



STATE OF NEW YORK
EXECUTIVE DEPARTMENT

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

STATE LIQUOR AUTHORITY

80 S. Swan Street
Albany, New York 12210

317 Lenox Avenue
New York, New York 10027

125 Main Street
Buffalo, New York 14203

IN REPLYING REFER TO
Albany

MEDIA ADVISORY

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Contact: Bill Crowley (518) 486-4767

PressOffice@abc.state.ny.us

**EMERGENCY SUSPENSION ISSUED FOR BAR IN OSWEGO COUNTY
Cocaine, Marijuana and Underage Drinking Charges Compel SLA Action**

ALBANY – (March 5, 2008) The New York State Liquor Authority (SLA) summarily suspended the license of Rick & Lea's Pub, at 118 Lake Street, State Route 49 in Cleveland, New York. The suspension was ordered by the Members of the State Liquor Authority, Chairman Daniel B. Boyle and Commissioner Noreen Healey at meeting of the Full Board on Wednesday, March 05, 2008.

On February 15, 2008, the New York State Police (NYSP), New York State Police Narcotics Enforcement Team (CNET) and SLA Investigators conducted an undercover investigation based on complaints of underage drinking and drug activity at the bar. During the investigation, a patron offered cocaine to a CNET Investigator while inside the premises. The Investigator and the patron arranged to go outside to use the cocaine, where the patron was arrested by the NYSP. Subsequently, uniformed NYSP Troopers entered the bar and observed one of the licensees in possession of cocaine and marijuana in the kitchen of the premises. Earlier that evening, SLA Investigators observed a minor purchase alcohol from the bartender without presenting ID. The SLA also charged the bar with permitting gambling, failure to provide adequate supervision, inadequate books and records and contaminated bottles of alcohol. The Members determined the bar posed an imminent threat to the public and voted for suspension. Effective immediately, no alcohol can be served or consumed on the premises.

“Holding a liquor license is a privilege that comes with the obligation to run your establishment responsibly,” State Liquor Authority Chief Executive Officer, Joshua B. Toas said. “The action taken by the Members today shows that when licensees do not take their responsibilities seriously, when they serve minors or engage in and permit illicit drug activity at their bars, they will lose that privilege.”

Troop D Troop Commander, Major Donald DePass said, "The State Police continues to be vigilant in enforcement efforts against underage drinking and illegal drug activities. The

Liquor Authority's action and these arrests demonstrate that these activities will not be tolerated."

In addition to the above incidents, in September 2007 the licensee was charged with gambling, extension of premises without the permission of the Authority and using a trade name without the permission of the Authority. This matter is currently pending before the Authority.

The State Administrative Procedure Act authorizes a State agency to summarily suspend a license when the agency finds that public health, safety, or welfare imperatively requires emergency action. When the SLA summarily suspends a liquor license, it also serves upon the licensee a Notice of Pleading alleging one or more disciplinary violations. In invoking a summary suspension, the SLA has deemed the violation(s), 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 to address the alleged violation(s) that led to the suspension. 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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