



CENTER FOR
STUDENT LEGAL SERVICES

Presents:

The Party Guide

What You Should Know About Hosting
or Attending a Party.

LET'S HAVE A PARTY

Hosting or attending a party is an excellent time to talk with old friends, meet new friends, listen to music, eat and drink. If alcohol is served, remember that parties are more fun without arrests, property damage, or personal injuries.

This flyer is designed to provide you with information about the legal consequences of hosting a party and to assist you in making informed choices. You should seriously consider these consequences because you will bear the responsibility for your choices.

If you choose to serve alcohol, be aware that there are University regulations as well as local, state, and federal laws governing its use. Ohio University's Student Code describes the disciplinary sanctions of illegal drug and alcohol use. Every fall semester each student receives a copy of health risks, federal, state, and local laws, University sanctions, a University policy statement and sources for referral.

When used responsibly at a well-organized event, alcohol may contribute to a good time. Irresponsible alcohol and drug use, however, are likely to bring detrimental results such as poor academic performance, strained social relations, and legal difficulties. These legal difficulties may include criminal penalties, civil damages, and University sanctions.

KNOW THE PERILS OF HAVING A PARTY

Anytime you host a party you risk problems with: 1) noise violations, 2) disorderly conduct, 3) littering, 4) improper parking, and 5) lease violations. If alcohol is served, the risks increase dramatically to include criminal law violations such as 6) furnishing alcohol to an underage person and 7) hosting a public party without an alcohol permit. Likewise, you may be liable for money damages if an underage person obtains alcohol at your party and that person later causes property damage or personal injury to another. Of course, an underage guest also may be charged criminally with possession or consumption of alcohol.

HAZARDS OF SERVING ALCOHOL

CRIMINAL LIABILITY. You have a duty to follow the laws of your city, state, and nation, together with the policies of the University. If you neglect this duty, you may face certain penalties including, without limitation, fines, jail, or expulsion from school. The following section describes several alcohol-related criminal offenses and penalties, which typically result from a poorly planned party.

1. **Furnishing alcohol to an underage person.** Party hosts risk fines, imprisonment, and a criminal record when furnishing alcohol to a person they know or should know is not 21 years of age. You may serve alcohol only to persons 21 years old or older. If you fail to take precautions to prohibit access to alcohol by an underage person, you are criminally liable for furnishing alcohol to that underage person. If convicted of this crime, you face maximum penalties of 6 months in jail, a \$1,000 fine, or both.
2. **Underage possession.** The minimum age in Ohio for possession or consumption of an alcoholic beverage is 21 years old. A person who purchases, possesses, or consumes alcohol prior to his or her 21st birthday is guilty of a first degree misdemeanor. If convicted of this crime, you face maximum penalties of 6 months in jail, a \$1,000 fine, or both.
3. **False identification.** Possession or display of fictitious state-issued identification (I.D.) is also first degree misdemeanor. False identification includes when an I.D. is altered or when you present someone else's I.D. as your own. The maximum penalties associated with this offense are 6 months in jail, a \$1,000 fine, or both.
4. **Alcohol permit violations.** The sale or distribution of alcohol to persons under the age of 21 is illegal. It is also illegal to sell alcohol to persons of any age without a permit or license. Similarly, it is illegal to give away beer at a public party, unless you have the proper alcohol permit. A public party is one open to the general public. A party usually is considered public if the host does not have a guest list, does not know all of the people present, or does not limit the size of the party.
5. **Driving under the influence.** Do not drink alcohol and then drive to or from a party; the risks you take are simply too great. In Ohio, a person may not operate a motor vehicle if impaired by alcohol or drugs. The maximum penalties for this offense include 6 months in jail (you must serve at least 3 days in jail), a \$1,000 fine, or both. Furthermore, you will forfeit your driving privileges for a minimum of 3 months.
6. **Open container.** Open containers of alcohol are not permitted on public property. Thus, you may not have an open glass, bottle or can of alcohol in public areas including streets and sidewalks. An open container of alcohol, therefore, should be kept on private property, preferably in the house. An open container of alcohol on public property is a minor misdemeanor subject to a maximum \$100 fine.
7. **Excessive noise.** To avoid noise control violations, keep doors and windows shut. Both the state and city have laws that prohibit noise pollution. A first time noise violation is a minor misdemeanor with a maximum penalty of a \$100 fine. A second offense is a second degree

misdemeanor with maximum penalties of 90 days in jail, a \$750 fine, or both.

Before you expose yourself to a criminal law violation, review the risks such as possible fines, imprisonment, embarrassment, and a criminal record, which could jeopardize your career. If you have any questions or comments regarding the legal consequences of alcohol-related criminal offenses, please contact The Center for Student Legal Services.

CIVIL LIABILITY. A host who serves alcohol to an underage person may be civilly liable to third parties for personal injuries and property damage caused by an underage person. For example, if a host serves alcohol to an underage person who then causes a traffic accident that kills someone, the host may be liable for wrongful death damages, as well as the damage to the automobiles and other property.

HOW TO MINIMIZE YOUR RISKS

BEFORE YOUR PARTY. Hosts should review their leases to determine if any party restrictions exist. Some leases prohibit or limit parties or the number of guests. Some leases also contain “no keg” restrictions. If you violate your lease, your landlord may have grounds to evict you, to sue you for breach of contract, or both.

Further, you should contact your neighbors and request that they direct complaints to you rather than the police. Leave them your name and telephone number.

Next, determine the size and nature of your party. If you plan to have a public party, you must obtain an alcohol permit. A public party includes those gatherings where the host does not monitor those who attend, does not have a specific guest list, or makes a general invitation to broad groups of people. If an undercover police officer can enter your party without any objection from you, this indicates that your party is open to the public.

Planning a successful party is more than gathering together to drink. Consider some of the following planning tips:

1. Plan a party around a theme other than alcohol.
2. Provide alternate beverages for guests who do not wish to consume alcohol.
3. Serve food or snacks.
4. Be aware of state laws, local laws, and University regulations.
5. Obtain the proper alcohol permits if your party is open to the public.
6. Require an Ohio driver’s license for identification and age verification.
7. Set limits on the quantify of alcohol available.
8. Measure when making mixed drinks.
9. Stop serving alcohol about an hour before the party is scheduled to end.

10. Make arrangements to get intoxicated guests home safely (do not let them drive).
11. Place waste containers around to prevent littering and promote recycling.
12. Your guests may not park on grass areas so review your parking availability.
13. Be prepared to call the police if guests become unruly or if an underage person demands access to the alcohol.
14. Take steps to prevent damage to your property and the landlord's apartment.

DURING YOUR PARTY. As a host you are accountable for your party. In order to avoid underage possession of alcohol, you must check an Ohio driver's license at the place where alcohol is served, as well as monitor the premises to ensure that underage persons are not avoiding your efforts. Moreover, you cannot sell alcohol to anyone unless you have a permit; you also may not sell any commodity to recover the cost of alcohol, nor take up a collection, nor charge an admission.

If you have not obtained an "F" permit for serving alcohol, you may not have a public party; thus, you should limit attendance to people you know. You may make your party private by limiting the number of guests, monitoring your guests as they arrive, closing the doors and closing the windows. If your party is private, then the police may not enter your dwelling without a warrant or your consent; so do your best to keep the party private.

You should monitor the loudness of your party by periodically checking the level of noise at your property lines. Your party will be quieter if you can keep your guests inside your home and close windows and doors.

Ensure that sufficient restrooms are available so your guests are not using the outdoors. You also should guard against your guests damaging your property and the landlord's apartment. Do not permit drug use; merely permitting drug abuse is a crime. Finally, be available to answer the phone during the party. If neighbors telephone, but are unable to speak with the host, then they usually call the police instead.

Moderation is the key to a successful party. If people consume too much alcohol, they are likely to use poor judgment. Poor judgment tends to lead to criminal behavior such as disorderly conduct, property damage, driving under the influence of alcohol, vandalism, or acquaintance rape. Excessive consumption of alcohol also may lead to other consequences such as alcoholism, unwanted sexual experiences, missed classes, poor performance on exams, strained relationships, and other undesirable results.

CONCLUDING YOUR PARTY. Hosts can save their guests considerable trouble and money by insisting that all beer be left at the door. If your guests carry open containers of alcohol on city sidewalks or streets, they will be cited. Clean up all litter immediately. Also, contact your neighbors for their post-party comments.

As your guests begin to leave the party, do not allow those who have consumed alcohol to drive home. If a guest has consumed alcohol, ensure that a designated driver takes that guest home

safely. Remind your guests that driving under the influence of alcohol or drugs usually will involve more than \$1,000, a license suspension and mandatory jail time of at least 3 days if convicted.

ATTENDING A PARTY

As a guest, you have an obligation to be considerate to the host and their neighbors. Avoid damaging property or trespassing on other people's property.

If you answer the telephone while at a party, contact the host. If a neighbor calls to complain and you hang up, then that neighbor's next call will be to the police.

Be aware of the noise levels you generate, especially when you are traveling to or from a party. Leave your beer at the party; carrying an open container of alcohol on the public sidewalks or streets is a crime. Use the restrooms at the party; using the outdoors is not environmentally safe and may result in charges of disorderly conduct or indecent exposure.

Finally, remember responsible drinking reduces your risks. When alcohol is not used in moderation, it tends to lead to criminal behavior and other problems.

POLICE INTERVENTION

For a variety of reasons, the police may visit your party. Be courteous to them and obey their orders, including orders to disperse. If you do not cooperate with the police, you increase your chances of receiving a citation for disorderly conduct, failure to disperse, resisting arrest, or obstruction of justice. Be aware that the police may issue a citation without any prior warning.

If you have complaints regarding police procedure or conduct, do not aggravate the situation with aggressive or boisterous behavior. Instead, take notes and present this information to the Center for Student Legal Services. Remember what happened, including names of officers and witnesses.

If your party is private, the police need a search warrant or your consent to enter your residence. If the police arrest you, stay calm and polite. You should not resist, flee, or evade the officers. Remember, you do have the right to remain silent, so inform the police that you do not wish to answer any questions until your attorney is present. This right is important because any admissions or statements you make to the police will be used against you. The law only requires that you identify yourself.

COMMUNITY RELATIONS

Athens is your town and you are an integral part of the community. Please respect your town and its residents. Communicate with the people that will be affected by your party, especially your neighbors. The more consideration and respect you show for your neighbors, the more

consideration and respect you will receive from them.

You should maintain a safe and attractive place to live, work, and obtain an education. Be concerned about the safety and welfare of others, together with the social consequences of your behavior. Show the community that you deserve its trust by carefully operating motor vehicles, using your landlord's property, and using or distributing alcohol.

The information as listed above does not constitute legal advice, nor is it intended as a substitute for legal advice. Ohio University students with questions may contact the Center for Student Legal Services for an appointment.