

MEMORANDUM

To: Dublin City Council
Dana McDaniel, City Manager
Anne Clarke, Clerk of Council

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

Date: June 26, 2015

Re: Tucci's LTD – Change of LLC Membership – D1, D2, D3, and D6 Liquor Permits

I. INTRODUCTION

The City of Dublin recently received a Notice to Legislative Authority (“Notice”) from the Ohio Division of Liquor Control regarding Tucci’s LTD (“Tucci’s”). The Ohio Division of Liquor Control requires that liquor permit holders notify the Division when there is a change of LLC membership interests. Tucci’s currently holds a D1, D2, D3, and D6 liquor permit, and submitted an application for a change of LLC membership interests. Dublin has received this Notice pursuant to R.C. 4303.26 because the 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

Tucci’s is a domestic limited liability company that is actively registered with the Ohio Secretary of State. The address designated for the permit premises is 35 North High Street, Dublin, Ohio 43017, which is located just north of West Bridge Street. Tucci’s had a change in LLC membership interest and voting interest – 100% of the voting interest and approximately 54% of the membership interest went to Craig L. Barnum. This change in membership and voting interest likely has no direct effect on Tucci’s liquor permits. The change in LLC membership interest application is currently pending before the Ohio Division of Liquor Control (“Division”).

According to the Division’s records, Tucci’s does not have a history of violating Ohio liquor laws. The change in LLC membership should have no impact on Tucci’s clean history with the Division.

Memo re. Tucci's Liquor Permit Notification

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RECOMMENDATION

It would appear that it is unnecessary to request a hearing in this matter; Tucci's does not have a history of violating Ohio liquor laws and the change in LLC membership will not change that. Regardless of whether Dublin desires to request a hearing, the Notice must be signed and returned to the Ohio Division of Liquor Control by July 16, 2015.

**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

9083131 <small>PERMIT NUMBER</small>		STCK <small>TYPE</small>	TUCCIS LTD	
01 20 2015 <small>ISSUE DATE</small>		35 N HIGH ST & PATIOS		
01 20 2015 <small>FILING DATE</small>		DUBLIN OHIO 43017		
D1 D2 D3 D6 <small>PERMIT CLASSES</small>				
25 <small>TAX DISTRICT</small>	066 <small>TAX DISTRICT</small>	B <small>TAX DISTRICT</small>	A73405 <small>RECEIPT NO.</small>	

FROM **06/15/2015**

<small>PERMIT NUMBER</small>		<small>TYPE</small>		
<small>ISSUE DATE</small>				
<small>FILING DATE</small>				
<small>PERMIT CLASSES</small>				
<small>TAX DISTRICT</small>	<small>TAX DISTRICT</small>	<small>TAX DISTRICT</small>	<small>RECEIPT NO.</small>	



MAILED **06/15/2015**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **07/16/2015**

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 STCK 9083131**

(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

1 CK \$100
238964

Office Hours
8:00 a.m. - 5:00 p.m.
For Questions call
(614) 644-3156

Ohio Department of Commerce - Division of Liquor Control
6606 Tussing Road, Reynoldsburg, Ohio 43068-9005
http://www.com.ohio.gov/liqr

APPLICATION FOR CHANGE OF LLC MEMBERSHIP INTERESTS
PROCESSING FEE \$100.00
CAUTION: ALLOW 10 TO 12 WEEKS FOR PROCESSING



PERMIT HOLDER REQUESTS APPROVAL OF THE DIVISION OF LIQUOR CONTROL OF THE FOLLOWING

Permit Holder Name: Tucci's Ltd.		Permit Premises Address 35 N. High St. & Patios Dublin, Ohio 43017
Liquor Permit Number(s): 9083131	Federal Tax ID Number: 31-1503092	F014223/Y
Email Address: c l h 7 @ s b c g l o b a l . n e t		

Attorney's Name, Address and Telephone Number (if represented):
Christy Prince, Kegler Brown Hill & Ritter, 65 E. State St., Suite 1800, Columbus OH 43215, 614 462 5444

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 an enforcement action, or collect taxes.

PLEASE COMPLETE ALL AREAS OF SECTION A & B BELOW

Section A - PREVIOUS List of managing members and all persons with a 5% or greater membership or voting interest in the LLC

NAME	SOCIAL SECURITY # OR FEDERAL TAX ID #	OFFICE HELD	INTEREST	BIRTHDATE
1) Craig L. Barnum			<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest 33.33 % <input checked="" type="checkbox"/> Membership interest 16.67 %	
2) Robert Michael Tibbetts			<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest 33.33 % <input checked="" type="checkbox"/> Membership interest 16.67 %	
3) Jack Eggspuehler			<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest 33.33 % <input checked="" type="checkbox"/> Membership interest 16.67 %	
4) Donal Malenick see attached for additional investor			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input checked="" type="checkbox"/> Membership interest 5.88 %	

Section B - REVISED List of managing members and all persons with a 5% or greater membership or voting interest in the LLC

NAME	SOCIAL SECURITY # OR FEDERAL TAX ID #	OFFICE HELD	INTEREST	BIRTHDATE
1) Craig L. Barnum	_____ 4073		<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest 100 % <input checked="" type="checkbox"/> Membership interest 54.41 %	
2) Donal Malenick	_____ 8733		<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input checked="" type="checkbox"/> Membership interest 5.88 %	
3) Judith Pierce	_____ 0646		<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input checked="" type="checkbox"/> Membership interest 5.88 %	
4)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ %	

REV PEND, NO VIDL, ONE Permit ISSD

* AMENDED LLC mem-td

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

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

River Boats

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

Marinas

Permit Class	Permit Fee	Description
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.