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EMERGENCY SUSPENSION ORDERED FOR BRACCO'S SLA Suspends License for Disorder, Assaults Following Unauthorized Concert

Albany, NY – The New York State Liquor Authority (SLA) today issued an emergency suspension of Bracco's Clam and Oyster Bar at 319 Woodcleft Avenue in Freeport. The suspension was ordered by Members of the SLA, Chairman Vincent Bradley, Commissioner Greeley Ford and Commissioner Kevin Kim at a meeting of the Full Board on Tuesday, August 16, 2016. Effective immediately, no alcohol may be served or consumed on the premises.

The suspension was ordered based on referrals from the Freeport Police Department documenting a large tumultuous melee following an unauthorized concert at Bracco's on August 6, 2016. Prior to the event, the Freeport Police reached out to Bracco's licensee who confirmed the well-known rapper, 50 Cent, would only be promoting his brand of vodka and not performing. Upon arriving, 50 Cent performed for 45 minutes, drawing a crowd estimated at 500 patrons, dangerously crammed in the outdoor area of the premises with a maximum capacity of 200, while hundreds of additional people packed the sidewalk directly outside the bar.

The ensuing mayhem following the performance included the destruction of property at Bracco's and neighboring businesses, fist fights in the streets, the arrest of three persons, and injury to two officers as patrons from the VIP area of Bracco's hurled glass bottles and other debris at officers while bouncers from the bar idly watched. The disorder and large crowd shut down traffic on Woodcleft Avenue and Freeport Police required the assistance of the Nassau County Police Department to quell the violence and disorder.

Freeport Police also reported an unauthorized concert and performance on July 16, 2016, where lewd and indecent behavior, nudity, and irresponsible alcohol consumption was recorded on video, in addition to two assaults on July 2, 2016 and September 7, 2015. Since May 1, 2015, police have responded to 97 service calls at Bracco's leading to six arrests, in addition to 20 additional calls for loud and excessive noise.

"Bracco's owners and staff have shown complete ineffectiveness in controlling these large crowds at concerts they were never licensed to hold in the first place," said SLA Chairman Bradley. "Freeport residents have a right to enjoy the Nautical Mile without being subject to this type of mayhem, and the SLA is sending a clear message we will

not hesitate to take immediate action to protect the safety of patrons, police officers and residents.”

“We’ve received hundreds complaints from residents, visitors and neighboring businesses regarding their frustration with unruly patrons, nudity, and the unsafe conditions at Bracco’s restaurant,” said Freeport Mayor Robert T Kennedy. “I want to thank the State Liquor Authority, following the recent and deplorable assault on Freeport officers, for taking swift action to address these conditions and assisting this administration in continuing to preserve the safety and quality of life for our officers, visitors and residents on the Nautical Mile.”

“The Freeport Police Department appreciates and commends the action taken by the New York State Liquor Authority in summarily suspending Bracco’s liquor license,” said Freeport Chief of Police Miguel Bermudez. “This licensee has shown a history of complete and wanton disregard to the welfare and safety of their own patrons, members of the community as well as to police officers. This type of conduct will not be tolerated by the Freeport Police Department from any licensed premise.”

On August 15, 2016, the SLA charged Bracco’s with 21 violations, including assaults, disorderly premises, improper conduct for making misrepresentations to the police, permitting live performances in violation of their license and for becoming a focal point for police attention and a drain on village resources.

Bracco’s was previously fined \$4,500 by the SLA on July 14, 2016, \$4,000 on June 20, 2016 and \$2,500 on April 21, 2015 for violations including excessive noise, becoming disorderly, lack of supervision and failing to conform to their license application as a restaurant. In addition, Bracco’s was fined \$2,500 in 2012 for selling after hours.

The State Administrative Procedure Act authorizes a State agency to summarily suspend a license when the agency finds that public health, safety, or welfare requires emergency action. When the SLA summarily suspends a license, it also serves a Notice of Pleading alleging one or more disciplinary violations. In invoking a summary suspension, the SLA has deemed the violation to be sufficiently serious upon initial review to warrant an immediate suspension. The SLA’s decision to summarily suspend a license is not a final determination on the merits of the case. The licensee is entitled to an expedited hearing before an impartial administrative law judge. An order of summary suspension remains in effect until such time as it is modified by the SLA or a reviewing Court.

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