

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF JULY 21, 2015  
REFERRED FROM: COUNSEL'S OFFICE

2015-01717A

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

CONSENSUS RULE GROUP 1

(PROPOSED NOTICE OF ADOPTION)

The Members of the Authority at their regular meeting held at the Zone I New York City office on JULY 21, 2015 determined:



New York  
State Liquor Authority

MEMORANDUM

Office of Counsel

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TO: Chairman Bradley  
Commissioner Kim

FROM: Paul Karamanol, Senior Attorney

SUBJECT: Notice of Adoption for consensus rule promulgation (Outdated1)

DATE: 7/7/2015

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Gentlemen,

Enclosed herewith please find a proposed Notice of Adoption for amendments to Parts 30.2, 32.2, 33.2, 35.5 and 40.1 and repeal of 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.). This package of proposed changes was published in the State Register on April 1, 2015 after having been adopted by the Full Board at the March 10, 2015 Full Board meeting. Please note that the requisite 45 day minimum public comment waiting period has now passed and that the Authority has to the best of my knowledge received no public comments on any of these proposals.

Also enclosed please find a proposed Certification to be signed by Secretary Held and forwarded to the State Register and Department of State, Division of Rules, upon your approval of same. Please note that, upon the publication of the proposed Notice of Adoption in the State Register, the proposed changes to Parts 30.2, 32.2, 33.2, 35.5 and 40.1 and repeal of Part 40.2 -- as already adopted by the Full Board - will become official and enforceable as properly promulgated rules.

Please feel free to contact me with questions or concerns about this process.

Best,

Paul Karamanol

Desk: (518) 486-6743

Cell: (518) 618-5848

## Notice of Adoption

Liquor Authority, State  
(SUBMITTING AGENCY)

- This adoption will amend the NYCRR.  
 This adoption will not amend the NYCRR.

**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. change in text

**1. Action taken:**

Would amend Parts 30.2, 32.2, 33.2, 35.5, and 40.1 and 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.)

"X" box if the rule was originally proposed as a consensus rule making.

**2. Effective date of rule:**

- Date this notice is published in the *State Register*.  
 This is a "rate making" as defined in SAPA §102(2)(a)(ii), and, is effective as follows:  
 Date of filing.  
 Other date (*specify*):  
 Other date (*specify*):  
 days after filing.

**3. Statutory authority under which the rule was adopted:**

ABCL Sec. 93(4); ABCL Sec. 93-a(3); ABCL Sec. 99(3); ABCL Sec. 99-b(2); ABCL Sec. 109(1); and SAPA Sec. 201.

**4. Subject of the rule:**

Updated application processes for various licenses and permits

**5. Purpose of the rule:**

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

6. Terms and identification of rule :

A. I.D. No. of original notice of proposed or emergency/proposed rule making: LQR-13-15-00002 - P

B. Comparison of the proposed rule to the adopted rule (CHECK ALL THAT APPLY):

No changes were made to the proposed rule.

• Do NOT attach the text of the previously published rule. If the last previously published RIS, RFA, RAFA or JIS remain adequate and do not require correction, SKIP ITEMS 9-12 and do NOT attach any such statements. If any of the most recently published statements were deemed inadequate or required correction, complete Item 9, 10, 11, or 12 as applicable, do NOT attach previously published statements. Be sure to complete C, if applicable, as well as remaining Items 7-8 and 13-14.

Nonsubstantive changes were made in [Parts, sections, subdivisions or paragraphs]:

• Attach the original of the text as adopted (if proposed as full text, submit full text; if proposed as a summary, submit a summary) typed in scannable format. Do not skip Items 9-12; revised statements or explanatory statements are required.

Text attached.

Summary attached.

This is a "rate making" as defined in SAPA §102(2)(a)(ii) and, pursuant to SAPA §202(7)(b), the agency elected to submit an original copy of a description of the substance. Substantial revisions were made in the following Parts, sections, subdivisions or paragraphs:

C. List the publication date and I.D. No. of any previously published notice(s) of revised rule making:

Publication date: \_\_\_\_\_, I.D. No. \_\_\_\_\_

Publication date: \_\_\_\_\_, I.D. No. \_\_\_\_\_

7. The text of the final 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

8. Additional matter required by statute:

Yes (include below material required by statute).

No additional material required by statute.

9. Revised Regulatory Impact Statement (RIS)

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

A. The attached Revised RIS contains:

The full text of the Revised RIS.

A summary of the Revised RIS.

B. A statement is attached explaining why a revised RIS is not required (check one box):

Changes made to the last published rule do not necessitate revision to the previously published RIS.

This is a technical amendment exempt from SAPA §202-a.

- C.  A revised RIS is **not** attached because this rule is a "rate making" as defined in SAPA §102(2)(a)(ii).  
 A revised RIS is **not** attached because this rule was proposed as a consensus rule as defined in SAPA

10. **Revised Regulatory Flexibility Analysis (RFA) for small businesses and local governments**

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

- A. The attached Revised RFA contains:  
 The full text of the Revised RFA.  
 A summary of the Revised RFA.
- B. A **statement is attached** explaining why a revised RFA is not required (check one box):  
 Changes made to the last published rule do not necessitate revision to the previously published RFA.  
 The changes will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.
- C.  A revised RFA is **not** attached because this rule is a "rate making" as defined in SAPA §102(2)(a)(ii).  
 A revised RFA is **not** attached because this rule was proposed as a consensus rule as defined in SAPA §102(11).

11. **Revised Rural Area Flexibility Analysis (RAFA)**

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

- A. The attached Revised RAFA contains:  
 The full text of the Revised RAFA.  
 A summary of the Revised RAFA.
- B. A **statement is attached** explaining why a revised RAFA is not required (check one box):  
 Changes made to the last published rule do not necessitate revision to the previously published RAFA.  
 The changes will not impose any adverse impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.
- C.  A revised RAFA is **not** attached because this rule is a "rate making" as defined in SAPA §102(2)(a)(ii).  
 A revised RAFA is **not** attached because this rule was proposed as a consensus rule as defined in SAPA §102(11).

12. **Revised Job Impact Statement (JIS)**

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

- A. The attached Revised JIS contains:  
 The full text of the Revised JIS.  
 A summary of the Revised JIS.
- B. A **statement is attached** explaining why a revised JIS is not required (check one box):  
 Changes made to the last published rule do not necessitate revision to the previously published JIS.  
 The changes will not impose a substantial impact on jobs and employment opportunities. The attached statement sets forth this agency's findings 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.
- C. A revised JIS is **not** attached because:  
 This rule is a "rate making" as defined in SAPA §102(2)(a)(ii).  
 This rule was proposed by the State Comptroller or Attorney General.

13. **Assessment of Public Comment** (includes legislative comments) (check applicable box):

- A.  45-day minimum comment period is complete (Full text was submitted with proposal or summary of text was submitted with the proposal and the full text was 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-day minimum comment period is complete (Summary of text was submitted with the proposal and the full text was not posted on a State web site or the rule is **not** a consensus rule or a rule defined under SAPA §102(2)(a)(ii) [Rate Making])
- B. (COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)
- Attached is an assessment of public comment.  
No particular form is required, and it need **only** include comments not addressed in any previously published assessment for this rule. However, the assessment must be based on any written comments received by the agency or any comments presented at any public hearing held by the agency about this rule (include legislative comment). It must contain a summary and an analysis of the issues raised and significant alternatives suggested, a statement of the reason(s) why any significant alternatives were not incorporated, and a description of any changes made as a result of such comments.
- An assessment is not attached because no comments were received.
- An assessment is not required because this action is for a "rate making" as defined in SAPA §102(2)(a)(ii).

14. **Referenced material** (check one box):

- No information is being incorporated by reference in this rule.
- This rule contains referenced material in the following Parts, sections, subdivisions or paragraphs:

15. **Initial Review of Rule** (SAPA §207)

(SELECT AND COMPLETE ONE)

- A.  As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year which is no later than the 3<sup>rd</sup> year after the year in which this rule is being adopted.
- B.  As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year which is the 4<sup>th</sup> or 5<sup>th</sup> year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:
- Attached is an assessment of public comment on the issue of the 4 or 5-year initial review period;  
or  
An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.
- C.  As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year which is no later than the 5<sup>th</sup> year after the year in which this rule is being adopted.
- D.  Not Applicable. This rule is a "rate making" or a "consensus rule," or the agency is not required to review existing rules.

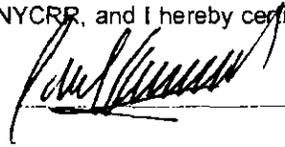
**AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice)**

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 07/06/2015

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**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.



## State Liquor Authority

**ANDREW M. CUOMO**  
Governor

**VINCENT G. BRADLEY**  
Chairman

**KEVIN KIM**  
Commissioner

### CERTIFICATION

I, Jacqueline Held, Secretary to the Authority, having been duly authorized in writing filed with the New York State Department of State, hereby certify that the attached amendments to Parts 30.2, 32.2, 33.2, 35.5, and 40.1, as well as the repeal of Part 40.2 of Title 9, Subtitle B, of the Official Compilation of Codes, Rules and Regulations of the State of New York was duly adopted by the Full Board of the State Liquor Authority, on July 21, 2015, pursuant to authority vested in the State Liquor Authority via State Administrative Procedure Act Section 201, and Alcoholic Beverage Control Law Sections 93(4), 93-a(3), 99(3), 99-b(2), and 109(1), as well as State Administrative Procedure Act Sec. 201. These amendments will become effective upon publication of a Notice of Adoption in the State Register.

The Notice of Proposed Rulemaking for these amendments was published in the State Register on April 1, 2015, under ID No. LQR-13-15-00002-P. No other publication or prior notice was required by statute.

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Jacqueline Held, Secretary to the Authority

# 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 1 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][ii] [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][ii] [Rate Making].
- Other: (specify)

12. A prior emergency rule making for this action was previously published in the issue of the *Register*, I.D. No13 *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@sia.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.