

Testimony of
Chairman Daniel B. Boyle
New York State Liquor Authority

Before the
Joint Hearing of the
Speaker of the Assembly
Assembly Standing Committee on Economic Development,
Job Creation, Commerce and Industry
Assembly Standing Committee on Codes

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Good morning, ladies and gentlemen, Speaker Silver, Chairman Schimminger, Chairman Lentol and distinguished members of the Assembly. My name is Daniel Boyle and I am the Chairman of the New York State Liquor Authority. I want to thank you for providing me the opportunity to testify today.

As background, the Governor appointed me as Chairman of the State Liquor Authority in January and I was confirmed by the Senate on February 12, 2006, to a three year term. Prior to coming to the SLA, I spent some 31 years in law enforcement, serving in the Syracuse Police Department, Chief of Police for the East Syracuse Police Department, Commissioner of Public Safety for the City of Schenectady, and most recently as Chief of Police for the Town of Glenville.

Throughout my career, I have worked to garner cooperation between local groups, elected leaders and representatives from the community to help tackle tough public safety concerns and neighborhood issues. My philosophy has been to encourage active participation from the community. As Chairman, I will lead the State Liquor Authority by the same philosophy.

There is a new leadership team that has joined me at the SLA, including our new CEO Joshua Toas, Deputy Commissioner for Government Affairs Thomas O'Connor, and other new and experienced staff. Together we are focusing the Authority's resources and continuously improving our operations to achieve our mission of safer communities, more efficient regulation, and a more responsive agency.

One major goal of this new team is to enhance our outreach efforts. We have worked diligently to open up the lines of communications throughout the Authority, and we have extended this open door policy to government officials, community organizations and to the public at large.

Since coming onboard, I, as well as CEO Toas and Deputy Commissioner O'Connor, have met with several members of the Legislature, local elected officials and representatives from the New York City Mayor's Office. The SLA has attended outreach meetings throughout the state and has participated in eight Community Board meetings in recent months. Mr. Toas and Mr. O'Connor regularly field direct calls from citizen groups and community activists. In addition, I have requested a face to face meeting with Manhattan Borough President Scott Stringer and hopefully this will occur in the very near future. I would also welcome the opportunity to meet with all of the borough presidents.

Members of my Executive Staff are in the process of seeking the input from Community Board leaders for how we can continue to improve our agency's responsiveness and will shortly be requesting meetings with these Community Board leaders. The SLA was created in large part to protect the communities where licensed premises operate and, as I have mentioned, paramount to our mission is working with community groups.

Under the Alcoholic Beverage Control Law, the State Liquor Authority is required to notify Community Boards of any 500 foot hearing. The leadership of the SLA strongly supports and values the participation of Community Boards in these hearings. As representatives of the community, we understand Community Boards have a unique perspective to share with the SLA.

In addition, we now post on our web site notices of all 500 foot hearings. The notices include the address of the proposed premises, the name and address of the applicant's attorney, along with the corresponding Community Board for which the proposed premise seeks to locate. We have received very positive feedback regarding this new web posting.

We strongly encourage any interested member of the community to attend the hearing and testify. We also encourage anyone who is not able to attend the hearing to provide the Authority with written testimony. Additionally, we ask for comments on testimony after it is given, and will accept comments for up to a week after the hearing date. We believe our efforts give members of the community time to both share their views and a chance to dispute any prior testimony.

The SLA places substantial weight on Community Board input and that of local law enforcement and members of the community during the decision making process. Since the start of this year, the Members of the Authority have acted on 10 applications after the conclusion of a 500 foot hearing in New York City. Of these 10, the Authority disapproved seven and approved three. Of the three approved, one received community board support, one received no opposition and the third received a combination of support and opposition from the community.

We have recently received a number of letters from Community Boards thanking us for recognizing their concerns and praising our responsiveness. In an effort to perform our jobs better, the SLA needs to hear community comments and complaints, your insights and ideas, and the expertise you have in the communities you live in.

Our work with local communities and officials is not limited to the licensing process, but also to ensure that once obtained, the licensee respects the privilege and abides by the law.

In his recent Executive Budget, the Governor proposed measures to further enhance and strengthen the SLA. The Governor's budget called for an additional 28 new Beverage Control Investigators as well as higher fines for licensees that violate the ABC Law and for increasing the number of Administrative Law Judges to help expedite cases and resolve the current backlog.

Unfortunately, the budget approved by the Legislature did not include the Governor's recommendations. And as you are well aware, the Governor was forced to veto portions

of the Legislative Budget on constitutional grounds, including the “Problem Premises Task Force” proposed by the Assembly.

However, in his veto message, the Governor lauded the overall goal of the proposed Task Force, and directed me to, “establish a rapid enforcement unit to conduct priority investigations and institute prompt disciplinary action where there is substantial evidence that a premises poses an imminent threat to public health, safety and welfare.” For your information, as an attachment to this testimony, I am including the press release announcing the establishment of the Rapid Enforcement Unit (REU).

Today I can report to you that REU members have been assigned from each region of the State. They include our most experienced investigators and prosecutors, led by our CEO, Joshua Toas, who was named Director of the REU. This new unit is on the front lines working with local law enforcement to crack down on bar and nightclub owners who do not act responsibly.

The REU immediately responds to allegations of criminal activity and serious repeat violations of the ABC Law. Referrals to the REU are given top priority. Investigations of referrals to the REU will begin within 10 days. If there is evidence of a violation, a pleading will be sent to the licensee within 5 days. If the licensee contests the charges, the REU will schedule an expedited hearing to resolve the matter. REU investigations are continually monitored by SLA management through a computerized case tracking system. In addition, we are in the process of hiring 28 part-time Administrative Law Judges to help us expedite our hearings.

Any violations that pose a serious threat to the public are sent immediately to the Members of the Authority for a potential summary suspension. Recently, violations at a number of bars met this threshold, and the Members of the Authority have acted to end the threats. Over the past six months, summary suspensions have been issued for two bars in Buffalo, three in the Capital Region, one in Herkimer County and another in Suffolk County. In addition, following a recent REU investigation of a bar in Queens, the Board voted on Wednesday to summarily suspend the license of a dangerous bar in Jamaica.

The REU ensures the efforts of the SLA, local law enforcement, communities, municipalities and government agencies are fully integrated and managed in our continuing effort to make our communities safer. The REU also helps the Authority spread the message that when licensees do not take the responsibility of having a license seriously, they will lose the privilege. And, following our next Full Board meeting on May 17, 2006, we will begin posting all disciplinary rulings against licensees on our web site.

Obviously, this Administration and the leadership at the SLA believe in and support the free market. Restaurant and bar owners who go through the licensing process and abide by the law can be a beneficial part of their communities. However, the leadership of the SLA will not allow irresponsible licensees to profit off the system while the community

pays the price. Licensees who do not abide by the law, those who use bait and switch tactics to get a license, bars that cater to minors or permit criminal activity, and bar owners who allow their establishments to become disorderly and disruptive to their communities will not be tolerated.

In closing, I want to reiterate that protecting the public is a critical responsibility of the SLA. Everyday, the SLA does more with less, and we will continue to do the best job we can with the resource available. However, the SLA can not ensure compliance with the ABC Law alone. We need the assistance of law enforcement officials, municipal leaders, government agencies and just as importantly, we need the help of community groups. Working in partnership with you, I believe that the SLA will continue to be successful in carrying out its mission and the communities of this state will be the true beneficiaries of our efforts. Thank you.