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**STATE BOARD OF EQUALIZATION**

(916) 322-6083

December 14, 1990

REDACTED TEXT

Re: REDACTED TEXT

Dear REDACTED TEXT,

This is in response to your inquiry of October 17, 1990, requesting an opinion concerning the application of the California Sales and Use Tax Law to an "opening charge" the REDACTED TEXT includes for catered events held at the Club on Sundays. The REDACTED TEXT is located in an office building that is closed on Sundays. When the Club caters an event in the building on a Sunday, the Club is charged an additional amount beyond its normal rent to cover the cost of turning on the power and air conditioning, opening the parking garage and supplying a parking attendant, and supplying a building security guard. The Club, in turn, includes a \$1,000 "opening charge" for catered events on Sundays.

The Board's legal staff has determined that a separately stated rental charge for the use of restaurant facilities as part of meal service is includable in taxable gross receipts where the taxpayer maintains the facilities primarily for the sale of meals or other food items. (Business Taxes Law Guide Annotation 550.0240, 12/3/64.) Since the "opening charge" you describe is a charge for rental of the premises on Sunday, it is taxable.

Please contact me again if I can be of further assistance.

Very truly yours,

Janet Vining  
Tax Counsel

JV:wk  
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