

How To...

Object to the Issuance or Renewal of a Liquor Permit



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HOW TO OBJECT TO THE ISSUANCE OR RENEWAL OF A LIQUOR PERMIT

Objections may be made to the issuance of a new permit, renewal of a permit, or transfer of ownership and/or location of an existing permit.

Who is Notified When an Application is Filed for a New Permit, or Transfer of Ownership and/or Location of an Existing Permit?

Before granting a permit to an applicant, the Division of Liquor Control notifies:

- The chief peace officer of the locality affected;
- The legislative authority of that area (city council if within a municipal corporation, or township trustees and county commissioners);
- Public institutions (schools, churches, libraries, public playgrounds and township parks) within 500 feet of the proposed permit premises.

The legislative authority and public institutions then have 30 days after receipt of the notice to request a hearing. Only the legislative authority may request an extension beyond 30 days.

Who is Notified for Permit Renewals?

Although not required by law, the Division of Liquor Control informs legislative authorities that they may object to annual permit renewals. In order to do so, they must take the following action:

- Adopt a resolution stating the reason for objecting and forward a copy to the Division no later than 30 days before the expiration date of the permit;
- Provide a statement to accompany their resolution from the chief legal officer that they have reviewed the resolution, and in their opinion, it is based on substantial legal grounds.

Public institutions within 500 feet of a permit premises have the right to object to a new permit or transfer of ownership and/or location, but **not** to the renewal of a permit.

How Can Citizens, Police or Institutions Object to Permits and their Renewals?

Objections should be made to their legislative authority, since governments have an obligation to consider the concerns of their constituents. Requests for a hearing should be sent to:

Ohio Department of Commerce
Division of Liquor Control
Licensing Office
6606 Tussing Rd. P.O. Box 4005
Reynoldsburg, Ohio 43068-9005

Where Will the Hearing Be Held?

Hearings are held in Reynoldsburg unless the objecting party requests that the hearing be held in the county seat of the proposed permit business location.

Who Conducts the Hearing and Decides Whether the Permit is Granted or Denied?

A Division attorney serves as the hearing officer and conducts the hearing and forwards a report with recommendation to the Division's superintendent. The superintendent makes the final decision to sustain or overrule the objection based on points of law. The permit holder/applicant or legislative authority has 30 days from the mailing of the decision to appeal to the Ohio Liquor Control Commission. Public institutions have no legal right to appeal the Division's decision.

Who Must Attend the Hearing?

The objector must appear for his/her objection to be considered. The permit holder/applicant may attend and/or have an attorney represent them. The hearing is public and citizens may attend, but may not present evidence or provide testimony unless designated to do so by the objector or permit holder/applicant.

What Type of Evidence Should Be Submitted at the Hearing?

Evidence must be pertinent to the advisability of granting or renewing the permit. Speculative testimony not supported by sufficient evidence is of little use because Ohio courts have ruled such testimony is insufficient reason not to allow a business to operate.

Although the safety and welfare of Ohio citizens is first priority, the Division is guided by statutes, rules and legal cases in determining whether to overrule or sustain an objection. Evidence presented, therefore, should establish that one or more of the following conditions exist, or would exist if the permit is issued:

- Conviction for a crime relating to their ability to operate a liquor establishment of the applicant, any partner, member, officer, director, manager or shareholder owning five percent or more of the capital stock;
- An applicant's alcohol or drug addiction;
- An applicant's unfavorable enforcement record and/or operation in disregard for laws, regulations or local ordinances;
- An applicant's misrepresentation of a material fact when applying for the permit;
- Inability of law enforcement officers or authorized agents of the division to gain ready entrance to the premises;

- The location of the establishment substantially and adversely interfering with the public decency, sobriety, peace, or good order of the neighborhood, or the normal, orderly conduct of a public institution;
- Saturation in the neighborhood such that the permit applied for would be detrimental to and substantially interfere with the morals, safety or welfare of the public. Saturation means "too many." However, the same number of establishments resulting in saturation in a residential area may not result in saturation in a commercial area.

Because each case is unique, presentation of such evidence may result in the denial of a permit, but does not guarantee it. Additionally, a general objection based on location of an institution, moral beliefs, institutional policy, adequate number of permit premises currently in the neighborhood, inadvisability, or economic and social consequences of drinking do not constitute reasonable bases to reject a permit.

Ohio Department of Commerce Division of Liquor Control

John R. Kasich, Governor
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