



K A N S A S

JOAN WAGNON, SECRETARY

DEPARTMENT OF REVENUE
ALCOHOLIC BEVERAGE CONTROL

M ARK PARKINSON, GOVERNOR

POLICY MEMORANDUM 2001 – 1 (Revised 5-11-09)

Subject: Public and Private Events Conducted on Private Club Premises

1. **Purpose:** The purpose of this memorandum is to provide clarification of the statutes and regulations as they pertain to what lawful activities may be held on a club's licensed premises.
2. **Applicability:** All private clubs as defined in Chapter 41, Article 26 of the Kansas Statutes Annotated.
3. **Discussion:** For ease of discussion, three separate categories of events are addressed.
 - A. **Public Event – No Alcoholic Beverages**
 1. Club may donate or lease space to an organization in order for that organization to hold public events.
 2. No alcoholic liquor may be sold, served or brought into the club during the event. The club may be held criminally or administratively liable for any violation of this policy.
 3. The club must complete Request for Public Function (ABC-12) and fax to (785) 296-7185 or mail to the below listed address at least **10 days prior** to the event.

Alcoholic Beverage Control Division
Attn: Special Event Coordinator
915 SW Harrison St, Room 214
Topeka, KS 66625-3512
 4. The approved copy of the request shall be maintained on the premises for 90 days and be available for inspection for three years following the event.
 5. Advertising of such an event is lawful and the club's name may be used in the advertising.
 6. The Request for Public Function (ABC-12) form is available for download from the ABC webpage at <http://www.ksrevenue.org/pdf/forms/abc12.pdf>. Reproduction of this form is authorized.
 - B. **Private Events**
 1. Events sponsored or hosted at a club that may include non-members.
 2. Attendees must be current club members or bona fide guests of current club members.
 3. Event sponsors must be bona fide current members of the club in which the event is to be held.
 4. Event sponsors must be present on the club premises for the duration of the event.
 5. "Guest" means a person to whom private or personal invitation, as opposed to public announcement, has been extended for hospitality or entertainment.
 6. Guests must:
 - a. be known personally by the member(s) of the club for a significant period of time, (measured in days, weeks and months)
 - b. or be linked to a specific private event (e.g. Invited guests to a wedding reception that are directly linked to club members serving as legitimate sponsors.)
 7. These events shall not be open to the general public.
 8. Advertising for such events must state "for members and guests only."

POLICY MEMORANDUM 2001-1 (Revised 5-1-09)

Subject: Public and Private Events Conducted on Private Club Premises

9. Alcoholic beverages may be served in accordance with state liquor laws on the licensed premises.
10. Alcoholic liquor may be brought into such events as a BYOB in accordance with K.S.A. 41-2647, K.A.R. 14-19-28, and K.A.R. 14-20-30.

C. Public Events & Alcoholic Beverages

1. Current statutes and regulations permit public events in accordance with the provisions of K.A.R. 14-19-36 and 14-20-38 as described under the Public Events paragraph (a) above.
2. Clubs are not authorized to sell, serve, or allow consumption of any alcoholic beverages at such events.
 - a. No person shall bring alcoholic liquor into the club unless such person possesses a temporary permit to sell alcoholic liquor by the drink at the event or possesses a contract for catering alcohol at the event.
3. Clubs may allow sponsors to hold charitable or community related events where alcohol is sold, served, or consumed in accordance with **one** of the following options:

Option 1

1. The club shall submit a new, detailed, licensed premise diagram that permanently removes the specific room(s) where such event(s) will be held.
2. Such room(s) shall no longer be part of the licensed premises and are authorized for public events.
3. The club shall not sell or serve alcoholic beverages at the event or to the sponsor of the event.
4. In order to sell alcoholic beverages at the event, the event sponsor must obtain a temporary permit or contract with a licensed caterer.
5. No caterer or temporary permit is required for a sponsor who has leased the unlicensed room(s) and who plans to provide alcohol free of charge to his/her invited guests.
6. Any request for a temporary permit must be received by the ABC at least 14 days prior to the event.
7. The club is required to prevent alcoholic beverages from the licensed club premises from entering the non-licensed area unless the club has requested and received approval for an extension of the licensed premises.
8. The club may use the non-licensed areas of its premises for private club activities and the sale of alcoholic liquor by filing a request to temporarily extend the licensed premises to include the previously de-licensed area. Such request shall be accompanied by a second detailed diagram showing the extended area of the licensed premises and the time(s) and date(s) at which such extension is applicable.
9. Notification to extend premises may be submitted for specific events or scheduled recurring events. Such notification must be faxed to (785) 296-7185 or mailed to the below listed address at least **14 days prior** to the event.

Alcoholic Beverage Control Division
Attn: Special Event Coordinator
915 SW Harrison St, Room 214
Topeka, KS 66625-3512
10. The ABC shall approve or deny the request and shall send written notification of such approval or denial to the club. Such notification shall be maintained on the licensed premises for 90 days and be available for inspection for three years following the event.

Option 2

1. A club that elects to **not** permanently de-license a portion of its premises may host charitable or community support events as approved by the Director on a case by case basis. The club must temporarily de-license that area of the club that will be used for the event.

POLICY MEMORANDUM 2001-1 (Revised 5-11-09)

Subject: Public and Private Events Conducted on Private Club Premises

2. The event must be a bona fide charitable or other community support event. The Director shall determine whether such event is a bona fide charitable or community support event based upon information submitted by the club and other information necessary for a fair determination.
3. No alcoholic liquor or cereal malt beverage may be sold or served by the club during the preparations for, conduct of and cleaning up from the event.
4. The club shall submit a letter to the agency at least **60 days prior** to the scheduled event explaining what the event is, who is sponsoring the event and other pertinent information necessary to ensure the event meets the criteria as a charitable or community support activity.
5. The letter of Request shall include the following:
 - a. Explanation of the Charitable or Community Support Event;
 - b. Specific date(s) and time(s) of the event;
 - c. Acknowledgement that no liquor will be sold or served by the club during the preparation for, conduct of and clean up from such event;
 - d. A detailed sketch of the licensed premise identifying the particular room(s) which have been de-licensed and where such public event will be held.
6. Any sponsor of a public event, except a bona fide charitable, 501(c) organization, conducting a fundraising event who desires to serve alcoholic liquor at the event must obtain a temporary permit from the Division of ABC or contract with a licensed caterer.
7. Advertising for these types of events may only mention the "club" as to the location – no sponsorship credit may be addressed in the advertisement.
8. Alcoholic liquor may not be taken into other areas or brought from other areas of the club. The club may be held criminally or administratively liable for any violation of this policy.
9. The Division of ABC shall provide a written response either approving or denying the request within 14 days of receiving a completed request.
10. All paperwork associated with these types of special events shall be maintained on the licensed premises for 90 days and be available for inspection for three years following the event.

4. Additional Comments

- a. Failure to comply with the applicable statutes, regulations and this policy, as laid out in the memorandum, may result in the club being cited for violating the liquor laws.
- b. Alcoholic Beverage Control Agents and local law enforcement officers will verify compliance with the provisions of the applicable statutes, regulations and this policy.

5. Clarification of Policy: All clarification requests to this policy should be directed in writing to this office via mail, fax, or submitted to the agency's email at abc_email@kdor.state.ks.us.

6. Effective Date of this Policy: The original policy was effective June 27, 2001. This revised policy is effective from May 11, 2009 until further notice.

Original Signed and On File

Thomas W. Groneman

cc: Assistant Attorney General
Chief of Enforcement
Licensing Supervisor
Compliance Supervisor
Administration Supervisor
Enforcement Agents