

A Blow-Out Made Me Blotto! The Illegal Scourge of Salon Drinking

By [Emily Atkin](#)

April Barton, owner of the chic, celebrity-attended Suite 303 above the Chelsea Hotel (and former Season 3 contestant on Bravo's *Shear Genius*) confirmed that her salon does "occasionally" serve wine. "But it's not really a big thing," she said. "We used to do it a lot, but lately its slowed down."

When we told her it was illegal, she froze up for a moment. "I didn't know," she said.

The Observer also spoke with Kerri Lee Ross, an account supervisor for Siren PR, the agency that handles Hollywood stylist Sally Hershberger's salons in New York. She said it was "a fair assumption" that the salons served wine to their customers, but "to be perfectly honest," she had never heard that it was illegal.

Severon Dickson, owner of the trendy, hole-in-the-wall Dickson Hairshop on the Lower East Side, says his barbershop stopped serving bourbon a few months ago because of the "Nutcracker Bill" passed in June. That bill threatened to take store licenses—specifically salon licenses—away from any establishment found selling "Nutcrackers"—a potent Kool-Aid-like cocktail found in bodegas and barbershops, sometimes served to minors in a Styrofoam cup or soup container.

Back when they offered booze, did they have a license?

"No, but no salons do," said Mr. Dickson claimed. "Because you don't have to have a liquor license to give away alcohol."

Wrong! We dropped the bomb. "Oh, O.K.," he said, unfazed. "It's not worth the liability for me, and I'm definitely not gonna be carding every client. Which is fine, because people don't come here to drink. They come here for haircuts."

Even Joe, with all his years in the business, had no idea he was violating the law. "I'm glad you told me," he said. "I'm planning to open up my own salon, and I was going to serve wine!"

Naive as they all may have been, salon managers tended to go into lock-down mode when asked about serving booze. Diva Salon said a manager might be available to speak in an hour. *The Observer* returned 15 minutes early to find a dark, abandoned salon, the gate pulled down. The receptionist at the Dashing Diva said no manager would be in for five days. When Ms. Ross called *The Observer* back, she insisted that she had never said Ms. Hershberger's salon served wine. At the end of our phone call with Ms. Barton, she said her salon shouldn't really count. "I'd prefer to say we didn't do it," she said. "It's not our priority here...our salon's about craft, beauty, music."

The last thing we want to do is rain on everybody's parade, but according to the Liquor Authority, there are legitimate health concerns involved. Because any New York establishment with a liquor license is required to serve food of some kind and also pass an inspection by the state or city Health Departments. Think about it: would you chow down in your hair salon?

Leonard Fogelman, a lawyer who has specialized in New York liquor law for 35 years, said he's never even heard of hair salons applying for licenses.

"What it appears is that these salons are [making] a nice gesture to their guests, but the reality is that it's violative of New York State liquor law," he said. "It's a misdemeanor."

So for god's sake, why doesn't the Liquor Authority act? How can this outrage be allowed to continue?

“We do receive complains once an a while, but believe it or not, we forward them to the NYPD,” said NYLA spokesman William Crowley, who explained that busting an establishment without a license did not fall under it’s jurisdiction.

“We can’t take a license away that doesn’t exist,” he said.

So should the law be enforced—if for no other reason than to bring a little more revenue into state coffers?

“The issue is not the revenue, the issue is the appropriateness of the law,” said Gerald Benjamin, a political science professor at SUNY New Paltz and an expert on state policy. “Whether the rationale is sensible in contemporary times, and if it’s not, what should replace it.”

Mr. Benjamin added that it was the first time he’d heard of the issue.

“I am shocked,” he said. “Shocked, shocked, shocked.”

When *The Observer* woke up in our bed three hours later, toes perfectly soft and glistening lilac, we were pretty shocked too.