
Disciplinary Proceedings

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An investigation by the New York State Liquor Authority may include: (a) on-site inspections of a licensed establishment; (b) on-site undercover investigations by SLA Investigators and other law enforcement agencies; (c) a review of reports and investigations by other law enforcement and regulatory agencies; and (d) interviewing potential witnesses/complainants and collecting evidence of potential violations.

Information obtained is reviewed to determine if there is sufficient evidence to bring administrative charges against a licensee. A disciplinary proceeding is commenced by the issuance of a Notice of Pleading setting forth the alleged violations. The licensee may enter one of the following pleas; (1) Not Guilty; (2) No Contest; or (3) Conditional No Contest. If the licensee fails to respond, the matter is treated as a No Contest plea.

If a licensee pleads not guilty, a hearing date is scheduled with an Administrative Law Judge (ALJ). At the hearing, the SLA and the licensee may produce witnesses, cross-examine witnesses and submit evidence in support of their case. Findings are made by the ALJ and presented to the Members of the Authority. Again, the ALJ's findings are not final, only the Members of the Authority may make a final determination.

- If the licensee pleads No Contest, the case is sent directly to the Members of the Authority for final determination of the appropriate penalty.
- If the licensee submits a conditional no contest plea, the licensee's offer is forwarded to the Members of the Authority for final determination. If the offer is rejected by the Members, the matter is returned to Counsel's Office to schedule an administrative hearing.
- Each case brought to the Members of the Authority is examined on its individual merits. If a

disciplinary charge is sustained, the Members of the Authority may impose one or more of the following:

- License suspension, cancellation or revocation [ABCL § 17(3)];
- A monetary penalty, [ABCL § 17(3)];
- A bond forfeiture [ABCL § 112 and 9 NYCRR 81(3)];
- A two-year ban against the issuance of a license to any part of the building containing the revoked licensed premises [ABCL § 113(1)].

This complete ABC Law can be accessed at: [Laws of New York](#)

Disciplinary Penalty Definitions

- Revocation - terminates the license and bans the licensee from holding any liquor license for two years.
- Cancellation - terminates the license, but does not ban the licensee from applying for a license for two years.
- Suspension - prohibits consumption or sale of alcoholic beverages for a designated period.
- Civil penalty - monetary fine that may be levied against the licensee with or as an alternative to a revocation, cancellation, or suspension.
- Bond Claim - a claim made against the licensee's surety bond.
- Proscription - prohibits the issuance of a liquor license for any part of the licensed premises for two years. Can only be issued when a license is revoked.

- Summary Suspension - under the State Administrative Procedure Act, a State agency is authorized to summarily suspend a license when the agency finds that public health, safety, or welfare imperatively requires emergency action.