

(Series 1974)
Divisional Order #663
February 11, 1974

TO: ZONE OFFICES AND LOCAL BOARDS

SUBJECT: ABANDONED LICENSES ENCUMBERING PREMISES.

The Members of the Authority have authorized a procedure to avoid instituting revocation proceedings where an existing license encumbers premises for which a new application has been filed. This usually occurs in cases where a licensee has been evicted or has abandoned the premises for other reasons. Procedures to be followed are set out hereinafter and modify previous instructions.

This instruction applies to all licenses except off-premises beer licenses.

Local Boards

Upon the filing of a new application, where no contractual relationship exists with the holder of the current license, notify the present licensee of such filing and demand the license be surrendered for refund. (If the certificate is turned in to the local board, it is to be forwarded immediately to the zone office refund unit).

A copy of the local board's letter of demand shall be designated for the head of the zone office license bureau and also shall contain the identity and the serial number of the new application.

The letter shall generally state that if the licensee does not comply within 10 days, the authority will institute steps to declare the license abandoned. (It is no longer necessary to indicate that revocation proceedings will be instituted).

In its digest to the zone office, when the new application is referred for final action, the local board shall indicate that it took the steps as required here. If there has been no response to the knowledge of the local board, that circumstance should be noted, but no further action by that board is necessary.

Zone Office

Ten days after the local board has written the current licensee, the zone office shall determine if the existing license has been surrendered. If not, an "Abandonment Notice" shall be sent by certified mail to the last home address of the principal of the licensee. Copy is attached. In effect it instructs that the license be surrendered for refund but it gives the licensee the right to request a hearing. If no response is received within 10 days, the license may thereupon be declared abandoned insofar as it relates to the premises shown on the license certificate. Processing of the new application may proceed then in the same manner as if the existing license had been surrendered.

To declare the license "Abandoned", a Deputy Commissioner shall write such a statement, dated and initialed, on copies of the notice in folders relating to both the current licensee and of the applicant.

Should a hearing be requested, institute revocation proceedings immediately on a charge of non-bona fide.

Should a licensee raise the issue of whether a removal petition would be accepted from him, he may be answered in the affirmative. However, he should be informed that his license will still be considered as abandoned insofar as the premises named thereon are concerned.

In the absence of word from the licensee, and upon administratively declaring the license abandoned, the zone office needs to take no further action as the license necessarily will expire at the end of its term.

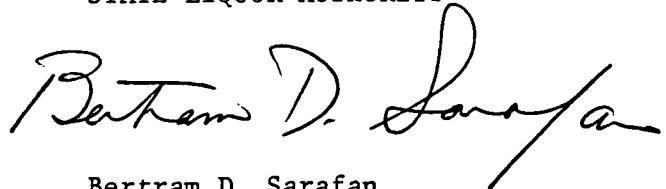
There may be instances where a current licensee, who has vacated the premises and has been approved for removal, has not yet been endorsed to his new location. Treat this the same way. Add to the "Abandonment Notice" a statement that the Authority's action does not affect the approved removal.

Copies of all communications should be sent to all interested parties. Use certified mail only for the copy sent to the principal of the current licensee.

Off-Premises Beer

This procedure is not to be followed where off-premises beer licenses are involved. In these cases where a conflict of licenses occurs, request the applicant to obtain a statement from the landlord confirming termination of the last licensee's tenancy.

STATE LIQUOR AUTHORITY

A handwritten signature in cursive script that reads "Bertram D. Sarafan". The signature is written in dark ink and is positioned above the typed name and title.

Bertram D. Sarafan
Chairman