
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

March 2024

Proposal to Allow Purchases from Liquor Stores Advances - The State Senate included our proposal to allow restaurants, taverns and bars to purchase liquor & wine from liquor stores in the budget plan they released last week. The Senate's one-house budget is a response to the Governor's Executive Budget, proposed in January, which included more modest reform to the state's alcoholic beverage control law. The Assembly's one-house budget does not include our proposal or most of the Governor's ABC initiatives.

The decision by the Senate Majority to advance our proposal follows months of intense efforts by the Association and our *NYers Cheers for Change* coalition partners seeking modernization of the liquor laws that date back to the Prohibition-era. We met with the Governor's office and with dozens of legislators to make the case that the law has to be updated to meet the current realities of your business.

Most legislators were surprised to learn you couldn't already make purchases from liquor stores, so the idea didn't seem controversial to them. And once we explained the exorbitant split case fees and delivery charges small operators are subjected to by the large wholesalers that function as monopolies, supporting our proposal made sense.

This proposal would have not have made the Senate budget proposal without the dogged advocacy of Senator James Skoufis. The Senator understands how the liquor wholesalers use their market power to impose untenable terms on small businesses and has fought to restore some balance for our members for years. Senator Skoufis' hard work and determination along with the Association's persistence gives us a fighting chance to make this happen!

It's taken us years to get this proposal taken seriously, but now that it's "on the table" we've got an opportunity to get it across the finish line. And the good news is we get two bites at the apple. We're digging in now seeking to persuade the Assembly and Governor to agree to include this proposal in the final budget due by the end of the month. And we still have the rest of the legislative session if we don't get it done in the next few weeks.

Want to help the cause? Contact Governor Hochul by phone at 518-474-8390 or send a message to the Governor through her website, www.governor.ny.gov Find your Assemblymember on the Assembly website, www.assmbly.state.ny.us and let your representative know you want this proposal included in the final budget.

New Federal Reporting Requirement for Beneficial Ownership Information - In 2021, Congress enacted the bipartisan Corporate Transparency Act to curb illicit finance. This law requires many companies doing business in the United States to report information about who ultimately owns or controls them to the Financial Crimes Enforcement Network (FinCEN), a bureau of the U.S. Department of the Treasury. Beneficial ownership information reporting is not an annual requirement. Unless a company needs to update or correct information, a report only needs to be submitted once.

Who has to report? Your company may need to report information about its beneficial owners if it is:

1. a corporation, a limited liability company, or was otherwise created in the United States by filing a document with a secretary of state or any similar office under the law of a state or Indian tribe; or
2. a foreign company and was registered to do business in any U.S. state or Indian tribe by such filing.

Who does not have to report? Twenty-three types of entities are exempt from beneficial ownership information reporting requirements, including publicly traded companies, nonprofits, and certain large companies. Even if your business is not specifically exempt, if it does not meet the definition of a reporting company listed above, then you do not have to report. For example, if you're a sole proprietor this does not apply to you.

How do I report? Companies that are required to report beneficial ownership information report electronically through FinCEN's website: www.fincen.gov/boi. The system provides a confirmation of receipt once a completed report is filed with FinCEN.

When do I report? FinCEN began accepting reports on January 1, 2024. If your company was created or registered prior to January 1, 2024 you have until January 1, 2025 to report your information.

You can find guidance and additional information at www.fincen.gov/boi.

Save the Date
June 3, 2024
Annual Golf Outing
Cronin's Golf Course

Details coming next month...