

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF MARCH 10, 2015
REFERRED FROM: LICENSING BUREAU

2015-00460

REASON FOR REFERRAL
REQUEST FOR DIRECTION

DURATION AND EXPIRATION DATE OF LICENSES

(PROPOSED ADVISORY)

The Members of the Authority at their regular meeting held at the Zone I New York City office on MARCH 10, 2015 determined:

STATE OF NEW YORK
LIQUOR AUTHORITY

To: All licensees
Subject: Duration and expiration date of licenses

- Expiration date of licenses

Effective April 1, 2015, all new licenses shall be issued with an expiration date which is the last day of the month preceding the month of issuance. For example, a new license issued on April 5th will have an expiration date of March 30th. Please note that all licenses, other than brewer and beer wholesaler licenses, are currently issued using this system. Brewer and beer wholesaler licenses are now issued with an expiration date of June 30th. Starting April 1, 2015, brewer and beer wholesaler licenses will also be issued with an expiration date which is the last day of the month preceding the month of issuance. This change will not alter the expiration date of current brewer and beer wholesaler licenses that are renewed after April 1, 2015.

- Duration of license

For the convenience of the industry, following is a list of each license issued by the Authority together with the duration of such license. Please remember that, other than restaurant-brewers, the total license fee is the annual fee multiplied by the duration of the license.

Retail Licenses

- off-premises beer: 3 years
- off-premises beer & wine products: 3 years
- on-premises beer: 3 years
- off-premises wine: 3 years
- off- premises liquor (other than restaurant-brewer): 3 years
- roadside farm market: 1 year
- on-premises beer: 3 years
- on-premises wine: 2 years
- on-premises liquor: 2 years
- restaurant-brewer: 3 years

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Wholesale licenses

- beer wholesaler: 1 year
- cider wholesaler: 1 year
- liquor wholesaler: 3 years
- wine wholesaler: 3 years

Manufacturing licenses

- brewer: 1 year
- farm brewer: 1 year
- cider producer: 1 year
- farm cidery: 3 years
- distiller (other than farm distiller): 3 years
- farm distiller: 1 year
- winery: 3 years
- farm winery: 3 years

- Rescission of prior Full Board guidance

Divisional Order #785-A (Amended and Corrected on July 25, 1984) is hereby rescinded.

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NEW YORK STATE LIQUOR AUTHORITY

Series 1984
Divisional Order #785-A
(Amended and Corrected)
July 25, 1984

To: Bureau Heads, Zone Offices and Local Boards.

Subject: (A) License Period, Commencement, Duration and Expiration Date of Licenses.
(B) Three-Year Beer Licenses.

Note: Divisional Order #785 issued July 19, 1984 is corrected to change the effective date from August 1, 1984 to September 1, 1984. All other provisions remain unchanged.

At the July 11, 1984 meeting, the Members of the Authority authorized the following license procedures.

Anniversary Date Renewals:

(A) All licenses except: Brewer's Licenses (Sec. 51), Brewer's Retail Licenses (Sec. 52), Beer Wholesaler's Licenses (Sec. 53) and Sale of Cider by Beer Wholesaler's License (Sec. 58-a), shall be issued with an expiration date which is the last day of the month preceding the month of issuance. Thereafter, they will be renewed for the full license period which will begin on the first day of the month following the expiration date. For example, a three-year license issued Sept. 10, 1984 will expire Aug. 31, 1987. The first renewal period will be effective on Sept. 1, 1987 and will expire on Aug. 31, 1990. A one-year license issued Sept. 10, 1984 will expire Aug. 31, 1985 and renew on Sept. 1, thereafter.

No event should a new license be issued for a period greater than three years.

Licenses currently in existence which have a fixed renewal date will continue to renew on that date (e.g., Mar. 1, July 1, Oct. 1).

The full license fee must accompany all applications.

Brewer, Brewer Retail, Beer Wholesaler and Sale of Cider by Beer Wholesaler Licenses will continue to be annual licenses expiring June 30. Upon the issuance of a new license the license fee will be prorated as set forth in Divisional Order #784.

Divisional Order #784, subdivisions 2 and 3 will no longer be applicable as to all other licenses. There will be no refund due as the license will be effective for the full license period less the elapsed number of days in the month of initial issuance. No refunds are issued for a period of less than one month, e.g., a three-year license issued August 10, 1984 will expire July 31, 1987 and therefore the license period is 2 years 11 months and 21 days. There is no refund due for the 10 days.

Additional Three-Year Licenses:

(B) All Beer licenses issued pursuant to Sec. 57-a: Vendor's License (Sec. 53-a), Retail Beer - Off Premises Consumption (Sec. 54), Retail Beer - On Premises Consumption (Sec. 55), and Retail Beer - Baseball Parks, Race Tracks, etc. (Sec. 55-a), will henceforth be three-year licenses. The issuance and renewal procedure is set forth in Paragraph (A) above. All current licenses issued pursuant to Sec. 57-a, will be renewed for three years. The duration of Wine licenses remains one year.

STATE LIQUOR AUTHORITY


ANTHONY V. GAZZARA
CHAIRMAN

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF MARCH 10, 2015
REFERRED FROM: LICENSING BUREAU

2015-00461

REASON FOR REFERRAL
REQUEST FOR DIRECTION

COMPLIANCE WITH ABCL §110(1)
FOR NOT-FOR-PROFIT ORGANIZATION

(PROPOSED ADVISORY)

The Members of the Authority at their regular meeting held at the Zone I New York City office on MARCH 10, 2015 determined:

STATE OF NEW YORK
LIQUOR AUTHORITY

To: All applicants for licenses

Subject: Compliance with ABCL §110(1) for Not-for-Profit Organizations

Pursuant to the provisions of ABCL §110(1), the Authority requires information regarding the principals of the entity, or entities, that are applying for a license. With respect to a corporation, information regarding the officers, directors and certain stockholders must be supplied. The Authority obtains this information by having each person complete a personal questionnaire. In addition, these individuals must also submit their fingerprints so that the Authority can determine whether the individual has any disqualifying criminal conviction or any criminal conviction that may be relevant to whether such individual has the requisite character and fitness to hold a license.

With respect to corporations, the only statutory exception to these requirements is for a not-for-profit organization that is applying for a "club" license. In such a case the not-for-profit must designate an Alcoholic Beverage Officer who must complete the personal questionnaire and submit fingerprints. The other officers and directors of the organization are not required to submit personal questionnaires or fingerprints. However, if the not-for-profit is applying for any other license, all of its officers and directors (sometimes referred to as "trustees") must submit personal questionnaires or fingerprints.

The need to obtain personal questionnaires and fingerprints from the directors/trustees of a not-for-profit often becomes a hardship for a not-for-profit applying for a license. Those individuals are, most often, volunteers who have little involvement in the "day-to-day" operations of the not-for-profit. They may also have minimal contact with the organization other than attending board meetings. Accordingly, not-for-profit applicants have encountered difficulty obtaining all the documentation required from such individuals in order to submit a complete application.

The Authority is not allowed to waive information required by ABCL §110(1) for individual applicants. However, ABCL §110(6) allows the Authority to waive the submission of any category of information for a category of licenses. Inasmuch as directors/trustees of a not-for-profit organization are not, as a practical matter, "in the business" of selling or manufacturing alcoholic beverages, and given the demonstrated hardship caused to not-for-profits in complying with certain provisions of ABCL §110(1), the Members of the Authority have determined that there is good cause to exercise the discretion afforded by ABCL §110(6) and ease the requirements governing applications involving not-for profit organizations.

Accordingly, hereinafter the following shall apply to a not-for-profit corporation applying for a license:

- all principal officers (president, vice-president, secretary and treasurer) must submit a personal questionnaire and fingerprints;
- any director/trustee who is compensated (other than for expenses to attend meetings) must submit a personal questionnaire and fingerprints; and

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- personal questionnaire and fingerprints shall not be required for any director/trustee who is not compensated. Provided however, that the applicant shall submit a list with the name and address of each such individual along with a statement that each such individual is eligible to hold a license.

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NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF MARCH 10, 2015
REFERRED FROM: LICENSING BUREAU

2015-00466

REASON FOR REFERRAL
REQUEST FOR DIRECTION

SURRENDER AND SAFEKEEPING OF LICENSES

(PROPOSED ADVISORY)

The Members of the Authority at their regular meeting held at the Zone I New York City office on MARCH 10, 2015 determined:

STATE OF NEW YORK
LIQUOR AUTHORITY

To: All licensees
Subject: Surrender and safekeeping of licenses

Pursuant to Section 53.1(d) of the Rules of the Authority, a licensee may be subject to disciplinary action if the "licensed premises ceases to be operated as a bona fide premises within the contemplation of the license issued for such premises, in the judgment of the Authority." It has long been the position of the Authority that, when a licensed business is closed, either temporarily or permanently, or the licensee has otherwise ceased conducting licensed activities, the premises is no longer "bona fide." This Advisory is intended to provide guidance to licensees with respect to actions that must be taken if the licensed business is closed, either temporarily or permanently, or the licensee has otherwise ceased conducting licensed activities.

If the licensed business will be closed for less than two weeks, no action is required in order for the premises to remain "bona fide." If the licensed business temporarily closes or otherwise temporarily ceases licensed activities for more than two weeks, the license certificate must be placed in safekeeping. If the licensed business is permanently closing or otherwise permanently ceasing licensed activities, the license certificate must be surrendered. Following are instructions with respect to the safekeeping and surrender of a license certificate.

- Surrender of license certificate

If a licensee permanently ceases using its license (for example, because the business is being closed or the business has been sold to another entity) before the expiration date of the current license certificate, the licensee certificate must be submitted to the Authority for surrender. To submit a license certificate for surrender, the licensee must complete the petition for surrender found on the reverse side of the license certificate, or complete the separate Petition for Surrender form that can be found on the Authority's website.

Please note that the submission of the license certificate and Petition for Surrender does not complete the surrender process. The petition for surrender must be approved by the Authority. Pursuant to Section 127 of the Alcoholic Beverage Control Law, if there is a disciplinary proceeding pending against the licensee, or if a disciplinary proceeding is commenced within thirty days after the submission of the petition for surrender, the Authority cannot approve the surrender until the disciplinary proceedings are resolved.

Once the petition for surrender has been approved, the licensee may be eligible for a refund of the unused portion of the licensee fee. This refund, pro-rated based on the number of full months remaining on the license, is available to any licensee who submits the license certificate and petition for surrender at least one month before the date of expiration of the license certificate. However, if a disciplinary proceeding is pending, or is commenced within thirty days after the submission of the petition for surrender, the Members of the Authority may direct that any refund be forfeited if the disciplinary charge or charges are sustained.

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Please note that any refund will be issued in the name of the licensee. In the case of a corporation, limited liability company or partnership, the refund cannot be issued to individual principals of the licensed entity. Upon approval of the Petition to Surrender, the license privileges shall be terminated and the license listed as "inactive." In the event the licensee intends to resume operations, an application for a new license must be submitted.

- Safekeeping

If the licensed business temporarily closes or otherwise temporarily ceases licensed activities for more than two weeks, the license certificate must be placed in safekeeping with the Authority. Removing the license certificate from the licensed premises and "keeping" it somewhere "safe" is not sufficient. The license certificate must be submitted along with written instructions from the licensee directing that the license certificate be kept in safekeeping. The license certificate will remain in safekeeping until such time as the licensee directs and arranges for the return of the license certificate to the licensed premises.

The licensed premises must be ready to open and operate at the time the license certificate is removed from safekeeping. The Authority may request that the licensee submit proof to demonstrate that the business is ready to resume operations. When the license certificate is removed from safekeeping, it is for use at the licensed premises set forth on the license certificate. If the licensee intends to resume business at another location, an application to remove the license to the new location must be submitted to and approved by the Authority before the license certificate may be taken out of safekeeping.

With the exception of class "C" beer wholesaler licenses¹ or unless approved by the Authority if good cause is shown, no license certificate may remain in safekeeping for more than six months. At the conclusion of that six month period, a licensee must be prepared to either: take the license certificate out of safekeeping and resume licensed activities; surrender the license; or request and obtain approval for an extension of the time the license certificate may be kept in safekeeping. The failure of the licensee to take one of these actions will subject it to disciplinary action.

To obtain an extension of the time the license certificate may be kept in safekeeping, the licensee must submit a written request to the Authority's Deputy Commissioner of Licensing. The request must be submitted no later than the end of the fifth month that the license has been in safekeeping. The request must explain why there is good cause to approve the extension. Examples of good cause include natural disasters and fires that require significant repairs or rebuilding of the licensed premises, and litigation between the licensee and landlord that prohibits the licensee from occupying the premises. Reasons such as remodeling, renovations, or searches for new locations to move the licensed business do not constitute good cause to grant an extension.

¹ New "C" beer wholesale licenses are not available. A new licensee can only obtain such a license by: a) purchasing an existing business that holds such a license; and b) filing a transfer application. Nor can an existing "C" licensee surrender its current license certificate and obtain a new license for another location at a future date. Accordingly, the Authority will continue to allow "C" beer wholesaler license certificates to remain in safekeeping indefinitely without the need for approval by the Deputy Commissioner of Licensing. However, the license certificate may not be removed from safekeeping unless the licensee identifies a specific location where the business will be located. If the location is not the address set forth on the license certificate, an application to remove the license to the new location must be submitted and approved.

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Safekeeping does not result in a termination of the license privileges. Those privileges are suspended while the license certificate is in safekeeping. The licensee remains responsible for renewing the license if it expires while the license certificate is in safekeeping. The licensee is not entitled to any refund of the license fee for the period during which the license certificate was in safekeeping.

- Additional bars

The certificate issued for an additional on-premises bar does not have to be placed into safekeeping if that bar is temporarily closed/ out-of-service. If the licensee intends to permanently cease using the bar, the certificate must be surrendered.

- Seasonal on-premises licenses

For businesses that operate on a seasonal (winter or summer) basis, the license may be placed into safekeeping when the business is closed or the licensee may obtain a seasonal license.

- Rescission of prior Full Board guidance

Bulletin #579 (issued on January 17, 1996) is hereby rescinded.

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(Series 1996)
Bulletin #579
January 17, 1996

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: ALL NEW YORK STATE WHOLESALE "C" LICENSEES
SUBJECT: LICENSES IN SAFEKEEPING

In 1994, the Members of the Authority considered the question of wholesale "C" licenses, remaining in Safekeeping and determined:

"When Wholesale "C" licensees, whose licenses are in Safekeeping, apply for renewal for the 1995-96 renewal period, licensees are to be notified that the license must be removed from Safekeeping by June, 1996, and be open and operating, in order to have the license renewed."

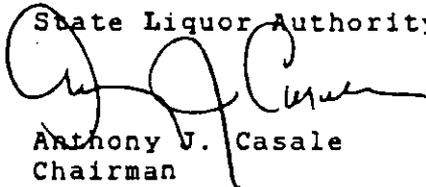
In 1995, the Members of the Authority were asked to reconsider that determination and upon reconsideration of the question, determined on January 4, 1996 that:

"Licensees having paid the license fee, it is the licensee's prerogative to place the license in safekeeping and let it remain there.

When a licensee takes the license out of safekeeping, it is to be for a specific location where a business will be operated."

THEREFORE, Wholesale "C" licenses may be placed in safekeeping and remain there until the license is removed to be used at a specific location.

State Liquor Authority


Anthony J. Casale
Chairman

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF MARCH 10, 2015
REFERRED FROM: COUNSEL'S OFFICE

2015-00519B

REASON FOR REFERRAL
REQUEST FOR DIRECTION

CONSENSUS RULES PACKAGE FOR OUTDATED PROVISIONS 1

(PROPOSED RULE MAKING)

The Members of the Authority at their regular meeting held at the Zone I New York City office on MARCH 10, 2015 determined:

Notice of Proposed Rule Making

Liquor Authority, State
(SUBMITTING AGENCY)

- Approval has been granted by Executive Chamber to propose this rule making.
 This rule making does not require Executive Chamber approval.

NOTE: Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms will be cause for rejection of this notice.

-
1. A. *Proposed action:*
- | | | | |
|--------------|-----------|---------|-------|
| Amendment of | Part 30.2 | Title 9 | NYCRR |
| Amendment of | Part 32.2 | Title 9 | NYCRR |
| Amendment of | Part 33.2 | Title 9 | NYCRR |
| Amendment of | Part 35.5 | Title 9 | NYCRR |
| Amendment of | Part 40.1 | Title 9 | NYCRR |
| Repeal of | Part 40.2 | Title 9 | NYCRR |
- B. This is a consensus rule making. A statement is attached setting forth the agency's determination that no person is likely to object to the rule as written [SAPA §202(1)(b)(i)].
- C. This rule was previously proposed as a consensus rule making under I.D. No Attached is a brief description of the objection that caused/is causing the prior notice to be withdrawn [SAPA §202(1)(e)].
- D. This rule is proposed pursuant to [SAPA §207(3)]. 5-Year Review of Existing Rules (see also item 16).

2. *Statutory authority under which the rule is proposed:*
SAPA Sec. 201, ABCL Sec.

3. *Subject of the rule:*
Updated application processes for various licenses and permits.

4. *Purpose of the rule:*

To update permit filing procedures and contact information at the authority, .

5. *Public hearings (check box and complete as applicable):*
- A public hearing is not scheduled. (SKIP TO ITEM 8)
- A public hearing is required by law and is scheduled below. (**Note:** first hearing date must be at least 45 days **after** publication of this notice unless a different time is specified in statute.)
- A public hearing is not required by law, but is scheduled below.

Time:

Date:

Location:

6. Interpreter services (check only if a public hearing is scheduled):

- Interpreter services will be made available to hearing impaired persons, at no charge, upon written request to the agency contact designated in this notice.

7. Accessibility (check appropriate box only if a public hearing is scheduled):

- All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.
- Attached is a list of public hearing locations that are **not** reasonably accessible to persons with a mobility impairment. An explanation is submitted regarding diligent efforts made to provide accessible hearing sites.

8. Terms of rule (SELECT ONE SECTION):

- A. The full text of the rule is attached because it does not exceed 2,000 words.
- B. A summary of the rule is attached because the full text of the rule exceeds 2,000 words.
 - Full text is posted at the following State website: _____
 - Full text is not posted on a State website.
 - Full text is not posted on a State website; this is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii).
- C. Pursuant to SAPA §202(7)(b), the agency elects to print a description of the subject, purpose and substance of the rule as defined in SAPA §102(2)(a)(ii) [Rate Making].

9. The text of the rule and any required statements and analyses may be obtained from:

Agency contact Paul Karamanol, Senior Attorney

Agency Name State Liquor Authority

Office address 80 South Swan Street, Suite 900
Albany, NY 12210

Telephone (518) 474-3114 E-mail: paul.karamanol@sla.ny.gov

10. Submit data, views or arguments to (complete only if different than previously named agency contact):

Agency contact _____

Agency name _____

Office address _____

Telephone _____ E-mail: _____

11. *Public comment will be received until:*

- 45 days after publication of this notice (MINIMUM public comment period when full text is attached because it does not exceed 2000 words or full text of rule has been posted on a State web site or the rule is a consensus rule or a rule defined under SAPA §102[2][a][ii] [Rate Making]).
- 60 days after publication of this notice (MINIMUM public comment period when full text is not attached or full text is not posted on a State web site or the rule is not a consensus rule or a rule defined under SAPA §102[2][a][iii] [Rate Making]).
- 5 days after the last scheduled public hearing required by statute (MINIMUM, with required hearing). This box may not be checked and the minimum 60-day comment period applies if full text is not attached or text is not posted on a State web site or the rule is not a consensus rule or a rule defined under SAPA §102[2][a][iii] [Rate Making]).
- Other: (*specify*)

12. A prior emergency rule making for this action was previously published in the issue of the *Register*, I.D. No.13. *Expiration date* (check only if applicable):

- This proposal will not expire in 365 days because it is for a "rate making" as defined in SAPA §102(2)(a)(ii).

14. *Additional matter required by statute:*

- Yes (include below material required by statute).

- No additional material required by statute.

15. *Regulatory Agenda* (See SAPA §202-d[1]):

- This rule was a Regulatory Agenda item for this agency in the following issue of the *State Register*:
- _____
- This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the *Register*.
- Not applicable.

16. **Review of Existing Rules** (ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

This rule is proposed pursuant to SAPA §207 (item 1D applies) (check applicable boxes):

Attached is a statement setting forth a reasoned justification for modification of the rule. Where appropriate, include a discussion of the degree to which changes in technology, economic conditions or other factors in the area affected by the rule necessitate changes in the rule.

Attached is an assessment of public comments received by the agency in response to its publication of a list of rules to be reviewed.

An assessment of public comments is not attached because no comments were received.

- Not applicable.

17. Regulatory Impact Statement (RIS)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS, EXCLUDING SUMMARIES OF STUDIES, REPORTS OR ANALYSES [Needs and Benefits]):

A. The attached RIS contains:

- The full text of the RIS.
- A summary of the RIS.
- A consolidated RIS, because this rule is one of a series of closely related and simultaneously proposed rules or is virtually identical to rules proposed during the same year.

B. A RIS is **not attached**, because this rule is:

- subject to a consolidated RIS printed in the *Register* under I.D. No.: _____ ;
issue date: _____
- exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
- exempt, as defined in SAPA §102(11) [Consensus Rule Making].

C. A **statement is attached** claiming exemption pursuant to SAPA § 202-a (technical amendment).**18. Regulatory Flexibility Analysis (RFA) for small businesses and local governments**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

A. The attached RFA contains:

- The full text of the RFA.
- A summary of the RFA.
- A consolidated RFA, because this rule is one of a series of closely related rules.

B. A **statement is attached** explaining why a RFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments and the reason(s) upon which the finding was made, including any measures used to determine that the rule will not impose such adverse economic impacts or compliance requirements.C. A RFA is **not attached**, because this rule:

- is subject to a consolidated RFA printed in the *Register* under I.D. No.: _____ ;
issue date: _____
- is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
- is exempt, as defined in SAPA §102(11) [Consensus Rule Making].

19. Rural Area Flexibility Analysis (RAFA)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

A. The attached RAFA contains:

- The full text of the RAFA.
- A summary of the RAFA.
- A consolidated RAFA, because this rule is one of a series of closely related rules.

B. A **statement is attached** explaining why a RAFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas and the reason(s) upon which the finding was made, including what measures were used to determine that the rule will not impose such adverse impact or compliance requirements.C. A RAFA is **not attached**, because this rule:

- is subject to a consolidated RAFA printed in the *Register* under I.D. No.: _____ ;
issue date: _____
- is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

is exempt, as defined in SAPA §102(11) [Consensus Rule Making].

20. Job Impact Statement (JIS)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

A. The attached JIS contains:

The full text of the JIS.

A summary of the JIS.

A consolidated JIS, because this rule is one of a series of closely related rules.

B. A **statement is attached** explaining why a JIS is not required. This statement is in scanner format and explains the agency's finding that the rule will not have a substantial adverse impact on jobs and employment opportunities (as apparent from its nature and purpose) and explains the agency's finding that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.

A JIS/Request for Assistance [SAPA §201-a(2)(c)] is attached.

C. A JIS is **not attached**, because this rule:

is subject to a consolidated JIS printed in the *Register* under I.D. No.: _____
issue date: _____

is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

is proposed by the State Comptroller or Attorney General.

AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice.)

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name Paul Karamanol

Signature

Address 80 South Swan Street, Suite 900, Albany, NY 12210

Telephone (518) 474-3114

E-Mail paul.karamanol@sla.ny.gov

Date 12/26/2014

Please read before submitting this notice:

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's Register procedures manual, *Rule Making in New York*.
2. Rule making notices with any necessary attachments should be e-filed via the Department of State website.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Liquor Authority's ("Authority") Notice of Proposed Rulemaking seeking to amend Parts 30.2, 32.2, 33.2, 35.5, and 40.1 and to repeal Part 40.2 of Title 9, Subtitle B, of the Official Compilation of Codes, Rules and Regulations of the State of New York (N.Y.C.R.R.)

It is apparent from the nature and purpose of these proposed amendments that they have no impact on jobs or employment opportunities in New York. These proposed amendments merely update filing processes for various applications to update and allow for the current practice of electronic filing. As a result, the Authority has determined that these proposed amendments will have no substantial adverse impact on any private or public sector jobs or employment opportunities and therefore a full Job Impact Statement is not warranted.

Title 9, Subtitle B, of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), is hereby amended to include amendments to parts 30.2, 32.2, 33.2, 35.5, and 40.1. In addition, Part 40.2 is hereby repealed.

§ 30.2 Place of filing

Applications for such permits shall be filed [at the zone office of the Liquor Authority for the zone in which the applicant's place of business is located] on a form and in a manner as designated by the Authority.

§ 32.2 Place of filing

Applications for temporary solicitor's employment permits should be filed [in the zone office of the Liquor Authority for the zone where the applicant's place of business is located] on a form and in a manner as designated by the Authority.

§ 33.2 Place of filing

(a) An application for a permit to purchase alcoholic beverages[, except a plenary permit,] shall be filed [with the zone office of the Liquor Authority at Albany, Buffalo, or New York City, whichever is nearest to the business address of the applicant] on a form and in a manner as designated by the Authority.

(b) An application for a permit to sell alcoholic beverages[, except a plenary permit,] shall be filed [with the zone office of the Liquor Authority at Albany, Buffalo, or New York City, whichever is nearest to the premises where the sale will be held] on a form and in a manner as designated by the Authority.

(c) An application for a negotiator's permit shall be filed [with the zone office of the Liquor Authority at Albany, Buffalo, or New York City, whichever is nearest the licensed premises of the wholesaler in this State with whom negotiations will be had] on a form and in a manner as designated by the Authority.

(d) An application for a plenary permit under subdivision (j) of section 33.1 hereof shall be filed [with the New York City office of the Liquor Authority] on a form and in a manner as designated by the Authority.

(e) An application for a permit by a summer licensee to store alcoholic beverages shall be filed [with the zone office of the Liquor Authority at Albany, Buffalo, or New York City, whichever has jurisdiction over the county in which the licensed premises are located] on a form and in a manner as designated by the Authority.

(f) An application for a special events permit shall be filed on a form and in a manner as designated by the Authority.

§ 35.5. Review process

(a) Applications shall be reviewed by the Licensing Bureau. A determination on an application shall be made within 10 business days of the authority's receipt of the application.

(b) In the event that the application is disapproved, the licensee may seek reconsideration of the determination by the members of the authority.

(c) Requests for reconsideration shall be submitted in writing to the [Office of Counsel] Chairman's Office, 80 South Swan Street, Suite 900, Albany, NY 12210-8002. Such requests shall then be reviewed by a member of the authority. A determination on the request shall be made within 10 business days after receipt of the request.

(d) A decision by a member of the authority on a request for reconsideration shall be considered a final determination of the authority.

§ 40.1 Application forms

The Liquor Authority will prescribe the form and manner of filing of applications for renewal of licenses. [An original and duplicate form of renewal application will be mailed to each licensee, together with instructions governing the execution and filing of the application with the Liquor Authority.] No application will be accepted except on the forms and in the manner prescribed by the Liquor Authority and unless accompanied by the documents hereinafter prescribed.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF MARCH 10, 2015
REFERRED FROM: COUNSEL'S OFFICE

2015-00519D

REASON FOR REFERRAL
REQUEST FOR DIRECTION

PUBLIC HEARING: PROPOSED RULE

The Members of the Authority at their regular meeting held at the Zone I New York City office on MARCH 10, 2015 determined: