

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: COUNSEL'S OFFICE

2016-02354

REASON FOR REFERRAL
REQUEST FOR RECONSIDERATION

KINGS RW 1294016
DIM SUM BAR INC
163 GRAND STREET
BROOKLYN, NY 11249

FILED: 4/18/2016

LB DISAPPROVAL: 6/09/2016

(LICENSING BOARD DISAPPROVAL: RESTAURANT WINE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02360

REASON FOR REFERRAL
REQUEST FOR DIRECTION

ERIE L 3158007
4 CORNERS LIQUOR INC
DBA: 4 CORNERS LIQUOR
700 MILITARY ROAD
BUFFALO, NY 14207

FILED: 8/03/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 11, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Erie L 3158007
4 Corners Liquor Inc.
4 Corners Liquor
700 Military Rd.
Buffalo, NY 14207

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Erie L 3152552 Straight Up Wines & Liquors LLC

Description of Premises: Premises is located on the first floor of a multi-unit building. It will consist of a register counter with protective glass, waiting area for customers to purchase their alcohol, retail area, office and storage room. One customer entrance at the front of the premises and a loading dock with a garage door on the side of the premises.

Method of Operation: Liquor Store with three (3) employees; Principal will manage and hire a manager.

NEW YORK STATE LIQUOR AUTHORITY
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MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02362

REASON FOR REFERRAL
REQUEST FOR DIRECTION

426D MARCUS GARVEY LLC
DBA: OLIVINO
426D MARCUS GARVEY BOULEVARD
BROOKLYN, NY 11216

FILED: 8/26/2016

FROM:
KINGS W 1184124

TO:
KINGS L 1296960

(CLASS CHANGE FROM RESTAURANT WINE TO PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 11, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Kings W 1184124
426D Marcus Garvey, LLC
Olivino
426D Marcus Garvey Blvd
Brooklyn, NY 11216

CHANGE TO: Kings L 1296960
426D Marcus Garvey, LLC
Olivino
426D Marcus Garvey Blvd
Brooklyn, NY 11216

Type of Application: Class Change From Wine Store to Liquor Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: None

Description of Premises: Mixed use, multi-unit building. Licensed premises is on the ground floor only. Area is 600 sf. Photographic proof received showing that the Notice required by Section 100(7) of the ABC Law was posted.

Method of Operation: Liquor store, principal will manage with two (2) employees.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02363

REASON FOR REFERRAL
REQUEST FOR DIRECTION

ERIE L 3158101
GOLDEN STAR LIQUOR & WINE LLC
3199 DELAWARE AVENUE
KENMORE, NY 14217

FILED: 8/24/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 11, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Erie L 3158101
Golden Star Liquor & Wine LLC
3199 Delaware Ave
Kenmore, NY 14217

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Erie L 3151561 - M Butler Wines & Spirits Inc & Erie L 3152552 - Straight Up Wines & Liquors LLC

Description of Premises: The premises is located in a one story building approximately 2,240 sq. ft. located in a Multi-Unit which consists of the retail sales area, a restroom, office and liquor storage area.

Method of Operation: Liquor store which the principal Illyasu Haruna will devote full time hours to manage the premises with 3 employees.

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REFERRED FROM: LICENSING BUREAU

2016-02364

REASON FOR REFERRAL
REQUEST FOR DIRECTION

BRONX L 1296935
GUN HILL LIQUOR WAREHOUSE CORP
5790 BROADWAY
BRONX, NY 10463

FILED: 8/25/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 11, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Bronx L 1296935
Gun Hill Liquor Warehouse Corp.
5790 Broadway
Bronx, NY 10463

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Bronx L 1124812- Broadway & 242nd Street, LLC
Bronx L 1255699 - T & Y Wine & Spirits, Inc.

Description of Premises: Two story commercial building. Licensed premises will comprise the ground (retail, storage) and second (office) floors. There is interior access to the second floor. Area is 4,500 sf. Photographic proof received showing that the Notice required by Section 100(7) of the ABC Law was posted. Letter received from Erik Ikhilov explains that while the lease shows the demised premises to consist of 9,375 sf only 4,500 will be used for the licensed premises. The rest will be divided between a second floor law office for Mr. Ikhilov and a first floor party supply store which will be owned by Mr. Ikhilov's wife Oksana. The letter affirms that there will be no interior access between the licensed liquor store and the law office or party supply store.

Method of Operation: Liquor store, principal to manage part-time with eight (8) employees, one (1) of whom will be the full-time manager.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02385

REASON FOR REFERRAL
REQUEST FOR DIRECTION

NEW YORK OP 1297112
BOUCHERIE LLC
97-99 7TH AVENUE
NEW YORK, NY 10014

FILED: 8/31/2016
500' HEARING: 9/29/2016

(NEW ON PREMISES)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 20, 2016

From: Jacqueline Held, Deputy Commissioner

Subject: New York OP 1297112
Boucherie LLC.
97-99 7th Ave.
New York N.Y. 10014

Type of Application: New On-Premises Liquor

Question(s) to be considered: Will issuance of this license be in the public interest?

Protests: Manhattan Community Board #2

Support: Petition submitted with approximately 450 signatures

Description of Premises: Premises is located in a standalone building and will be licensing the basement, 1st floor, and 1st floor mezzanine. There will also be a license outdoor sidewalk café contained by stanchions. There will be a seating capacity of 84 seats for the sidewalk café and a maximum occupancy of 250 persons for the interior of the premises. The 1st floor consists of a dining room, kitchen, kitchen area with wood fire grill, and 3 restrooms. There is interior access by stairway to the basement, which is used for storage of alcohol and dishwashing. The mezzanine has additional dining and a private room.

Method of Operation: The premises will operate as a Restaurant serving beer, wine, cider, and liquor. The principal will work part time at the premises and hire a manager whom has not been determined yet. There will also be 12 employees per shift to maintain and supervise the premise. Recorded and Live "Jazz" music will be permitted.

NEW YORK STATE LIQUOR AUTHORITY
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REFERRED FROM: LICENSING BUREAU

2016-02387.

REASON FOR REFERRAL
REQUEST FOR DIRECTION

KINGS L 1297141
CARROLL & HOYT INC
DBA: GOWANUS WINERY
347 HOYT STREET
BROOKLYN, NY 11231

FILED: 9/01/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 11, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Kings L 1297141
Carroll & Hoyt, Inc.
Gowanus Winery
347 Hoyt Street
Brooklyn, NY 11231

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Kings L 1011609 - Louise M. Friello
Kings L 1148099 - Smith & Vine, LLC

Description of Premises: Mixed use building. Licensed premises will comprise the ground floor and basement. There is interior access to the basement. Area is 2100 sf. Photographic proof received showing that the Notice required by Section 100(7) of the ABC Law was posted. Letter received from Barry Spiegel states that there will be no public access into the licensed premises by any means other than the front door.

Method of Operation: Liquor store, principal to manage with zero (0) employees.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: SECRETARY'S OFFICE

2016-02388

REASON FOR REFERRAL
REQUEST FOR DIRECTION

SUNDAY SALES HOURS

(PROPOSED ADVISORY)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: COUNSEL'S OFFICE

2016-02389

REASON FOR REFERRAL
REQUEST FOR DIRECTION

MAIN STREET CONCESSIONS AND VENDING

(DECLARATORY RULING)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

Main Street Concessions and Vending

6001 Broken Sound Parkway NW, Suite 418
Boca Raton, Florida 33487

October 18, 2016

VIA EMAIL & FEDEX

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

Re: Vending Operator Questions

Dear Ms. Flug:

I am writing on behalf of Main Street Concessions and Vending to respectfully request that the New York State Liquor Authority (the “**Authority**”) issue a Declaratory Ruling on the issues set forth in this letter.

I am writing today in an effort to ensure that the business and operational practices outlined herein are in compliance with the alcoholic beverage laws and regulations of the State of New York and of the Authority, specifically the “**tied house**” laws and regulations, including New York Alcoholic Beverage Control Law (“**ABCL**”) § 101.

I. Background Information

Main Street Concessions and Vending (“**Main Street**”) is in the business of operating and placing in commercial locations vending machines and similar business automation devices that: i) allow customers to easily make a purchase or use the device on a self-serve basis, and/or ii) provide automation, optimization, or other value to businesses and/or consumers. Main Street is not an alcoholic beverage licensee and does not, and never intends to, traffic in alcoholic beverages.

The devices operated by Main Street may include, but are not limited to, gumball machines, soda vending machines, automated teller machines, snack and candy vending machines, pay-per-use wine bottle chiller machines, barcode scanners, door-entry chime devices, people-counter analytics devices, door-frame metal detectors, novelty and toy vending machines, etc. (hereinafter collectively referred to as “**Devices**”).

The Devices will be placed and operated in or on property with permission of the owner, lessee, or other individual or entity with lawful control of the property (“**Property**” or “**Properties**”). Properties may be, by way of example, in or near busy commercial areas with substantial foot traffic, in or near office buildings, in or near commercial shopping centers, or part of the premises of a retail store.

Main Street Concessions and Vending

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Boca Raton, Florida 33487

II. Proposed Business Arrangements

Main Street generally desires to conduct its business in the State of New York by entering into agreements with owners, lessees, or other individuals or entities with lawful control of Property (“**Property Owners**”) by which such Property Owners will pay a fee to Main Street for the use of certain of Main Street’s Devices (“**Device Lease Agreement(s)**”). Some of the Property Owners with which Main Street will enter into agreements may be licensed retailers of alcoholic beverages (“**Retailers**”). Main Street may also alternatively enter into Reverse Lease Agreements with Property Owners, which is defined herein.

In an effort to supplement the revenue generated by the Devices — and to bring more predictability to a business in which cashflow can sometimes be very unpredictable — Main Street enters into agreements with media/content partners.

One such media partner that Main Street desires to enter into an agreement with is LEN TV. LEN TV operates a television- and internet-based media network that features news, weather, trivia and other games, information about local businesses and promotions, and/or advertisements (“**Media Content**”).¹

Part of LEN TV’s business may involve entering into advertising agreements with licensed alcoholic beverage manufacturers or wholesalers (“**Supplier(s)**”) by which such Suppliers can place advertising on LEN TV’s media network (“**Supplier Media Content**”).

LEN TV does not allow advertisements for Suppliers to include any reference to, or identification of, any licensed retailer from which that Supplier’s products can be purchased. LEN TV’s advertisers are unaware of in which specific physical locations their advertisements might be displayed. LEN TV retains all advertising revenues collected from its advertisers and does not “pass through” or “revenue-share” any payments received from advertisers to any other party. LEN TV must provide its approval of all advertisements before they appear on its network, and it requires any advertisers who are Suppliers to ensure that their advertisements comply with a set of rules defined by LEN TV, which rules include (but are not limited to) requirements identical in all respects to those in N.Y. Comp. Codes R. & Regs. tit. 9, § 83.3(c)(2), items (i) through (xv).

¹ N.Y. Comp. Codes R & Regs. Tit. 9, § 83 stipulates, *inter alia*, rules and requirements regarding interior signs and exterior signs on the premises of licensed retailers and the means by which such signs may be furnished to such retailers. It is our understanding that § 83 does not directly apply in the circumstances outlined in this letter because: i) devices/displays are not provided either directly or indirectly by Suppliers and ii) devices/displays are never given or otherwise provided free of charge to licensed retailers. However, if the Authority were to find that § 83 did apply here, and if the Authority were to further find that the “secondary use or value” restriction in N.Y. Comp. Codes R & Regs. Tit. 9, § 83.3(c)(1) cast any doubt on the permissibility of the business operations outlined in this letter (as they relate specifically to LEN TV’s Media Content), LEN TV would agree to stipulate that it would allow Media Content containing *only* advertisements and not containing any content or functionality of “secondary use or value.”

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Throughout this letter, any reference to LEN TV could also apply to a similarly situated company, provided that such a company complies with all the representations made herein about LEN TV (e.g. descriptions of the company's commercial activities or business model and representations about lack of ownership interest in alcoholic beverage licensees, etc.) ("**Prospective Media Partners**").

Main Street is seeking guidance before entering into a definitive agreement with LEN TV. The agreement with LEN TV would provide for the following: i) LEN TV would be permitted to provide television units or other similar digital displays ("**Media Devices**") to Main Street to be placed in or on Property or Properties controlled by Property Owners with which Main Street has Device Lease Agreements; ii) Media Devices can be standalone units or can be part of, attached to, in, or on Main Street's Devices; iii) Main Street would have no discretion as to what Media Content would be displayed on the Media Devices; iv) Main Street would have no knowledge of, or right to approve, what Supplier Media Content may be displayed on the Media Devices; and v) LEN TV would make a fixed monthly payment to Main Street in exchange for Main Street's assistance in the placement and distribution of the Media Devices.

III. Operating Scenarios

Below, we outline four potential business operating scenarios, each of which we would like to ensure will be in compliance with the laws and regulations of the State of New York and of the Authority. These scenarios are not exhaustive as they relate to Main Street's business. In other words, Main Street may structure its relationships with Property Owners in New York and throughout the country in different ways, but these scenarios are exhaustive as they relate to Retailers in New York — i.e., any and all involvement that Main Street would have with any Retailer in New York would be covered by the explanation of one of the scenarios below. These scenarios are not mutually exclusive; Main Street desires to be able to engage in business practices consistent with each of the following scenarios simultaneously, based on commercial requirements.

Scenario 1: Main Street will enter into Device Lease Agreements with Property Owners that are retailers licensed to sell wine and distilled spirits products for off-premises consumption ("**Liquor Stores**"), by which such Liquor Stores will pay a fixed fee to Main Street monthly, quarterly, annually, or at some other interval for the use of Main Street's Devices. 100% of the revenues generated by or from the Devices leased by Liquor Stores from Main Street pursuant to Device Lease Agreements would be retained by the Liquor Stores. In the case of any Devices that are vending units which sell physical products to customers on Liquor Stores' licensed premises, Liquor Stores will only sell those products specifically permitted under ABCL § 63(4)². Main Street may also rent or lease to Liquor

² Under the "second business rule," the products permitted to be sold by retailers licensed to sell wine and distilled spirits for off-premises consumption are: "lottery tickets, [...] corkscrews or [...] ice or [...] publications, including prerecorded video and/or audio cassette tapes, designed to help educate consumers in their knowledge and appreciation of wine and wine products, [...] non-carbonated, non-flavored mineral waters, spring waters and drinking waters or [...] glasses designed for the consumption of wine, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked..."

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Stores certain Media Devices provided to Main Street by LEN TV. Media Devices will display content that is controlled exclusively by LEN TV, and such Media Content may include news, weather, trivia and other games, information about local businesses and promotions, and/or advertisements (some of which may be Supplier advertisements). Media Devices would be leased by Liquor Stores from Main Street pursuant to Device Lease Agreements. Main Street will act as a vendor to the Liquor Stores and will not pay Liquor Stores or provide anything of value to Liquor Stores (beyond that for which Liquor Stores are paying Main Street, pursuant to Device Lease Agreements) for Liquor Stores' use or placement of the Devices or Media Devices.

Scenario 2: Main Street will enter into Device Lease Agreements with Property Owners that are retailers licensed to sell beer and certain wine products for off-premises consumption ("**Beer Licensees**")³, by which such Beer Licensees will pay a fixed fee to Main Street monthly, quarterly, annually, or at some other interval for the use of Main Street's Devices. 100% of the revenues generated by or from the Devices leased by Beer Licensees from Main Street pursuant to Device Lease Agreements would be retained by the Beer Licensees. Main Street may also rent or lease to Beer Licensees certain Media Devices provided to Main Street by LEN TV. Media Devices will display content that is controlled exclusively by LEN TV, and such Media Content may include news, weather, trivia and other games, information about local businesses and promotions, and/or advertisements (some of which may be Supplier advertisements). Media Devices would be leased by Beer Licensees from Main Street pursuant to Device Lease Agreements. Main Street will act as a vendor to the Liquor Stores and will not pay Beer Licensees or provide anything of value to Beer Licensees (beyond that for which Beer Licensees are paying Main Street, pursuant to Device Lease Agreements) for Beer Licensees' use or placement of the Devices or Media Devices.

Scenario 3: Main Street will enter into agreements with Beer Licensees, by which Main Street will make fixed payments to such Beer Licensees monthly, quarterly, annually, or at some other interval, in exchange for which Beer Licensees will agree to place certain of Main Street's Devices on the Beer Licensees' premises, which Devices may also include Media Devices ("**Reverse Lease Agreement(s)**"). Media Devices will display content that is controlled exclusively by LEN TV, and such Media Content may include news, weather, trivia and other games, information about local businesses and promotions, and/or advertisements (some of which may be Supplier advertisements). Beer Licensees will not receive any of the revenues generated by or from the Devices. Instead, Beer Licensees' only revenue under this arrangement will be the payments made by Main Street to Beer Licensees pursuant to the Reverse Lease Agreements. The commercial benefit to Main Street of this arrangement is that Main Street is able to profit from any and all upside revenue above the Reverse Lease Agreement payment, rather than having its revenue capped at a certain amount. Any Supplier Advertising Content displayed on Media Devices

³ The definition of Beer Licensees includes any retailers licensed to sell beer for off-premises consumption and includes, but is not necessarily limited to, the following of the Authority's License Classes: drug store beer, grocery store beer, grocery beer/wine product, drug beer/wine product.

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under this scenario will only be advertising products that are *not* sold by the Beer Licensees (e.g. advertisements for wine and distilled spirits products). Payments made by Main Street to Beer Licensees pursuant to Reverse Lease Agreements will be for a fixed amount that will not vary on a regular basis in response to any changes in Main Street's revenues. Such payments are not a commission, revenue-share/profit-share, or any other form of compensation scheme other than a fixed payment made on a set interval.

Scenario 4: Main Street will enter into Device Lease Agreements with Property Owners that are retailers licensed to sell only wine for off-premises consumption ("Wine Stores")⁴, by which such Wine Stores will pay a fixed fee to Main Street monthly, quarterly, annually, or at some other interval for the use of Main Street's Devices. 100% of the revenues generated by or from the Devices leased by Wine Stores from Main Street pursuant to Device Lease Agreements would be retained by the Wine Stores. Main Street may also rent or lease to Wine Stores certain Media Devices provided to Main Street by LEN TV. Media Devices will display content that is controlled exclusively by LEN TV, and such Media Content may include news, weather, trivia and other games, information about local businesses and promotions, and/or advertisements (some of which may be Supplier advertisements). Media Devices would be leased by Wine Stores from Main Street pursuant to Device Lease Agreements. Main Street will act as a vendor to the Wine Stores and will not pay Wine Stores or provide anything of value to Wine Stores (beyond that for which Wine Stores are paying Main Street, pursuant to Device Lease Agreements) for Wine Stores' use or placement of the Devices or Media Devices.

We do not believe this type of arrangement in any way approaches the realm of a tied-house violation, but out of an abundance of caution, we are writing to seek the Authority's guidance.

IV. Agreements Between Main Street and Retailers

As described above, agreements between Main Street and Retailers will principally take two different forms: the Device Lease Agreements and the Reverse Lease Agreements. Below, I will provide additional details about these two types of agreements so as to expand on the understanding of how each would function in the context of the four scenarios outlined above.

Under the Device Lease Agreements:

- Retailers will pay a fee to Main Street for the use of Devices and/or Media Devices. This fee will be a rental/lease fee.
- Retailers will retain 100% of the revenues generated by the Devices.

⁴ The definition of Wine Stores includes only those retailers licensed under the Authority's "Wine Store" License Class.

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- Main Street recognizes that it is only commercially viable for Retailers to do business with Main Street if Retailers can be reasonably certain that they will bring in more revenue through the Devices than they will have to pay to lease the Devices; Main Street desires to ensure a significantly positive return on investment for its customers. As a result, Device Lease Agreements may include a provision whereby Retailers can receive a rebate if their payment under the Device Lease Agreement in a particular payment period would otherwise exceed their revenue from the Devices during that same period. Main Street may set a minimum reasonable level of revenue for each of the Retailers it works with, which shall be an amount that Main Street believes it would be reasonable for Retailers to generate in revenue from the Devices in a given payment period. If the actual revenue generated by a Retailer from the Devices during a given payment period is less than the minimum reasonable level of revenue, Main Street would issue a rebate⁵ to the Retailer to cover the difference between the actual revenue generated by the Devices and the minimum reasonable level of revenue specified in the Device Lease Agreement.
 - For example, if the minimum reasonable level of revenue is \$101 for Retailer A, and in March, Retailer A generates just \$95 in revenue from the Devices, and the lease payment for the Devices is \$100, Main Street would issue a \$6 rebate (equal to \$101 – \$95) to Retailer A. Instead of making a lease payment of \$100 in March, Retailer A would pay just \$94.
- The lease fee may be charged on a per-device basis for each of the Devices and/or Media Devices, or a single fee may be charged for a package of Devices and/or Media Devices. Main Street may charge a fee for each of the Devices and a different fee for each of the Media Devices, or Main Street may charge a single lease fee, for which it will provide Devices and/or Media Devices.
- Retailers will be free to arrange for the servicing, maintenance, re-stocking, and replenishment of any Devices that require such services in any way that Retailers see fit, provided that such methods are consistent with best practices and the highest standards of workmanship. Main Street may offer a separate service agreement to Retailers, by which Main Street, an affiliate of Main Street, or some other company could provide these services. If such a service agreement were offered, it would be separate and apart from the Device Lease Agreements.

⁵ Under the contractual provisions contemplated by Main Street, a rebate as described herein could theoretically result in a Retailer's "account balance" with Main Street becoming a negative number. In such a case, the Retailer in question would have two options: i) use the negative balance as a credit against lease payments due in future payment periods, or ii) if, for example, the negative balance exists in the last month of the contractual relationship between Retailer and Main Street, or if for accounting or other reasons Retailer would prefer not to receive a credit against lease payments due in future payment periods, Retailer could request a check from Main Street in the amount of the negative account balance.

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Under the Reverse Lease Agreements⁶:

- Main Street will make a fixed monthly payment to Beer Licensees in exchange for Beer Licensees' agreeing to place certain Devices and/or Media Devices on their premises.
- Main Street will retain 100% of the revenues generated by the Devices.
- Main Street, and not the Beer Licensees, will be solely responsible for arranging for the servicing, maintenance, re-stocking, and replenishment of any Devices that require such services.

Main Street will stipulate in its agreement with LEN TV that no Supplier Media Content advertising beer products can be displayed on the Media Devices.

IV. No Tied-House Issues

In the arrangements described here, there is no connection or relationship — whether contractual or otherwise and whether direct or indirect — between any Supplier and any alcohol industry member belonging to another tier of distribution.

There is no provision of value by a member of one tier to any member of another tier. There is no coordination or communication between or among tiers that occurs as part of the arrangements described here.

There are no gifts being made or any rendering of services — as would be proscribed by ABCL § 101 — that are involved in the arrangements described here. There is no influence being exerted by any industry member upon any licensee; there are no attempts to exert influence; nor, in fact, are there any opportunities to exert such influence provided by, as part of, or by way of the arrangements described here.

Further, there is no shared ownership or proscribed direct or indirect holdings of interests in any licensees. Main Street has no ownership or other interest in any alcoholic beverage licensees in the United States or abroad, and neither do its owners or principals. LEN TV has no ownership or other interest in any alcoholic beverage licensees in the United States or abroad, and neither do its owners or principals.

LEN TV does not and will not have any contractual relationship with any licensed retailer of alcoholic beverages in the State of New York or elsewhere. Main Street does not and will not have any contractual relationship with any alcoholic beverage licensee in the State

⁶ As outlined in *Sec. III. Operating Scenarios*, the proposed Reverse Lease Arrangements would only apply to Beer Licensees, as specifically described in Scenario 3, and would only apply to the specific fact pattern provided in Scenario 3.

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6001 Broken Sound Parkway NW, Suite 418

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of New York other than the proposed contractual relationships described in this letter. Main Street does not and will not have any contractual relationship with any Suppliers.

V: *Request for Declaratory Ruling & Conclusion*

In summary, on behalf of Main Street Concessions and Vending, I respectfully request that the Authority issue a Declaratory Ruling on the facts outlined in this letter and, more specifically, on the following question: Is Main Street's proposed relationship with LEN TV (or other Prospective Media Partners meeting the same fact patterns delineated herein) permissible under the alcoholic beverage laws and regulations of the State of New York, in light of the facts outlined in this letter?

Thank you very much for your consideration and for your guidance on this question. I can only imagine the workload with which you are tasked, so I make this request with the utmost understanding and respect for the limits of what is possible. If it is at all possible, I would be very appreciative of whatever expeditious efforts you may be able to employ in formulating a Declaratory Ruling and responding to this letter. The business arrangements that are on hold as a result of our waiting for the Authority's guidance are of substantial economic impact to Main Street, and we are appreciative of whatever you may be able to do to limit the amount of time that Main Street is in such state of limbo.

I am more than happy to provide additional information or to answer any questions that the Authority might have. I can be reached via postal mail to my attention at 6001 Broken Sound Parkway NW, Suite 418, Boca Raton, Florida 33487; by email at jeff@mainstreetvending.com; or by phone at (561) 699-3866.

Respectfully yours,



Jeffrey Nadel

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02426

REASON FOR REFERRAL
REQUEST FOR DIRECTION

ONEIDA AX 2204295
LOW EAST SIDE MARKET INC
986 BLEECKER STREET
UTICA, NY 13501

FILED: 6/11/2016

(NEW GROCERY STORE BEER/WINE PRODUCT)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 27, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Oneida AX 2204295
Low East Side Market Inc.
986 Bleecker Street
Utica, NY 13501

Type of Application: Grocery Store Beer/Wine Product

Question(s) to be considered: The previous application filed at this premises was disapproved by the members on 4/12/16 for possible undisclosed interest. The previous applicant and current applicant are the same corporation and principal.

Protests: None

Description of Premises: The premises is located on the ground floor of a multi-unit building with apartments above. There is no interior access to any other floors and there is no interior access to a basement. The premises consists of one large retail floor, a deli counter, coolers & office space in the rear for storage.

Method of Operation: Grocery store with two (2) employees. The principal Robert Keith will be full time manager of the premises Monday-Saturday 9 a.m.-6 p.m.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02427

REASON FOR REFERRAL
REQUEST FOR DIRECTION

ONEIDA L 2204502
BAGICHA SINGH
DBA: STARK STREET LIQUOR
1310 STARK STREET
UTICA, NY 13502

FILED: 6/29/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 27, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Oneida L 2204502
Bagicha Singh
Dba: Stark Street Liquor
1310 Stark St.
Utica, NY 13502

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Utica L 2503636 - City Liquors of Utica, Inc.

Description of Premises: Premises is located on ground floor of multi-unit building consisting of entrance, retail area and storage.

Method of Operation: Liquor store with one (1) employee, principal will manage.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02428

REASON FOR REFERRAL
REQUEST FOR DIRECTION

CORTLAND L 2204825
URBAN PARK MANAGEMENT CO INC
DBA: PEAK WINE & SPIRITS
25 CORTLAND STREET, UNIT 3
MARATHON, NY 13803

FILED: 7/29/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 27, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Cortland L 2204825
Urban Park Management Co., Inc.
Db: Peak Wine & Spirits
25 Cortland Street Unit 3
Marathon, NY 13803

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: None

Description of Premises: Premises is located in Unit #3 within a multi 4 unit building approximately 592 sq. ft. in size which basically consists of 2 rooms. The retail sales area and a back storage room with restroom located in back left corner of the storage room.

Method of Operation: Liquor Store with 2-3 employees; principal will manage. The applicant will not engage in internet sales of alcoholic beverages.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02429

REASON FOR REFERRAL
REQUEST FOR DIRECTION

FRANKLIN L 2205173
SCOTT A & JANE M DEGON
DBA: FARM TO MARKET WINE & LIQUOR
1060 COUNTY ROUTE 8, SUITE 2
NORTH BANGOR, NY 12966

FILED: 8/30/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 27, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Franklin L 2205173
Scott A & Jane M. Degon
DBA: Farm to Market Wine & Liquor
1060 County Route 8, Suite 2
North Bangor, NY 12966

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Lyn Martin & Dale Martin-Franklin L 2006333

Description of Premises: The premises will be located on the ground floor of suite #2 within a multi-unit building. There is no basement and interior access to any other floors or businesses. Premises consist of one large sales room with a rear exit not used by the public. Square footage of the premises is 616 Sq. Ft.

Method of Operation: Scott A. Degon will manage/operate the proposed package store all hours of operation with the assistance of his partner Jane M. Degon.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02430

REASON FOR REFERRAL
REQUEST FOR DIRECTION

WESTCHESTER L 1296974
S & S WINE & SPIRITS INC
3681 HILL BOULEVARD
JEFFERSON VALLEY, NY 10535

FILED: 8/26/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 27, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Westchester L 1296974
S & S Wine & Spirits, Inc.
3681 Hill Boulevard
Jefferson Valley, NY 10535

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Westchester L 1290208 - Moss Small Holdings, LLC
Westchester L 1234199 - LOL Liquors, Inc.

Description of Premises: Strip shopping mall. Licensed premises will be on the ground floor only. Area is 1330 sf. Photographic proof received showing that the Notice required by Section 100(7) of the ABC Law was posted.

Method of Operation: Liquor store, principals to manage with zero (0) employees.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02431

REASON FOR REFERRAL
REQUEST FOR DIRECTION

SUFFOLK L 1297300
ANASON ENTERPRISE INC
383 SUNRISE HIGHWAY NORTH SERVICE ROAD
MANORVILLE, NY 11949

FILED: 9/10/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 28, 2016

From: Jacqueline Held, Deputy Commissioner

Subject: Suffolk L 1297300
Anason Enterprise, Inc.
383 Sunrise Highway North Service Road
Manorville, NY 11949

Type of Application: New Liquor Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Suffolk L 1195295 - East Moriches Wine & Liquor, LLC
Suffolk L 1174308 - M & S Wine & Spirits, Inc.

Description of Premises: Shopping mall. Licensed premises will be on the ground floor only. Area is 2200 sf. Photographic proof received showing that the Notice required by Section 100(7) of the ABC Law was posted.

Method of Operation: Liquor store, principal to manage with three (3) employees.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02432

REASON FOR REFERRAL
REQUEST FOR DIRECTION

KINGS L 1297199
GATEWAY WINES & LIQUORS LLC
1007 ELTON STREET
BROOKLYN, NY 11208

FILED: 9/06/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 25, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Kings L 1297199
Gateway Wines & Liquors, LLC
1007 Elton Street
Brooklyn, NY 11208

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Kings L 1114041 - T J Wine & Liquor, Inc.

Description of Premises: One story commercial building. Licensed premises will comprise the ground floor and mezzanine. There is interior access to the mezzanine. Area is 1485 sf. Photographic proof received showing that the Notice required by Section 100(7) of the ABC Law was posted.

Method of Operation: Liquor store, principals to manage with two (2) employees.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02433

REASON FOR REFERRAL
REQUEST FOR DIRECTION

NEW YORK L 1220348
R & S 49 LIQUOR CORP
DBA: JOSHI

FROM:
49 CHRYSTIE STREET
NEW YORK, NY 10002

TO:
92 ELIZABEWTH STREET,
NEW YORK, NY 10013

FILED: 9/06/2016

(REMOVAL)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 25, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: New York L 1220348
R & S 49 Liquor Corp.
Joshi
49 Chrystie Street
New York, NY 10002

REMOVE TO: New York L 1297191
R & S 49 Liquor Corp.
Joshi
92 Elizabeth Street
New York, NY 10013

Type of Application: Package Store Removal

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: New York L 1262156 - Wine-O, Inc.

Description of Premises: Mixed use building. Licensed premises will be on the ground floor only. Area is 1000 sf. Photographic proof received showing that the Notice required by Section 100(7) of the ABC Law was posted.

Method of Operation: Liquor store, principal to manage with three (3) employees.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02434

REASON FOR REFERRAL
REQUEST FOR DIRECTION

KINGS OP 1296647
FIESTA 745 INC
745 39TH STREET
BROOKLYN, NY 11232

FILED: 8/11/2016

(NEW ON PREMISES)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 25, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Kings OP 1296647
Fiesta 745 Inc.
745 39th Street
Brooklyn, NY 11232

Type of Application: On Premises Liquor

Question(s) to be considered: Prior license at this location was cancelled – applicant plans on using the same method of operation as the cancelled licensee; an application filed on 3/2/16 for this location was disapproved by the Members on 6/1/16.

Protests: None

Description of Premises: The premises is located on the first floor and basement of a three (3) story building consisting of one (1) customer bar, dining area with 29 tables seating 58, a food prep area, juke box, two (2) restrooms and a liquor storage area.

Method of Operation: Bar/Tavern with five (4) employees, principal will manage. There will be live and recorded music a DJ and juke box with no dancing.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02435

REASON FOR REFERRAL
REQUEST FOR DIRECTION

NEW YORK OP 1296359
FAT PIG INC
120 DYCKMAN STREET
NEW YORK, NY 10040

FILED: 7/27/2016

(NEW ON PREMISES)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 25, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: New York OP 1296359
Fat Pig Inc.
120 Dyckman St.
New York NY 10040

Type of Application: On Premises Liquor

Question(s) to be considered: Community Board Objection

Protests: Manhattan Community Board 12 & Moving Forward Unidos; applicant is requesting a waiver of the two (2) restroom rule.

Description of Premises: The premises is located in a multi-unit building on the ground floor and basement. The basement will be used for storage of alcohol kept in the walk-in cooler and an office. There is interior access to the basement from the ground floor. The ground floor will consist of dining space, 15' stand up bar, kitchen, and one restroom with a maximum occupancy of 49 persons.

Method of Operation: Restaurant with seven (7) employees, no security. Principals will manage the premises full time. There will be recorded background music with the use of a DJ. There will be no dancing.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02436

REASON FOR REFERRAL
REQUEST FOR DIRECTION

BRONX OP 1296143
ZERO LOUNGE RESTAURANT INC
1472 OGDEN AVENUE
BRONX, NY 10452

FILED: 7/18/2016

(NEW ON PREMISES)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 25, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Bronx OP 1296143
Zero Lounge Restaurant Inc
1472 Ogden Avenue
Bronx, NY 10452

Type of Application: On Premises Liquor

Question(s) to be considered: Cancellation of previous licensee including a charge of Focal Point for Police Attention on 05/24/15.

Protests: None

Support: Bronx Community Board 4

Description of Premises: The premises is located on the ground floor and basement of a two (2) story, multi-unit building consisting of a large open seating area with 23 tables and 92 seats, four (4) secluded seating areas with a total of 19 tables and 52 seats, a customer bar with five (5) stools, a kitchen, three (3) restrooms and interior stairway access to the basement. Only one (1) of the restrooms is located on the ground floor of the premises. The other two (2) restrooms are located in the basement. The basement will be used for the storage of alcoholic beverages. There is no other interior access to any other parts or floors of the building that is not part of the proposed premises.

Method of Operation: Restaurant with seven (7) employees, no security. Principals will manage the premises full time. There will be recorded background music with the use of a DJ. There will be no dancing.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02437

REASON FOR REFERRAL
REQUEST FOR DIRECTION

QUEENS OP 1294370
8522 JAMAICA AVENUE CORP
DBA: POP'S RESTAURANT
8522 JAMAICA AVENUE
WOODHAVEN, NY 11421

FILED: 12/24/2015

(NEW ON PREMISES)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 21, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Queens OP 1294370
8522 Jamaica Avenue Corp
DBA – Pop's Restaurant
8522 Jamaica Avenue
Woodhaven, NY 11421

Type of Application: On Premises Liquor

Question(s) to be considered: Community Board Objection

Protests: Queens Community Board 9

Description of Premises: The premises is located on the ground floor and basement of a three (3) story, multi-unit building consisting of a dining area with an emergency exit leading to 86th Street, 16 tables, 66 seats, an "L" shaped customer bar with 12 bar stools, a kitchen with an exit door leading outside toward the back of the premises, two (2) restrooms and stairs leading to and from the basement. The basement will be used for the storage of alcoholic beverages and will consist of two (2) walk-in refrigerators, a small storage room and an office.. The building consists of residential apartments that are on floors above the proposed ground floor premises. There is no interior access to any other floors.

Method of Operation: Restaurant with six (6) employees, no security. Principals will manage during all operating hours. There will be recorded background music via juke box only. There will be no dancing permitted.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02438

REASON FOR REFERRAL
REQUEST FOR DIRECTION

NEW YORK OP 1295051
MOS EISLEY LLC
127 AVENUE C
NEW YORK, NY 10009

FILED: 8/29/2016
[ORIGINAL FILE DATE: 6/2/16]
500' HEARING: 6/23/2016

(NEW ON PREMISES)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 21, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: New York OP 1295051
Mos Eisley LLC
d/b/a (TBD)
127 Avenue C
New York, New York 10009

Type of Application: On Premises Liquor

Question(s) to be considered: Community Board Objection

Protests: Manhattan Community Board #3

Description of Premises: The premises is located on the ground floor of a five (5) story residential/commercial building consisting of one (1) customer bar seating 10, a dining area with 22 tables seating 56, a sidewalk café with 15 tables seating 31, a kitchen, and two (2) restrooms.

Method of Operation: Restaurant (pizzeria) with six to eight employees, principals will manage and employ a manager. There will be recorded music, no dancing.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02439

REASON FOR REFERRAL
REQUEST FOR DIRECTION

QUEENS L 1297370
OMEGA WINES & SPIRITS CORP
69-03 QUEENS BOULEVARD
WOODSIDE, NY 11377

FILED: 9/14/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 25, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Queens L 1297370
Omega Wines & Spirits Corp.
69-03 Queens Boulevard
Woodside, NY 11377

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Queens L 1284659 - 6905 Roosevelt Ave Wine & Liquor, Inc.
Queens L 1251726 - Niisa Liquors & Wine, LLC

Description of Premises: Mixed use building. Licensed premises will comprise the ground floor and basement. There is interior access to the basement. Area is 1800 sf. Photographic proof received showing that the Notice required by Section 100(7) of the ABC Law was posted.

Method of Operation: Liquor store, principal to manage part-time with two (2) employees, one of whom will be the manager.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02440

REASON FOR REFERRAL
REQUEST FOR DIRECTION

WESTCHESTER L 1297032
THE WINE WEBSITE INC
DBA: THE WEBSITE WINE STORE
510 WEST BOSTON POST ROAD
MAMARONECK, NY 10543

FILED: 8/29/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 25, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Westchester L 1297032
The Wine Website, Inc.
The Website Wine Store
510 West Boston Post Road
Mamaroneck, NY 10543

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: None

Description of Premises: Free-standing one story commercial building. Licensed premises will be on the ground floor only. Area is 1200 sf. Photographic proof received showing that the Notice required by Section 100(7) of the ABC Law was posted.

Method of Operation: Liquor store, principal to manage with five (5) employees.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02441

REASON FOR REFERRAL
REQUEST FOR DIRECTION

NASSAU L 1297333
D & R LIQUOR LLC
DBA: RED ROSE WINE & LIQUOR
318 JERICO TURNPIKE
FLORAL PARK, NY 11001

FILED: 9/13/2016

(NEW PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

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**MEMORANDUM
State Liquor Authority
License Bureau**

To: Members of the Authority

Date: October 25, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: Nassau L 1297333
D & R Liquor, LLC
Red Rose Wine & Liquor
318 Jericho Turnpike
Floral Park, NY 11001

Type of Application: New Package Store

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Nassau L 1223909 - TK Merchandise Display, Inc.

Description of Premises: One story commercial building. Licensed premises will comprise the ground floor and basement. There is interior access to the basement. Area is 1970 sf. Photographic proof received showing that the Notice required by Section 100(7) of the ABC Law was posted.

Method of Operation: Liquor store, principals to manage part-time with three (3) employees.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: COUNSEL'S OFFICE

2016-02442

REASON FOR REFERRAL
REQUEST FOR RECONSIDERATION

NEW YORK RW 1295503
CEVICOS RESTAURANT CORP
125 NAGLE AVENUE
NEW YORK, NY 10040

FILED: 6/19/2016
LB DISAPPROVAL: 8/2/2016

(LICENSING BOARD DISAPPROVAL: RESTAURANT WINE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: COUNSEL'S OFFICE

2016-02443

REASON FOR REFERRAL
REQUEST FOR RECONSIDERATION

NASSAU L 1294245
NY WINES & SPIRITS INC
4222 SUNRISE HIGHWAY
MASSAPEQUA, NY 11758

FILED: 4/27/2016
FB DISAPPROVAL: 7/5/2016

(FULL BOARD DISAPPROVAL: PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: COUNSEL'S OFFICE

2016-02453

REASON FOR REFERRAL
REQUEST FOR RECONSIDERATION

ORANGE L 2204819
RIVERS EDGE WINE & SPIRITS INC
194 ROUTE 209
PORT JERVIS, NY 12771

FILED: 7/28/2016
FB DISAPPROVAL: 9/9/2016

(FULL BOARD DISAPPROVAL: PACKAGE STORE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF OCTOBER 25, 2016
REFERRED FROM: LICENSING BUREAU

2016-02266

2016-02458C (OVER)

REASON FOR REFERRAL
REQUEST FOR DIRECTION

NEW YORK OP 1242425
VILLAGE RESTAURANT GROUP LLC
DBA: HUDSON CLEARWATER
447 HUDSON STREET
NEW YORK, NY 10014

FILED: 8/04/2016

500' HEARING: 6/8/10
[FOR ORIGINAL APPLICATION]

(METHOD OF OPERATION CHANGE)

The Members of the Authority at their regular meeting held at the Zone I New York City office on OCTOBER 25, 2016 determined:

Item adjourned to November 8, 2016 before the Full Board meeting at licensee's request.

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF NOVEMBER 08, 2016
REFERRED FROM: LICENSING BUREAU

2016-02458D

REASON FOR REFERRAL
REQUEST FOR DIRECTION

NEW YORK OP 1295015
ALL THE LITTLE OWLS LLC
DBA: NITECAP
535 HUDSON STREET, BASEMENT
NEW YORK, NY 10014

FILED: 6/01/2016
500' HEARING: 6/16/2016

(NEW ON PREMISES)

The Members of the Authority at their regular meeting held at the Zone I New York City office on NOVEMBER 08, 2016 determined:

MEMORANDUM
State Liquor Authority
License Bureau

To: Members of the Authority

Date: October 27, 2016

From: Kerri J. O'Brien, Chief Executive Officer

Subject: New York OP 1295015
All The Little Owls LLC
DBA Nitecap
535 Hudson St, Basement
New York, 10014

Type of Application: On Premises Liquor

Question(s) to be considered: Will issuance of this license meet public convenience and advantage?

Protests: Manhattan Community Board #2, West Village Residents' Association, Charles Street Association, Greenwich Green Cooperative and area residents.

Description of Premises: The premises is located in the basement of a five (5) story mixed-use building with 30 residential units above consisting of a 16' L shaped customer bar, 12 tables, 39 seats and 11 seats at the bar, kitchen and food prep area. There are two (2) emergency exits from the basement. The rear exit leads to the backyard area (for emergency egress only) and the side exit leads through the building to Hudson Street. No one will be able to access the space from these public areas and the emergency exits doors will remain locked at all times.

Method of Operation: Bar/Tavern with five – eight (5-8) employees. A manager will be hired. There will be recorded music with no dancing.