



Department of Commerce

Division of Liquor Control

John R. Kasich, Governor
Jacqueline T. Williams, Director

6606 Tussing Road
Reynoldsburg, OH 43068-9006

www.com.ohio.gov

How To Object

Objections (to new permit, or transfer of ownership and/or location of an existing permit):

Who can file an objection?

- Local legislative authority (city council if within a municipal corporation, township trustees, or county commissioners);
- Public institutions (schools, churches, libraries, public playgrounds, and township parks) within a 500-foot radius of the proposed permit premises.

Once notified by the Division, the local legislative authority and/or public institutions have 30 days to submit their objection and request a hearing. Only the local legislative authority may request an extension beyond 30 days.

Permit Renewal Objections:

Only the local legislative authority can object to annual permit renewals by taking the following actions:

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

Requests for hearing should be mailed to:

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

Concerned Citizens:

Citizens cannot file objections directly, but can make their concerns known to their local legislative authority and ask that they object and request a hearing. See the following for community options for dealing with a problem liquor permit establishment: http://10.14.0.47/documents/liqr_ProblemPremises.pdf

Hearing Procedure:

- Hearings are held at the Division's offices in Reynoldsburg, the county seat of the permit holder/applicant, or via video conference where available.
- The objector must appear for the objection to be considered. The hearing is public and citizens may attend but cannot present evidence or provide testimony unless designated to do so by the objector or permit holder/Applicant.
- An attorney from the Division conducts the hearing, but does not make a decision. A report is submitted to the Division's superintendent who decides whether to overrule or sustain the objection.
- The permit holder/applicant or legislative authority can appeal the decision to the Ohio Liquor Control Commission (<http://www.lcc.ohio.gov/>). Public institutions have no legal right to appeal the Division's decisions.

Evidence:

The Division's decision are guided by statutes, rules and legal cases. Evidence must be pertinent to the advisability of granting or renewing the permit. Speculative testimony not supported by sufficient evidence has been ruled by Ohio courts to be insufficient reason not to allow a business to operate. The burden of proof is on the objecting party, and the evidence presented must be reliable, probative and substantial:

- Reliable - Evidence that is dependable and can be confidently trusted;
- Probative - Relevant evidence that tends to prove the issue in question;
- Substantial - Evidence with some weight, importance and value.

Statutory Basis to Sustain Objection:

The grounds for which the Division can deny a permit or reject a permit renewal are provided in Ohio Revised Code Section 4303.292: <http://codes.ohio.gov/orc/4303.292>

Examples:

- Conviction for a crime relating to the ability to operate a liquor establishment by the applicant, any partner, member, officer, director, manager or shareholder owning five percent or more of the capital stock;
- An applicant's unfavorable enforcement record and/or operation in disregard of laws, regulations or local ordinances;
- 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.

See the Division's website at www.com.ohio.gov/liqr for more information on presenting a successful objection case. Please contact the Division's Legal Section at (614) 644-2489 with any questions regarding the objection process.

1-800-750-0750 (TTY/TDD)
www.com.ohio.gov/liqr

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