



friendly format sponsored by:  
The New Media Department of The Post and Courier

TUESDAY, FEBRUARY 06, 2007 6:23 AM

## Liability language clarified by court Hosts responsible for underage drinking injuries

**BY SCHUYLER KROPF**

The Post and Courier

South Carolina's Supreme Court has reaffirmed its position that adults can be held liable for knowingly serving alcohol to a person under 21 who injures themselves or someone else in a tragedy such as a car accident.

In an order dated Feb. 1, the high court put adults on notice that they could carry a burden of liability from that date forward: If they serve alcohol to underage drinkers in South Carolina, they're putting themselves at risk if something happens afterward.

An adult social host who serves alcohol to a person "he knows or reasonably should know is between the ages of 18 and 20" is liable both to the person served and any other person for damages, the justices said.

The ruling serves as clarifying language for two August 2005 cases in which underage drinkers were served at social events.

In the first incident, 19-year-old Orin Faegin of Cross drank at his company's 1998 Christmas party.

He later crossed the center line on U.S. Highway 52 outside Moncks Corner and struck another vehicle head-on, killing himself and Doris Barnes, a passenger in the other car.

In the second case, a 19-year-old from Richland County, Justin Michael Parks, died in a single car accident after drinking beer from a washtub and taking several tequila shots during a private party at someone's home.

Parks' mother filed a wrongful-death suit against the homeowners, saying they did not take precautions to ensure those drinking alcohol were at least 21 years old.

A key part of Monday's ruling was setting Feb. 1 as the notification date. This means that the Barnes' family cannot recover a \$750,000 jury award against Faegin's former employer, while Parks' mother cannot present her case to a jury.

A lawyer connected to one of the cases said the order should be taken as a warning to adults everywhere.

The message is "adults, you better be very, very careful who you give alcohol to in your home or office party," said Gayla McSwain, attorney for Parks' mother.

"The court is saying to the adults of South Carolina that alcohol, underage drinkers and cars do not mix," McSwain said, "and should not be mixed together."

Reach **Schuyler Kropf** at 937-5551 or [skropf@postandcourier.com](mailto:skropf@postandcourier.com).

This article was printed via the web on 2/6/2007 10:46:22 AM . This article appeared in The Post and Courier and updated online at Charleston.net on Tuesday, February 06, 2007.