

## MEMORANDUM

To: Dublin City Council  
Marsha I. Grigsby, City Manager  
Anne Clarke, Clerk of Council

From: Stephen J. Smith  
Jennifer D. Readler  
Yazan S. Ashrawi

Date: December 5, 2013

Re: WAF79 LLC & Patio - Application for Class D5I 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 WAF79, LLC & Patio’s (“WAF79”) application for a D5I liquor permit. Dublin has received this Notice pursuant to R.C. 4303.26 because WAF79’s proposed location for the permit premises 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

WAF79 is a domestic limited liability company that is actively registered with the Ohio Secretary of State. The address designated for the permit premises is 7148 Muirfield Drive, Dublin, Ohio 43017, which is located just off of the 33/161 Exit. This is the former location of Mary Kelley’s Restaurant & Pub. WAF79 is seeking to obtain a D5I license, which permits spirituous liquor for on premises consumption only, beer, wine, and mixed beverages for on premises, or off premises in original sealed containers, until 2:30 a.m. for restaurants meeting certain criteria.

According to the Ohio Division of Liquor Control’s records, WAF79 does not have any history of violating Ohio liquor permit laws. If approved, this will be WAF79’s first liquor permit at this location.

### III. RECOMMENDATION

It would appear that it is unnecessary to request a hearing in this matter. Although WAF79 currently does not have a liquor permit in Ohio, there is no history of liquor law violations. Regardless whether Dublin desires to request a hearing, the Notice must be signed and returned to the Ohio Division of Liquor Control by December 16, 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

9334905 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	WAF79 LLC & PATIO 7148 MUIRFIELD DR DUBLIN OH 43017	
ISSUE DATE				
11 12 2013				
FILING DATE				
D51 <small>PERMIT CLASSES</small>				
25 <small>TAX DISTRICT</small>	066 <small>PERMIT CLASS</small>	B <small>PERMIT CLASS</small>	A28351 <small>RECEIPT NO.</small>	

FROM 11/14/2013

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT	PERMIT CLASS	PERMIT CLASS	RECEIPT NO.	



MAILED 11/14/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/16/2013

**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 NEW 9334905**

(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

LLC / PARTNERSHIP CROSS REFERENCE  
DISPLAY

PGECC

9334905 PERMIT NBR  
WAF79 LLC  
& PATIO  
7148 MUIRFIELD DR  
DUBLIN OH 43017

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GREGORY POWERS	11/12/2013	ACTIVE	PRESIDENT	MAN-MBR5%M
RALPH LUSTER	11/12/2013	ACTIVE	VICE PRES.	5% MEMSHIP
CLETE RICHARDSON	11/12/2013	ACTIVE	SECRETARY	5% MEMSHIP
RICH ASTON	11/12/2013	ACTIVE		5% MEMSHIP
JEFF WILEY	11/12/2013	ACTIVE		5% MEMSHIP
PAT POWERS	11/12/2013	ACTIVE		5% MEMSHIP

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

D8 \$500 ORC 4303.184 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 original sealed containers for carry out only until 1:00am.
D2	\$564	<u>ORC 4303.14</u> Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	<u>ORC 4303.141</u> (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	<u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<u>ORC 4303.151</u> (Grandfathered Permit) Wine only for on premises consumption or in original sealed containers for carryout 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.

#### Club

Permit Class	Permit Fee	Description
D4	\$469	<u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<u>ORC 4303.181</u> (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	<u>ORC 4303.181</u> (Same as D5) located at airport.

#### Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	<u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

#### Enclosed Shopping Mall