



STATE OF NEW YORK
EXECUTIVE DEPARTMENT

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

STATE LIQUOR AUTHORITY

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IN REPLYING REFER TO
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MEDIA ADVISORY

For Immediate Release

December 16, 2010

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EMERGENCY SUSPENSION ORDERED FOR ALBANY BAR
Liquor Authority Suspends Bar Overrun with Minors

Albany, NY – The New York State Liquor Authority (SLA) suspended the license of Chubby’s NY Inc, doing business as “Chubby’s” at 497 Washington Avenue in Albany. The suspension was ordered by Members of the State Liquor Authority, Chairman Dennis Rosen and Commissioner Jeanique Greene, and Commissioner Noreen Healey at a meeting of the Full Board on Wednesday, December 15, 2010. Effective immediately, no alcohol can be served or consumed on the premises.

The emergency action results from a compliance investigation conducted on December 8, 2010 by the SLA, the Albany Police Department (APD), and the NYS Department of Motor Vehicles (DMV). Shortly after entering the establishment, an undercover SLA Investigator called in the compliance team, after noting the bar was dangerously overcrowded with patrons appearing to be underage. As patrons exited, DMV investigators counted 207 individuals packed inside the bar with a maximum occupancy of 85, with a disturbing 119 found to be underage. Thirteen separate sales to minors were documented, with four directly observed and an additional nine sales confirmed through written statements. Both the observed sales and the statements establish bartenders never even requested ID from the minors.

“Bars that cater to minors are going to be caught and their licenses are going to be confiscated,” said SLA CEO Trina Mead. “The SLA will continue to take emergency action against licensees whose irresponsible behavior threatens public health and safety.”

The SLA cited Chubby’s for 15 separate violations, including sales to minors, improper supervision, as well as building code violations. In 2004 the SLA imposed a \$2,500 penalty for selling to minors on October 17, 2004. On April 14, 2010, Chubby’s was fined \$3,500, also for selling to minors.

The State Administrative Procedure Act authorizes a State agency to summarily suspend a license when the agency finds that public health, safety, or welfare requires emergency action. When the SLA summarily suspends a license, it also serves a Notice of Pleading alleging one or more disciplinary violations. In invoking a summary suspension, the SLA has deemed the violation, considering each licensee's disciplinary history, to be sufficiently serious upon initial review to warrant an immediate suspension. The SLA's decision to summarily suspend a license is not a final determination on the merits of the case. The licensee is entitled to an expedited hearing before an administrative law judge. An order of summary suspension remains in effect until such time as it is modified by the State Liquor Authority or a reviewing Court.

The State Liquor Authority regulates and controls the manufacture, sale and distribution of alcoholic beverages within the state. The Authority works with local law enforcement agencies and localities across the State to ensure compliance with the Alcoholic Beverage Control Law. In addition, the Authority issues and renews licenses and permits to manufacturers, distributors, wholesalers and retailers of alcoholic beverages.

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