

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF DECEMBER 16, 2014
REFERRED FROM: COUNSEL'S OFFICE

2014-03150A

REASON FOR REFERRAL
REQUEST FOR DIRECTION

FERMENTATION CELLAR PROJECT

(DECLARATORY RULING)

The Members of the Authority at their regular meeting held at the Zone I New York City office on DECEMBER 16, 2014 determined:

Dan Suarez
202 Hogtrough Road
Germantown, NY 12526



RE: Request for a Declaratory Ruling on Fermentation Cellar Project

Dear Jacqueline,

Please excuse the random correspondence, but Sam Filler at Empire State Development recommended that I reach out to you. I'm writing to request a declaratory ruling that sanctions a beer fermentation cellar that I hope to open in New York state.

To explain, in this scenario my wife and I (owners of the Suarez Family Brewery) would rent a warehouse space in which we would ferment all of our beers. I would personally brew the wort (using our own recipes and raw materials) at a nearby 'host brewery', that would charge a rental fee to use their facilities for the day.

After I produce the wort using the host brewery facility, I would pump it onto a stainless container on the back of our box truck. From there, we would transport the raw wort to our fermentation space (no yeast has been added at this point so it is still, in effect, sugar water) and pump it into one of our fermentors and pitch the yeast.

We would ferment, condition, blend, package, and sell our beer from our facility, just as any other licensed brewer would in New York state. We plan to apply for a New York State Microbrewers license, and are wondering whether this type of operation qualifies for this license?

This type of endeavour is an age-old concept in Europe, with several lambic "blenders" still in operation in/around Brussels. There are also several American beer makers who are currently producing their product in this way, including Crooked Stave (CO), Rare Barrel (CA), and Mystic (MA). All of these American producers hold their own brewer's license with the TTB and their respective states, and none have alternating proprietorships with their "host breweries".

We are formally appealing to the SLA to grant us the permission to embark on a beer fermentation cellar project, as outlined in this letter. Given that there are no other breweries currently operating in this way in New York state we understand that you might have some additional questions regarding the logistics. Please feel free to contact me at any time (contact info listed in my signature below) if you have any questions or need any clarification.

Given the time sensitive nature of this matter, we appreciate your swift response. We very much look forward to hearing from you, and hope that we can help create great beer in New York state.

Cheers,
Dan

Dan Suarez
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Suarez Family Brewery

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