



**STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

STATE LIQUOR AUTHORITY

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**IN REPLYING REFER TO  
Albany**

**MEDIA ADVISORY**

For Immediate Release

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**EMERGENCY LIQUOR LICENSE SUSPENSION ORDERED  
SLA Votes for Emergency Summary Suspension at the Pearl**

*Albany, NY* – The New York State Liquor Authority (SLA) summarily suspended the license of Pearl Albany, Inc., doing business as “the Pearl Restaurant and Lounge” at 1 Steuben Place in Albany today. The suspension was ordered by the Members of the State Liquor Authority, Chairman Daniel B. Boyle, Commissioner Jeanique Greene, and Commissioner Noreen Healey at a meeting of the Full Board on Thursday, October 2, 2008.

During an undercover operation on September 25, 2008, SLA Investigators estimated that approximately 200 of the nearly 300 patrons inside the premises of the Pearl appeared to be under 21. Numerous patrons were observed consuming and purchasing alcohol from bartenders without showing ID. In addition, contrary to the application submitted, which represented the establishment as a restaurant, the licensee appeared to be operating a nightclub. Following the undercover operation, a multiagency compliance inspection team entered the premises consisting of investigators from the SLA, the Albany Police Department, the Albany DA’s Office, the New York State Police and the New York State Department of Motor Vehicles. During the inspection, SLA Investigators documented 31 sales to minors, Albany PD officers arrested four bartenders, and the DMV seized approximately 40 altered identifications.

On Monday, September 29, 2008, SLA Investigators conducted an interview with the Pearl’s licensee. The licensee admitted that on the evening of the compliance inspection, the club was operating under a policy of admitting only those 21 years of age or older. The licensee also admitted that the majority of the staff at the Pearl works off the books, and that all of the bouncers employed by the licensee are unlicensed. It was noted during the interview that many of the fake IDs used by minors to purchase alcohol could have been detected with the use of a flashlight by a properly trained security professional. The interview established the licensees either lack the capacity to run the business properly or simply exhibit a total disregard for the law.

The licensee was charged on September 30, 2008 with six violations of the ABC Law. Prior to this incident, the Pearl was fined \$3,500 in May of 2007 for three ABC Law violations, including offering an unlimited drink special. The Members of the State Liquor Authority, determining the actions of the licensee pose an imminent threat to the public, voted unanimously to summarily suspend the license. Effective immediately, no alcohol may be sold or consumed at the premises.

“The State Liquor Authority will not tolerate licensees that cater to minors,” said Chairman Boyle. “This Board will not hesitate to act when a licensee’s actions pose a threat to public health, safety, and welfare.”

“I would like to applaud Chairman Boyle and the Members for taking on this long standing problem in Albany and I hope other establishments are paying attention to this decision today,” commented Albany County District Attorney P. David Soares. “Unfortunately in my office, we deal with the tragic consequences of underage drinking and drinking and driving on a daily basis. My policy has always been to go directly to the source of any illegal activity and in this case, I am glad the owner of the Pearl will be held accountable for breaking the law and putting their patrons and the public at risk.”

“I commend the State Liquor Authority for taking swift and necessary action today,” said Albany Police Chief James Tuffey. “Underage drinking often results in tragic consequences, and we will continue to work in concert with our partners in law enforcement to ensure Albany’s citizens can continue to enjoy a safe and enjoyable night out in Albany.”

Commissioner David J. Swarts of the Department of Motor Vehicles said, "Today's finding is an example of what actions will be taken against those who disregard the law and put the public's safety in jeopardy. I commend the board for its swift action to combat underage drinking and establishments that foster this reckless behavior."

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 violations. 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 a 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.

On the Web: [www.abc.state.ny.us](http://www.abc.state.ny.us)

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