

**MEMORANDUM**

TO: Dublin City Council  
Marsha Grigsby, City Manager

FROM: Stephen J. Smith  
Jennifer Readler  
Chris W. Michael

DATE: January 10, 2013

RE: Tamarkin Co. DBA Giant Eagle 6520 Liquor Permit

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**I. INTRODUCTION:**

The City of Dublin recently received a Notice to Legislative Authority ("Notice") from the Ohio Division of Liquor Control concerning Tamarkin Co.'s ("Tamarkin") application for a class D1 liquor permit. Dublin has received this Notice pursuant to R.C. 4303.26 because Tamarkin's proposed location will be located within the corporate limits of Dublin. As such, Dublin may request a hearing regarding the advisability of the issuance, transfer of ownership, or transfer of location of the permit.

**II. BACKGROUND:**

Tamarkin is an active Ohio corporation for profit that is doing business as ("DBA") Giant Eagle 6520. The address designated for the permit premises is 6700 Perimeter Loop Drive, which is located in the retail center just to the east of Avery-Muirfield Drive. Tamarkin is seeking to obtain a D1 permit via TREX transfer from its location in the Kingsdale Market District located at 3061 Kingsdale Center in Upper Arlington. A TREX transfer allows an entity to obtain a permit for economic development purposes from an area of the State that has an over-issuance of permits so long as the criteria of Ohio Administrative Code § 4301:1-1-14 is met. Once the permit is transferred, the permit fees will be paid to the municipality that acquired the permit via TREX transfer.

According to the Division's records, Tamarkin is in good standing and does not have any history of violating liquor permit laws. If approved, Tamarkin will acquire a D1 permit to sell beer for on premises consumption at the 6700 Perimeter Loop Drive location or in sealed containers for carry out, and all permit fees will be paid to Dublin.

**III. RECOMMENDATION:**

Since Tamarkin is seeking a TREX transfer from one location to another, it appears unnecessary to request a hearing in this matter. Dublin stands to benefit from the operation of the new operation as well as the permit fees it will receive from the transfer. Regardless of whether Dublin desires a hearing, the Notice must be signed and returned to the Ohio Division of Liquor Control by February 7, 2013.

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

87906900835 <small>PERMIT NUMBER</small>		TREX <small>TYPE</small>	TAMARKIN CO DBA GIANT EAGLE 6520 6700 PERIMETER LOOP RD DUBLIN OH 43017
02	01	2012 <small>ISSUE DATE</small>	
01	03	2013 <small>FILING DATE</small>	
D1 <small>PERMIT CLASSES</small>			
25	066	B	F08990 <small>RECEIPT NO.</small>

FROM 01/07/2013

87906900745 <small>PERMIT NUMBER</small>			TAMARKIN CO DBA KINGSDALE MARKET DISTRICT 6515 MEZZANINE & PATIO 3061 KINGSDALE CENTER UPPER ARLINGTON OHIO 43221
02	01	2012 <small>ISSUE DATE</small>	
01	03	2013 <small>FILING DATE</small>	
D1 <small>PERMIT CLASSES</small>			
25	242		



MAILED 01/07/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN. 02/07/2013

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.  
REFER TO THIS NUMBER IN ALL INQUIRIES

**B TREX 8790690-0835**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF DUBLIN CITY COUNCIL  
5200 EMERALD PARKWAY  
DUBLIN OHIO 43017

OH. DIV. LIC. CONTROL 8790690  
FRONT DESK-3

OHIO DEPARTMENT OF COMMERCE  
DIVISION OF LIQUOR CONTROL  
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005  
Telephone: (614) 644-2431 http://www.com.ohio.gov/liq

PH 3:14



<b>FOR OFFICE USE ONLY</b>	
NEW	TRANSFER
PERMIT #	

**OFFICER/ SHAREHOLDERS DISCLOSURE FORM**

SECTION A. (This form must accompany all applications of a corporate business entity)

Name of Corporation <b>THE TAMARKIN CO.</b>	DBA Name	
Permit Premises Address <b>101 Kappa Drive, RIDC Park</b>	City, State <b>Pittsburgh, PA</b>	Zip Code <b>15238</b>
Township, if in Unincorporated Area	Tax Identification No. (TIN) <b>52-1236050</b>	

SECTION B.

1 Is stock publicly traded?  YES  NO  
If "YES", indicate exchange \_\_\_\_\_ & Do NOT complete SECTION D.

2 Does any stockholder own 5% or more shares? If YES, complete SECTION D.  YES  NO

3 Total Number of shares issued 5,000

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement enforcement action, or collect taxes.

SECTION C. List the top five (5) officers of the captioned corporation If an office is NOT held please indicate by writing NONE.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
V.P. Eugene W. Tommasi		8/21/1960
2) President John R. Lucot		6/30/1957
3) Vice-President M. Michele Sponholz		7/19/1957
4) Secretary Mark J. Minnaugh		12/30/1957
5) Treasurer Phillip W. Oliveri		1/24/1961

SECTION D. Stockholders holding 5% or more outstanding shares Note: If you answered Question 1 YES, do not complete this section

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191. If none, please indicate by writing "NONE".

1) Stockholder's Name <b>Giant Eagle, Inc.</b>	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)  5,000
Residence Address <b>101 Kappa Drive, RIDC Park</b>	Tax Identification No. (if applicable) <b>25-0698270</b>	
City and State <b>Pittsburgh, PA</b>	Zip Code <b>15238</b>	
Telephone No	Date of Birth	
2) Stockholder's Name	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE TO LIST STOCKHOLDERS)

STATE OF OHIO, COUNTYss  
I, Phillip W. Oliveri being first duly sworn, according to law, deposes and says that he/she is (Title) VP/Treasurer  
of the The Tamarkin Company, a corporation duly authorized by law to do business in the State of Ohio, and that the

statements made in the foregoing affidavit are true  
(Signature) THE TAMARKIN COMPANY  
By: Phillip W. Oliveri (Print Name and Corporate Title) Phillip W. Oliveri VP/ Treasurer  
Sworn to and subscribed in my presence this 19th day of July 2012

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Tern Lynn Bellino, Notary Public  
O'Hara Twp., Allegheny County  
My Commission Expires July 22, 2012  
Member, Pennsylvania Association of Notaries

Tern Lynn Bellino 7.22.2012  
(Notary Public) (Notary Expiration)

DLC4030

FOR TTY USERS DIAL 1-800-750-0750

Rev 4/2012

Retail Store Carryout

Permit Class	Permit Fee	Description
C1	\$252	<u>ORC 4303.11</u> Beer only in original sealed container for carry out only.
C2	\$376	<u>ORC 4303.12</u> Wine and mixed beverages in sealed containers for carry out.
C2X	\$252	<u>ORC 4303.121</u> Beer in original sealed containers for carry out.
D8	\$500	<u>ORC 4303.184</u> Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	<u>ORC 4303.13</u> Beer only for on premises consumption or in sealed containers for carry out.
D2	\$564	<u>ORC 4303.14</u> Wine and mixed beverages for on premises consumption or in sealed containers for carryout.
D2X	\$376	<u>ORC 4303.141</u> Beer only for on premises consumption or in sealed containers.
D3	\$750	<u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<u>ORC 4303.151</u> Wine only for on premises consumption only until 1:00am.
D3A	\$938	<u>ORC 4303.16</u> Extend issued permit privileges until 2:30am.
D5	\$2,344	<u>ORC 4303.18</u> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<u>ORC 4303.183</u> (Same as D5). RESORT area only.