



MEMORANDUM
Attorney Client Privileged

To: Pastors and Business Managers
From: Kevin Burke, General Counsel
Brian Heskamp, Associate General Counsel
Date: February 7, 2017
Re: Raffles

The enclosed memorandum regarding raffles, prepared by the Diocesan finance and legal offices, replaces last year's raffle memorandum dated May 20, 2016. The current version clarifies that, while it may be a common practice, Ohio law does not permit alcoholic beverages to be used as raffle prizes. These clarifications were made after reviewing policies from the Archdiocese of Cincinnati and the applicable regulations, and receiving guidance from the Ohio Division of Liquor Control. Accordingly, the memorandum for 2017 has been revised to state:

- State law prohibits using alcoholic beverages as raffle prizes. Under current Ohio law, neither wine nor other alcoholic beverages may be used as raffle prizes, even when a liquor permit is in place. This is true regardless of the location of the raffle. Using alcoholic beverages as raffle prizes could be considered a first degree misdemeanor under Ohio law. Note, however, that the holder of an F-6 (wine only) liquor permit is permitted to auction wine in its original sealed container at the event for which the permit is issued. Auctions of beer, wine, and mixed beverages are also permissible under an F-2 permit, but there are certain restrictions that must be followed under OAC 4301:1-1-78, including that an auction under an F-2 permit may only be conducted at one event per year and the event must not last more than 24 hours. The term "auction" should be given its ordinary meaning (sale to the highest bidder), and would include a silent auction (a/k/a "Bid 'n Buy"). The definition of auction would not include "Chinese auctions" where tickets are purchased and placed in baskets containing alcohol, as this is in fact a raffle.

For further general information on liquor permits, see
http://www.com.ohio.gov/documents/liqr_TemporaryPermits.pdf and
http://www.com.ohio.gov/documents/liqr_TempFAQChart.pdf.

The purpose of these clarifications is to ensure that parishes understand what state law does, and does not, permit with respect to awarding raffle prizes. Note that while alcoholic

beverages cannot be awarded as a prize, there does not appear to be any prohibition on awarding gift cards to stores where alcoholic beverages could be purchased. And, as stated above, auctions are permissible to holders of certain liquor permits under certain circumstances.

Please take the time to read through the enclosed documents carefully. There are penalties (including potential criminal prosecution) that could be imposed on the parish and parties involved if the rules stated in the enclosed memorandum are not followed.

The raffle rules stated in the attached memorandum apply to all parish groups and organizations, including but not limited to school organizations such as athletic boosters, PTO, drama club and the like. This information also applies to parish groups and organizations, such as Ladies Guild, Men's Clubs, Altar Groups, Prayer Groups, and the like. Please duplicate this information and provide a copy to each one of your group chairpersons to make sure all are on the same page and all groups have the same information. However, be aware that all reporting must be done on a consolidated basis through the parish office.

Please contact the Diocesan Finance Office or Legal Office at any time if you have any questions or issues regarding raffles.