

1973 WL 27688 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 19, 1973

*1 Mr. Clyde H. Turner
Attorney at Law
123 Meeting Street
Charleston, South Carolina 29401

Dear Mr. Turner:

Your letter of April 12, 1973, has been assigned to me for a response. Although I am not familiar with the basis for the Telephonic Ruling from the ABC Commission with regard to the activities of your club, I can provide the following information:

1. Section 10(2)(c) of Act 1063, Acts of 1972, provides that an individual may possess and consume alcoholic liquors in quantities other than 'mini-bottles' in separate and private areas of establishments where such areas have been leased by specific individuals for functions not open to the general public.
2. If, as I think we can assume, the Holiday Inn is a business establishment, their premises would be included under the coverage of this section whether or not they have a 'mini-bottle license.'
3. Therefore, the members of your club through a designated individual may lease a separate and private area of the Holiday Inn (if their management is agreeable) and alcoholic beverages in containers other than 'mini-bottles' may be consumed therein.
4. The leasing of this area must in all respects comply with the requirements of SC No. 15. It provides that (a) the lease must be in writing, and (b) the sponsor (or his agent) must actually purchase and deliver all alcoholic beverages to be consumed in the leased area. A copy of this regulation is enclosed for your information.
5. Once the alcoholic beverages are delivered to the leased area by the sponsor, the actual pouring may be done either by the guests or by bartenders.
6. There are no limitations in Section 10(2)(c) as to the number of times one may lease such areas for private functions. This is in contrast to Section 10(2)(b) which limits the use of alcoholic beverages on non-commercial property to 'occasions of a single and isolated nature and not on any repetitive or continuous basis.' Therefore it would be permissible under existing law for this area to be rented by your organization once each week.

If we can be of any further assistance to you, please feel free to call upon us.

Sincerely,

Dudley Saleeby, Jr.
Assistant Attorney General

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