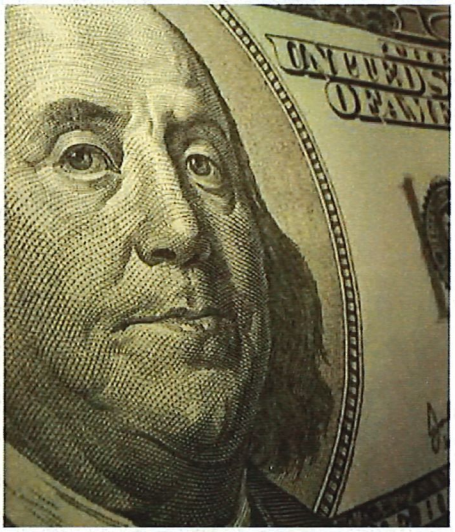
A Liquor Permit Guide for Charities

Understanding Your Role and Responsibilities



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Introduction

Has your charity ever been approached by a for-profit company or an individual who wanted you to sign a liquor permit application? Was the permit being used for an event that your charity wasn't hosting? **Signer beware!** Signing a permit application carries legal significance. Outlined in this guide are some questions and facts you should consider before signing.

Please keep in mind that this guide is for educational purposes only and should not be considered legal advice. For legal advice, please consult an attorney. Also, the Ohio Attorney General's Office does not issue liquor permits. To apply for or ask questions about a liquor permit, please contact the Ohio Department of Commerce, Division of Liquor Control.

Does my charity need a liquor permit?

A permit is required if a qualified organization that does not already have a liquor permit intends to provide beer, wine, mixed beverages, or spirituous liquor, either as individually sold drinks or through the use of an entrance fee or cover charge. (Liquor permits are issued by the Ohio Department of Commerce's Division of Liquor Control.)

Generally, if your charity is hosting an event with alcoholic beverages, you likely will need to obtain a temporary liquor permit. However, if the location at which your event will be held already has a permit, and your charity is just renting the space, your charity does not need a permit. No permit is required if an individual or organization intends to provide beer, wine, mixed beverages, or spirituous liquor at a private function where access is restricted to invited guests, such as a wedding reception, for which no admission fee is charged nor any alcoholic beverages are sold.

What if my charity is considering applying for a temporary permit to host an event?

If your charity is hosting an event with alcoholic beverages, you likely will need to obtain a temporary liquor permit. Check the Division of Liquor Control's Temporary Permit Chart to determine whether you qualify for a permit. The chart is available on the website of the Ohio Department of Commerce at **http://www.com.ohio.gov/documents/liqr_TempFAQChart.pdf.** Also, closely review the Ohio Revised Code to determine which permit you need. (See ORC 4303.20 — 4303.208.)

The most commonly used temporary permits are the F, F-2, and F-6:

- **F permit**: The permit allows your charity to sell beer. To qualify, your event must have "a social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purpose." Proceeds

cannot be for the profit or gain of any person. No more than two of these permits will be issued to the same organization in a 30-day period.

  - Be sure to check ORC 4303.20 for other requirements.

- **F-2 permit**: The permit allows a nonprofit organization to sell beer or intoxicating liquor (wine, mixed beverages and spirituous liquor) by the single serving at events. There must be a "charitable, cultural, educational, fraternal, or political purpose" behind the event. No more than one of these permits will be issued to the same organization in a 30-day period.

  - Be sure to check ORC 4303.202 for other requirements.

- **F-6 permit**: The permit applies to 501(c)(3) nonprofit organizations (making it narrower than the F and F-2). With this permit, you may sell only wine, and the event must be organized by, conducted by, and for the benefit of the nonprofit organization. You may charge admission to attend the event, and the entrance fee may include drinks, or drinks can be sold individually. No more than six of these permits will be issued to the same organization in one calendar year.

  - Be sure to check ORC 4303.206 for other requirements.

My charity was approached by an outside group to host an event and asked to sign a temporary permit application. They said we would get some money. What should I do?

- Remember, temporary permits are generally for events that have a charitable purpose and cannot be used for personal gain by a bar, permit holder, or anyone else.
- Evaluate the costs and anticipated proceeds.
- Consider whether your charity wants to be associated with this group if something goes wrong. When you sign the permit, the liability is on you, meaning you will be responsible for civil and criminal violations.
- Understand that the application for the F-2 permit requires your promise that 100 percent of the proceeds, minus expenses, from the applicant's sale of alcohol will be "retained by the applicant" (meaning you/the charity) or "distributed" by the applicant/charity for nonprofit charitable, cultural, fraternal, political, or educational purposes. What does this mean? All the proceeds must go to charity. To protect yourself and your charity, and to safeguard the money, remain on-site to monitor the collection and distribution process.
- Look at your calendar. There are limits to how many permits can be issued to you in a certain amount of time. Signing off on someone else's permit will reduce the number of future events that you can have where you sell beer, wine, mixed beverages, or spirituous liquor.

What can I do to protect my charity?

As general considerations, your charity should:

- Hire private counsel (an attorney) to seek legal advice.
- Consider purchasing insurance, which may help protect you if problems arise.
- Understand the laws to which you are subject. Ohio's gambling laws are generally covered by ORC 2915. Ohio's liquor laws are found within ORC 4301 and 4303, and in Ohio Administrative Code 4301:1-1-1 et seq.
- Contact local law enforcement and/or the Ohio Department of Public Safety, Investigative Unit, for questions about safety or local regulations related to an event.
- Contact the Ohio Department of Commerce's Division of Liquor Control to apply for, or to learn more about temporary liquor permits.
- Contact the Ohio Attorney General's Office for help understanding your requirements as a charitable organization in Ohio.

My charity received an F permit, now what?

You are subject to the same rules as any retail liquor permit holder. Contact the Ohio Department of Commerce's Division of Liquor Control or the Ohio Department of Public Safety if you have questions about these requirements.

Ohio Attorney General's Office

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