

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF JANUARY 5, 2016  
REFERRED FROM: SECRETARY'S OFFICE

2016-00092

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

LOCAL OPTIONS - 2015

(PROPOSED ADVISORY)

The Members of the Authority at their regular meeting held at the Zone I New York City office on JANUARY 5, 2016 determined:

## STATE OF NEW YORK LIQUOR AUTHORITY

SUBJECT: Local Options: List of Dry Towns and Partially Dry Towns

This advisory shall replace Advisory 2015-1, which is hereby rescinded in all respects.

This advisory brings the status of dry and partially dry towns, as a result of Local Option elections, current to the 2015 election year.

### Dry Towns:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Allegany	Caneadea	1986
Chautauqua	Clymer	1974
Cortland	Lapeer	1948
Oswego	Orwell	1998
Steuben	Fremont	1948
	Jasper	1999
Tioga	Berkshire	1998
Washington	Argyle	2000

Number of Towns totally dry: 8

### Partially Dry Towns:

1. Wet for On-Premises Consumption; Dry for Off-Premises Consumption:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Allegany	West Almond	1973

2. Wet for On-Premises Consumption at a year round hotel with a full service restaurant (which includes the sale of beer for off premises consumption) only; Dry in all other areas:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Delaware	Bovina	2007

3. Wet for Off-Premises Consumption; Dry for On-Premises Consumption:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Cortland	Harford	1997
Delaware	Franklin	2007
	Rathbone	1972
Tioga	Newark Valley	1973
Wayne	Butler	1981
	Rose	1978
Wyoming	Pike	1976
	Wethersfield	1966
Yates	Middlesex	1978

4. Wet for Off-Premises Consumption & Wet for On-Premises Sale by Hotel ONLY:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Tioga	Richford	1949
Wyoming	Orangeville	1975
Yates	Barrington	1967

5. Wet for On-Premises Consumption & Off-Premises Consumption; Dry for Special On-Premises Consumption:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Allegany	Rushford	1984
Cayuga	Sterling	1973
	Throop	1972
Chautauqua	North Harmony	1977
Delaware	Delhi	1977
	Walton	1965
Onondaga	Tully	1974
Otsego	Hartwick	1970
	Oneonta	1970
	Otego	1992
St. Lawrence	Lisbon	1973
Steuben	Caton	2014
	Prattsburg	1987
	Woodhull	2004
Wyoming	Castile	2002
	Middlebury	1982
Yates	Jerusalem	1968
	Starkey	1968

6. Wet for Off-Premises Consumption & Special On-Premises Consumption; Dry for On-Premises Consumption:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Tioga	Spencer	2003

7. Wet for On-Premises Consumption; Wet for Special On-Premises Consumption; Wet for Off-Premises Consumption; Wet for Farm Winery; Dry for On-Premises consumption of beer at race tracks and outdoor athletic fields and stadiums where admission fees are charged:

<u>County:</u>	<u>Towns:</u>	<u>Year on ballot:</u>
Wayne	Williamson	2004

8. Wet for Off-Premises Consumption (beer only - §54); Wet for On-Premises Consumption (beer & wine products only §§55 & 79-b); Dry in all other areas:

<u>County:</u>	<u>Towns:</u>	<u>Year on ballot:</u>
Chautauqua	Harmony	2006

9. Wet for Off-Premises Consumption; Wet for Special On-Premises Consumption (tavern); Wet for On-Premises Consumption of beer at race tracks and outdoor athletic fields and stadiums where admission fees are charged; Dry for On-Premises Consumption:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Cattaraugus	Freedom	2011

10. Dry for On-Premises Consumption of beer at race tracks and outdoor athletic fields and stadiums where admission fees are charged; Wet in all other areas:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Essex	Wilmington	2011

11. Dry for Off-Premises Consumption (beer only - §54); Wet for On-Premises Consumption; Dry in all other areas:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Sullivan	Neversink	2015

Number of Towns partially dry: 37

CERTIFICATE OF RESULT OF LOCAL OPTION ELECTION

TO: Office of the Secretary  
 New York State Liquor Authority  
 80 South Swan Street, Suite 900  
 Albany, New York 12210

I, Ann Prusinski, ~~XXXXXXXXXX~~ Commissioner of the  
(Name of Clerk) Clerk of the

County Board of Election, for the county of Sullivan  
(Name of County)

do hereby certify that the following is a true statement of the result and certificate of  
 determination on each of the several Local Option questions submitted to the voters of  
 the aforesaid Town/~~City~~ of NEVERSINK.

		Total YES	Total NO
Question 1	Shall a person be allowed to obtain a license to operate a tavern with a limited-service menu (sandwiches, salads, soups, etc.) which permits the tavern operator to sell alcoholic beverages for a customer to drink while the customer is within the tavern. In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?		
	ADOPTED <u>      </u> REJECTED <u>      </u> OTHER <u>      </u>	_____	_____
Question 2	Shall the operator of a full-service restaurant be allowed to obtain a license which permits the restaurant operator to sell alcoholic beverages for a customer to drink while the customer is within the restaurant? In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?	558	524
	ADOPTED <u>xxx</u> REJECTED <u>      </u> OTHER <u>      </u>	_____	_____
Question 3	Shall the operator of a year-round hotel with a full-service restaurant be allowed to obtain a license which permits the year-round hotel to sell alcoholic beverages for a customer to drink while the customer is within the hotel? In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?		
	ADOPTED <u>      </u> REJECTED <u>      </u> OTHER <u>      </u>	_____	_____

Question 4 Shall the operator of a summer hotel with a full-service restaurant, open for business only within the period from May first to October thirty-first in each year, be allowed to obtain a license which permits the summer hotel to sell alcoholic beverages for a customer to drink while the customer is within the hotel. In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?

ADOPTED \_\_\_\_\_ REJECTED \_\_\_\_\_ OTHER \_\_\_\_\_

\_\_\_\_\_

Question 5 Shall a person be allowed to obtain a license to operate a retail package liquor-and-wine or wine-without-liquor store, to sell "to go" unopened bottles of liquor or wine to a customer to be taken from the store for the customer to open and drink at another location (such as, for example, at his home)?

ADOPTED \_\_\_\_\_ REJECTED \_\_\_\_\_ OTHER \_\_\_\_\_

\_\_\_\_\_

Question 6 Shall the operator of a grocery store, drugstore or supply ship operating in the harbors of Lake Erie be allowed to obtain a license which permits the operator to sell "to go" unopened containers of beer (such as six-packs and kegs) and wine coolers with not more than 6% alcohol to a customer to be taken from the store for the customer to open and drink at another location (such as, for example, at his home)?

ADOPTED xxx REJECTED \_\_\_\_\_ OTHER \_\_\_\_\_

534

532

Question 7 Shall a person be allowed to obtain a license which permits the sale of beer for a patron's consumption while the patron is within a baseball park, racetrack, or other athletic field or stadium where admission fees are charged?

ADOPTED \_\_\_\_\_ REJECTED \_\_\_\_\_ OTHER \_\_\_\_\_

\_\_\_\_\_

Certified: 

Date: December 7, 2015

Title: Ann Prusinski/Commissioner

## STATE OF NEW YORK LIQUOR AUTHORITY

SUBJECT: Local Options: List of Dry Towns and Partially Dry Towns

This advisory shall replace Advisory 2014-4, which is hereby rescinded in all respects.

This advisory brings the status of dry and partially dry towns, as a result of Local Option elections, current to the 2014 election year.

### Dry Towns:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Allegany	Caneadea	1986
Chautauqua	Clymer	1974
Cortland	Lapeer	1948
Oswego	Orwell	1998
Steuben	Fremont	1948
	Jasper	1999
Sullivan	Neversink	2012
Tioga	Berkshire	1998
Washington	Argyle	2000

Number of Towns totally dry: 9

### Partially Dry Towns:

1. Wet for On-Premises Consumption; Dry for Off-Premises Consumption:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
Allegany	West Almond	1973

2. Wet for On-Premises Consumption at a year round hotel with a full service restaurant (which includes the sale of beer for off premises consumption) only; Dry in all other areas:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
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3. Wet for Off-Premises Consumption; Dry for On-Premises Consumption:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
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Delaware	Franklin	2007
	Rathbone	1972
Tioga	Newark Valley	1973
Wayne	Butler	1981
	Rose	1978
Wyoming	Pike	1976
	Wethersfield	1966
Yates	Middlesex	1978

4. Wet for Off-Premises Consumption & Wet for On-Premises Sale by Hotel ONLY:

<u>County:</u>	<u>Town:</u>	<u>Year on ballot:</u>
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Wyoming	Orangeville	1975
Yates	Barrington	1967

5. Wet for On-Premises Consumption & Off-Premises Consumption; Dry for Special On-Premises Consumption:

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Cayuga	Sterling	1973
	Throop	1972
Chautauqua	North Harmony	1977
Delaware	Delhi	1977
	Walton	1965
Onondaga	Tully	1974
Otsego	Hartwick	1970
	Oneonta	1970
	Otego	1992
St. Lawrence	Lisbon	1973
Steuben	Caton	2014
	Prattsburg	1987
	Woodhull	2004
Wyoming	Castile	2002
	Middlebury	1982
Yates	Jerusalem	1968

Starkey

1968

6. Wet for Off-Premises Consumption & Special On-Premises Consumption; Dry for On-Premises Consumption:

County:  
Tioga

Town:  
Spencer

Year on ballot:  
2003

7. Wet for On-Premises Consumption; Wet for Special On-Premises Consumption; Wet for Off-Premises Consumption; Wet for Farm Winery; Dry for On-Premises consumption of beer at race tracks and outdoor athletic fields and stadiums where admission fees are charged:

County:  
Wayne

Towns:  
Williamson

Year on ballot:  
2004

8. Wet for Off-Premises Consumption (beer only - §54); Wet for On-Premises Consumption (beer & wine products only §§55 & 79-b); Dry in all other areas:

County:  
Chautauqua

Towns:  
Harmony

Year on ballot:  
2006

9. Wet for Off-Premises Consumption; Wet for Special On-Premises Consumption (tavern); Wet for On-Premises Consumption of beer at race tracks and outdoor athletic fields and stadiums where admission fees are charged; Dry for On-Premises Consumption:

County:  
Cattaraugus

Town:  
Freedom

Year on ballot:  
2011

10. Dry for On-Premises Consumption of beer at race tracks and outdoor athletic fields and stadiums where admission fees are charged; Wet in all other areas:

County:  
Essex

Town:  
Wilmington

Year on ballot:  
2011

Number of Towns partially dry: 36

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF JANUARY 5, 2016  
REFERRED FROM: SECRETARY'S OFFICE

2016-00093

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

200' FOOT LAW FOR PROPERTY  
LOCATED AT:

136 DEKALB AVENUE, BROOKLYN

(DECLARATORY RULING)

The Members of the Authority at their regular meeting held at the Zone I New York City office on JANUARY 5, 2016 determined:

# CARABALLO BUSINESS LICENSING SERVICES, LLC

111 ATLANTIC AVENUE  
BROOKLYN, N.Y. 11201

Tel. (718) 875-2929  
Fax (718) 875-3737  
cblservices.com



ANTHONY L. CARABALLO  
PRESIDENT

November 21, 2015

SENT VIA ELECTRONIC MAIL

New York State Liquor Authority  
317 Lenox Avenue  
New York, NY 10027  
Attn: Jacqueline Flug, Esq.  
Council to the Authority

Re: Bande A Part LLC  
Serial # 1271750  
Tavern-Wine license  
136 DeKalb Avenue  
Brooklyn, NY 11217  
Request for declaratory ruling

Dear Ms. Flug,

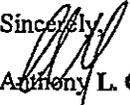
I hope this correspondence finds you well. I am writing to respectfully request a declaratory ruling as to the eligibility of this licensee upgrading to an on-premises liquor license from the current tavern-wine license held.

The licensed premises is located on DeKalb Avenue in Brooklyn. Brooklyn Tech High School is located on the next corner with an auxiliary entrance/exit on S. Elliot Place which is 150 feet away from the entrance of the licensed establishment. The official legal address of Brooklyn Tech High School is 29 Fort Green Place, which is an entire block away from the licensed premises, significantly over 200 feet.

The licensed premises is the second commercial space off the corner of S. Eliot. No portion of the licensed premises lies on S. Eliot Place, the same block of the auxiliary entrance/exit to the high school.

We feel that the 200 foot rule does not apply since the licensed premises and the high school are not located on the same street or avenue. We also note that the entrance and exit within 200 feet of the application premises is not the main entrance/exit to the high school. The official legal address of the high school is significantly more than 200 feet from the licensed premises.

I have attached an exhibit of items for your review which confirm the above. Please be kind enough to advise if the license premises is eligible to apply for an on-premises liquor license. Based on the fact that the 200 foot rule does not apply. Thank you for your time and effort in reviewing this material.

Sincerely,  
  
Anthony L. Caraballo

November 21, 2015

Bande A Part LLC  
Serial # 1271750

Declaratory ruling request

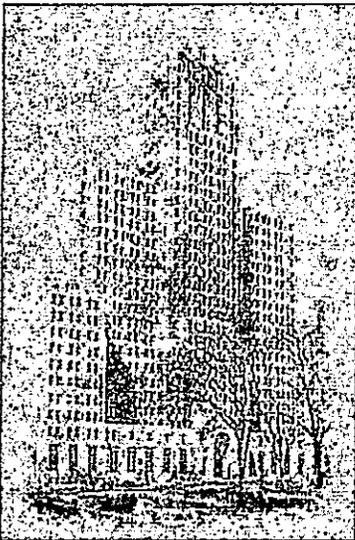
### EXHIBIT INDEX

- A. State Liquor Authority Printout of existing license.
- B. Block Plot Diagram.
- C. Block Plot diagram with premises and school detail and measurements.
- D. Photos showing the licensed premises and the school.
- E. Photos showing the school and the corner of S. Eliot Place facing towards the licensed premises, which is the second commercial space off the corner.
- F. Photos showing S. Eliot street facing Dekalb Avenue and the auxiliary entrance/exit on S. Eliot taken from Dekalb Avenue.



Andrew M. Cuomo, Governor  
 Vincent G. Bradley, Chairman  
 Kevin Kim, Commissioner

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[Public License Query](#)  
[Wholesale](#)



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[Help](#)

**Public Query - Results**

**License Information**

Serial Number: 1271750  
 License Type: TAVERN WINE  
 License Status: License Is Active  
 Credit Group: 2  
 Filing Date: 06/26/2013  
 Effective Date: 09/01/2015  
 Expiration Date: 08/31/2017

**Premises Information**

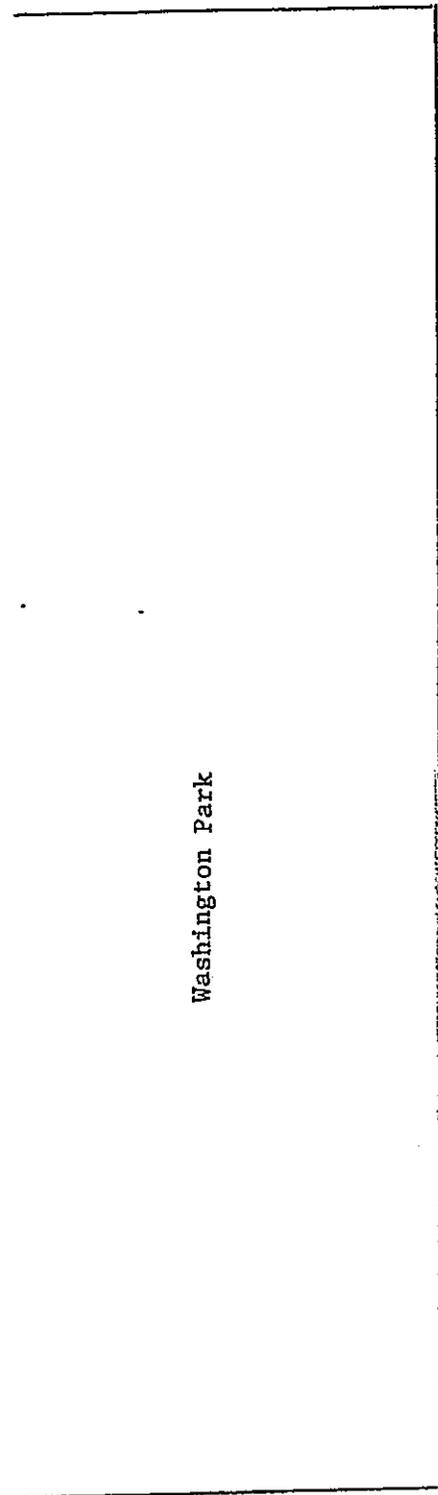
Principal's Name: BREMOND, LIONEL GUY  
 Premises Name: BANDE A PART LLC  
 Trade Name: CAFE PAULETTE  
 Zone: 1  
 Address: 136 DEKALB AVE  
  
 BROOKLYN, NY 11217  
 County: KINGS

You can select one of the following links to perform another search:

- [Search by Name](#)
- [Search by License Number](#)
- [Search by Location](#)
- [Search by Principal](#)
- [Advance Search](#)

[Disclaimers](#) | [Confidentiality](#) | [Privacy](#) | [Security](#)  
 New York State Liquor Authority • 80 S. Swan Street • 9th Floor • Albany, New York • 12210-8002

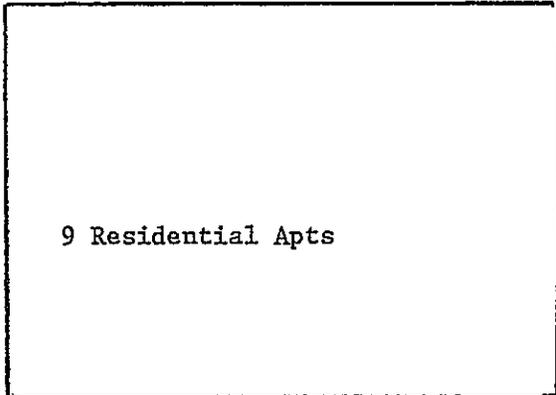
**A. State Liquor Authority Printout of existing license.**



Washington Park

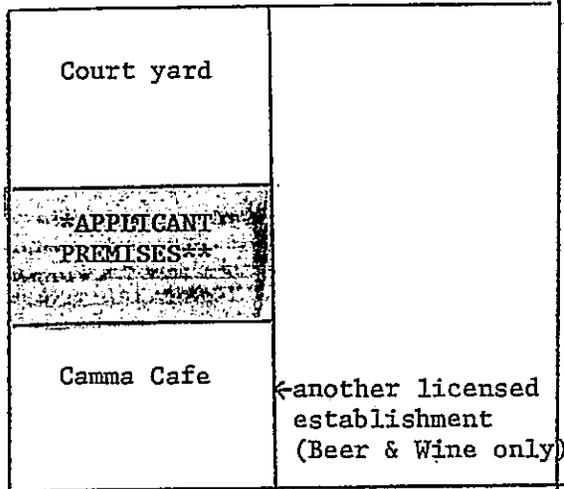
D E K A L B  
A V E N U E

S. Oxford Street



9 Residential Apts

S. Portland Avenue



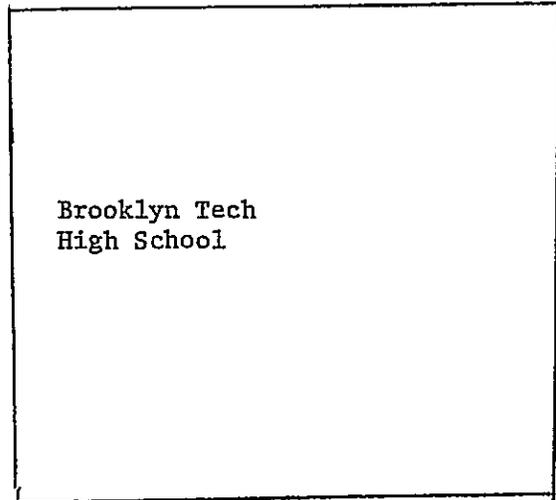
Court yard

**\*APPLICANT  
PREMISES\***

Camma Cafe

←another licensed  
establishment  
(Beer & Wine only)

S. Elliot Place

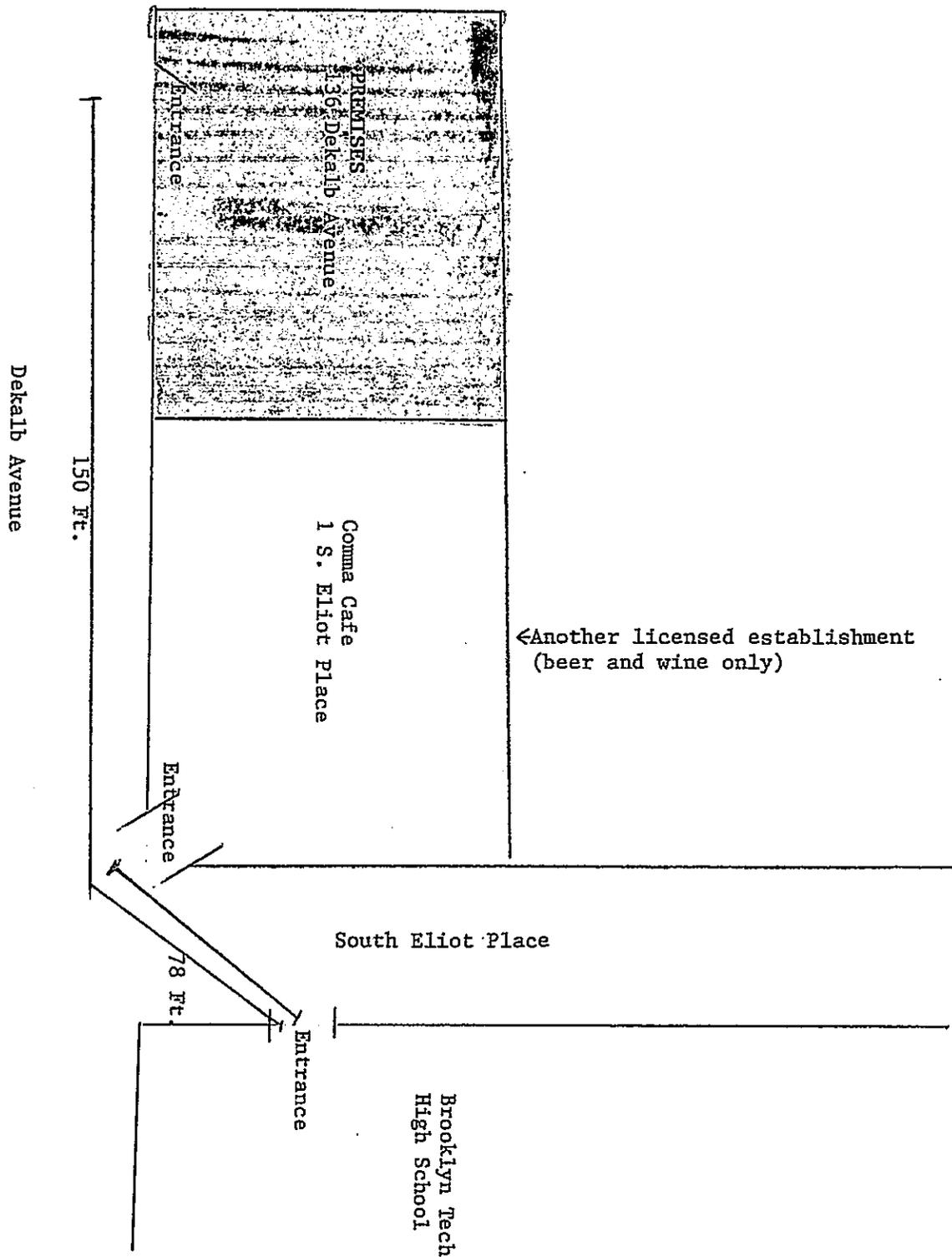


Brooklyn Tech  
High School

Ft. Greene Place

Bande A Part LLC  
136 Dekalb Avenue  
Brooklyn, NY 11217  
Area Survey Diagram

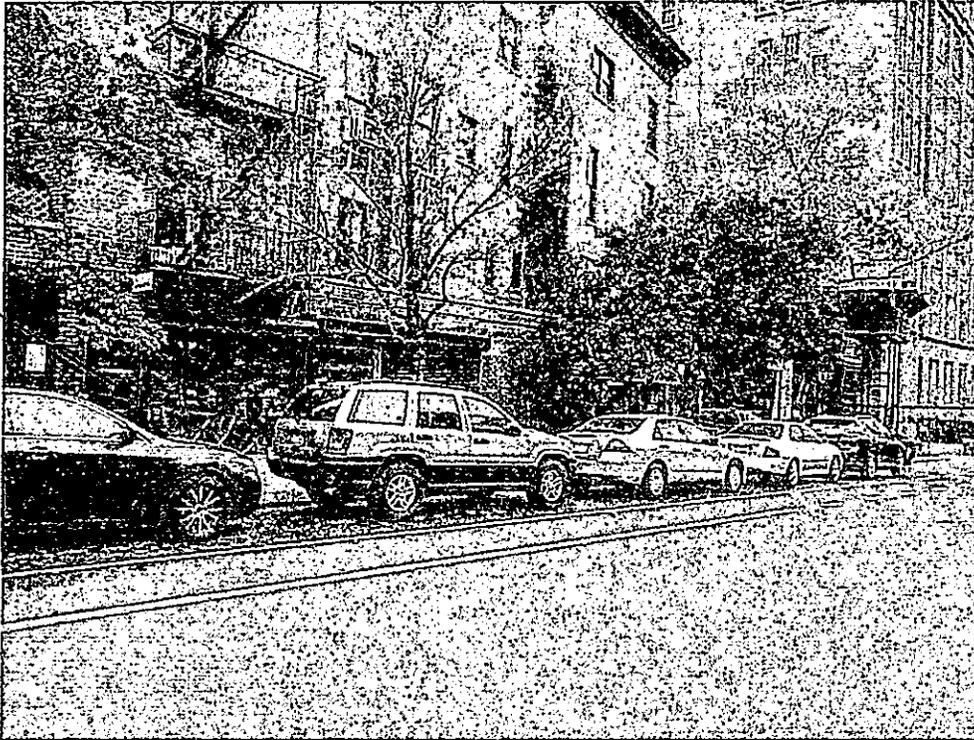
B. Block Plot Diagram.



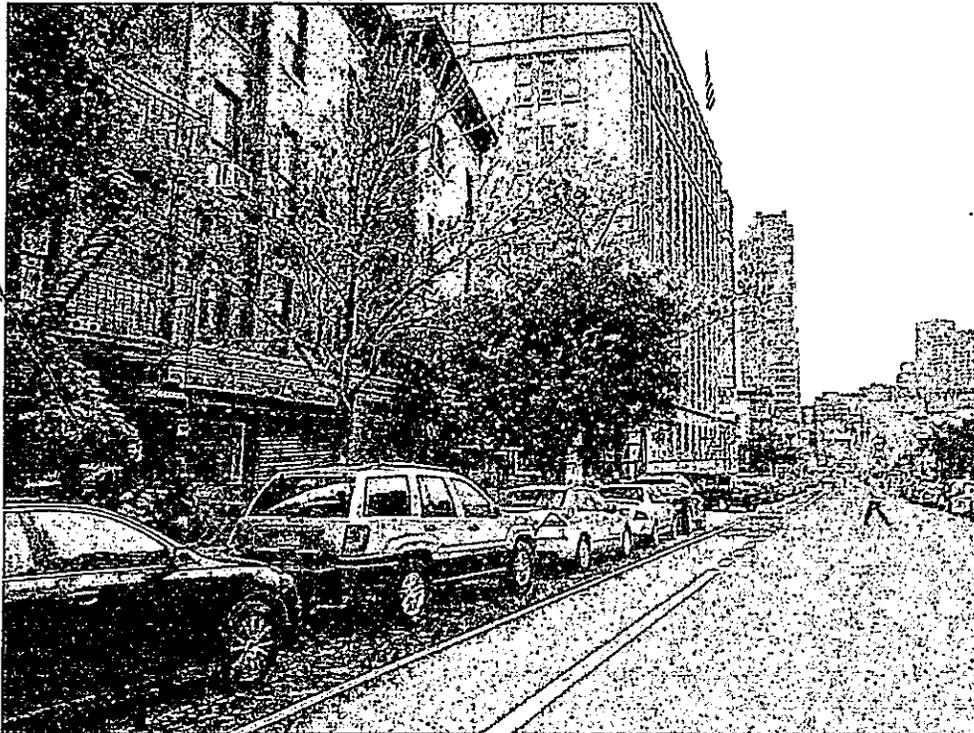
C. Block Plot diagram with premises and school detail and measurements.

Bande A Part LLC, 136 Dekalb Avenue, Brooklyn, NY 11217

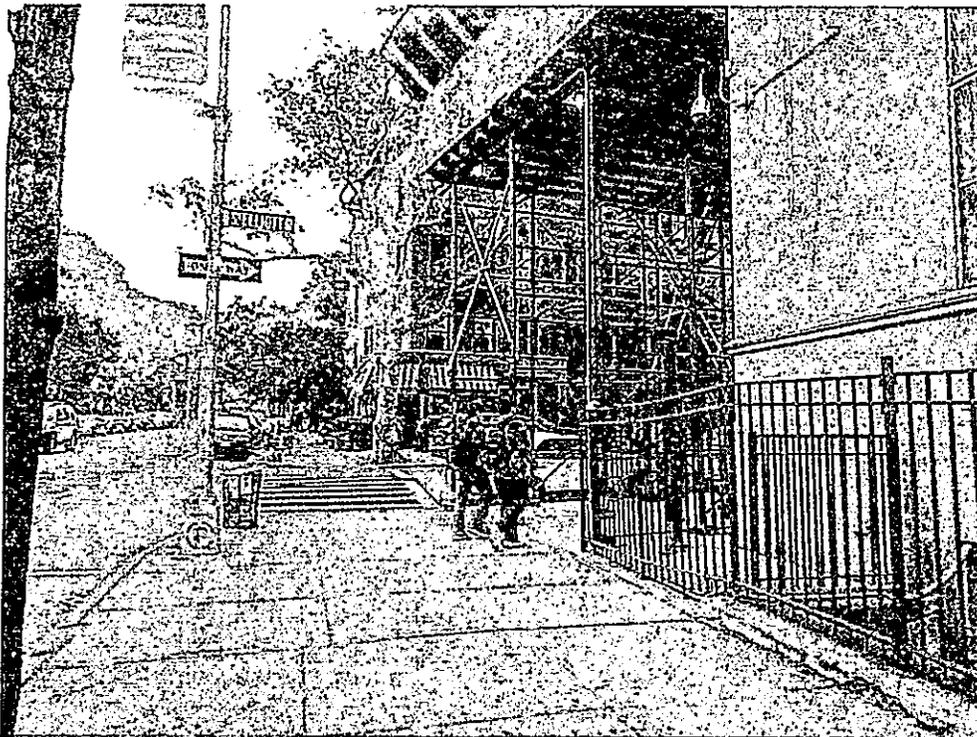
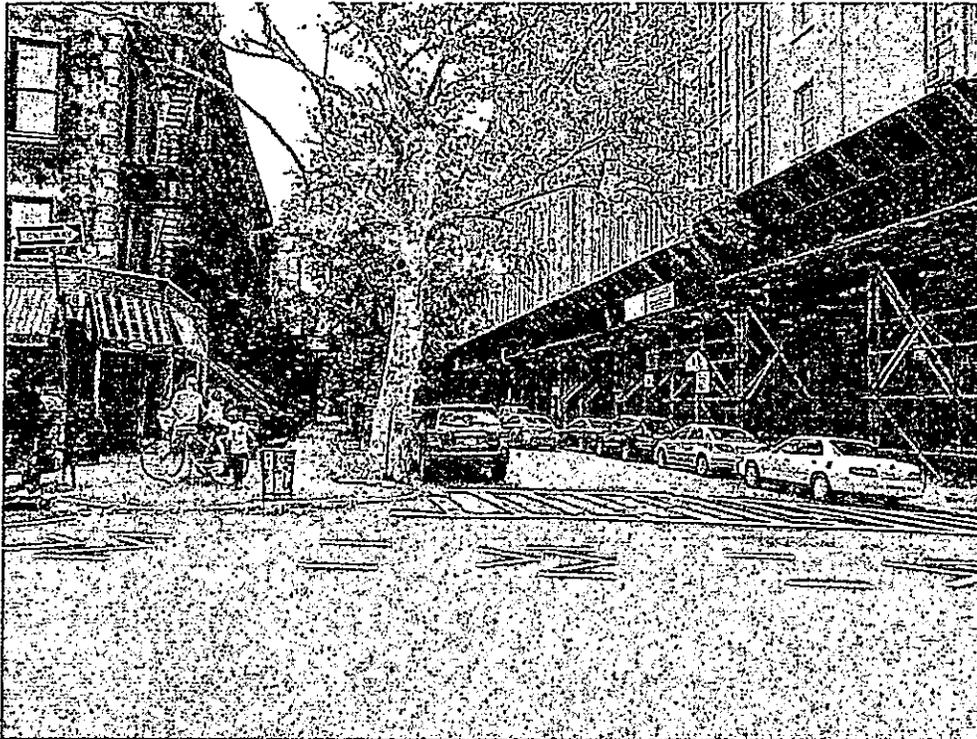
Licensed premises  
2<sup>nd</sup> unit from corner



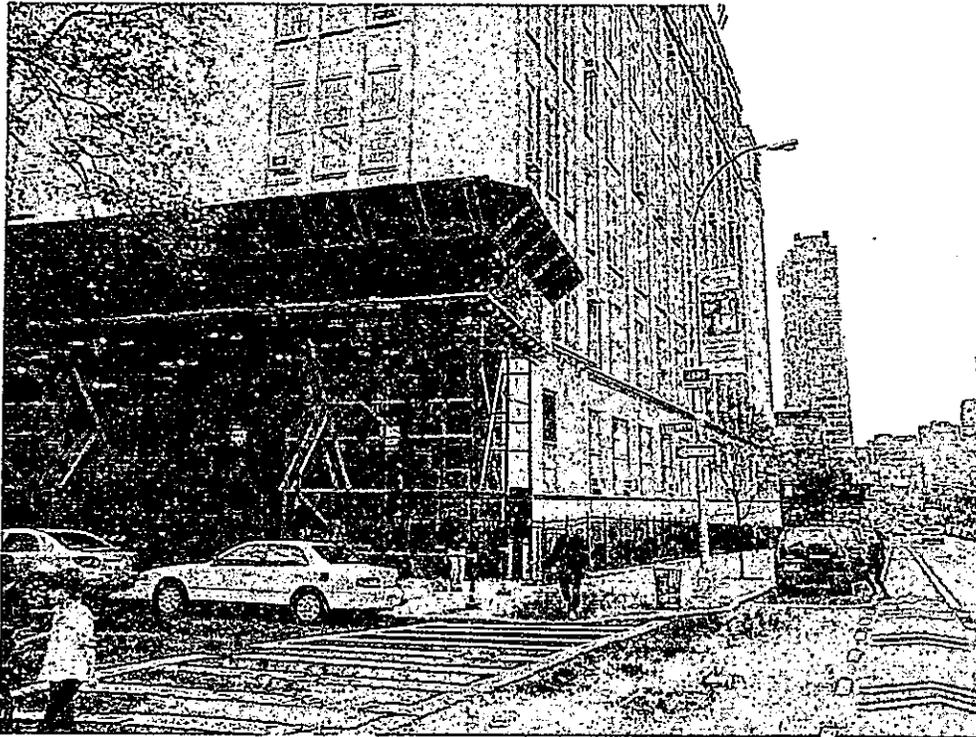
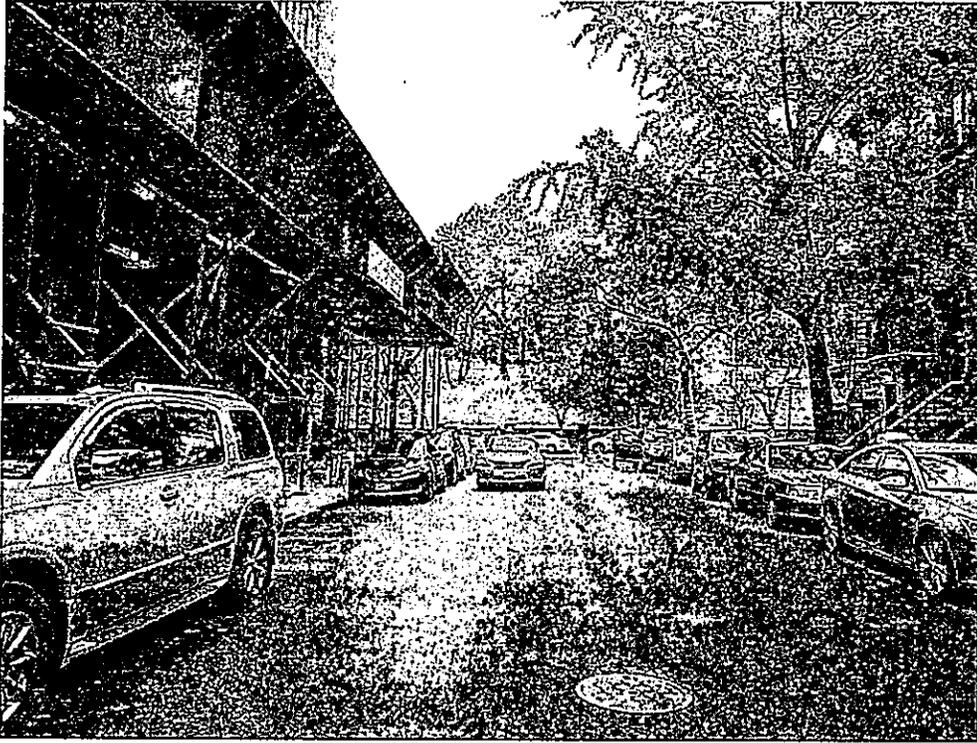
Licensed premises  
2<sup>nd</sup> unit from corner



D. Photos showing the licensed premises and the school.



- E. Photos showing the school and the corner of S. Eliot Place facing towards the licensed premises, which is the second commercial space off the corner.



F. Photos showing S. Eliot street facing Dekalb Avenue and the auxiliary entrance/exit on S. Eliot taken from Dekalb Avenue.

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF JANUARY 5, 2016  
REFERRED FROM: SECRETARY'S OFFICE

2016-00095

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

ALCOHOL AWARENESS  
AND TRAINING (ATAP)

(PROPOSED RULE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on JANUARY 5, 2016 determined:

# Notice of Proposed Rule Making

Liquor Authority, State  
(SUBMITTING AGENCY)

- Approval has been granted by Executive Chamber to propose this rule making.
- This rule making does not require Executive Chamber approval.

NOTE: Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms will be cause for rejection of this notice.

1. A. Proposed action:

Addition of	Part 106	Title <u>9</u>	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR

- B.  This is a consensus rule making. A statement is attached setting forth the agency's determination that no person is likely to object to the rule as written [SAPA §202(1)(b)(i)].
- C.  This rule was previously proposed as a consensus rule making under I.D. No. [REDACTED]. Attached is a brief description of the objection that caused/is causing the prior notice to be withdrawn [SAPA §202(1)(e)].
- D.  This rule is proposed pursuant to [SAPA §207(3)], 5-Year Review of Existing Rules (see also item 16).

2. Statutory authority under which the rule is proposed:

ABCL Sec. 18(10)

3. Subject of the rule:

Alcohol Training and Awareness Program (ATAP) application processes and program requirements.

4. Purpose of the rule:

To enact statutorily required Alcohol Training and Awareness Program (ATAP) application processes and program requirements.

5. Public hearings (check box and complete as applicable):

- A public hearing is not scheduled. (SKIP TO ITEM 8)
- A public hearing is required by law and is scheduled below. (Note: first hearing date must be at least 45 days after publication of this notice unless a different time is specified in statute.)
- A public hearing is not required by law, but is scheduled below.

Time:	Date:	Location:

6. Interpreter services (check only if a public hearing is scheduled):

Interpreter services will be made available to hearing impaired persons, at no charge, upon written request to the agency contact designated in this notice.

7. Accessibility (check appropriate box only if a public hearing is scheduled):

- All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.
- Attached is a list of public hearing locations that are not reasonably accessible to persons with a mobility impairment. An explanation is submitted regarding diligent efforts made to provide accessible hearing sites.

8. Terms of rule (SELECT ONE SECTION):

- A.  The full text of the rule is attached because it does not exceed 2,000 words.
- B.  A summary of the rule is attached because the full text of the rule exceeds 2,000 words.
  - Full text is posted at the following State website: \_\_\_\_\_
  - Full text is not posted on a State website.
  - Full text is not posted on a State website; this is a consensus rule or a rule defined in SAPA § 102 (2)(a)(ii).
- C.  Pursuant to SAPA §202(7)(b), the agency elects to print a description of the subject, purpose and substance of the rule as defined in SAPA §102(2)(a)(ii) [Rate Making].

9. The text of the rule and any required statements and analyses may be obtained from:

Agency contact Paul Karamanol, Senior Attorney

Agency Name State Liquor Authority

Office address 80 South Swan Street, Suite 900  
Albany, NY 12210

Telephone (518) 486-6743 E-mail: paul.karamanol@sla.ny.gov

10. Submit data, views or arguments to (complete only if different than previously named agency contact):

Agency contact \_\_\_\_\_

Agency name \_\_\_\_\_

Office address \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

11. Public comment will be received until:

- 45 days after publication of this notice (MINIMUM public comment period when full text is attached because it does not exceed 2000 words or full text of rule has been posted on a State web site or the rule is a consensus rule or a rule defined under SAPA §102[2][a][iii] [Rate Making]).
- 60 days after publication of this notice (MINIMUM public comment period when full text is not attached or full text is not posted on a State web site or the rule is not a consensus rule or a rule defined under SAPA §102[2][a][ii] [Rate Making]).
- 5 days after the last scheduled public hearing required by statute (MINIMUM, with required hearing). This box may not be checked and the minimum 60-day comment period applies if full text is not attached or text is not posted on a State web site or the rule is not a consensus rule or a rule defined under SAPA §102[2][a][ii] [Rate Making]).
- Other: (specify) \_\_\_\_\_.

12. A prior emergency rule making for this action was previously published in the \_\_\_\_\_ issue of the Register, I.D. No. \_\_\_\_\_.

13. Expiration date (check only if applicable):

- This proposal will not expire in 365 days because it is for a "rate making" as defined in SAPA §102 (2)(a)(ii).

14. Additional matter required by statute:

- Yes (include below material required by statute).

- No additional material required by statute.

15. Regulatory Agenda (See SAPA §202-d[1]):

- This rule was a Regulatory Agenda item for this agency in the following issue of the State Register:  
\_\_\_\_\_.
- This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.
- Not applicable.

16. Review of Existing Rules (ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

This rule is proposed pursuant to SAPA §207 (item 1D applies) (check applicable boxes):

- Attached is a statement setting forth a reasoned justification for modification of the rule. Where appropriate, include a discussion of the degree to which changes in technology, economic conditions or other factors in the area affected by the rule necessitate changes in the rule.
- Attached is an assessment of public comments received by the agency in response to its publication of a list of rules to be reviewed.
- An assessment of public comments is not attached because no comments were received.
- Not applicable.

17. **Regulatory Impact Statement (RIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS, EXCLUDING SUMMARIES OF STUDIES, REPORTS OR ANALYSES [Needs and Benefits]):

A. The attached RIS contains:

- The full text of the RIS.
- A summary of the RIS.
- A consolidated RIS, because this rule is one of a series of closely related and simultaneously proposed rules or is virtually identical to rules proposed during the same year.

B. A RIS is not attached, because this rule is:

- subject to a consolidated RIS printed in the *Register* under I.D. No.: \_\_\_\_\_ ; issue date: \_\_\_\_\_ .
- exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
- exempt, as defined in SAPA §102(11) [Consensus Rule Making].

C.  A statement is attached claiming exemption pursuant to SAPA § 202-a (technical amendment).

18. **Regulatory Flexibility Analysis (RFA) for small businesses and local governments**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

A. The attached RFA contains:

- The full text of the RFA.
- A summary of the RFA.
- A consolidated RFA, because this rule is one of a series of closely related rules.

B.  A statement is attached explaining why a RFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments and the reason(s) upon which the finding was made, including any measures used to determine that the rule will not impose such adverse economic impacts or compliance requirements.

C. A RFA is not attached, because this rule:

- is subject to a consolidated RFA printed in the *Register* under I.D. No.: \_\_\_\_\_ ; issue date: \_\_\_\_\_ .
- is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
- is exempt, as defined in SAPA §102(11) [Consensus Rule Making].

19. **Rural Area Flexibility Analysis (RAFA)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

A. The attached RAFA contains:

- The full text of the RAFA.
- A summary of the RAFA.
- A consolidated RAFA, because this rule is one of a series of closely related rules.

B.  A statement is attached explaining why a RAFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas and the reason(s) upon which the finding was made, including what measures were used to determine that the rule will not impose such adverse impact or compliance requirements.

C. A RAFA is not attached, because this rule:

- is subject to a consolidated RAFA printed in the *Register* under I.D. No.: \_\_\_\_\_ ; issue date: \_\_\_\_\_ .
- is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

is exempt, as defined in SAPA §102(11) [Consensus Rule Making].

**20. Job Impact Statement (JIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

A. The attached JIS contains:

The full text of the JIS.

A summary of the JIS.

A consolidated JIS, because this rule is one of a series of closely related rules.

B.  A statement is attached explaining why a JIS is not required. This statement is in scanner format and explains the agency's finding that the rule will not have a substantial adverse impact on jobs and employment opportunities (as apparent from its nature and purpose) and explains the agency's finding that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.

A JIS/Request for Assistance [SAPA §201-a(2)(c)] is attached.

C. A JIS is not attached, because this rule:

is subject to a consolidated JIS printed in the *Register* under I.D. No.:  -   
issue date: .

is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

is proposed by the State Comptroller or Attorney General.

**AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice.)**

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name Paul Karamanol, Senior Attorney Signature \_\_\_\_\_

Address 80 South Swan Street, Suite 900, Albany, NY 12210

Telephone (518) 474-3114 E-Mail paul.karamanol@sla.ny.gov

Date 11/20/2015

**Please read before submitting this notice:**

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's Register procedures manual, *Rule Making in New York*.
2. Rule making notices with any necessary attachments should be e-filed via the Department of State website.

### *Job Impact Statement*

The proposed new Part 106 of Title 9, Subtitle B, of the Official Compilation of Codes, Rules and Regulations of the State of New York (9 N.Y.C.R.R. 106) would implement or conform to non-discretionary statutory provisions under the Alcoholic Beverage Control Law (ABCL), and is otherwise non-controversial in nature. New Part 106 would merely codify via regulation statutory policies contained in the ABCL that the Authority has been implementing for years without industry objection. As a result, and because it is evident from the nature of the proposed new Part 106 that it will have no substantial impact on any private or public sector jobs or employment opportunities in New York, no further steps were needed to ascertain negative impacts to job opportunities and none were taken by the Authority. Accordingly, a full Job Impact Statement is not required for the proposed new Part 106 and none has been prepared.

*Consensus Rule Making Determination*

This statement is being submitted pursuant to subparagraph (i) of paragraph (b) of subdivision (1) of section 202 of the State Administrative Procedure Act and in support of the New York State Liquor Authority's ("Authority") Notice of Proposed Rulemaking seeking to add new Part 106 of Title 9, Subtitle B, of the Official Compilation of Codes, Rules and Regulations of the State of New York (N.Y.C.R.R.)

It is apparent from the nature and purpose of this proposed rule that no person is likely to object to its adoption as written as it would merely implement or conform to non-discretionary statutory provisions under the Alcoholic Beverage Control Law ("ABCL"), and is otherwise non-controversial in nature. Part 106.1 sets forth filing applicability of the new part to all Alcohol Training Awareness Program ("ATAP") school Certificates of Approval and student Certificates of Completion issued pursuant to the ABCL. Part 106.2 sets forth ATAP school application processes. Part 106.3 establishes minimum curriculum requirements for ATAP school applicants as required by the ABCL and merely restates policies that the SLA has long utilized and has been posted online for several years without industry objection. Part 106.4 sets forth the 14 day minimum notification for approved ATAP classroom sessions that the SLA has long utilized and has been posted online for several years without industry objection. Part 106.5 sets forth recordkeeping requirements for ATAP schools that the SLA has long utilized and has been posted online for several years without industry objection. Part 106.6 sets forth renewal processes for ATAP school Certificates of Approval that the SLA has long utilized and has been posted online for several years without industry objection. Part 106.7 establishes SLA authority for issuance of standard student Certificates of Completion by every ATAP school, as has long been SLA policy and has been posted online for several years without industry objection. Part 106.8 establishes administrative reconsideration request procedures for denied applicants and renewal applicants under this part. Part 106.9 sets forth revocation hearing procedures as required by ABCL Sec. 18(10).

Consistent with the definition of "consensus rule" as set forth in section 102(11) of the State Administrative Procedure Act, the Authority has determined that this proposal would merely implement or conform to non-discretionary statutory provisions under the Alcoholic Beverage Control Law ("ABCL"), and is otherwise non-controversial in nature and, therefore, no person is likely to object to its adoption as written.