

**State Liquor Authority
Division of Alcoholic Beverage Control**



**PROJECT SUNLIGHT AGENCY PROCEDURES
JUNE 2013**

SLA Project Sunlight

Agency Procedures

(June 2013)

Project Sunlight, an important component of the Public Integrity Reform Act of 2011, is an online database that provides the public with an opportunity to see what entities and individuals are playing a role in government decision making. Under Project Sunlight, certain interactions with State Liquor Authority/Division of Alcoholic Beverage Control (“SLA” or “Authority”) staff that are meant to influence agency decisions will be reported in the data base. Only the persons involved, and not the substance of any communication, are reported. Following is a list of the interactions that will, and will not be subject to reporting under Project Sunlight. Any questions and/or issues should be directed to the SLA’s Deputy Commissioner for Administration (Chad Loshbaugh) and/or Special Counsel (Thomas Donohue), who are the agency’s liaisons for Project Sunlight.

Interactions excluded from reporting regardless of the nature of the contact

The following interactions with the SLA, regardless of the subject matter, **will not** be reported under Project Sunlight.

- 1) Any written communication, such as letters, faxes and emails.
- 2) Any telephone conversation.
- 3) Any appearance at a Full Board meeting of the Members of the Authority. All Full Board meetings are announced in advance on the SLA website, are open to the public, webcast, and archived. The Full Board hears and decides all contested licensing applications, as well as certain other categories of licensing applications. Also, the Full Board affirms or rejects all administrative judges’ findings of fact in administrative proceedings, and the Full Board imposes all penalties upon licensees, with the exception of those for certain routine violations which are imposed individually by commissioners on a random, rotating basis.
- 4) Any meeting or video conference between any of the following persons and an agency employee: a representative of a state or local agency or authority; a representative of the federal government; a representative of a tribal government; an elected official; executive or legislative employees; judges or employees of the judiciary; a representative of the media; and a person under the age of 18.
- 5) Any meeting or video conference between any person and any agency employee with respect to: requests for information; guidance in the submission of forms and other documents; scheduling meetings; identifying or describing a law, regulation or agency policy; issuing a refund for the unused portion of the term of a license; the performance of any other ministerial function.
- 6) Litigation before any court.

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Interactions that will or will not be reported depending upon the nature of the contact

	Will be Reported to Project Sunlight	Will not be Reported to Project Sunlight
Licensing Matters	<ol style="list-style-type: none">1) Any meeting-or video conference regarding a pending application between an applicant or any other person and a Commissioner of the Authority regarding a pending application.2) Any meeting or video conference between any person, other than an applicant or its representative of record,* and General Counsel, Special Counsel, or member of the Licensing Board regarding a pending application.3) Any appearance by an applicant, its representative of record,* or any other person (other than a witness called by the licensee or the Authority) at a quasi-judicial proceeding conducted by the Authority regarding a license application, other than a "500 Foot Hearing."	<ol style="list-style-type: none">1) Any appearance at "500 Foot Hearings" (which are open to the public and announced on the agency's website), to determine if issuing a full on premises liquor license, where three or more licensees have been issued to premises within 500 feet of the proposed location, would be in the public interest.2) Any meeting or video conference between an applicant or its representative of record,* and an agency employee, other than a Commissioner of the Authority regarding a pending application.3) Any meeting or video conference between any person other than an applicant or its representative of record,* and an agency employee, other than a Commissioner of the Authority, General Counsel, Special Counsel or member of the Licensing Board with respect to a pending application.

* Representative of Record = The SLA provides an online searchable PDF document that lists the names of all principals, representatives and attorneys who are appearing, or have appeared, on behalf of applicants or licensees with respect to specific applications or other individual matters before the agency, on or after January 1, 2013. The PDF is updated weekly and can be found on the SLA's public web site at www.sla.ny.gov.

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	Will be Reported to Project Sunlight	Will not be Reported to Project Sunlight
Enforcement Matters	<ol style="list-style-type: none">1) Any meeting or video conference between any licensee or any other person and a Commissioner of the Authority with respect to a disciplinary matter, or a stay of any penalty imposed by the Authority.2) Any meeting or video conference between any person, other than the licensee or its representative of record,* and General Counsel or Special Counsel with respect to a disciplinary matter, or a stay of any penalty imposed by the Authority.3) Any meeting or video conference between any person, other than a licensee or its representative of record,* and the Secretary to the Authority with respect to a stay of any penalty imposed by the Authority.4) Any appearance by a licensee, its representative of record,* or any other person (other than a witness called by the licensee or the Authority) at a quasi-judicial proceeding conducted by the Authority with respect to charges brought by the Authority against the licensee.	<ol style="list-style-type: none">1) Any meeting or video conference between a licensee, or its representative of record,* and any agency employee, other than a Commissioner of the Authority with respect to a disciplinary matter.2) Any meeting or video conference between any person other than the licensee or its representative of record,* and an agency employee, other than a Commissioner of the Authority, General Counsel, or Special Counsel with respect to a disciplinary matter.

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Rulemaking, Policy-making, and Other Regulatory Matters	<ol style="list-style-type: none">1) Any meeting or video conference between any person and a Commissioner of the Authority, General Counsel, Special Counsel, or Wholesale Bureau staff member with respect to: the repeal, adoption or amendment of a regulation, advisory, bulletin or divisional order issued by the Authority; or modifying a regulatory policy not promulgated in the aforementioned categories of documents.2) Any meeting or video conference between any person and a Commissioner of the Authority, General Counsel, Special Counsel, or Wholesale Bureau staff member, regarding a request that the agency take action, or refrain from taking action, with respect to the exercise of the Authority's powers involving price posting, terms of sale, or any other trade practice issues.	<ol style="list-style-type: none">1) Any meeting conducted by the Authority to discuss general licensing, disciplinary, compliance, regulatory or trade practice issues provided that the meeting is open to the public and notice of the meeting is announced on the agency's public website.