

## **Notable Cases**

In the following cases, the courts held that the licensee or server were legally responsible for permitting the delivery of alcohol to an underage person:

- A server sold two alcoholic drinks to an adult male at the bar. The adult male then handed one of the drinks to a female seated next to him at the bar. The female was underage. *Matter of Al Ronick, Inc. v. New York State Liquor Authority*.
- An alcoholic beverage was sold to a male patron at the bar. The patron then gave the drink to a female located three feet from the bar. The female was underage. *Matter of Austin Lemontree, Inc. v. New York State Liquor Authority*.
- The server sold two alcoholic drinks to an adult male at the bar. The male returned to a table where a female was seated and gave her one of the drinks. The bartender had an unobstructed view of the table. The female was underage. (If there had been an obstructed view of the table, then the server could have been charged under “multiple delivery” as discussed earlier). *Matter of Jo Mar Jo Restaurant Corp. v. New York State Liquor Authority*.
- The server sold two pitchers of beer at the bar and provided five glasses. The beer was consumed by five males at a table about seven or eight feet from the bar. The bartender had an unobstructed view of the table. The female was underage. (If there had been an obstructed view of the table, then the server could have been charged under “multiple delivery” as discussed earlier). *Matter of Culligan’s Pub, Inc. v. New York State Liquor Authority*.

Off-premises licensees or store clerks can also be held liable if they knowingly sell alcohol to a patron who is likely to provide it to an underage person and actually does so.