

Coalition of Musicians and Dancers
Eliminate Regulations against Dancing and Music

<http://dance-regulation.zortmusic.com/>

October 14, 2022

Chairman Vincent G. Bradley
New York State Liquor Authority
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Dear Chair Bradley:

We are conducting a review of New York City On-Premises liquor licenses listed in the SLA database¹ in connection with New York City’s intention to modify zoning restrictions relating to dancing and music.

SLA official publications state that a license may be revoked or enforcement action taken if a licensee conducts business not in compliance with the Method of Operation submitted to and approved by the SLA.²

There are approximately 15,000 liquor licenses in New York City, of which approximately 11,000 are eating and drinking and other on-premises establishments.

Our review shows that in the database, 3500 of the 11,000 establishments, approximately 3500 contain no information within the “Days, Hours of Operation” and “Other” columns.

Based on this information, we reasonably conclude that these 3500 establishments have no Method Of Operation restrictions – if that is not true, we ask that you explain this anomaly. We do not understand the import of the lack of information in those columns.

¹ <https://data.ny.gov/Economic-Development/Liquor-Authority-Current-List-of-Active-Licenses/hrvs-fxs2/data>.

² <https://sla.ny.gov/community-input>.

We also find that 4400 of the licenses allow recorded music with no mention of live music. Another 600 licenses explicitly prohibit live music. Nearly 7800 licenses are silent as to music and dancing. Does this mean that in those 4400 or 7800 establishments live music is prohibited? Almost all of these establishments are in the City's Zoning Use Group 6 or 12 – which allow live music.

We also bring to your attention two New York court decisions, *Chiasson I* and *Chiasson II*, in an action brought in 1986 by three musicians and the musicians union. Those decisions found that zoning and cabaret law restrictions against music in the City's eating and drinking establishments were unconstitutional.³

The SLA works closely with the City in enforcing its licenses including cooperating the City's Community Boards, the Department of Buildings, and the New York City's Police Department – in activities including M.A.R.C.H.⁴ and 311 complaints.⁵ Indeed, the SLA acts as if it is the City's zoning authority for eating and drinking establishments.

³ [*Chiasson v. New York City Department of Consumer Affairs*, 132 Misc. 2d 640 \(N.Y. Sup. Ct. 1986\) \(Chiasson I\), *Chiasson v. NYC Dept. of Consumer Affairs*, 138 Misc. 2d 394, 524 N.Y.S.2d 649 \(Sup. Ct. N.Y. Co. 1988\) \(Chiasson II\).](#)

⁴ See <https://sla.ny.gov/system/files/documents/2018/08/cbq-n.pdf>:

How does SLA initiate its training with the New York City Police Department?

The SLA coordinates with multiple agencies including the NYPD to monitor potential problem premises. The SLA additionally holds numerous training seminars with police departments, and has recently updated our “Law Enforcement Handbook” designed to provide law enforcement agencies with the information they need in order to charge licensee’s who violate the ABC Law. The SLA also participates in the MARCH (Multi-Agency Response to Community Hotspots) program in New York City. The MARCH program is run out of the Criminal Justice Coordinator’s office (CJC) and coordinated by the NYPD. These multi-agency operations have been an extremely successful partnership in an effort to ensure the safety of NYC residents. The SLA will continue to participate in MARCH operations to ensure our limited resources are being utilized efficiently. Community complaints help the SLA to target the establishments that have become a nuisance to the neighborhoods.

⁵ See <https://sla.ny.gov/system/files/documents/2018/08/cbq-n.pdf>:

How do government agencies such as the Department of Buildings (DOB), the Department of Environmental Protection (DEP) and NY Fire Department (FDNY) work with the SLA?

DOB, DEP, and FDNY work with the SLA in joint operations, including MARCH Operations described above. In addition, the SLA receives numerous referrals from all of these City agencies on violations discovered in licensed premises.

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The issue presented is whether the SLA is itself engaging in the same unconstitutional activity was declared unconstitutional when engaged in directly by the City in its Zoning Resolution and former Cabaret Law. We wish to have your views on this and documentation supporting the apparent unconstitutional actions by the SLA.

Further, we do not understand the jurisdictional basis for the SLA engaging in what amounts to zoning regulation absent compliance with the City's zoning regulation procedures.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Alan D. Sugarman". The signature is written in a cursive style with a large, stylized initial "A".

Alan D. Sugarman, Esq.

Executive Director

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