

**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 9, 2014

Re: MCRT2 Dublin Tenant, LLC DBA Hilton Garden Inn- Application for New D5A  
Liquor Permit & Application for Transfer of D5A and D6 Liquor Permits

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**I. INTRODUCTION**

The City of Dublin recently received two Notices to Legislative Authority (the “Notices”) from the Ohio Division of Liquor Control concerning an application for a new D5A liquor permit for MCRT2 Dublin Tenant, LLC DBA Hilton Garden Inn (the “Hilton”), as well as a transfer application for a D5A and D6 permit for the Hilton. Dublin has received these Notices pursuant to R.C. 4303.26 because the Hilton’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 permits.

**II. BACKGROUND**

The Hilton is a foreign limited liability company that is actively registered with the Ohio Secretary of State. The address designated for the permit premises is 500 Metro Place North, Dublin, Ohio 43017, which is located west of Frantz Road, just south of 33/161. The Hilton is seeking to obtain a new D5A license,<sup>1</sup> which permits spirituous liquor for on premises consumption only, and beer, wine, and mixed beverages for on or off premises in original sealed containers, until 2:30 a.m. The D5A license is specifically for hotels or motels with fifty (50) or more rooms for transient guests.

The Hilton was previously issued a D5A and D6 permit for this location under different management (HSC Hospitality Inc.). The Hilton applied for a transfer of these permits from the previous management company in order to continue operating and serving alcohol until it was granted the new D5A and D6 permits. According to the Ohio Division of Liquor

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<sup>1</sup> According to the Ohio Division of Liquor Control records, the Hilton has also applied for a new D6 permit, which permits the sale of intoxicating liquor on Sunday between the hours of 10:00am and midnight.

Control, this is standard practice for hotels. The transfer application permits the Hilton to continue operating under new management while using the previous management company's liquor permits. Once the Hilton's application for the new permits is approved, it will cancel its transfer application.

According to the Ohio Division of Liquor Control's records, the Hilton does not have any history of violating Ohio liquor permit laws.

### **III. RECOMMENDATION**

It would appear that it is unnecessary to request a hearing in this matter. The Hilton currently holds many liquor permits in Ohio with no history of liquor law violations. Regardless whether Dublin desires to request a hearing, the Notice for the new D5A permit must be signed and returned to the Ohio Division of Liquor Control by November 3, 2014, and the Notice for the transfer of the D5A and D6 permits must be signed and returned to the Ohio Division of Liquor Control by November 7, 2014.

**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

<b>5787504</b>		<b>NEW</b>		<b>MCRT2 DUBLIN TENANT LLC DBA HILTON GARDEN INN 500 METRO PL N DUBLIN OH 43017</b>
PERMIT NUMBER		TYPE		
ISSUE DATE				
<b>09 26 2014</b>				
FILING DATE				
<b>D5A</b>				
PERMIT CLASSES				
<b>25</b>	<b>066</b>	<b>B</b>	<b>A63307</b>	
TAX DISTRICT			RECEIPT NO.	

FROM **10/02/2014**

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



MAILED **10/02/2014**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **11/03/2014**

**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 **B NEW 5787504**

(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**

5787504 PERMIT NBR  
MCRT2 DUBLIN TENANT LLC  
DBA HILTON GARDEN INN  
500 METRO PL N  
DUBLIN OH 43017

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RICHARD TYLER MORSE	09/30/2014 ACTIVE	SECRETARY	
MCRT2 TENANT HOLDCO LLC	09/30/2014 ACTIVE		MNMB5&V5&M

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

**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

57875040005		TRFO		MCRT2 DUBLIN TENANT LLC DBA HILTON GARDEN INN DUBLIN 500 METRO PL N DUBLIN OHIO 43017
PERMIT NUMBER		TYPE		
06	11	2014		
ISSUE DATE				
10	02	2014		
FILING DATE				
D5A D6				
PERMIT CLASSES				
25	066	B	F12852	
TAX DISTRICT		RECEIPT NO.		

FROM 10/07/2014

3469500				HSC HOSPITALITY INC DBA HILTON GARDEN INN DUBLIN 500 METRO PL N DUBLIN OHIO 43017
PERMIT NUMBER		TYPE		
06	11	2014		
ISSUE DATE				
10	02	2014		
FILING DATE				
D5A D6				
PERMIT CLASSES				
25	066			
TAX DISTRICT		RECEIPT NO.		



MAILED 10/07/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 11/07/2014

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REFER TO THIS NUMBER IN ALL INQUIRIES **B TRFO 5787504-0005**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

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**CLERK OF DUBLIN CITY COUNCIL**  
5200 EMERALD PARKWAY  
DUBLIN OHIO 43017

57875040005 PERMIT NBR  
MCRT2 DUBLIN TENANT LLC  
DBA HILTON GARDEN INN DUBLIN  
500 METRO PL N  
DUBLIN OHIO 43017

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MCRT2 TENANT HOLDCO LLC	10/02/2014 ACTIVE		MNMB5&V5%M
RICHARD TYLER MORSE	10/02/2014 ACTIVE	SECRETARY	

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Club

<b>Permit Class</b>	<b>Permit Fee</b>	<b>Description</b>
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

<b>Permit Class</b>	<b>Permit Fee</b>	<b>Description</b>
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

<b>Permit Class</b>	<b>Permit Fee</b>	<b>Description</b>
D5B	\$2,344	<u>ORC 4303.181</u> (Same as D5) for enclosed shopping mall.

River Boats

<b>Permit Class</b>	<b>Permit Fee</b>	<b>Description</b>
D5E	\$1,219	<u>ORC 4303.181</u> (Same as D5). Historical river boat owned by charitable organization only.

Marinas

<b>Permit Class</b>	<b>Permit Fee</b>	<b>Description</b>
D5F	\$2,344	<u>ORC 4303.181</u> (Same as D5). Marina restaurant only.

Museums

Permit Class	Permit Fee	Description
D5G	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). National sports museum only.
D5H	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Fine arts museum only.

Community Entertainment District/Revitalization

Permit Class	Permit Fee	Description
D5J	\$2,344	<u>ORC 4303.181</u> (Same as D5). Community entertainment district.
D5L	\$2,344	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Revitalization District.

Sunday Sales

Permit Class	Permit Fee	Description
D6	\$400-c \$500-d	<u>ORC 4303.182</u> Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

Other

Permit Class	Permit Fee	Description
D5K	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Certain non profit organizations that own and operate a botanical garden.
D5M	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant affiliated with center for the preservation of wild animals.
D5N	\$20,000.00	<u>ORC 4303.181(N)</u> (Same as D5). Casino Operator or Casino Management Company.
D5O	\$2344.00	<u>ORC 4303.181(O)</u> (Same as D5). Restaurant located in a casino.
E	\$500	<u>ORC 4303.19</u> Railroad car or airline to sell beer or any intoxicating liquor at retail in glass or from container for consumption in such car or aircraft.