

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: Manufacturers, Wholesalers and Solicitors

SUBJECT: Employment of solicitor by multiple licensees

Section 93 of the Alcoholic Beverage Control Law provides for the issuance of a “solicitor’s” permit. These permits are issued to individuals to allow them, on behalf of a licensed manufacturer or wholesaler, to offer for sale, and/or solicit orders for the sale of, alcoholic beverages from other licensees, typically retailers and permittees. Subdivision 2 of Section 93 requires that the name of the licensee being represented by the solicitor appear on the permit certificate. Based on its interpretation of the language of subdivision 2, the Authority has maintained a long standing practice of prohibiting an individual from working for more than one licensed manufacturer or wholesaler.

Notwithstanding that prohibition, the Authority has in recent years allowed an individual to work as a solicitor for a different business owned by the same licensed entity. For example, a company that holds both liquor and beer wholesale licenses can employ an individual as a solicitor to represent both businesses. Recently, craft manufacturers have inquired as to whether they can employ individuals as solicitors even if the individuals are employed by another craft manufacturer. As explained by the craft manufacturers, these small businesses cannot afford to retain full time sales staff and sharing such staff with other manufacturers is cost effective.

Upon further consideration of the matter, the Members of the Authority find that the language of subdivision 2 of section 93 does not impose a restriction on the number of licensees that a solicitor represents, but only requires that the name of any such licensee appear on the permit certificate. Accordingly, an individual holding a solicitor’s permit may represent more than one licensed craft (“micro” or “farm”) manufacturer, provided that all the manufacturers consent to the individual’s representation of multiple licensees. Written proof, on a form approved by the Authority, must be submitted in order for the solicitor to obtain a permit with the additional manufacturer name or names.