



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

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**IN REPLYING REFER TO
Albany**

MEDIA ADVISORY

For Immediate Release

July 15, 2009

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**EMERGENCY SUSPENSION ORDERED FOR ALBANY NIGHTCLUB
Fatal Shooting at the Broadway Club Prompts SLA Action**

Albany, NY- The New York State Liquor Authority (SLA) summarily suspended the license of Butler Hampton Inc., doing business as the Broadway Club at 108 Central Avenue in Albany. The suspension was ordered by the Members of the Authority, Chairman Daniel B. Boyle, Commissioner Jeanique Greene and Commissioner Noreen Healey by unanimous vote at the July 15th Full Board Meeting.

The summary suspension was ordered after an investigation by the SLA and the Albany Police Department. On May 30, 2009, a shooting occurred at the nightclub resulting in the death of a male patron. According to statements taken by the Albany Police, the patron was shot while on the dance floor and the shooter was observed running out the back door of the premises. The investigation showed the licensee attempted to cover up any evidence as a result of the shooting and that the licensee was uncooperative with the investigation. No one from the Broadway Club contacted the Albany Police regarding the shooting. The licensee and his staff also made statements disclosing they had cleaned up blood from the scene and placed a gun shell casing in the garbage, which was later found by the Albany Police. Another employee of the club provided a statement that he observed the victim being carried by others inside the premises to the front of the bar. This employee further indicated that he hid at first, then cleaned up the bar and then ultimately left because he did not want to be questioned by the Albany Police.

This establishment has a significant history of violations. In April, 2007, the SLA imposed a \$7,000 civil penalty and 10 days suspension for permitting the trafficking of marijuana, two counts of failing to supervise, three counts of permitting an assault, allowing an excessive amount of noise, and employing unlicensed bouncers. In April, 2008, the SLA imposed a \$4,000 civil penalty for extending the premises for consumption to an unauthorized area and making unauthorized alterations. In March, 2009, the SLA imposed a \$6,000 civil penalty for purchasing from an unauthorized source and having contaminated bottles.

“The State Liquor Authority will not tolerate licensees that demonstrate a complete disregard for the law,” said Chairman Boyle. “This Board will not hesitate to act when a licensee’s actions or lack of action pose a threat to public health, safety, and welfare.”

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 violation. 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 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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