

**OPINION
45-14**

April 5, 1945 (OPINION)

ALCOHOLIC BEVERAGES

RE: Booths - Tables

Your letter of March 31 addressed to the Attorney General has been received and contents noted.

You state that you operate the 5-Spot and Gene's which is a combination restaurant and retail liquor store located at 205 Broadway, Fargo. You refer to Senate Bill 109 passed by the recent legislative assembly. You make inquiry regarding section 4 of this bill with reference to the word "tables", and you are wondering whether tables would include booths.

Section 4 of this act provides that, "No licensee authorized to sell beer or alcohol and alcoholic beverages shall operate or maintain a bar on or over which beer or alcohol and alcoholic beverages are sold, furnished or distributed in any room or rooms wherein food is served at tables for consumption on the premises, excepting that any licensee who operates or maintains such a bar may operate a restaurant as a part of his licensed premises if the dining room where food is served at tables is separated by a solid wall or walls from the room or rooms containing such bar, and access between such dining room and the bar room is had by not to exceed two connecting archways, or doorways, and each such archway or doorway shall not exceed four (4) feet in width."

In our opinion, tables would include booths. As I understand, there are tables in the booths, the booths are open and the patrons of the booth can, as a general rule, see and observe whatever may be going on in the room where the booth is located. The fact that the law mentions tables and does not mention booths is immaterial in our opinion, for the reasons, as I have already pointed out, that there are tables within the booths where patrons are served their food.

We have prepared forms for application for licenses provided for in Senate Bill 109, and we have also prepared a questionnaire covering the provisions of this bill. These forms are in the hands of the printers and as soon as we receive the same we shall be glad to send you copies.

NELS G. JOHNSON
Attorney General