

MEMORANDUM

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

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

Date: October 30, 2014

Re: Kroger Co. Application for Liquor Agency Contract

I. INTRODUCTION

The City of Dublin recently received a Notice to Legislative Authority (the “Notice”) from the Ohio Division of Liquor Control (the “Division”) concerning an agency application for a liquor agency contract for Kroger Co. (“Kroger”). Dublin has received this Notice pursuant to R.C. 4303.26 because Kroger’s proposed location for the liquor agency 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 agency.

II. BACKGROUND

Kroger is a for profit corporation that is actively registered with the Ohio Secretary of State. Kroger’s application is for Agency #733, which is currently located at 7370 Sawmill Road and doing business as Sawmill Beverage and Deli. The proposed address designated for the re-location of the liquor agency is 7625 Sawmill Road, which is located just north of Hard Road.

Kroger already has the following liquor permits at this location: C1, C2, D6, and D8. The C1 and C2 liquor permits allow the sale of beer, wine, and mixed beverages in sealed containers for carryout. The D6 liquor permit allows sale of intoxicating liquor on Sunday. The D8 liquor permit allows the sale of tasting samples of beer, wine, and mixed beverages. The Kroger is now seeking to obtain a liquor agency contract, which permits Kroger to sell spirituous liquor at retail and to wholesale customers.

According to the Ohio Division of Liquor Control’s records, Kroger was cited for a liquor law violation in March of 2012. The citation was for the sale and/or furnishing to a person under 21. This appears to be Kroger’s only violation at this location.

III. RECOMMENDATION

It would appear that it is unnecessary to request a hearing in this matter. Other than Kroger's one violation in 2012, there does not appear to be a history of liquor law violations. Regardless whether Dublin desires to request a hearing, the Notice for the agency application must be signed and returned to the Ohio Division of Liquor Control by November 24, 2014.

NOTICE TO LEGISLATIVE AUTHORITY
AGENCY APPLICATION

OHIO DIVISION OF LIQUOR CONTROL
6806 TUSSING ROAD
P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005

TO

48850890581 PERMIT NUMBER		TYPE	KROGER CO 581 7625 SAWMILL RD DUBLIN OHIO 43016
ISSUE DATE			
FILING DATE			
LIQUOR AGENCY CONTRACT PERMIT CLASSES			
TAX DISTRICT	RECEIPT NO.		

AGENCY 00733

- YOU ARE RECEIVING ONLY ONE NOTICE FOR THIS LOCATION AS THIS IS A LIQUOR AGENCY ONLY APPLICATION.
- YOU ARE RECEIVING TWO SEPARATE NOTICES FOR THIS LOCATION. THIS NOTICE IS FOR A LIQUOR AGENCY AND A SECOND NOTICE FOR A CARRY OUT LIQUOR LICENSE. ORC 4301.17(B) AND 4303.26 REQUIRES YOU BE NOTIFIED SEPARATELY FOR EACH TYPE OF APPLICATION.



MAILED 10/22/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 11/24/2014

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 _____

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE AGENCY CONTRACT 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

YOU MAY FAX YOUR REPLY TO 614-644-3166

CLERK OF DUBLIN CITY COUNCIL
5200 EMERALD PARKWAY
DUBLIN OHIO 43017
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