



**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 FOR ALBANY BAR
SLA Board Votes for Emergency Summary Suspension for Cagney's**

Albany, NY – The New York State Liquor Authority (SLA) summarily suspended the license of 49 Wolverines Inc., doing business as “Cagney’s” at 335 Central Avenue 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 special meeting of the Full Board on Wednesday October 29, 2008.

During an undercover operation on October 16, 2008, SLA Investigators observed a large number of patrons that appeared to be under 21 purchasing and consuming alcohol on the premises. As a result, a multiagency compliance team entered the premises consisting of investigators from the SLA, the New York State Department of Motor Vehicles, and the Albany Police Department. During the compliance inspection, SLA Investigators documented 32 sales to minors, and an additional 11 underage patrons signed written statements admitting to possessing alcohol at the premises.

The bar was charged with eight separate violations of the ABC Law, including multiple sales to minors, conducting an “all you can drink” special, employing unlicensed bouncers off the books, and for failure to supervise the premises. Prior to this incident, Cagney’s was fined \$6,000 in October of 2007 for serving minors and was also charged with serving minors in February of 2008. The Members of the SLA determined the bar poses an imminent threat to the public and voted unanimously for an emergency suspension of the license. Effective immediately, no alcohol can be served or consumed on the premises.

“The State Liquor Authority will not tolerate licensees who profit by deliberately violating the law,” said Chairman Boyle. “This Board will continue to act swiftly when a licensee’s actions jeopardize public safety.”

"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," said Department of Motor Vehicles Commissioner David J. Swarts. "I commend the SLA, Albany Police Department and DMV investigators for their actions against establishments that foster the reckless behavior of underage drinking."

"I applaud the State Liquor Authority for taking action today," said Albany Police Chief James Tuffey. "Bars who cater to underage citizens endanger our youth and create a hazardous environment for all. We will continue working with our law enforcement partners to ensure that this type of behavior will not continue."

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.

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