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## APPROVAL, NOTES OF GRANGER TOWNSHIP RURAL SCHOOL DISTRICT, MEDINA COUNTY—\$80,000.00.

COLUMBUS, OHIO, March 14, 1929.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

195.

## ORGANIZATION—SERVING MEALS OCCASIONALLY TO PUBLIC—NOT A RESTAURANT.

## SYLLABUS:

*While it is a question of fact to be determined from all the circumstances in each instance, generally speaking, a social, religious or fraternal organization occasionally serving meals for compensation, to which the public is generally invited, is not engaged in the operation of a restaurant under the provisions of Sections 843 to 843-18 of the General Code.*

COLUMBUS, OHIO, March 15, 1929.

HON. RAY R. GILL, *State Fire Marshal, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication, which reads:

“The operator of a restaurant in a small town in the northwestern part of the state, who has been duly licensed by us under the restaurant law, files a complaint in connection with an organization which has not applied for or secured a license but which, he alleges, serves meals or lunches (at a low price) whenever there is any special event in the town. We are attaching a clipping, submitted by the complainant, which sets out that food will be served at a certain place for a definite period of time.

Do the club rooms of this organization when used in this way fall under the definition of a ‘restaurant?’ If not, would any room other than the club room, under the same conditions, come under the definition of ‘restaurant?’

I find that the office has had many complaints relative to organizations—church, fraternal, women’s and whatnot—which serve meals within an incorporation during periods of special activity, sometimes for a week and often on one or more days of the week. In some cases the complainants have stated that the organization advertised in the papers or by large signs and, in other cases, that the general public has been admitted although no advertisement was displayed. In your judgment, should we require a license in such cases?”

The newspaper clipping which you enclose contains a news item apparently to the effect that certain club women designated therein would serve oysters, vegetable soup, hot meat sandwiches, etc., at their club rooms during the week of the Farmers’ In-