

# Evers asks court to dismiss wedding barn suit; spokeswoman says administration won't require liquor licenses

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Gov. Tony Evers is urging a court to dismiss a suit filed by two wedding barns, signaling for the first time that his administration won't require such operations to have a liquor license for private parties.

The wedding barns, with the help of the conservative Wisconsin Institute for Law & Liberty, filed the suit in January, urging a Dunn County judge to declare they don't need a liquor license for private parties that rent their facilities.

In the alternative, they want a judge to invalidate a state law requiring those in charge of a "public place" obtain an appropriate liquor license before allowing consumption of alcohol on the premises. The suit argues "public place" isn't appropriately defined in state law.

But representing Evers, the state Department of Justice wrote in its Thursday filing the suit should be dismissed, because there was "no case or controversy between the parties" and the issue "is not ripe."

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Still, Rick Esenberg, president and general counsel for WILL, accused Evers of punting on the issue, adding the suit will continue.

In its response to the suit, DOJ admits that state law doesn't define a public place. But the filing also doesn't respond to WILL's contentions that the statute should be invalidated for vagueness.

“It would have been easy for the Department of Justice and the Evers administration to admit that the law is exactly how it has consistently been interpreted and enforced so that wedding barns and couples across the state could proceed with their business and plan for their special days,” Esenberg said.

Part of the controversy erupted after former AG Brad Schimel, shortly before leaving office, opined that wedding barns should have a liquor license to allow guests to rent the facilities to provide alcohol at no charge to their guests. But it was an informal opinion, which doesn’t carry the weight of law, and would be a break with past practice.

Evers spokeswoman Melissa Baldauff said the administration won’t move to require wedding barns to have liquor licenses.

“We are not deviating from the Department of Revenue’s long standing practice on this issue,” Baldauff said.

Read the filing [here](#).