

Can I serve wine/beer at my business to the public for a grand opening, ladies night out, anniversary, etc?

Answer: No.

Businesses that are open to the public and have no appropriate alcohol license cannot sell or give away or provide tastings of alcohol, including beer, wine, or spirits, to the public.

An alcohol license is required to serve alcohol beverages. Wis. Stat. s. 125.04(1) states that no person (person includes individuals, corporations, LLC's, etc.) may sell or engage in any other activity for which this chapter provides a license without holding the appropriate license. The City of Eau Claire forfeiture for violation of this statutory provision is \$452.50. The penalty under state law is a forfeiture of up to \$10,000, nine months in jail, or both (Wis. Stat. s. 125.04 (13)).

If a business does not have an alcohol license, alcohol beverages cannot be sold or given away. Wis. Stat. s. 125.09(1) prohibits "consumption" of alcohol in unlicensed public places. For example, a business at an unlicensed premise cannot have an open house, grand opening, or event that caters to the general public and serves alcohol.

Any charge made directly or indirectly for the alcohol beverage requires the person in charge to hold the appropriate license. The term "sale" is broadly defined. "Sale" is a transfer with consideration or transfer without consideration, if made to evade law, or any shift, device, scheme, or transaction for obtaining an alcoholic beverage (Wis. Stat. s. 125.02(20)).

Examples of indirect charges include, but are not limited to, a ticket price including an alcohol beverage, cost of a meal including an alcohol beverage, a purchase of a service with a "free" alcohol beverage, or a donation required in order to consume an alcohol beverage.

Wis. Stat. s. 125.315 prohibits the "giving" of fermented malt beverages to evade law (i.e., businesses such as credit unions, barbershops, salons, etc., giving away beer to customers without a fermented malt beverage license). Wine and spirits also cannot be given away in the same manner under Wis. Stat. s. 125.67. Again, the penalty under state law is a forfeiture of up to \$10,000, 9 months in jail, or both (Wis. Stat. s. 125.66).

For more information on alcohol licensing and local applications and deadlines, see the Wisconsin Department of Revenue website (www.dor.state.wi.us) and the City of Eau Claire website (www.eauclairewi.gov).