



**STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY
www.abc.state.ny.us**

**David A. Paterson
Governor**

**Alfred E. Smith Building
80 South Swan Street, Suite 900
Albany, New York 12210-8002
www.abc.state.ny.us**

**Chairman
Dennis Rosen**

**Commissioner
Jeanique Greene**

**Commissioner
Noreen Healey**

IN REPLYING REFER TO

Albany

MEDIA ADVISORY

For Immediate Release

October 23, 2009

Contact: William Crowley (518) 486-4767

PressOffice@abc.state.ny.us

**COURT OF APPEALS UPHOLDS STATE LIQUOR AUTHORITY DECISION
Liquor Licensees Must Comply with SLA Rules Mandating Health and Safety**

Albany NY – State Liquor Authority Chairman Dennis Rosen today announced the New York State Court of Appeals has upheld the SLA’s determination in the matter of 47 Ave. B. East, Inc. vs. the New York State Liquor Authority. Yesterday’s decision by the Court of Appeals reverses the order of the Appellate Division with costs, dismisses the petition of 47 Avenue B (doing business as “Le Souk”), and holds that the SLA’S findings that the licensee allowed the premise to become overcrowded and failed to supervise was supported by substantial evidence. Most significantly, the decision upholds the validity of the SLA rules, which provide the SLA with the regulatory power to ensure licensees comply with local health and safety rules.

On April 9, 2008, 47 Avenue B challenged a March 3, 2008 determination by the SLA canceling the bar’s liquor license. In an earlier lower court decision issued on May 21, 2009, the Appellate Division ruled in favor of the 47 Avenue B, finding that the record did not contain substantial evidence of overcrowding, that it was beyond the rule-making authority of the SLA to issue a rule requiring licensees “to insure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times,” and that it was beyond the rule-making authority of the SLA to issue a rule requiring, “all on-premises licensees, regardless of type of premises, to conform with all applicable building codes, fire, safety and governmental regulations.”

“The Court of Appeals correctly found that the SLA must have the authority to act when bars break local laws,” said Chairman Rosen. “Bars that allow overcrowding or fail in their basic duty to adequately supervise their premises are often just setting the stage for more serious violations to occur. The Court’s decision yesterday was essential for the SLA’s continuing efforts to ensure public safety at licensed establishments.”

This matter was handled by Senior SLA Attorney Scott Weiner, under the supervision of Thomas J. Donohue, Counsel to the Authority.