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NOTICE
TO ALL LOCAL LICENSING AUTHORITIES
AND ALL LICENSEES UNDER M.G.L. c. 138, § 12

To advance the Alcoholic Beverages Control Commission's out-reach to assist you in your efforts to control the licensed premises and the operation of the business, to prevent violation of any of the provisions of the Liquor Control Act and Commission regulations, to help conduct the licensed business in a proper and orderly manner, and to avoid compliance issues, the Alcoholic Beverages Control Commission ("the Commission") would advise you of a recent Commission action. On April 2, 2009, the Commission issued a decision that sets out the guidelines the Commission will apply in deciding whether to approve any application for a § 12 license to sell alcoholic beverages at any location on the grounds of a golf course deemed reasonable and proper.

The following GUIDELINES were established by the Commission in the decision issued in *In Re: New England Golf Partners, Inc. dba Georgetown Club*, Georgetown (ABCC Decision dated April 2, 2009). The Guidelines that the Commission set to approve an application for the service of alcoholic beverages on the holes of a golf course are as follows:

1. Alcoholic beverages cannot be sold or delivered outdoors on the grounds of a golf course unless and until approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission as part of a § 12 licensed establishment.

Once approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission as part of a § 12 licensed establishment only those alcoholic beverages sold or delivered by the approved licensee may be consumed and possessed by the patrons outdoors on the grounds of a golf course that is included as part of a § 12 licensed establishment.

2. An application to extend the premises must describe the area in detail. The applicant must provide the description of the area in detail that includes the location and size of any areas of service and storage of alcoholic beverages, including whether alcoholic beverages will be sold or delivered in or from a cart. For example:

“the 18 holes of the golf course as shown on the scorecard on the golf course dated January 27, 2009 attached hereto and marked as Exhibit 1 to be sold from 3 beverage carts”;

“the area containing the 18 holes of the golf course shown on the plan attached hereto dated January 27, 2009 attached hereto and marked as Exhibit 1 to be sold at the stands indicated and from a beverage cart”;

“the area containing holes 1-7, 9-12- and 16-18 on the north side of Main Street as shown on the plan attached hereto dated January 27, 2009 attached hereto and marked as Exhibit 1 to be sold at the stands indicated and from a beverage cart and stored in the shack indicated.”

3. The applicant for the license to be used on the grounds of a golf course must provide documented proof that the applicant has a legal right to occupy the grounds of the golf course on which permission is sought to sell and deliver alcoholic beverages. For example, the applicant may provide a copy of a lease, an occupancy agreement, a letter agreement or a contract.
4.
 - (a) The grounds of the golf course must be contiguous and appurtenant to the existing licensed premises.
 - (b) Public ways may intersect, interrupt or divide the grounds of the golf course for which approval is sought. The Commission will approve a single license to cover that portion of the grounds of a golf course that lies across a public way provided the licensee applies for and receives from the Commission a transportation permit under M.G.L. c. 138, § 22 for each beverage cart used in the transportation and delivery of alcoholic beverages.
 - (c) No licensee shall permit any patron to possess or carry alcoholic beverages in or on a public way.
 - (d) At each crossing of a public way, each licensee shall post signs stating “no alcoholic beverages permitted beyond this point” at appropriate locations in a conspicuous place where these signs can easily be read.
 - (e) Parking lots of a golf course will be treated the same as a public way. The Commission will not approve any parking lot to be included in the description of licensed premises on the grounds of a golf course.
5. The licensing authorities should consider the type of neighborhood and the potential for noise in the environs.
6. No more than two drinks shall be sold, delivered or in the possession of any one patron at any one time while on the grounds of a golf course approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission.

7. The applicant must post signs stating “no alcoholic beverages permitted beyond this point” at appropriate locations bordering the course in a conspicuous place where these signs can easily be read. The local licensing authorities may specify the location of any such signs.

8. No § 12 licensee shall permit any patron to possess alcoholic beverages on the grounds of a golf course approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission other than those alcoholic beverages purchased from that licensee.

9. No § 12 licensee shall permit any patron to carry or transport any alcoholic beverages off the grounds of a golf course approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission.

10. A § 12 licensee is reminded that the § 12 licensee must ensure that each person employed for the direct handling or selling of alcoholic beverages is 18 years of age or older.

Licensees should be vigilant during the golfing season to avoid violations of G.L. c.138, § 69 and ensure that no alcoholic beverage is sold or delivered on any licensed premises to an intoxicated person. Care should also be taken to avoid violations of G.L. c.138, § 34 by ensuring not only that no one makes “a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person” but also that no one furnishes, and knowingly or intentionally supplies, gives, or provides to or allows a person under 21 years of age to possess alcoholic beverages on premises or property owned or controlled by a license holder.

With grateful appreciation and many thanks for your attention, assistance and co-operation in these efforts, the Commission is confident that each of you work daily to ensure that all operations are structured, advertised and actually operated in compliance with all laws of the Commonwealth. Through our efforts together, we can be sure that each license serves the public need and is operated only in such a manner so as to protect the common good. With this mutual success, our spring and summer seasons will be safe.

Dated at Boston, Massachusetts this 3rd day of April 2009.

ALCOHOLIC BEVERAGES CONTROL COMMISSION



Eddie J. Jenkins,
Chairman