OFFICE OF THE
DISTRICT ATTORNEY
SCHUYLER COUNTY

105 Ninth Street – Unit 26
Watkins Glen, New York 14891

Joseph G. Fazzary
District Attorney

Phone (607) 535-8383
Fax (607) 535-8385

Matthew C. Hayden
Joshua C. Navone
Assistant District Attorneys

June 18, 2009

Dear Parents:

Over the last five years, I have sent a letter to the parents of every graduating senior within the three Schuyler County School Districts. On many occasions, I have been thanked for providing the information contained herein. Up until this fall, I had never received any negative comments for writing this letter. In October, I received an **anonymous** letter from a mother of a 2008 graduate. In that letter, it was made clear that not everyone throws underage drinking parties for their children. And, that there are many good parents who have teachers, police officers and other professionals who attend their child's graduation party. For some reason, I believe she felt that this letter was intended as a threat. Nothing could be further from the truth. In fact, this letter really serves as an educational tool which focuses on the goals of the DA's Office, the Sheriff's Department, and the Schuyler County Committee on Underage Drinking. Simply put, these agencies all want this time of year to be festive for the accomplishments of you and your children. However, none of us want to see a celebration marred by the death of a student or someone else caused by the consumption of alcohol by a minor. So, as always, here is the District Attorney's perspective on graduation celebrations.

First off, let me congratulate you, your family, and especially your children, as they are honored as the graduating high school class of 2009. It is a long road to graduation, and everyone should be extremely proud that your child has reached this milestone in their education journey. While such an achievement deserves accolades and festivities, it is important to remember that celebrations need to be conducted in a manner that is both safe and legal.

It is an all too often heard misperception that parents can throw a legal drinking party for their child and his/her underage friends. This is not accurate. It is never legal for any adult to provide alcohol to someone else's child. It is also a common misperception that one legally can authorize another parent to permit their child to consume alcohol. This is not true, and for each child provided alcohol, the host can be charged with, Unlawfully Dealing with a Child in the First Degree, a Class A Misdemeanor, regardless of whether there was permission from a parent. The punishment for each separate charge could be:

- Up to one year in jail.
- Up to 3 years probation.
- Up to a $1,000.00 fine, plus an automatic $165.00 court surcharge.

These are only the Penal Law sanctions that may be enforced. Serving even one alcoholic drink, to an underage person, puts the host in a position where they can be held civilly liable for any accident or wrongdoing that occurs as a result of intoxication or impairment. This is true, even if the majority of the intoxication occurs someplace else. Simply put, the law states that every drink consumed by a person adds to their blood alcohol content, and thus, every drink is considered a contributing factor to that person's intoxication. Every person who served an underage drinker can be held liable for any injury that is suffered, or any injury that is caused by the minor, which can be arguably attributed to the consumption of alcohol. Even when a parent merely provides a location for such drinking to occur, the same liability exists.

A party host can be sued for monetary damages in a personal injury lawsuit. Under civil law, an assurance that the underage drinker will just be a passenger is never enough to protect the party host from liability. The host cannot control what the "passenger" does after leaving their party and there is no assurance that the underage drinker will remain a passenger after he/she leaves the party. Liability exists because there is no way for the party host to ensure that the underage drinker will make smart and safe decisions, especially after they have consumed alcohol.

Therefore, I urge all of you to have safe and legal parties for your graduating child. No one ever wants to be the parent who is awakened in the middle of the night to be informed that their child has been injured or killed in a drunk driving accident. And, no one wants to be the host of the party, who is held responsible, both criminally and civilly, for a drunk driving tragedy. One night of revelry is not worth a lifetime of regret.

This is a time of year for great merriment and joy, and the men and women of the District Attorney's Office, the Schuyler County Sheriff's Department and the Schuyler County Commission on Underage Drinking, want everyone to be safe, happy, and healthy, so that we can joyously celebrate the future accomplishments of our young adults. I wish everyone the best, and hope you all have a great summer.

Very truly yours,

JOSEPH G. FAZZARY