

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF JULY 17, 2013
REFERRED FROM: SECRETARY'S OFFICE

2013-01895

REASON FOR REFERRAL
REQUEST FOR DIRECTION

LIMITED AVAILABILITY AND CLOSEOUT SALES

(ADVISORY)

The Members of the Authority at their regular meeting held at the Zone I New York City Office on JULY 17, 2013 determined:

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF JULY 17, 2013
REFERRED FROM: COUNSEL'S OFFICE

2013-01899

REASON FOR REFERRAL
REQUEST FOR DIRECTION

BEER DISPENSING SYSTEM CALLED A
"BEER WALL"

(DECLARATORY RULING)

The Members of the Authority at their regular meeting held at the Zone I New York City Office on JULY 17, 2013 determined:

John Springer
52 Horizon View Dr.
Farmingville, NY 11738
(631) 331-3334 | (631) 880-7101 FAX
Email: john@nybarguy.com

Jacqueline P. Flug, Esq.
New York State Liquor Authority
Counsel's Office
317 Lenox Ave., 4th Floor
New York, NY 10024

June 27, 2013

RE: Request for Declaratory Ruling – Does a “self-serve beer wall” system fall under the definition of “similar contrivance” per ABCL §100(4)?

Dear Counsel Flug:

I am a non-attorney representative for The Nurses Station LLC, a New York limited liability company that has a pending application for an on-premise liquor license for a proposed bar with two additional bars in Nassau County. The LLC respectfully requests a Declaratory Ruling from the Members of the New York State Liquor Authority pursuant to Section 98.1 of the Rules of the Authority (9 NYCRR subtitle B) and Section 204 of the state Administrative Procedure Act.

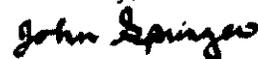
The question for the Members is as follows: Does a “self-serve beer wall” fall under the definition of “similar contrivance” per ABCL §100(4)?

Attached is a statement that explains in detail a) what a beer wall is b) how it functions c) how the applicant proposes to utilize the technology and d) a security plan. I have enclosed some literature from one of the company that builds and installs the system, and a sample photograph.

The Members have ruled that similar systems can be deemed to be similar contrivances. As there is a pending application that would be affected by the Members decision, I would ask that you place this matter on the Members' agenda as soon as possible. It should be a relatively straightforward issue given the favorable rulings on similar systems.

Please contact me if you have any questions or concerns.

Sincerely,



John Springer
For the applicant

Attachments

APPLICANT'S STATEMENT CONCERNING BEER WALL (ADD BAR)

A beer wall is a modern invention that was not anticipated when the state's liquor laws were first enacted in 1934. The licensing consultant assisting us has been unable to find anyone at the Authority who has encountered this concept in the past. Essentially, customers would pre-pay for a limited number of beers with a credit card after having their age verified. They would receive a wrist-band with a computer chip, which would unlock the system for them.

The beer wall would be located on the second floor of the bar and would be monitored by an attendant at all times to ensure that a) the system works b) only persons 21 and over have access to the system and c) that no intoxicated person self-serves. Attached is a sample photo of what a beer wall might look like. I have also attached some literature about beer walls, a security statement and an opinion from SLA counsel's office on a similar table-top system.

Simultaneously with this application, I have asked our licensing consultant to seek a Declaratory Ruling from the Members of the Authority concerning this innovative beer wall concept. I believe that there is nothing in the state alcohol laws that would prohibit the Authority from licensing this as a "similar contrivance," the language used in the law.

We would request that if the Licensing Board disagrees with our opinion that we be afforded an opportunity to be heard on this issue by the Members before a final determination is made. Should the Members issue an unfavorable ruling, would then ask that the application be sent back to the Licensing Board so that we can amend the application to either remove the beer wall or replace it with a traditional bar.



Applicant

Edward Weigert
LLC Manager

The Nurses Station LLC

DATED: 5/3/13

The Nurses Station

288 Sunrise Highway, Rockville Centre NY, 11570

NYS liquor Authority

Re: "Beer Wall" security plan

Dear Sir,

We are in the process of applying for license to serve alcohol at the above mentioned address. The application consists of an eating and drinking establishment which will utilize a new system of serving draft beer in a portion of the premises. The system is called a "BEER WALL". It consists of a series of beer taps which are electronically controlled by means of microchip embedded wristband or access card issued to customers who provide the proper identification. Below are the measures which will ensure the Beer wall will be as safe as your typical bar with bar attendant. Please review the following with the attached sketch for clarification of the space and measures to be implemented.

- 1) The System itself: The system requires any patron who wishes to pour themselves a draft beer to supply an attendant valid identification and a valid credit card prior to receiving the necessary instrument to operate the taps.
- 2) Once the identification has been checked and verified there will be a pre-set limit to each account. The limit will automatically cause the system to refuse any additional pouring of the beer until they go back to the attendant and show their identification again.
- 3) By having a limit on the Beer Wall system for each customer the attendant will have the ability to cut off customers who have been served too much, or appear to be intoxicated.
- 4) The system also keeps track of how much beer has been poured for each wristband/magnetic card to be sure that the person has not consumed an exorbitant amount of beer throughout the night.
- 5) The location of the "Beer Wall" within the building requires that all persons who wish to use this system be verified again even though they have already been checked at the main entrance.
- 6) No persons will be admitted into this area without first purchasing a wristband, and putting a credit card on file with a valid identification.
- 7) The attendant in charge of the "BEER WALL" will have T.A.P.S training and be accessible at all times for customers.

Many of the above measures will create an even better way to control liquor consumption by keeping track of individual liquor consumption by ounces. And by having a safe preset limit, the attendant will have more control over refusing liquor to those customers that are clearly intoxication.

Please accept this information and attached sketch, along with some literature about the intended system to prove that the installation of this system will in essence make the liquor serving on premises even more safe than the traditional bars.

Customer Experience



The screen

your guests are welcomed with when using the beer wall

- Customers driver's license creates a unique ID for them
- They are given an RFID wristband/card tied to their ID
- They pour beer at the pourmyBEERWALL
- They are limited to 2 beers at a time and are re-upped by staff that see fit to do so
- At the end of the night they return the RFID device and pay their tab
- They get a detailed receipt of what they poured

Fixed (built-in) beer wall

EXAMPLE
OF WHAT A
BEER WALL
LOOKS LIKE

