
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

July 2023

Legislature Leaves Town Without Taking Up ABC Reform – The State Senate left town on June 9th with the Assembly finishing up their work on June 21st (after a two week break) without advancing broad reform of the alcoholic beverage control law. Both the Assembly and Senate passed bills to expand Sunday sales hours for beer at grocery stores and wine & spirits at liquor stores, but they did not pass our bill to allow on premises licensees to make purchases from liquor stores.

We found support from many legislators, but the resistance put forward on behalf of the state's beer, wine, and liquor wholesalers was more than we could overcome in the short term. We've begun planning our work for the summer and fall so we can build on our momentum this year and position ourselves for a better outcome next year.

Senate Confirms New SLA Chair and Commissioner – The most important actions taken at the end of the session impacting your business was the sudden announcement that SLA Chairman Bradley was being replaced by Governor Hochul with SLA Commissioner Lily Fan. Bradley served as Chairman for eight years, but since he was appointed by Andrew Cuomo, it's not surprising that Governor Hochul wanted to appoint a new Chair. The Governor nominated Fan to replace Bradley during the last few days of the Senate session and Fan was confirmed before they recessed for the year.

Chairwoman Fan has served as a Member of the State Liquor Authority Board for five years so she is well prepared to take on her new role. A resident of New York City, Chairwoman Fan is an attorney by training and was previously a lawyer at the law firms Shearman & Sterling LLP and Morrison & Foerster LLP. She also served as Legislative Counsel for the NYS Senate Committee on Social Services. She founded a production company in 2010 and has been involved in numerous Broadway and Off-Broadway productions since.

The Senate also confirmed Edgar DeLeon to serve as an SLA Commissioner. Commissioner DeLeon has worked as a Detective-Sergeant and an attorney for the New York City Police Department (NYPD). He retired from the NYPD in 1999 and began his private legal practice, The DeLeon Firm. The firm practices in the areas of criminal defense, matrimonial/family law, and employment and general litigation matters. The DeLeon firm works on a per diem basis representing members of the NYPD Patrolman's Benevolent Association. Mr. DeLeon also has served as an Impartial Hearing Officer for the State Education Department giving him good experience to draw on in his new role.

The Senate's confirmation of Chairwoman Fan and Commissioner DeLeon gives the Liquor Authority two commissioners – leaving a vacancy on the Full Board. There was active discussion about a third nominee at the end of the legislative session but a candidate never formally emerged so the seat will be vacant for some time – likely a very long time. This could present some challenges for the Liquor Authority. Only time will tell if it's a mere annoyance or an actual hindrance to their operation.

ESRTA Safety Group 554 Dividend Announced - The Empire State Restaurant & Tavern Association (ESRTA) Safety Group 554 and the New York State Insurance Fund are pleased to announce a 40 percent dividend for the policy year September 30, 2021 to September 30, 2022. This marks the 29th consecutive year that Safety Group 554 has paid a dividend to its members. This dividend of 40 percent represents \$669,006 in premium dollars returned to members for the September 30, 2021 to September 30, 2022 policy term. With this payment, the 5-year dividend average is now 40 percent.

In addition, the maximum upfront policy discount available to Safety Group 554 members for the upcoming September 30, 2023 to September 30, 2024 period will remain 30 percent. The policy discount is determined by the policyholder's overall 5-year loss experience.

Dividend checks were scheduled to be processed on Monday, June 26th.

Checks will NOT be mailed to members currently in pending cancellation, those with estimated audits in the system, or those with seriously past-due premium accounts. In the case of a significant past due premium, the dividend will be credited to the respective account balance. If any estimated or incomplete audit is not satisfied prior to the September 30, 2023 renewal, the 2021-22 dividend will be forfeited.

The dividend the Group pays is based on the overall experience of all Group members versus the insurance premiums collected. We would like to thank all of the current Safety Group 554 members that continue to place their trust in us.

Please contact info@fleuryrisk.com with any questions regarding this announcement.

Annual Golf Outing Rules Cronin's Golf Resort - Ninety-two golfers teed off at Cronin's Golf Resort for the annual "Cleo Emmer Hospitality Open" last month. Thanks to the work of the Golf Committee the day was a tremendous success. Not only did all have a great day on the golf course, but we also raised valuable resources to support the Association and our efforts on behalf of our members.

The Association held its Spring Board of Directors' meeting following the outing. The Board elected the officers for the next year – President, Tammy Timmerman; Executive Vice President, Ron Ferguson; First Vice President, Tommy O'Toole; Secretary, Christine O'Toole; Treasurer, Brad Dixon; Board Chair, Brian Butler; District 1 VP, Jack McCarthy and District 2 VP, Pete Caiola.