

Explanation of the Self-serving Untruths Contained in the Document Titled “Wedding Barns; TLW Position”

Circulated by Pete Madland, Executive Director of the Tavern League of Wisconsin

The following is a point-by-point rebuttal of the haphazard generalizations and blatant untruths contained in the above referenced document.

The character of this document is typical of those that seek to ‘divide and conquer’ by creating illogical aggregations and generalizations so as to distract and confuse the reader.

It should be evident on even casual reflection that most of these ‘concerns’ are ‘grasping at straws’ to create the appearance of legitimate problems where none exist. Further, they have nothing to do with alcohol, with separate functional areas being regulated by various local, regional, state, and federal laws, ordinances, and building codes.

The single issue that is relevant in this discussion is compliance with Wisconsin Statutes for alcohol consumption at private events, as administered by the Wisconsin Department of Revenue. A corollary issue is, ‘Are there any social problems that can and should be solved by changing Chapter 125?’ The answer is a resounding NO!

Tavern League Statement	WATA Rebuttal
<p><u>UNLICENSED WEDDING BARNs:</u></p>	<p>There is no such thing as an ‘unlicensed wedding barn’. There are many local municipal, county and state ordinances and laws that affect each business and require compliance with applicable ordinances, laws, zoning codes, fire inspections, commercial building codes, ADA accessibility accommodations, single-event permitting requirements, etc. Aggregating all of the ‘issues’ identified in the left column—excerpted from the above document—and acting as if they were legitimately related to whether the venue is required by Chapter 125 to have a Class B or C beverage license is patently illogical. There is ONLY one question to be dealt with by this Committee on Alcohol Beverages Enforcement and that is this: Is the venue in compliance with Chapter 125 in operating private events? This question has been answered precisely and forcefully by the testimony of WDOR Secretary Richard Chandler, and is articulated thoughtfully by the memorandum of Senior Staff Attorney Melissa Schmidt in the memo referenced below:</p> <p>TO: MEMBERS OF THE STUDY COMMITTEE ON ALCOHOL BEVERAGES ENFORCEMENT FROM: Melissa Schmidt, Senior Staff Attorney RE: Items for Consideration Related to Alcohol Consumption at Certain Private Events DATE: August 15, 2018</p>
<ul style="list-style-type: none"> Do not have to obtain municipal alcohol license. 	<p>This is true. Class B and C liquor licenses are not required for private events. Some have them, but many venue owners <u>do not wish to be in the tavern business.</u></p>
<ul style="list-style-type: none"> Not subject to local ordinances other licensed premises are. 	<p>They are, in fact, subject to multiple ordinances such as zoning, fire inspections, DSPS building codes, sanitation requirements, noise ordinances, etc.</p>

<ul style="list-style-type: none"> • Are not required to purchase beer wine or liquor through a licensed wholesaler thereby dramatically undercutting licensed businesses. 	<p>These venues do NOT purchase alcohol, since they chose not to be in the business of selling and serving alcohol beverages. They wish to be in the business of operating grand outdoor-themed event venues, not taverns or traditional banquet halls.</p>
<ul style="list-style-type: none"> • Are not required to follow the state smoking ban. 	<p>Smoking bans are imposed on <u>categories of occupancy</u>, NOT on whether or not the venue has a Class B or C beverage license.</p>
<ul style="list-style-type: none"> • Do not have to have licensed bartenders. 	<p>Licensing bartenders is a local municipal matter, and is not required for private events where no alcohol is sold. Some AEVs opt to require licensed bartenders, and others do not. This is a private business decision and has nothing to do with having beverage licenses or not.</p>
<ul style="list-style-type: none"> • Do not have to follow the Americans with Disabilities Act. 	<p>This is patently untrue. ADA is a federal law and EVERYONE has to abide by it. It is enforced by federal officials.</p>
<ul style="list-style-type: none"> • Do not collect and remit state sales and excise taxes. 	<p>This is nonsense. No one is exempt from Wisconsin sales taxes. Venues collect and submit sales tax returns to WDR. Wherever the alcohol is purchased by the private parties, sales tax is collected as in any retail purchases.</p>
<ul style="list-style-type: none"> • Have no closing hours. 	<p>Each venue has published closing hours, and the typical closing time at AEVs is two hours earlier than tavern and banquet hall closing times.</p>
<ul style="list-style-type: none"> • Do not have to following (error in original document) fire code safety regulations. 	<p>Fire inspections are local municipal functions. They are implemented by local fire departments and typically involve two annual inspections.</p>
<ul style="list-style-type: none"> • Do not have to complete a food safety course. 	<p>No business that does not prepare and serve food is required to complete a food safety course. Not paint stores, not clothing stores, not hardware stores, not taverns that do not serve food—need we say more?</p>
<ul style="list-style-type: none"> • Do not have to pay music royalty fees. 	<p>This is truly grasping at straws. AEVs don't sell or serve music. Visiting DJs and bands are in that support business, and it is their responsibility to abide by applicable laws.</p>
<ul style="list-style-type: none"> • Do not have to follow local ordinances related to licensed establishments. 	<p>AEVs have to follow ALL applicable local, state, and federal laws and ordinances for whatever activity they are engaged in that requires compliance.</p>
<ul style="list-style-type: none"> • Do not have to follow noise ordinances related to licensed establishments. 	<p>Everyone—businesses and private individuals alike—have to abide by local noise ordinances or face municipal citations. Taverns are the source of much nuisance in late hour noise incidents, but AEVs have no record of causing problems. AEV owners respect the quiet country settings their businesses are typically located in.</p>
<ul style="list-style-type: none"> • May not have proper commercial insurance. 	<p>No sensible business owner operates without insurance coverage commensurate with their own individual tolerance for liability and financial wherewithal.</p>
<ul style="list-style-type: none"> • Do not have to comply with provisions of Chapter 125. 	<p>AEVs, sometimes referred to as 'wedding barns', are fully in compliance with Chapter 125, WI Stats. And there are no social problems that relate to this new business model that can and should be solved by changing Chapter 125.</p>

Prepared by Stephen Nagy—Board member of the Wisconsin Agricultural Tourism Association and owner of Homestead Meadows, one Wisconsin's first Agricultural Event Venues, established in 1982.