

Summary of Joint Meeting
Community Boards 1,2 and 3
with the State Liquor Authority (SLA)
May 6, 2014

Stipulations

What kinds of stipulations are written on the license?

- Closing hours, restrictions, outdoor use, no dj, no live music, dancing, hours that doors and windows close, no promoted events
- The license must be displayed at the bar
- Many other things can be negotiated, but not put on the printed license

SLA wants to see the questionnaire, resolution and most important, the list of stipulations

- Stipulations incorporated in the license are enforceable.
- The stipulations and questionnaire become a binding contract.
- Violation of a stip is similar to violation of the statute.
- In a request to change the method of operation, if the SLA has a stip list, they will refer to it
- If a renewal includes but does not point out a change in method of operation, the SLA can tell by referring to the stip list, and will send the applicant back to the CB.

Stipulations should be very specific

- Agreeing to specific terms now is a good way to maintain good relations in the future.
- The more you can be specific and be like lawyers the better.
- So much at stake for the business and community.
- “No promoted events” needs to be defined more specifically. SLA has given us specific language to use as a starting point.
- Noise and background music should be measured against an objective standard such as the city code “*if it can be heard outside at a level that from an objective point of view would disturb residents then it’s not background ...*”
- Closing hours include an extra half hour grace period to finish the drink, but no serving. But, we can also say “No service or consumption after 2.”

New Licenses

500' rule applies only to full liquor license applications. Burden of proof is on the applicant having to prove the establishment is in the public interest if there are more than three liquor licenses in a 500 foot radius. The SLA will generally follow the recommendation of the Community Board. A well-written letter or resolution specifying the reasons and local conditions is important and persuasive, but a personal appearance by a Board representative is even better. It allows for questions and answers.

If the CB learns of new and relevant information after the resolution, the SLA wants to know immediately. Also we can ask for a delay of a hearing if we need more time. The CB can request a specific time to appear at hearings, and sometimes even a special meeting for a controversial application.

For beer and wine licenses, the only statutory requirement is the character of the principal, although SLA is starting to also consider noise and street congestion.

When a beer and wine wants to upgrade to a full liquor license SLA gives a lot of weight to community concerns.

Renewals

The 30 day notification of a request for renewal is often used as “an opportunity” for residents to comment on problem establishments and recommend license not be renewed. That is very little time to be effective. But there are 50,000 licenses and renewals which cannot be dealt with in the same way as a license.

SLA handles problems when they arise. But, there is no reason to wait till renewal. Let the SLA know about any problems, particularly if there is a pattern, such as loud late parties.

We may still want to use that time to bring residents and owners together for problems we feel can be handled. Memorialize the problems at renewal time even if there’s no recommendation to deny.

Enforcement

SLA not wired into 311. But the police are required to respond to 311. This becomes a tool for the SLA to know where the problems are. Also the police will report to the SLA, then testify if required. Any witness can testify about hours. A receipt stamped past closing time is good evidence.

The SLA website is the most efficient way to get a complaint to them. It is reviewed daily. It is also easier and much quicker than a 311 call.

Complaints that might not rise to the level of a significant violation are also useful, because it might get a troublesome place included in a MARCH operation -- a combined multi-agency operation with the police, Department of Health, Department of Environmental Protection, Department of Buildings.

General Information

Because the SLA was formed right after prohibition in an atmosphere of paranoia about illegal criminal enterprise, it was one of the few agencies NOT given general rule-making authority – the ability to look at their statute and interpret it through publicly promulgated rules that transition the statute into the real world. That is slowly changing. When a new law is passed they now get that authority from that statute to make rules under that section.

That had been one of the problems in trying to regulate disturbances outside an establishment, where legally it had to be proved that an owner “suffered and permitted” the disturbance. With Sen. Squadron’s legislation, the concept of an owner being responsible for outside disturbances has been legally accepted, although still burdensome to prove.