

1973 WL 26929 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 15, 1973

***1 re: Possession and Consumption of Alcoholic Beverages at Private Functions**

Mr. W. P. Beacham, Jr.
Anderson Elks Lodge
North McDuffie Street
Anderson, South Carolina 29621

Dear Mr. Beacham:

My apologies for not responding more promptly. I was under the impression that you had been mailed a copy of the latest ABC regulation governing private functions.

Enclosed for your consideration are (1) a copy of S. C. Regulation 15 and (2) a copy of an opinion on the 'mini-bottle act.' As explained therein, if the property upon which your private functions are conducted is 'not engaged in business or commercial activity,' individual guests would be able to bring their own alcoholic beverages, provided that these beverages were neither possessed nor consumed in areas licensed for the sale of mini-bottles. If the property does not meet these specifications, the lodge room will have to be leased in compliance with S. C. Regulation 15 which requires that the host or sponsor purchase and deliver all alcoholic beverages.

With regard to the dances held by your organization, you have indicated that some are held semi-monthly and others monthly, and that alcoholic beverages are served at every event. I must caution you that it is contrary to both the intent and the letter of the law to allow such functions on your premises on a regular basis. Section 10(2)(b) allows individual possession and consumption only at

. . . private gatherings of a single and isolated nature and not on any repetitive or continuous basis . . .

Although the statute does not define 'repetitive' and 'continuous,' it is obvious that regularly scheduled monthly and semi-monthly meetings are not gatherings 'of a single and isolated nature.' If the practice is allowed to continue it could result in the suspension or revocation of your Sale and Consumption License by the Alcoholic Beverage Control Commission.

If we can provide any additional information with regard to this matter, please let us know.

Sincerely,

Dudley Saleeby, Jr.
Assistant Attorney General

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