnaire requires the disclosure of the country of citizenship. The applicant will not be required to submit documentation to prove citizenship.

Tied-House and other license eligibility Issues

Applicants are reminded that the elimination of the need to disclose certain information in the application does not relieve the applicant from provisions of the Alcoholic Beverage Control Law that may prohibit a person from holding an interest in a license to traffic in alcoholic beverages.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on August 31, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on August 31, 2022.

Dated: 09/01/22


Donald Roper
Secretary to the Authority



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ADVISORY #2022-14

Subject: Diagrams for retail on-premises license applications

For retail on-premises license applications, the Authority will no longer require the diagrams to include the location of tables and chairs. The Authority will rely on the representations made by the applicant in the Establishment Questionnaire. Applicants are reminded that they must submit a diagram of the proposed licensed premises that includes and identifies the use of any rooms that will be included in the premises (dining area, kitchen, rest room, etc.), entrances/exits to the premises, as well as any stages and DJ booths. The diagram must also include any outdoor area that the applicant wants included in the licensed premises. A "block plot" diagram showing the area around the premises must also be submitted.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on August 31, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on August 31, 2022.

Dated: 09/01/22


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ADVISORY #2022-15

Subject: Certificates of Occupancy, Letters of No Objection and Public Assembly Permits

Section 110 of the Alcoholic Beverage Control Law lists the information that must be included with an application to obtain a license. That section also allows the Authority to require additional information or waive the submission of certain categories of information. The Authority is undertaking a review of the application process to eliminate the submission of information that is not critical to the review and determination of the application.

The Authority is modifying the information that must be submitted regarding the operation of the proposed business and the physical location of the proposed business. The guidance provided in this advisory will apply to all pending applications as well as applications submitted after the advisory is issued.

Certificate of Occupancy/ Letter of No Objection

Applicants no longer need to submit this document with the license application or (as explained in Advisory 2022-1) by the first renewal of the license. Applicants are reminded that the elimination of the need to submit this document does not eliminate their obligation to comply with local codes (building, fire, health, zoning, etc.) regarding the operation of their businesses. The granting of a State Liquor Authority license does not entitle the licensee to operate if it does not have a certificate of occupancy and the licensee's municipality requires a certificate of occupancy to operate the business. Retail on-premises licensees will continue to be subject to discipline under Section 48.3 of the Rules of the Authority for violations of local codes.

This advisory replaces and rescinds Advisory 2022-1.

Public Assembly Permit

Applicants for licenses no longer need to submit a Public Assembly permit for interior or exterior space included in the proposed licensed premises. Applicants are reminded that the elimination of the need to submit this document does not eliminate their obligation to comply with relevant state and local laws.

Applicants for special event permits (such as temporary beer and wine, catering permits, etc.) are still required to submit a Public Assembly permit or other proof that the use of unlicensed space for the event has been approved by the municipality.

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Dated: 09/01/22

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ADVISORY #2022-17


Subject: Landlord Identification Information form

The current Landlord Identification Information requires the applicant to provide the name, address, telephone number of its landlord as well as the names of the individual principals of the landlord. The applicant must also disclose whether any of those individuals hold (or previously held) a license and to identify such licenses. Finally, the applicant is required to disclose whether any of those individuals are police officers.

The Authority will no longer require the applicant to disclose the landlord's licensing history or require the applicant to disclose whether any of the landlord's principals are police officers. A revised form, eliminating those sections, will be made available by the Authority. Until the form is available, applicants may use the current form without completing those sections.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on August 31, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on August 31, 2022.

Dated: 09/26/22


Donald Roper
Secretary to the Authority



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ADVISORY #2022-18

Subject: Review of deeds/leases/other agreements and the Right-To-Premises form


The Authority will no longer be reviewing in detail the deed, lease, or other agreement that demonstrates that the applicant has control over the proposed licensed premises. While the document must still be submitted as part of the application, the Authority will rely on the representations made in a revised Right-To-Premises form.

The revised Right-To-Premises form requires applicants to identify the type of document that gives the applicant control over the premises. The form also requires the applicant to disclose whether any party to the deed, lease, or other agreement is entitled to a percentage of the applicant's revenues.

Applicants are reminded that they must comply with the Authority's guidance regarding third party providers if any agreement entitles another party to a percentage of the applicant's revenues. Applicants are also reminded that the Authority will rely on the representations made in the Right-To-Premises form and any false statements or misrepresentations in that form shall constitute good cause: to deny the application; and/or cancel or revoke the license.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on August 31, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on August 31, 2022.

Dated: 09/26/22


Donald Roper
Secretary to the Authority



KATHY HOCHUL
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2022-21

Subject: Review of 500 Foot Law hearing decisions


It has been the practice of the Licensing Board to forward to the Members of the Authority any application subject to the 500 Foot Law if the Administrative Law Judge (ALJ) found, after hearing, that the applicant failed to demonstrate that issuing the license is in the public interest. This referral is made even if there is not any opposition to the application.

In certain situations, an ALJ would have found in favor of the applicant but for the stated omission of information or documentation for the 500 Foot Law hearing. For example, an ALJ may note that the omission of a signed agreement with the municipality regarding the operation of the premises resulted in a decision that is not favorable to the applicant.

Going forward, if the ALJ states that the omission of specified information or documentation resulted in such an unfavorable decision, if such information or documentation is subsequently provided to the Licensing Bureau, the information or documentation will be forwarded to the Hearing Bureau Supervisor who may, in their discretion, find that the applicant has demonstrated that it would be in the public interest to issue the license. If there are no other issues requiring review by the Members of the Authority, the Licensing Board can act on such application.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on August 31, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on August 31, 2022.

Dated: 09/26/22


Donald Roper
Secretary to the Authority



KATHY HOCHUL
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2022-22

Subject: Elimination of submission of certain documents/information in license applications

Section 110 of the Alcoholic Beverage Control Law lists the information that must be included with an application to obtain a license. That section also allows the Authority to require additional information or waive the submission of certain categories of information. The Authority is undertaking a review of the application process to eliminate the submission of information that is not critical to the review and determination of the application.

The Authority is modifying the information that must be submitted regarding the operation of the proposed business and the physical location of the proposed business. The guidance provided in this advisory will apply to all pending applications as well as applications submitted after the advisory is issued.

Proof of Workers' Compensation and Disability Insurance

Applicants no longer need to submit proof of Workers' Compensation or Disability Insurance either with the application or as a condition for the final approval of the application and issuance of the license certificate. Applicants are reminded that the elimination of the need to submit this proof does not eliminate their obligation to comply with relevant state and local laws.

Certificate of Authority to Collect Sales Tax

Applicants do not need to submit proof that they have a Certificate of Authority to Collect Sales Tax either with the application or as a condition for the final approval of the application and issuance of the license certificate. Applicants are again reminded that the elimination of the need to submit this proof does not eliminate their obligation to comply with relevant state and local laws.

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 Greeley Ford. The above written advisory was approved by the Members of the Authority on September 14, 2022.

Advisory #2022-22

Elimination of submission of certain documents/information in license applications

Page 2 of 2

Dated: 09/26/22

A handwritten signature in black ink, appearing to read "Donald Roper", with a stylized, flowing script.

Donald Roper
Secretary to the Authority



**State Liquor
Authority**

KATHY HOCHUL
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2022-24

Subject: Waiver of the restroom regulation

Section 48.4(d)(2) of the Rules of the Authority requires on-premises licensees “to provide separate sanitary facilities for both sexes.” The rule also provides that this requirement may be waived by the Authority “if there is a satisfactory showing that such facilities are in an area adjacent or proximate to the licensed premises and available to the patrons thereof.”

Waivers of this requirement may be granted, for good cause, by designated members of the Licensing Board regardless of the occupancy of the licensed premises. Such a request may be granted if the applicant demonstrates that: 1) there are sufficient restroom facilities in, adjacent to and within reasonable proximity to the licensed premises when considered in relation to the occupancy of the licensed premises; and 2) any such restroom facilities are available for use by patrons of the licensed premises.

In the discretion of the Licensing Board, a request for a waiver of this requirement may be referred to the Members of the Authority for determination.

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 Greeley Ford. The above written advisory was approved by the Members of the Authority on September 14, 2022.

Dated: 09/26/22

Donald Roper
Secretary to the Authority



**State Liquor
Authority**

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Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2022-25


SUBJECT: "One Day" trucking permits

Under the power granted by Alcoholic Beverage Control Law ("ABCL") §99-b(1)(k) to issue miscellaneous permits "in cases not expressly provided for" by the ABCL, when the Authority determines that the issuance of the permit is "appropriate and consistent with the purpose of" the ABCL, the Members of the Authority, through this advisory, hereby direct that the Authority's Licensing Board may issue a "one day" permit for a specific vehicle to transport alcoholic beverages to and/or from a location in this state. The permit certificate, identifying the vehicle and the effective date(s) and time(s) of the permit, shall be kept in the cab of the vehicle at all times that alcoholic beverages are transported in the vehicle.

A permit issued pursuant to this advisory shall be valid for a period not to exceed twenty-four consecutive hours. The cost for the permit shall be \$10 plus a \$5 filing fee. No more than twelve permits shall be issued in any consecutive twelve-month period to the person or for the same vehicle.

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 Greeley Ford. The above written advisory was approved by the Members of the Authority on September 14, 2022.

Dated: 09/26/22


Donald Roper
Secretary to the Authority

New York State Liquor Authority

Commission to Reform the Alcoholic Beverage Control Law

Commission Meeting #2

Briefing Material – Legislation

Topic – 5: “Amendments to the law, increases in resources available for administering existing laws and rules, and new state liquor authority practices that would lessen processing times for the issuance of licenses, license renewals, and permit applications”

Adam Clayton Powell, Jr. State Office Building

163 West 125th Street

New York, NY 10027

November 16, 2022

PART L of S8005 of 2022

Section 1. Section 110 of the alcoholic beverage control law is REPEALED and a new section 110 is added to read as follows:

§ 110. An application for a license issued under this chapter shall contain the following information or documentation:

1. The name, trade name, if any, business address, address of the proposed licensed premises, telephone number, email address and social security or federal employer identification number of the applicant.

2. The following information for each principal of the applicant:

(a) name;

(b) date and place of birth;

(c) permanent home address;

(d) telephone number and email address;

(e) social security number;

(f) residential address or addresses and employment history for the five years preceding the filing of the application;

(g) a list of any licenses to traffic in alcoholic beverages held or applied for by the individual;

(h) a statement as to whether the principal has a criminal conviction that would prohibit the individual from holding a license issued under this chapter;

(i) the street and number of the proposed licensed premises;

(j) drawings, including a floor plan, depicting the appearance of the interior or exterior of the proposed licensed premises as well as a plot map of the general area where the proposed licensed premises will be located;

(k) a statement that the location and layout of the premises to be licensed does not violate any requirement of this chapter or any local regulation relating to location and layout of licensed premises;

(l) a description of the type of establishment, including but not limited to a restaurant, hotel, tavern, or grocery store, to be operated at the premises which shall include, for on-premises licenses, such other information as may be required by the authority;

(m) for applications for on-premises licenses, a statement indicating whether the premises will have topless entertainment and/or exotic dancing, whether topless or otherwise, including, but not limited to, pole dancing and lap dancing, at the premises along with any other information required by the authority to identify the applicant's method of operation;

(n) a statement explaining how the applicant has control of the premises, either by: ownership of a fee interest; a lease; a management or other agreement giving the applicant control over the food and beverage operations at the premises; or a binding agreement to obtain such ownership, lease or agreement;

(o) a list of the funds being invested into the licensed business and the anticipated expenses to start the business;

(p) the name of any individual not listed in this subdivision who has a financial interest in the licensed business through a loan, gift of funds, percentage of revenue, etc.; and

(q) the fingerprints of the individuals named in this subdivision which shall be transmitted to the division of criminal justice services.

For purposes of this subdivision, principal means: if the applicant is an individual, that individual; if the applicant is a partnership, any individual owning, directly or indirectly, ten percent or more of the partnership; if the applicant is a corporation, the officers and directors of the corporation and any individual owning, directly or indirectly, ten percent or more of the corporation; if the applicant is a limited liability company, the managing members and any individual owning, directly or indirectly, ten percent or more of the limited liability company.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law; provided that any license application pending or filed with the authority on or after the effective date of this act shall be subject to section one of this act.