

BOOZE CLUES

SERVING ALCOHOL AT CHARITABLE EVENTS IN OKLAHOMA



Your Nonprofit is Holding an Event and You Want to Serve Alcohol

Laws



A law passed in 2014 in Oklahoma allowed nonprofits to serve strong beer (beer higher than 3.2 alcohol), wine, and spirits at their charitable events.



The bill was a combined effort of the Oklahoma Center for Nonprofits, Allied Arts, Senator David Holt, Representative Randy Grau, the Oklahoma Restaurant Association, Oklahoma ABLE Commission and countless others.

You envision your guests chatting happily over a well-prepared dinner, admiring beautiful pieces of art, connecting to one another at a community revitalization event, or just having a good time at a reception - and lubricating the exchange is the timeless drink of choice: something alcoholic. From time-to-time, nonprofits want to serve alcoholic drinks or auction alcoholic items at their events. New laws in Oklahoma have expanded our options for serving alcoholic beverages. This paper will explain the process of securing the proper licenses and include tips from nonprofits that have learned lessons along the way. Use these “booze clues” to ensure the only hassle at your event is the guest list.



DO YOU NEED A LICENSE?

Before you lift a glass to toast your innovative event, you'll need to know whether or not to apply for a temporary alcohol service license through the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission.

Will your event be...

- Held at a location that does not already have a liquor license?
- Do you plan to buy some or all of the alcohol you'll serve at a retail store?
- Will some or all of the alcohol be donated?
- Was the cost of the alcohol included in the price of the ticket, or, will you have a cash bar?
- Will you be auctioning any alcohol during your event?

If you answered "yes" to any of these, you will need to obtain a Charitable Alcoholic Beverage Event/Auction license from the ABLE Commission prior to your event.

"Let us celebrate the occasion with wine and sweet words."

– Plautus

WHAT KIND OF LICENSE DO YOU NEED?

The ABLE commission distinguishes between serving and auctioning alcohol at a charitable event. Alcohol that will be consumed will either be covered under the facility's liquor license, or under a Charitable Alcoholic Beverage Event Licenses that you receive. Alcohol that will be auctioned needs a Charitable Alcoholic Beverage Auction License. If you plan to consume and auction alcohol at your event, you need both licenses.

Who needs the license?

If you are holding an event at a facility like a restaurant or a casino that has its own liquor license, you do not need to obtain a Charitable Alcoholic Beverage Event license if the facility is providing the alcohol.

However, if you are providing your own alcohol - whether purchased or donated - your organization should secure a license for your event - even if the facility where you are holding your event has a liquor license. Think of it like this: restaurants can serve "their" liquor under their license, but bringing in "outside" alcohol changes the dynamics. You need a license to serve "your" alcohol, even if a caterer (or other staff person) is planning to pour it.

What if the caterer has a liquor license?

If you are using a caterer with a liquor license you still need to obtain a license for your event. Caterer's licenses cover private parties (weddings, bat mitzvahs) not charitable events.

Alcohol that will be auctioned at the event needs a separate license called a Charitable Alcoholic Beverage Auction License. See the next page for more information about the two types of licenses.



CHARITABLE EVENT & AUCTION LICENSES

Charitable Alcoholic Beverage Event License (CAB)

Event licenses need to be obtained if you are providing the alcohol during the event and/or the facility does not have their own liquor license. Charitable Events are not covered under a caterer's liquor license.

- \$55 license fee per event
- Can be applied for up to eight times a year
- Allows you to have alcohol served during your event that has either been purchased from a retailer or donated by an individual
- Allows use of a licensed caterer

- If the event days aren't consecutive, additional licenses need to be applied for.

Charitable Alcohol Beverage Auction License (CAU)

Auction licenses need to be obtained if alcohol will be auctioned at the event.

- \$1 license fee per event and each event can last up to two consecutive days.
- Can be applied for up to four times per year
- May auction strong beer, wine, and liquor

- Licenses are good for two days after the date of issue
- Alcohol to be auctioned could have been purchased or donated.
- Auction items must be in the original, sealed bottle.
- No more than 50 gallons may be auctioned.

HOW DO YOU APPLY?

Applications are available on the ABLE Commission's website and in this information packet.

- To download the application online go to: www.ok.gov/able
- On the left-hand column, toward the bottom of the page, click on "Business Application Forms"
- Find either Charitable Alcoholic Beverage Event or Charitable Alcoholic Beverage Auction licenses and click on the title
- Print the document and fill out the form. Mail to the ABLE Commission along with your licensing fee to the address provided on the form. Remember to include your IRS determination letter and minutes from the board meeting that elected your officers and board members
- After you've submitted your application, someone at the ABLE Commission will call you as a follow up conversation to ask you more about your event.
- Wait for the license to arrive in the mail or by email

Mail To

Able Commission
ATTN: Licensing Department
3812 North Santa Fe Ave, Suite 200
Oklahoma City, OK 73118

Apply for your license early in your planning process – at least 30 days prior to your event to ensure plenty of time for the process.





COMMONLY ASKED QUESTIONS

What if we are using a caterer?

You can use a caterer to serve your food and/or pour your drinks. However, if the facility you are holding your event in does not have a liquor license, you need to apply for a Charitable Alcoholic Beverage Event License. Caterer's alcohol licenses cover private parties, not charitable events.

What about a cash bar?

As a nonprofit, you cannot sell your alcohol at a charitable event. Cost of the alcohol should be either included in the ticket price - if it's your alcohol - or sold by your caterer through a cash bar, if it is the caterer's alcohol. A caterer may donate some of their proceeds from their sales, but the money they make selling their alcohol is theirs.

What if the wine is donated but we want to have mixed drinks at a cash bar?

Alcohol that the organization has either purchased or had donated should be served without an additional charge to the guests. Additional alcoholic drinks can be purchased from the caterer and the alcohol that he/she provides. However, money that the caterer makes selling these drinks is theirs.

Can we ask our caterer to pour our alcohol in addition to their own?

You can ask your caterer to pour the wine, strong beer, or spirits your organization purchased or had donated in addition to the alcohol they may be providing in a cash bar. This is common if there is a drink station. Work out the details with your caterer. It is not required to have the caterer pour the alcohol you supply, however.

We are holding an "invitation only" event. Is that a private party?

It is only a private party of guests who share a common cause, membership, business or task and have a prior established relationship are the only persons invited by the organization. If the event is advertised to the public and anyone can purchase a ticket or attend, it is not a private party. A sign up sheet to get invited makes the event public. A private party may use a licensed caterer to provide a cash bar at a bona fide private party.

What if our event is a festival like a Street Fair, or Oktoberfest, and we want to sell alcohol?

If you plan to sell alcohol at your event, you need to secure a Special Event License. These licenses are available from the same page on the ABLE website. (bit.ly/ABLE-Forms)

Special event licenses allow the organization to sell or provide alcoholic beverages to the public by the individual drink. The cost of this license is \$55. No more than one license may be issued to an organization per year, but the event may be up to 10 days long and the license may hold up to 3 or 4 events in a one year period.

If you plan to sell alcohol by the drink or if there is a cover charge, a Special Event License will be required.

Alcohol at a Special Event must be purchased from a licensed wholesaler.

Accurate records of the drinks that are sold need to be kept and sales taxes are due to Oklahoma Tax Commission.

Special Event alcohol sales must conform to local and county laws and days of the week that alcohol can be sold.

DID YOU KNOW?

Retail stores, vineyards, and breweries cannot donate alcohol to an organization without a license. So, the wine they agreed to donate for your event can only be received after you have secured your license.

Event-Type License Cheat Sheet

CAB - Charitable Alcoholic Beverage Event

- Strong beer, wine, or liquor
- \$55 per event
- May have eight events per year
- Event can be held for up to four consecutive days in length
- Alcohol may be purchased from a retail store or donated
- May utilize a licensed caterer for additional alcoholic beverage services
- Permits licensee to include alcoholic beverages as part of the entrance fee or ticket price
- Must be recognized by the IRS as a 501c (3), (4), (5), (6), (7), (8), (9), (10), or (19) effective 11/01/2015
- Outdoor event holders must submit a diagram of the premises
- Bar areas and drink stations must be posted with signage if anyone under 21 is present

CAU - Charitable Alcoholic Beverage Auction

- Strong beer, wine or liquor
- \$1.00 per auction event
- May have four events per year
- Event can be held for up to two consecutive days in length
- Alcohol may be purchased from a retail store or donated
- Permits licensee to auction alcoholic beverages in original sealed and un-opened bottle
- Must be recognized by the IRS as a 501c (3), (4), (5), (6), (7), (8), (9), (10), or (19) effective 11/01/2015
- Bottles may not be opened on the event premises

SPE - Annual Special Event

- Available to organizations, associations, and nonprofit corporations organized for political, fraternal, charitable, religious, or social purposes
- Permits the licensee to sell alcoholic beverages by the individual drink
- \$55 per event
- Up to four events, not to exceed two events in any three month period
- Events can be held for up to 10 consecutive days in length
- Must notify ABLE at least 10 days prior to each event
- Must post a bond with the Tax Commission
- Must purchase alcohol from licensed wholesalers
- Must pay City/County Occupational Tax, if required
- Outdoor event holders must submit a diagram of the premises
- Bar areas and drink stations must be posted with signage if anyone is under 21 is present

SPQ - Special Event Quarterly

- Available to organizations, associations, and nonprofit corporations organized for political, fraternal, charitable, religious, or social purposes
- Permits the licensee to sell alcoholic beverages by the individual drink
- \$55 per event
- Up to three events to be held over a period of no more than three months
- Event can be held for up to 10 consecutive days in length
- Must notify ABLE at least 10 days prior to each event
- Must post a bond with the Tax Commission
- Must purchase alcohol from licensed wholesalers
- Must pay City/County Occupational Tax, if required
- Outdoor event holders must submit a diagram of the premises
- Bar areas and drink stations must be posted with signage if anyone is under 21 is present

Event-Type License Cheat Sheet

PEV – Public Event (Annual)

- Available for “For-Profit” business
- Permits the licensee to sell alcoholic beverages by the individual drink
- \$1,005.00 per calendar year
- Event can be held for up to three consecutive days in length
- After initial licensing, must notify ABLE 10 days prior to subsequent events
- Must post a bond with the Tax Commission
- Must purchase alcohol from licensed wholesalers
- Must obtain City/County approval and pay City/County Occupational Tax, if require
- Must apply 60 days in advance of event
- May hold 6 events per year
- All employees handling, preparing, serving, or taking orders and all managers must have an employee license

PUE – Public Event (1 Time)

- Available for “For-Profit” business
- Permits the licensee to sell alcoholic beverages by the individual drink
- \$225.00 per event
- Is only valid for a single event
- Event can be held for up to three consecutive days in length
- Must post a bond with the Tax Commission
- Must purchase alcohol from licensed wholesalers
- Must obtain City/County approval and pay City/County Occupational Tax, if required
- Must apply 60 days in advance of event
- All employees handling, preparing, serving, or taking orders and all managers must have an employee license



**OKLAHOMA ALCOHOLIC BEVERAGE LAWS
ENFORCEMENT COMMISSION
APPLICATION CHECKLIST FOR CHARITABLE EVENT LICENSES**

Note the following:

O.S. § 21 Ch. 14 Sec 463

Offering False or Forged Instruments for Recordation

Any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, shall be guilty of felony.

GENERAL APPLICATION INSTRUCTIONS - CHARITABLE EVENT

Complete all items on pages one (1) through four (4) of the application and submit all applicable documents listed. The requested items are required as part of the application. All documents must be legible and entirely complete. Applicant must be a Charitable or Non-Profit Organization recognized by the IRS as a 501 (c) 3,4,5,6,7,8,9,10 or 19. Application may be completed and submitted by a designated contact person, but an officer of the organization must sign page two (2) and three (3).

MAIL or DELIVER APPLICATION AND PAYMENT TO:

Oklahoma ABLE Commission
3812 North Santa Fe, Suite 200
Oklahoma City, Oklahoma 73118

QUESTIONS CONCERNING YOUR APPLICATION OR THE PROCESS SHOULD BE DIRECTED TO:

Licensing Division
(405) 521-3484 - Office
(405) 521-6578 - Fax

Updated Requirements:

- Complete pages 1-3 in their entirety (officer attachments are not accepted)
- Submit only original application (copy is no longer required)
- Submit copy of FEDERAL 501 status letter (meeting minutes no longer required)
- Do not duplex forms
- Submit 30 days prior to event date to ensure receipt of license.

Questions? Call (405) 522-4043

Note: As of October 1, 2018, any organization accepting donated alcohol or purchasing alcohol from a Licensed Wholesaler, Beer Distributor, Retail Store, Brewery, Winery etc. MUST have a valid ABLE license before any alcohol can be delivered or purchased.

Oklahoma Alcoholic Beverage Laws Enforcement Commission

Charitable Alcoholic Beverage Event License Information

A Charitable Alcoholic Beverage Event allows for an event consisting of one or more of a wine, strong beer, or spirit tasting event or dinner event. A Charitable Alcoholic Beverage Event license is valid for four (4) days from the date of issuance. Charitable Organizations may have eight (8) separate events per year. The cost is \$55.00 per event. Licensees may purchase the wine, strong beer, or spirits for an event from a retailer or accept a donation of wine, strong beer, or spirits from an individual or entity. This license allows the Charity to include access to alcoholic beverages as part of their entrance fee or ticket price. This license also allows the Charity to utilize the services of a licensed caterer for additional alcoholic beverage service.

Charitable Alcoholic Beverage Event applicants must be non-profit organizations as defined by the I.R.S. Code qualifying as a 501(c) non-profit organization, specifically listed in Sections 3, 4, 5, 6, 7, 8, 9, 10 and 19. Proof of the 501(c) status must be provided at the time of the application. The organization must provide a current copy of minutes electing officers and directors.

Charitable Alcoholic Beverage Event licensees are subject to the same laws as all other licensees of the ABLE Commission. The statutes may be viewed on-line at www.able.ok.gov (Legal Documents/Title 37 §521.X). Any questions concerning the law should be directed to the Enforcement Division. It is the responsibility of the licensee to be aware of all laws concerning alcoholic beverages.

Oklahoma Alcoholic Beverage Laws Enforcement Commission Checklist for Charitable Alcoholic Beverage Event License

The original application with all required attachments and **ONE** copy of all pages and attachments will be submitted to the ABLE Commission at 3812 North Santa Fe Ave., Suite 200, Oklahoma City, Oklahoma 73118. The \$55.00 license fee must be submitted with the application. The application must be submitted at least twenty (20) days prior to the event. Questions concerning this application or the application process should be directed to the Licensing Division at (405) 521-3484; Monday through Friday from 7:30 a.m. to 4:30 p.m.

I. APPLICATION PAGES

1. Page 1. Answer all questions as it applies to the entity sponsoring the event for which the license is being requested.
2. Page 2. Obtain authorization signatures required on page 2. Read and sign statement at the bottom of page 2.
3. Page 3. Non-profit corporations must complete and sign this page.

II. APPLICATION DOCUMENTATION TO BE SUPPLIED BY THE APPLICANT.

1. Verification/ Determination proof of 501(c) status from the Internal Revenue Service.
2. Minutes electing officers and directors of the non-profit corporation.
3. Outdoor Event holders shall furnish a detailed diagram of the event location showing the areas where alcohol will be dispensed and consumed.

OFFICE USE ONLY

License Type _____ Effective Date _____

License Fee _____ Expiration Date _____

CHARITABLE ALCOHOLIC BEVERAGE EVENT APPLICATION

Applicant Name: _____

Applicant Mailing Address: _____

Applicant Telephone Number(s) _____

Name of Contact Person: _____

Telephone Number(s): Office _____ Mobile _____

Telephone Number for Evening/Weekend: _____

Email Address: _____

Event Location: (check one) _____ Indoor _____ Outdoor _____ Both

Event Name or Type:

Building Name:

Street Address:

City/Town, State, Zip Code

Is the event location within city limits? Yes No

Event Date(s):

Hours of Operation:

Charitable Alcoholic Beverage Event License

Page 1

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Event profits will be paid to: _____

I understand that a false answer or omission of the forgoing questions will subject this application to denial. I certify that all information submitted is complete and accurate to the best of my knowledge. I hereby give any law enforcement officer the authority, without a warrant, to enter and examine the event location. The officer shall be given free access and not hindered or interfered with. I will also insure that signage is posted at all alcoholic beverage service points, requiring persons in the area to be 21 years of age (see page 5 for signage).

Signature: _____ Date: _____
(Officer of Charitable Organization)

Signature: _____ Date: _____
(Applicant Contact Person)

Oklahoma Alcoholic Beverage Laws Enforcement Commission Organization Questionnaire

Applicant Name: _____

Event Name: _____

Address: _____

City/State: _____ Zip: _____

Officers of Organization:

Title	Name	Address

Board of Directors/Trustees/Executive Committee:

Name	Address

Date

Signature of Applicant

Oklahoma Alcoholic Beverage Laws Enforcement Commission

DIAGRAM FOR OUTDOOR EVENTS

Applicant shall furnish a diagram of the event location (premises) if the event is being held as an outdoor venue. The Diagram should include the location of all points of dispensing alcoholic beverages and event boundaries. Additional information may be requested from the investigating Agent.

Charitable Alcoholic Beverage Event License

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**NO PERSONS
UNDER 21 YEARS OF AGE
PERMITTED IN THIS AREA
OF THESE PREMISES**

ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

Charitable Alcoholic Beverage Event License
Page 5
07/27/2015 BF



**OKLAHOMA ALCOHOLIC BEVERAGE LAWS
ENFORCEMENT COMMISSION
APPLICATION CHECKLIST FOR CHARITABLE AUCTION LICENSES**

Note the following:

O.S. § 21 Ch. 14 Sec 463

Offering False or Forged Instruments for Recordation

Any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, shall be guilty of felony.

GENERAL APPLICATION INSTRUCTIONS - CHARITABLE AUCTION

Complete all items on pages one (1) through three (3) of the application and submit all applicable documents listed. The requested items are required as part of the application. All documents must be legible and entirely complete. Applicant must be a Charitable or Non-Profit Organization recognized by the IRS as a 501 (c) 3,4,5,6,7,8,9,10 or 19. Application may be completed and submitted by a designated contact person, but an officer of the organization must sign page two (2) and three (3).

MAIL or DELIVER APPLICATION AND PAYMENT TO:

Oklahoma ABLE Commission
3812 North Santa Fe, Suite 200
Oklahoma City, Oklahoma 73118

QUESTIONS CONCERNING YOUR APPLICATION OR THE PROCESS SHOULD BE DIRECTED TO:

Licensing Division
(405) 521-3484 - Office
(405) 521-6578 - Fax

Oklahoma Alcoholic Beverage Laws Enforcement Commission

Charitable Alcoholic Beverage Auction License Information

A Charitable Alcoholic Beverage Auction license allows the holder to auction one or more bottles of a wine, strong beer, or spirits. A Charitable Alcoholic Beverage Auction license is valid for two (2) days from the date of issuance. Charitable Organizations may have four (4) separate auctions per year. The cost is \$1.00 per auction. Licensees may purchase the wine, strong beer, or spirits for an auction from a retailer or accept a donation of wine, strong beer, or spirits from an individual. No more than fifty (50) gallons can be auctioned.

Charitable Alcoholic Beverage Auction applicants must be non-profit organizations as defined by the I.R.S. Code qualifying as a 501(c) non-profit organization, specifically listed in Sections 3, 4, 5, 6, 7, 8, 9, 10 and 19. Proof of the 501(c) status must be provided at the time of the application. The organization must provide a current copy of minutes electing officers and directors.

Charitable Alcoholic Beverage Auction licensees are subject to the same laws as any other licensee of the ABLE Commission. The law may be viewed on line at www.able.ok.gov (Legal Documents/Title 37 §521.X). Any questions concerning the law should be directed to the Enforcement Division. It is the responsibility of the licensee to be aware of all laws concerning alcoholic beverages.

Oklahoma Alcoholic Beverage Laws Enforcement Commission Checklist for Charitable Alcoholic Beverage Auction License

The original application with all required attachments with **ONE** copy of all pages and attachments shall be submitted to the ABLE Commission at 3812 North Santa Fe Ave., Suite 200, Oklahoma City, Oklahoma 73118. The \$1.00 license fee must be submitted with the application. The application must be submitted at least twenty (20) days prior to the event. Questions concerning this application or the application process should be directed to the Licensing Division at (405) 521-3484; Monday through Friday from 7:30 a.m. to 4:30 p.m.

I. APPLICATION PAGES

1. Page 1. Answer all questions as it applies to the entity sponsoring the auction for which the license is being requested.
2. Page 2. Obtain authorization signatures required on page 2. Read and sign statement at the bottom of page 2.
3. Page 3. Non-profit organization must complete and sign this page.

II. APPLICATION DOCUMENTATION TO BE SUPPLIED BY THE APPLICANT.

1. Verification of 501(c) status with the I.R.S.
2. Minutes electing officers and directors of the non-profit organization.

OFFICE USE ONLY

License Type _____ Effective Date _____
 License Fee _____ Expiration Date _____



CHARITABLE ALCOHOLIC BEVERAGE AUCTION APPLICATION

Applicant Name: _____
 Applicant Mailing Address: _____
 Applicant Telephone Number(s) _____
 Name of Contact Person: _____
 Telephone Number(s): Office _____ Mobile _____
 Telephone Number for Evening/Weekend: _____
 Email Address: _____

Auction Location: (check one) _____ Indoor _____ Outdoor _____ Both		
Event/Auction Name:		
Building Name:		
Street Address:		
City/Town, State, Zip Code		
Is the auction location within city limits?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Auction Date(s):		
Hours of Operation:		

Charitable Alcoholic Beverage Auction License
 Page 1
 01/27/2015 BF

Auction profits will be paid to: _____

I understand that a false answer or omission of the forgoing questions will subject this application to denial. I/we certify that all information submitted is complete and accurate to the best of my/our knowledge. I/we hereby give any law enforcement officer the authority, without a warrant, to enter and examine the event location. The officer shall be given free access and not hindered or interfered with.

Signature: _____ Date: _____
(Officer of Organization)

Signature: _____ Date: _____
(Applicant Contact Person)

**Oklahoma Alcoholic Beverage Laws Enforcement Commission
Organization Questionnaire**

Applicant Name: _____

Event Name: _____

Address: _____

City/State: _____ Zip: _____

Officers of Organization:

Title	Name	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Board of Directors/Trustees/Executive Committee:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

Date

Signature of Applicant



NOTES

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exclusive evolution for nonprofit leaders



practical knowledge for nonprofit leaders



Standards for Excellence

The Standards for Excellence Institute is a national initiative established to promote the highest standards of ethics, effectiveness, and accountability in nonprofit governance, management, and operations, and to help all nonprofit organizations meet these high benchmarks.





Oklahoma City
720 W. Wilshire Blvd.
Suite 115
Oklahoma City, OK 73116
Phone: (405) 463-6886
Fax: (405) 463-6888

Tulsa
5330 East 31st Street
Suite 200
Tulsa, Ok 74135
Phone: (918) 579 -1900
Fax: (918) 579-5176