

FARMVIEW EVENT BARN, LLC,
a domestic limited liability corporation,
N7702 County Road F,
Berlin, WI 54293,

and

MONARCH VALLEY WEDDINGS
AND EVENTS LLC, a domestic limited
liability corporation,
N33864 Shelley Road,
Blair, Wisconsin 54616,

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF REVENUE
2135 Rimrock Road,
Madison, Wisconsin 53713,

and

DAVID CASEY, in his official capacity as
Secretary-designee of the Wisconsin
Department of Revenue,
2135 Rimrock Road,
Madison, Wisconsin 53713,

Defendants.

Case Type: Declaratory Judgment

Case Code: 30701

SUMMONS

THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or

disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is **Trempealeau County Clerk of Courts, 18600 Hobson Street, Whitehall, WI 54773-8614**, and to the **Wisconsin Institute for Law & Liberty**, Plaintiff's attorneys, whose address is **330 East Kilbourn Avenue, Suite 725, Milwaukee, Wisconsin 53202**. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 7th day of May, 2024.

Respectfully Submitted,

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

Electronically signed by Lucas T. Vebber

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COMPLAINT

1. This civil rights action seeks to vindicate the rights of small business owners around Wisconsin whose livelihoods are under attack by the State of Wisconsin.

2. Plaintiffs' primary business is to rent out space—specifically, barns—to private individuals to host private events, mainly weddings.

3. For years, private event venues, like Plaintiffs', have allowed renters to bring and consume their own alcohol at their private events. Wisconsin law has long required businesses to have a liquor license if they are a "public place" where alcohol is consumed; however, private event venues have not been required to have a license because they host events that are not open to the public. Defendant Wisconsin Department of Revenue ("DOR") blessed this business model, recognizing that a license was not needed for renters to consume their own private chattel property—alcohol—at a private event on private real property.

4. 2023 Wisconsin Act 73 creates a new regulatory framework for alcohol consumption, which will go into effect on January 1, 2026, and may put Plaintiffs out of business well before then.

5. Act 73 defines a "public place" as virtually any space available for rent—such as Plaintiffs' private event venues. Act 73, however, contains many exemptions, making the scheme illogical. For example, a tailgate party in the parking lot of Lambeau Field is not a "public place"—but an invite-only private wedding party at a barn is.

6. Weddings are often planned far in advance, and few couples want a venue at which they may not be able to consume alcohol. Although the changes are not in effect yet, the very threat of them has already caused potential renters to take their business elsewhere, injuring Plaintiffs.

7. Act 73 violates Plaintiffs' right to earn an honest living and to equal protection. It also violates the Wisconsin Constitution's uniform taxation rule.

PARTIES

8. Plaintiff Farmview Event Barn, LLC, ("Farmview") is a limited liability corporation organized under Wisconsin law with its principal place of business located at N7702

County Road F, in the Town of Berlin, Green Lake County, Wisconsin. Farmview's primary business is to rent out space to private individuals to host private events, mainly weddings.

9. Plaintiff Monarch Valley Weddings and Events LLC ("Monarch") is a limited liability corporation organized under Wisconsin law with its principal place of business located at N33864 Shelley Road, in the Town of Preston, Trempealeau County, Wisconsin. Monarch's primary business is to rent out space to private individuals to host private events, mainly weddings.

10. Defendant DOR is an agency of the State of Wisconsin and is responsible for administering and enforcing the statutes challenged in this action. DOR maintains its main office at 2135 Rimrock Road in the City of Madison, Dane County, Wisconsin.

11. Defendant David Casey is the Secretary-designee of DOR and is named in his official capacity only. As Secretary-designee of DOR, Casey is the agency's administrative head and charged with supervising its activities, including the administration and enforcement of the statutes challenged in this action. Casey maintains his main office at 2135 Rimrock Road in the City of Madison, Dane County, Wisconsin.

JURISDICTION AND VENUE

12. This Court has jurisdiction to hear this action under Article VII, Section 8 of the Wisconsin Constitution and is competent to provide relief under Wis. Stat. § 806.04(1), which states that "[c]ourts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed."

13. Venue is appropriate in this County under Wis. Stat. § 801.50(3) as the sole defendants are a state agency and officer in his official capacity and the Plaintiffs designate this County as the venue.

FACTS

14. Neither Farmview nor Monarch have a liquor license nor do they sell or otherwise provide alcohol, but both private event venues allow their renters and their private guests to consume alcohol that they bring with them.

15. Both Farmview and Monarch have operated in this way for years without incident because neither venue was a “public place” required to obtain a liquor license under Wis. Stat. § 125.09(1). That section requires the owner, lessee, or person in charge of a “public place” to obtain an appropriate retail license or permit before allowing the consumption of alcoholic beverages on the premises.

16. Before Act 73, Chapter 125 never defined “public place,” and Defendants interpreted “public place” to exclude events where attendees consist only of personally invited guests known to the host (such as weddings), which are not open to the public. *See, e.g., Exhibit A, DOR Fact Sheet 3111, published March 20, 2019.*

17. Private event venues, including Plaintiffs’, relied on Defendants’ interpretation to form their business models, invest in their facilities, and grow their businesses.

18. Specifically, Plaintiffs allow renters to bring alcohol and consume it with their private guests at their private events.

19. Plaintiffs, and similar private event venues, have been sought after by couples because Plaintiffs’ business model allows them to offer cheaper prices than traditional wedding venues. The model allows renters to do more work on their own—purchasing and serving alcohol—rather than pay Plaintiffs to do it.

20. Act 73 will outlaw this business model.

21. Act 73 was supported by special interests representing more traditional wedding venues and their lobbyists. The effect of Act 73 is to limit, if not eliminate, competition with those more traditional wedding venues.

22. Once Act 73 takes effect, a “public place” will be defined as a “venue, location, open space, room, or establishment” that is: (a) “accessible and available to the public to rent for an event or social gathering;” (b) “held out for rent to the public for an event or social gathering;” or (c) “made available to rent to a member of the public for an event or social gathering”—although, the Act creates various exemptions.

23. Resultantly, Plaintiffs’ private event venues, and many other spaces around Wisconsin, will soon be considered “public places” for the first time.

24. Any private event venue that becomes a “public place” and desires to continue allowing guests to bring and consume alcohol on or after January 1, 2026, has two options under Act 73: (1) obtain a retail liquor license; or (2) obtain a “no sale event venue” permit, a new kind of permit created by Act 73.

25. Obtaining a liquor license would prohibit customers from “carrying in” their own alcohol, and instead require them to purchase that alcohol from the private event venue, thereby driving up the costs of hosting events at Plaintiffs’ private event venues and eliminating their unique place in the market as a lower-cost alternative to traditional venues.

26. Obtaining an Act 73 “no sale event venue” permit would allow private event venue renters to carry-in and consume only certain kinds of alcohol, beer and wine, and would also limit the venues to hosting a maximum of 6 events per year, no more than 1 event per month.

27. Either option will likely put Plaintiffs out of business.

28. Plaintiffs do not want to obtain a liquor license, and do not want their businesses to sell, handle, or otherwise provide alcohol.

29. Even if Plaintiffs did want to obtain a liquor license, Plaintiffs' private event venues are operating under conditional use permits with their local government, and obtaining a liquor license, even if they could do so and wanted to do so, would require them to seek an amendment to their conditional use permits.

30. Plaintiffs' private event venues host significantly more than 6 events per year and 1 event per month, and limiting Plaintiffs' ability to operate on their normal schedules will likely put them out of business, as their revenue will be reduced dramatically. They will also struggle to recruit and retain staff to work for only six days per year.

31. Not all venues which meet the new definition of "public place" are regulated in this manner. Act 73 arbitrarily carves out exemptions for various venues.

32. Specifically, Act 73 creates two categories of facilities that meet the new definition of "public place": one category subject to licensing and regulation and another category that is exempt.

33. The exempt category includes: rooms in a hotel, motel, or bed and breakfast that are used for overnight accommodations; vacation rental properties and other properties of temporary lodging (if "furnished with sufficient beds for all adult guests to sleep"); campsites in a campground; parking lots, driveways, and yards where vehicles may be parked "on the same day as a professional or collegiate sporting event or other ticketed event open to the public"; and property inside a professional baseball or football stadium district that is used in connection with, and on the same day as, a professional game or other ticketed event open to the public held at the stadium. Additionally, the "public place" requirements do not apply to municipalities, buildings

and parks owned by counties, athletic fields, school buildings, events on campuses of private colleges, churches, state fair park, and clubs.

34. The law does not explain or provide any rationale for why a private event venue located within a professional baseball or football district is not considered a “public place,” but a private event venue located outside of those districts *is* a public place. The dividing line between these categories is illogical.

35. The State lacks even a rational basis for treating a private event venue located within, say, a stadium district differently than a private event venue located outside of a stadium district, yet under Act 73, private event venues located within a stadium district can operate more freely than private event venues located elsewhere in Wisconsin.

36. If Plaintiffs’ private event venues were, for example, located near Lambeau Field (and, therefore, in a professional football stadium district), during events at the stadium they would not be a “public place,” so they would be allowed to host significantly more events. Because, however, they are located in rural townships, Plaintiffs’ private event venues are regulated much more harshly under Act 73.

37. Furthermore, state law exempts private event venues owned by municipalities, counties, schools, private colleges, churches, and clubs, again without offering any explanation or rationale as to why.

38. The law additionally allows the consumption of alcohol in parking lots, driveways, or yards, so long as it is consumed “on the same day” as a ticketed event held at a stadium. Notably, there is no requirement in that exemption that those parking lots, driveways, or yards be located near, or used in conjunction with, the stadium, as there is with the professional stadium district

exemptions. There just must be some ticketed event, somewhere, taking place, and consumption of alcohol in a parking lot is acceptable.

39. These nonsensical provisions—which operate to place venues into either the “regulated” or “unregulated” category—lack any rational basis at all.

40. In addition, Monarch operates a lodge which is used for overnight accommodations, and which falls within the category of locations exempted from the expansive reach of Act 73’s “public place” requirements.

41. Accordingly, it could be lawful for someone to carry in and consume alcohol in Monarch’s lodge but not in Monarch’s own private event venue. Guests who desire to consume alcohol during an event hosted at the private event venue would need to leave the venue, walk to the lodge, consume the beverage, and then walk back to the venue. This regulatory scheme is irrational.

Count One: Right to Earn an Honest Living

42. Plaintiffs incorporate all paragraphs of this complaint as if fully set forth herein.

43. Article I, Section 1 of the Wisconsin Constitution safeguards unenumerated rights, including the right to earn an honest living. It provides that “[a]ll people are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness.” Wis. Const. art. I § 1.

44. The new regulatory framework challenged herein violates Plaintiffs’ right to earn an honest living, which is safeguarded by Article I, Section 1 of the Wisconsin Constitution, because it arbitrarily impedes Plaintiffs’ business and does not further any legitimate governmental interest.

45. This ancient right is fundamental. *See State ex rel. Winnkler v. Benzenberg*, 101 Wis. 172, 76 N.W. 345, 346 (1898) (explaining Wisconsinites have a “right . . . to pursue . . . [a]

calling”); *Taylor v. State*, 35 Wis. 298, 301 (1874) (“Should it be enacted that no person should keep a store for the sale of ordinary merchandize, or a shoemaker’s or tailor’s shop, a printing office or a law office, within a certain specified distance of a dwelling house, it is probable that the courts would not hesitate to hold that such legislation is . . . an unjustifiable restriction upon, and interference with, the fundamental rights of the citizen.”).

46. Absent the new regulatory framework, Plaintiffs would continue operating their businesses without incident, as they have for years. Plaintiffs—and more importantly, renters—benefit greatly from the cost-saving options that private event venues provide.

47. The effect of the new regulatory framework, if not the intent, is to prevent competitive innovation in the wedding venue industry. The government lacks any power to engage in cronyism.

48. As a result, the “public place” regulatory scheme in Act 73 must be declared unconstitutional, and Defendants must be prohibited from enforcing them going forward.

Count Two: Equal Protection

49. Plaintiffs incorporate all paragraphs of this complaint as if fully set forth herein.

50. The new regulatory framework also violates Plaintiffs’ right to equal protection, which is also safeguarded by Article I, Section 1 of the Wisconsin Constitution.

51. The new regulatory framework divides rentable property into two categories: those where alcohol consumption requires a permit and those where it does not.

52. The dividing line, however, between these two categories is, at best, arbitrary, and at worst, cronyism—either way, it cannot stand. *Wis. Wine & Spirit Inst. v. Ley*, 141 Wis. 2d 958, 968, 416 N.W.2d 914 (Ct. App. 1987) (“We cannot conclude that these two classes are so far different from one another as to reasonably suggest the propriety of substantially different

legislation. In fact, the creation of a perpetual class of wholesale-retail liquor licensees exacerbates the very problem intended to be addressed . . .”).

53. First, those who privately own private event venues in certain parts of the state are similarly situated to owners in other parts of the state, or other entities which may own private event venues. All offer a similar service to renters. Yet, private individuals who own a private event venue in particular parts of the state (such as where Plaintiffs are located) are subject to onerous extensive licensing and restrictions, while other similarly situated businesses are not.

54. There is no reason to exempt, for example, the consumption of alcohol in parking lots, hotels, private event venues owned by municipalities or private colleges, or private event venues located in a professional stadium district but not to exempt private event venues like those owned by Plaintiffs.

55. The parking lots exemption is particularly absurd because people who drink at a lot are very likely to get in an automobile that they drove to the lot and drive. *See Wis. Wine & Spirit Inst.*, 141 Wis. 2d at 968 (explaining the legislature lacks police power to “create[] a class of liquor wholesalers with monopolistic powers to practice all of the evils against which tied house laws are intended to protect”).

56. Again, there is no substantial distinction between venues which are subject to licensing and permitting, and those which are not.

57. Classifying certain “public place” locations as exempt from regulation while subjecting others to onerous regulations does not further any compelling, substantial, or legitimate government interest.

58. A private event venue located in the Town of Berlin or the Town of Preston is not so different from a private event venue located near Lambeau Field to suggest that state

government can regulate those two venues substantially differently with one treated much more favorably than the other. If anything, whatever danger is posed by the consumption of alcohol, that danger is much greater at a Packer game with tens of thousands of fans in attendance who will then all proceed to drive home around the same time.

59. Additionally, state law as amended by Act 73 allows, say, the Town of Berlin, to rent out its town hall for a wedding at which alcohol will be consumed; however, a wedding barn a short distance away is treated differently.

60. The “public place” classifications are arbitrary, irrational, and bear no rational relationship to any legitimate government purpose. Instead, those classifications violate the equal protection clause of the Wisconsin Constitution.

61. The “public place” classifications are not germane to the purpose of the law.

62. The “public place” classifications are based upon circumstances that existed only at the time of enactment.

63. The “public place” classifications are not applied equally or consistently amongst properties available for rent.

64. The “public place” classifications do not reasonably support the propriety of such different legislation.

65. The “public place” regulations under Act 73 thus violate Plaintiffs’ rights to equal protection under the law, must be declared unconstitutional, and Defendants must be prohibited from enforcing them going forward.

Count Three: Uniform Taxation

66. Plaintiffs incorporate all paragraphs of this complaint as if fully set forth herein.

67. Act 73 also violates Article VIII, Section 1 of the Wisconsin Constitution, which provides that only “reasonable exemptions” are permitted on “[t]axes . . . imposed on income, privileges and occupations.”

68. Act 73 imposes a tax (in the form of a license requirement), which is why Defendant DOR is the agency that will administer and execute it.

69. The tax specifically limits Plaintiffs’ ability to participate in an “occupation” of their choosing and also grants a special privilege to others.

70. The exempt category is not “reasonable” because the dividing line lacks even a rational basis—let alone a “reasonable” one. *See* 61 Wis. Op. Atty. Gen. 180, 181, 184 (1972)¹ (“Not only would the issuance of a liquor license on the basis of competitive bidding be contrary to the statutes, it would be unconstitutional as well [under Article VIII, Section 1 of the Wisconsin Constitution]. . . . [N]ot only must liquor licensing not be utilized for the purpose of raising revenue, licensing in exercise of the police power must be conducted in such a way as to affect all those within a class equally.”).

71. The “public place” regulations under Act 73 thus violate Article VIII, Section 1 of the Wisconsin Constitution, must be declared unconstitutional, and Defendants must be prohibited from enforcing them going forward.

Count Four: Alternatively, the limitations on the “no sale event venue” license are unconstitutional

72. Plaintiffs incorporate all paragraphs of this complaint as if fully set forth herein.

¹ Available at: https://www.doj.state.wi.us/sites/default/files/dls/ag-opinion-archive/1972/Volume%2061_1972.pdf

73. Act 73 purports to allow private event venues to continue operating as they have been operating, for years and without incident, so long as those venues obtain a “no sale event venue” permit, created under the Act.

74. A “no sale event venue” permit, however, contains significant limitations for businesses who choose to obtain such a permit, which make obtaining such a permit an impossible choice for Plaintiffs and many other private event venues.

75. First, any facility operating under a “no sale event venue” permit may only host 1 event per month, and no more than 6 total events per year.

76. Second, any facility operating under a “no sale event venue” permit may only allow the consumption of beer and wine at events—consumption of liquor is prohibited.

77. As a result, some private event venues who are not exempt from licensing (such as Plaintiffs), would be forced to limit their operations to just 6 events per year, as well as limit which alcoholic beverages their guests may consume, while other venues exempt from this licensing requirement may host as many events as they’d like throughout the year and may allow their guests to consume whatever alcoholic beverages they wish.

78. The “no-sale event venue” permit therefore makes anticompetitive, irrational, and arbitrary distinctions between classes of Wisconsin citizens, violating Plaintiffs’ right to earn an honest living, and their right to equal protection under the law.

79. Indeed, there is no reasonable basis for requiring some private event venues to obtain a limiting “no sale event venue” permit, while allowing others to continue operating as they have been without such a permit.

80. These distinctions serve no legitimate governmental purpose and violate Article I, section 1 of the Wisconsin Constitution.

81. If Plaintiffs are forced to obtain a “no sale event venue” permit, their business operations will be significantly harmed.

82. Therefore, if this Court does not find the “public place” regulations challenged herein to be unconstitutional, in the alternative it must declare the restrictions imposed upon certain venues through “no sale event venue” permits unconstitutional and prohibit Defendants from enforcing those restrictions going forward.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

- A. Enter a declaratory judgment that the “public place” regulations imposed by Act 73 are in violation of the right to earn an honest living, and right to equal protection under Article I, Section 1 of the Wisconsin Constitution;
- B. Enter a declaratory judgment that the “public place” regulations imposed by Act 73 violate Article VIII, Section 1 of the Wisconsin Constitution by creating a non-uniform tax on an occupation;
- C. In the alternative, enter a declaratory judgment that the “no sale event venue” event number and consumption restrictions imposed by Act 73, as challenged herein, are in violation of the due process and equal protection guarantees set forth in Article I, Section 1 of the Wisconsin Constitution;
- D. Enter an order enjoining Defendants from enforcing those provisions of Act 73;
- E. Enter an order granting Plaintiffs such other and further relief as the court deems appropriate.

[Signature block on following page]

Dated this 7th day of May, 2024.

Respectfully Submitted,

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

/s/ Electronically Signed by Lucas T. Vebber

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When Must a Person Obtain an Alcohol Beverage Retail License?

Alcohol Beverage Laws

Fact Sheet 3111

revenue.wi.gov

This fact sheet provides information about whether a person must hold an alcohol beverage retail license. Alcohol beverage retail licenses are required for a location in which a sale of alcohol beverages takes place OR whenever consumption of alcohol beverages occurs at a public place. This fact sheet provides a more detailed explanation, including examples, of each of these instances.

The requirements described in this fact sheet also apply to retail permits issued by the department (vessels, sports clubs, public facilities and airports) (secs. 125.27, and 125.51(5), Wis. Stats.).

Do Sales of Alcohol Beverages Occur?

Any person that sells alcohol beverages must hold an alcohol beverage retail license describing the location where the alcohol is sold, unless an exception applies (secs. 125.04(1), 125.06, and 125.66(1), Wis. Stats.). Exceptions that may apply are found in sec. 125.06, Wis. Stats.

Example 1: A person owns a liquor store or tavern where alcohol beverages are sold. The person must hold an alcohol beverage retail license for the liquor store or tavern.

Example 2: The operator of a banquet facility sells alcohol beverages at the banquet facility to a couple. The couple will serve the alcohol beverages free of charge to guests at the couple's wedding reception at the banquet facility. The operator must hold an alcohol beverage retail license for the banquet facility.

Example 3: The operator of a banquet facility sells alcohol beverages directly to guests (e.g., cash bar) at a wedding reception at the banquet facility. The operator must hold an alcohol beverage retail license for the banquet facility.

Example 4: A person holds a party in their own apartment or house and sells beer to party-goers. The person must hold an alcohol beverage retail license for their own apartment or house.

See [Fact Sheet 3110](#), *Selling, Donating, and Giving Away Alcohol Beverages*, for additional examples of sales of alcohol beverages.

If Sales Do Not Occur, Are Alcohol Beverages Consumed in a Public Place?

A person that owns, leases, or is in charge of a public place must hold an alcohol beverage retail license describing the location where the alcohol beverages are consumed, unless an exception applies (sec. 125.09(1), Wis. Stats.). This means consumption of alcohol beverages on property open to the public is prohibited unless the owner, lessee, or person in charge of the public place, possesses an alcohol beverage retail license (*Eichenseer v. Madison-Dane County Tavern League, Inc.*, 2008 WI 38, para 57).

A location may be a public place at certain times of the day, week, month, or year, and may not be at other times. A location is not a public place at times when a private event is held at the location where attendance at the event consists solely of personally invited guests known to the host of the event. Examples of private events include traditional wedding receptions, birthday parties, family reunions, holiday parties for

employees, and similar gatherings. A person hosting a private event where consumption of alcohol beverages occurs is encouraged to keep an invitation/guest list, and to continually monitor attendance at the event to make sure that only people who were personally invited to the event are present at the event location.

Example 5: A bank holds an event during business hours and gives free glasses of wine and appetizers to all persons who come into the bank. The bank must hold an alcohol beverage retail license for the location where alcohol beverages are consumed, because the bank is open to the public during the event.

Example 6: A person hosts a party at their home. A public announcement is made on social media that the entire county is welcome to join the event and have a free alcohol beverage. The person must hold an alcohol beverage retail license for the location where alcohol beverages are consumed, because their home is open to the public during the party.

Example 7: A car dealership has a holiday party for its employees after it is closed to the public. The dealership purchases alcohol beverages for service to employees free of charge during the holiday party. The dealership must purchase the alcohol beverages from an alcohol beverage retail licensee (e.g., liquor store that holds a "Class A" license or tavern that holds a "Class B" license). The dealership is not required to hold an alcohol beverage retail license for the location where alcohol beverages are consumed, because the dealership is closed to the public during the holiday party.

Example 8: A person hosts a private wedding reception in their own yard, and only invited friends and family attend. Alcohol beverages are served free of charge to the invited guests. The person is not required to hold an alcohol beverage retail license for the location where alcohol beverages are consumed, because their yard is closed to the public during the wedding reception.

Example 9: A couple rents a local barn for their private wedding reception. The barn is not an alcohol beverage retail licensed premises. The couple purchases all alcohol beverages from an alcohol beverage retail licensee. Only invited friends and family may attend the reception, and alcohol beverages are served free of charge to these guests. Neither the couple nor the barn owner are required to hold an alcohol beverage retail license for the barn during the wedding reception.

Can a Retail Licensee Own or Operate an Unlicensed Building or Space Where Alcohol Beverages Are Consumed?

Existing "Class B"/Class "B" retail licensees may own or operate unlicensed buildings or spaces that are rented to persons seeking to hold private events where alcohol beverages are consumed. In addition to all other requirements explained in this fact sheet, the unlicensed building or space must be separated from the licensed premises by walls and/or doors and must have a primary entrance from the outside (sec. 125.32(3m), Wis. Stats). The retail licensee may not store alcohol beverages at an unlicensed building or space.

Alcohol beverage licensees may not allow persons to bring alcohol beverages ("BYOB") onto the licensed premises for consumption, regardless of whether the premises is open to the public. See [Fact Sheet 3105, Alcohol Beverage Carry-Ins](#).

Example 10: A restaurant owner holding a "Class B"/Class "B" retail license is given municipal approval to revise the description of his/her existing licensed premises to remove a banquet hall from the premises description. The restaurant owner may rent the unlicensed banquet hall to a person who will host a private event where only personally invited guests known to the host are allowed entrance to the banquet hall. Alcohol beverages may be provided by the host, free of charge to their invited guests (no cash bar) because the banquet hall is not a public place at the time of the event.

Note: Alcohol beverages purchased by the host cannot be brought onto the restaurant's licensed premises.

Example 11: A tavern owner that has a "Class B"/Class "B" retail license purchases or leases a vacant building to rent for private wedding receptions, but does not obtain a "Class B"/Class "B" retail license for the

building. The tavern owner may rent the unlicensed building to a person who will host a private event where only personally invited guests known to the host are allowed entrance to the building. Alcohol beverages may be provided by the host, free of charge to their invited guests (no cash bar) because the building is not a public place at the time of the event.

Other Requirements

Alcohol beverages served and consumed at a location that does not hold an alcohol beverage retail license must have been purchased in a face-to-face sale at a licensed premises (secs. 125.272, and 125.51(6), Wis. Stats.). For more information, see [Fact Sheet 3110](#), *Selling, Donating, and Giving Away Alcohol Beverages*.

The rental of a facility may be subject to Wisconsin sales and use tax if the facility is used for an amusement, athletic, entertainment, or recreational purpose. For more information, see [Sales and Use Tax Fact Sheet 2107](#), *Rentals of Multipurpose Facilities*.

Additional Information

If you are unable to find answers to your questions on the department's website about alcohol beverage retail license or permit requirements, you may email, write, or call the department.

Visit our website: revenue.wi.gov

Email: DORAlcoholTobaccoEnforcement@wisconsin.gov

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