NEW YORK STATE LIQUOR AUTHORITY

IT IS HEREBY RESOLVED, pursuant to Section 17 of the Alcoholic Beverage Control Law, that we, VINCENT G. BRADLEY and KEVIN KIM, Members of the State Liquor Authority, hereby delegate to the individual Members of the Authority, the power to accept and approve Conditional No Contest pleas submitted by licensees in disciplinary proceedings alleging one of the following violations without further action by the Full Board. A proceeding alleging multiple violations shall not be subject to this resolution.

- Sale to minor (first offense of any kind in five years) provided that the licensee proposes a penalty of: $3,000, if the minor was 19 years of age or older; $3,500, if the minor was at least 16 years of age, but less than 19 years of age; and $5,000, if the minor was less than 16 years of age. If the licensee has been licensed for at least five years, the proposed penalty may be reduced by $500. If the licensee is a package or wine store, the proposed penalty must be increased by $500.

- Sale to intoxicated patron (first offense of any kind in five years), provided that the licensee proposes a penalty of $2,500 ($2,000 if the licensee has been licensed for at least five years);

- Gambling (first offense of any kind in five years), provided that the licensee proposes a penalty of $2,000 ($1,500 if the licensee has been licensed for at least five years);

- Prohibited hours (first offense of any kind in five years), provided that the licensee proposes a penalty of $2,500 ($2,000 if the licensee has been licensed for at least five years);

- Extension of premises (first offense of any kind in five years), provided that the licensee proposes a penalty of $2,000 ($1,500 if the licensee has been licensed for at least five years);

- Unauthorized alterations (first offense of any kind in five years), provided that the licensee proposes a penalty of $2,000 ($1,500 if the licensee has been licensed for at least five years);

- Unlicensed additional bars (first offense of any kind in five years), provided that the licensee proposes a penalty of $2,000 ($1,500 if the licensee has been licensed for at least five years);

- Books & records (first offense of any kind in five years), provided that the licensee proposes a penalty of $2,000 ($1,500 if the licensee has been licensed for at least five years);

- Purchase from an unauthorized source (first offense of any kind in five years), provided that the licensee proposes a penalty of $2,500 ($2,000 if the licensee has been licensed for at least five years) up to $5,000 depending on quantity;

- Suspension of cigarette registration (first offense of any kind in five years), provided that the licensee proposes a penalty of $3,500;

- Contaminated bottles (first offense of any kind in five years, 10 or more bottles) provided that the licensee proposes a penalty of $1,000;

- Non bona fide (licensee closed/out of business) provided that the licensee proposes a penalty of cancellation and bond claim;

- Unauthorized second business (first offense of any kind in five years) provided that a retail licensee proposes a penalty of $500 and a wholesale licensee proposes a penalty of $1,000;

- Failure to notify (first offense of any kind in five years), provided that the licensee proposes a penalty of $1,000;

- Refilling (first offense of any kind in five years), provided that the licensee proposes a penalty of $1,000;

- Premixing (first offense of any kind in five years), provided that the licensee proposes a penalty of $1,000;

- Unauthorized trade name (first offense of any kind in five years), provided that the licensee proposes a penalty of $1,500;

- Failure to restore surety bond, provided that the licensee proposes a penalty of $500 if the bond has been restored or cancellation if the bond has not been restored;

- Issuing a bad check, provided that the licensee proposes: 1) a penalty of $250 if repayment has been made and the amount of the check was less that $500; 2) a penalty of $500 if repayment has been made and the amount of the check was $500 or more; 3) a penalty of cancellation and bond claim if repayment was not made;

- Late notice on renewal applications, provided that the licensee proposes a penalty of: 1) a letter of warning if it has been licensed at least 20 years with no prior violations; 2) $250 if it has been licensed at least 10 years with no prior violations; 3) $1,000 if it has a disciplinary violation in the last 5 years with no prior violation; or 4) $500 for all other cases.

IT IS HEREBY FURTHER RESOLVED that, for purposes of this delegation, a sustained violation regarding: failure to restore a surety bond; issuing a bad check; late renewal; or late notice on a renewal application shall not be considered a prior offense in determining whether the current violation is the licensee's first offense of any kind in five years.

IT IS HEREBY FURTHER RESOLVED that the individual Members exercising the aforesaid power may, in that Member's discretion, impose a penalty less than that proposed by the licensee or, in the alternative, submit the matter to the Full Board to consider whether the proposed offer should be accepted by the Authority.

IT IS HEREBY FURTHER RESOLVED that the delegation of powers set forth herein is effective immediately and shall replace the delegation approved by the Members of the Authority at a meeting of its Members held on April 10, 2012.

We, VINCENT G. BRADLEY and KEVIN KIM, Members of the State Liquor Authority, certify that the foregoing is a true copy of the resolution duly adopted by the State Liquor Authority at a meeting of its Members held on July 14, 2015.

Vincent G. Bradley

Chairman, State Liquor Authority

Kevin D. Kim

Member, State Liquor Authority