

(Series 1947)
Divisional Order #217
June 17, 1947

STATE OF NEW YORK

EXECUTIVE DEPARTMENT

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

TO: ZONE OFFICES & LOCAL BOARDS

SUBJECT: APPLICATION OF SECTIONS 16 & 40 of the A.B.C. LAW

The Members of the Authority have ruled that Sections 16 and 40 of the Alcoholic Beverage Control Law do not disqualify a member or employee of the Liquor Authority or a Local Board from holding office in a fraternal, religious or benevolent organization which is the holder of a club liquor license issued by the Authority; provided such office is purely honorary and no compensation of any kind is paid the holder of that office, and, furthermore, that the duties of that office do not include, directly or indirectly, supervision over the purchase or sale of alcoholic beverages, and no individual shares directly or indirectly in the profits derived from the operation of the club.

This ruling is in conformity with a prior ruling of the Attorney-General in 1935 (Op. Atty. Gen. 144) that the Commander of a veterans' organization which holds a club license does not come within the provisions of this Section, (Section 40) in the event that he is also an employee of the Authority or of a Local Board.

Where any application filed for a club license indicates that a member or employee of the Liquor Authority or Local Board holds office in the said club, the Licensing Board may act upon the said application within its discretion provided that the office held by such member or employee falls within the category described in the first paragraph hereof.

STATE LIQUOR AUTHORITY



John F. O'Connell
Chairman

(Series 1947)
Divisional Order #217 (Corrected)
June 17, 1947

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

TO: ZONE OFFICES & LOCAL BOARDS

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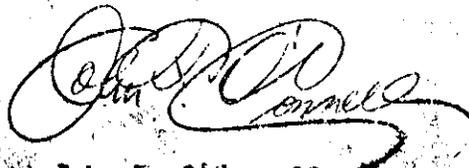
Divisional Order #217 dated June 17, 1947 which was apparently limited in its application to a fraternal, religious or benevolent organization which is the holder of a Club Liquor license, has been extended by the Authority to include any club which is the holder of a Club Liquor License.

Such Divisional Order is therefore amended to read as follows:

"The Members of the Authority have ruled that Sections 16 and 40 of the Alcoholic Beverage Control Law do not prohibit a member or employee of the Liquor Authority or a local board from being a member, officer or director of a club, which is the holder of a club license issued by the Authority.

This ruling is in conformity with a prior ruling of the Attorney-General in 1935 (Op. Atty. Gen. 144) that the Commander of a veterans' organization which holds a club license does not come within the provisions of this Section (Section 40) in the event that he is also an employee of the Authority or of a Local Board."

STATE LIQUOR AUTHORITY



John F. O'Connell
Chairman