

April 10, 1933

Mr. H. L. Cunningham
Bolivar, Missouri



Dear Sir:

You have submitted to me the following questions:

First - "Can I sell non-intoxicating beer to patrons who drive into a parking lot which I own or have leased and which is adjacent to and used by me in connection with the barbeque stand I operate"?

In reply to this question I will say if you have a permit from the state to sell non-intoxicating beer and you own or have leased a parking lot adjacent to the barbeque stand you operate, and the parking lot is entirely enclosed by a fence which is attached at two places to your barbeque building, and the amount of ground enclosed is not unreasonably large for purpose for which you use same, and you use the parking space as a part of the premises on which you operate your barbeque stand and for serving customers, and you use the parking lot for no other purpose and no charge is made for parking therein at any time, then you may serve the patrons in their car provided the patrons consume the non-intoxicating beer in the car and in the parking lot and not otherwise. You cannot, under a permit to sell non-intoxicating beer on your premises, sell to anyone and allow it to be taken from your premises and if you do sell and allow the non-intoxicating beer to be taken from your premises and consumed you forfeit your permit and cannot procure another permit of any kind for 12 months.

You also ask:

"If I build lattice work on my ground adjacent to my barbeque stand building can I under my permit to sell non-intoxicating beer in my barbeque stand serve same outside my building and between the building and the lattice work to customers seated at tables."

My reply to this last question is, you cannot sell non-intoxicating beer under your permit to sell for consumption on the premises at your barbeque stand in the space you would have between the lattice work and your building. You made no application for a permit to operate a beer garden and you have no permit so to do.

Yours very truly,

Edward C. Crow
Assistant Attorney General

ECC:SW

APPROVED

Roy McKittrick
Attorney General