



# State of Wisconsin • DEPARTMENT OF REVENUE

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*Scott Walker*  
Governor

*Richard G. Chandler*  
Secretary of Revenue

December 28, 2018

The Honorable Rob Swearingen  
Wisconsin Assembly  
123 West – State Capitol  
Madison, WI

Dear Rep. Swearingen:

I received your letter dated December 11 discussing the letter that Attorney General Schimel sent to you dated November 16 regarding when event venues such as wedding barns and other venues that rent space for events are required to obtain liquor licenses.

The letter from Attorney General Schimel, which he described as an "informal analysis," said that event venues that rent space for events must always obtain liquor licenses if alcohol is served.

That informal analysis is different from the longstanding application of the statutes by the Department of Revenue. For many years, DOR has consistently said that a liquor license is not needed when a place is rented for an event at which alcohol is served if the event is private and if there is no sale of alcohol there.

DOR's longstanding application of the statutes can be summed up as follows:

- Section 125.09 says an establishment needs to have a license to serve alcohol if the alcohol is being served in a "public place."
  - A public place is a place at which an event open to the public is being held.
  - If an event is private, meaning attendance is limited to invited guests, it is not a public event and the place where it is being held is not a public place at the time that the event is being held.
  - The nature of the event determines whether a place is public or private at the time of the event.
- Section 125.04 says a person must have a liquor license to sell alcohol in any place.

In short, if a place is rented for an event that is a private event, and if there is no sale of alcohol there, a liquor license is not required.

You asked me to let you know whether there would be any change in the Department of Revenue's position or enforcement policy as a result of the informal analysis.

As you know, Governor Walker's term in office ends on January 7, 2019. I will be resigning as Secretary of Revenue effective as of that date. Attorney General Schimel will also be leaving the position of Attorney General.

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Attorney General Schimel's letter said that "this letter is not meant in any way to bind or inhibit the role of the next Attorney General, who is obviously free to disagree with my position." Similarly, I recognize that the next Secretary of Revenue will be able to review Attorney General Schimel's informal analysis and consult with the next Attorney General and with DOR staff, and then decide whether to continue or change DOR's position in this area. I have included information about this issue in the background documents we have prepared for the next Secretary of Revenue.

In light of the fact that DOR has had a longstanding position on this issue, and in light of the upcoming agency leadership changes, I do not believe it would be appropriate to change DOR's position or our enforcement policy at the present time.

Sincerely,

A handwritten signature in cursive script that reads "Richard G. Chandler". The signature is written in black ink and is positioned above the typed name.

Richard G. Chandler  
Secretary of Revenue