



Ohio Department of Commerce

Division of Liquor Control
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<http://www.com.state.oh.us>

Bob Taft
Governor

Lt. Governor Jennette Bradl
Director

August 24, 2004

Rusty Lucas
P. O. Box 422
Sandusky, Ohio 44871

Dear Mr. Lucas:

Thank you for your letter of August 20, 2004 inquiring about compliance with Ohio liquor laws. Specifically, you ask when it is necessary for a person to obtain a liquor permit.

The Ohio Division of Liquor Control ("Division") has no authority to issue advisory or binding legal opinions. Other than the Division, the Ohio Department of Public Safety, Investigative Unit, and local law enforcement officers are charged with the enforcement authority regarding Ohio's liquor laws and rules.

Ohio Revised Code Section 4303.25 prohibits any person from selling, keeping, or possessing for sale any alcoholic beverages unless that person is the holder of a valid liquor permit issued by the Division. Additionally, Ohio Revised Code Section 4399.09(A) states in pertinent part: "No person shall keep a place where beer or intoxicating liquors are sold, furnished, or given away in violation of law. . . . The giving away of beer or intoxicating liquors, or any other device to evade this division, constitutes unlawful selling." The term "sale" is defined in Title 43 to include "exchange, barter, gift, offer for sale, sale, distribution and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever. . . ."

Based upon the statutes and facts described in your communication, it appears that the type of event you have proposed would require the issuance of a liquor permit.

There are a variety of temporary permits that may be issued to nonprofit organizations which allows that organization to sell or furnish beer and intoxicating liquor for a prescribed period of time. A permit is required if a qualified organization intends to provide beer, wine or spirituous liquor either for sale by the drink or through the use of an entrance fee.

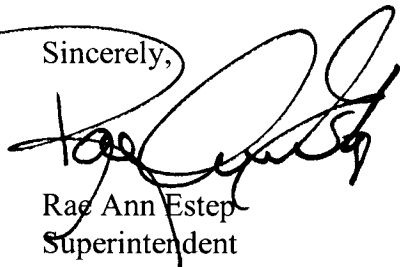
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You can obtain the information you need from our web site at www.liquorcontrol.ohio.gov under both *Permits and Fees* and *Frequently Asked Questions*. Applications for these permits can also be found on our web site and downloaded for your convenience.

Please note that the above information is intended to serve as general guidance as we do not presume to offer legal advice. Each situation is unique and only an attorney retained by a client on a specific matter can be aware of the totality of facts and circumstances necessary to provide comprehensive and thorough legal advice.

In closing, the Division does not have any promotional items, such as hats. Nevertheless, good luck with your event. We hope it is a safe and enjoyable gathering.

Sincerely,

A handwritten signature in black ink, appearing to read "Rae Ann Estep", written over a large, loopy flourish that extends to the left.

Rae Ann Estep
Superintendent

RAE:saw