

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: March 3, 2016

Re: Cucinova Holdings – Application for Transfer of D1, D2, 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 Cucinova Holdings, LLC (“Cucinova”). Cucinova is applying for a TREX transfer for class D1, D2, and D6 liquor permits. A TREX transfer allows for the transfer of location, or the transfer of ownership and location, of a liquor permit from within a municipal corporation or unincorporated area to an economic development project located in another municipal corporation in which no additional permits of that class may be issued to the applicant under the permit quota. Dublin has received this Notice pursuant to R.C. 4303.26 because Cucinova’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

Cucinova Holdings is a foreign limited liability company that is actively registered with the Ohio Secretary of State. The permits will be used at the restaurant Pizza Cucinova. The address designated for the permit premises is 7721 Sawmill Road, Dublin, Ohio 43017, which is located just south of the Emerald Parkway and Sawmill Intersection. Cucinova is seeking to obtain a D1, D2, and D6 liquor permit; all permits will be transferred from Meadowlake LTD. Meadowlake LTD, located in Canton, Ohio, is a domestic limited liability company. Meadowlake was previously registered with the Ohio Secretary of State, but no longer has active status. The transfer applications for all three permits are currently pending before the Ohio Division of Liquor Control (“Division”).

Memo re. Cucinova Liquor Permits

March 3, 2016

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According to the Division's records, Cucinova does not have any history of violating Ohio liquor permit laws at this location. If approved, Cucinova will inherit a D1, D2, and D6 liquor permit from Meadowlake, Ltd.

RECOMMENDATION

It would appear that it is unnecessary to request a hearing in this matter. Cucinova does not have any history of violating Ohio liquor permit law at this location and it complied with all the requirements for a TREX transfer. Furthermore, Cucinova notified Dublin of the requested transfer and the City Manager's office acknowledges the TREX requirements have been met. Regardless of whether Dublin desires to request a hearing, the Notice must be signed and returned to the Ohio Division of Liquor Control no later than March 28, 2016. However, Cucinova has requested the Notice be returned as soon as possible due to their anticipated March 15 opening date.



Department of Commerce

Division of Liquor Control
John R. Kasich, Governor
Jacqueline T. Williams, Director

March 03, 2016

CLERK OF DUBLIN CITY COUNCIL
5200 EMERALD PARKWAY
DUBLIN OHIO 43017

Re: **TREX D1 D2 D6 PERMIT #18441010005**
CUCINOVA HOLDINGS LLC
7721 SAWMILL RD
DUBLIN OH 43017

Dear Legislative Authority:

Please be advised that you are receiving another notification for the above location as the applicant has **added a new member**. This is a change from the original notice sent to you on **02/26/2016**.

Please complete the enclosed form and return this form to the Division of Liquor Control.

If you should have any questions concerning this matter, please feel free to contact this office at the below address or phone number.

Licensing Processing Section

AEG:aeg

Rev. 6-06

Licensing Transfer Section
6606 Tussing Road
PO Box 4005
Reynoldsburg, OH 43068-9005 U.S.A.

An Equal Opportunity Employer and Service Provider

614 | 644 3156
Fax 614 | 644 3166
TTY/TDD 800 | 750 0750
www.com.ohio.gov/liqr

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

18441010005		TREX	CUCINOVA HOLDINGS LLC
02 01 2015			7721 SAWMILL RD
02 24 2016			DUBLIN OH 43017
D1 D2 D6			
25	066	B	F15606

FROM 02/26/2016 SAFEKEEPING

5793976			MEADOWLAKE LTD
02 01 2015			LISA M BARBACCI TRUSTEE IN BKRTCY
02 24 2016			1211 39TH ST NE UNIT A
D1 D2 D6			PLAIN TWP
76	952		CANTON OHIO 44714



MAILED 02/26/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/28/2016

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 1844101-0005**

(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

Transfer, #18441010005

FOR OFFICE USE ONLY		
<input type="checkbox"/> NEW	<input type="checkbox"/> TRANSFER	<input type="checkbox"/> REN
PERMIT #		

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/liqr>



LIMITED LIABILITY COMPANY DISCLOSURE FORM
 (This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company Cucinova Holdings LLC	DBA Name	
Permit Premises Address 7721 Sawmill Road	City, State Dublin Ohio	Zip Code 43017
Township, if in Unincorporated Area	Tax Identification No. (TIN) 46-2742698	
Email Address:	asavino@perez-morris.com; ljurcevich@perez-morris.com	

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

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.

SECTION B. List the top five (5) officers of the captioned business. **If an office is NOT held, please indicate by writing NONE.**

EACH OFFICER 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	BIRTHDATE
1) CEO		
2) President J. David Karam	280-42-0538	6/11/1958
3) Vice-President Anne E. Pritz	294-76-8232	10/20/1980
4) Secretary Mark S. Inzetta	295-48-5670	4/14/1956
5) Treasurer		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

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.

			INTEREST
1) Name J. David Karam	Social Security No. (if individual) 280-42-0538	Check All That Apply	
Residence Address 2380 Onandaga Drive	Tax Identification No. (if applicable)	<input checked="" type="checkbox"/> Managing Member	
City and State Columbus, OH	Telephone No. (614) 737-7825	<input type="checkbox"/> Voting interest _____ %	
Zip Code 43221	Birthdate 6/11/1958	<input type="checkbox"/> Membership interest _____ %	
2) Name Mark S. Inzetta	Social Security No. (if individual) 295-48-5670	Check All That Apply	
Residence Address 10535 Wellington Blvd	Tax Identification No. (if applicable)	<input checked="" type="checkbox"/> Managing Member	
City and State Powell, OH	Telephone No. (614) 769-9920	<input type="checkbox"/> Voting interest _____ %	
Zip Code 43065	Birthdate 4/14/1956	<input type="checkbox"/> Membership interest _____ %	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, Franklin COUNTY ss,

I, Mark S. Inzetta being first duly sworn, according to law, deposes and says that he/she is (Title) Secretary

of the Cucinova Holdings LLC, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true

(Signature) [Signature] (Print Name and Title) Mark S. Inzetta, Secretary

Sworn to and subscribed in my presence this 2nd day of March, 2016



ROBERT J. HESSLER
 Attorney At Law
 Notary Public, State of Ohio
 Lifetime Commission

DLC4032 (LIMITED LIABILITY COMPANY DISCLOSURE FORM)

**SECTION C.
(CONTINUED)**

List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

➔ 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.

3) Name	Ann E. Pritz	Social Security No. (if individual)	294-76-8232	Check All That Apply	
Residence Address	64 Brookehill Drive	Tax Identification No. (if applicable)		<input checked="" type="checkbox"/> Managing Member	
City and State	Powell, OH	Telephone No.	(614) 769-9926	<input type="checkbox"/> Voting interest	_____ %
Zip Code	43065	Birthdate	10/20/1980	<input type="checkbox"/> Membership interest	_____ %
4) Name	Sbarro, LLC	Social Security No. (if individual)		Check All That Apply	
Residence Address	1328 Dublin Rd, 2nd Fl	Tax Identification No. (if applicable)	11-2501939	<input type="checkbox"/> Managing Member	
City and State	Columbus, Ohio	Telephone No.	(614) 769-9911	<input checked="" type="checkbox"/> Voting interest	100 %
Zip Code	43215	Birthdate		<input checked="" type="checkbox"/> Membership interest	100 %
5) Name		Social Security No. (if individual)		Check All That Apply	
Residence Address		Tax Identification No. (if applicable)		<input type="checkbox"/> Managing Member	
City and State		Telephone No.		<input type="checkbox"/> Voting interest	_____ %
Zip Code		Birthdate		<input type="checkbox"/> Membership interest	_____ %
6) Name		Social Security No. (if individual)		Check All That Apply	
Residence Address		Tax Identification No. (if applicable)		<input type="checkbox"/> Managing Member	
City and State		Telephone No.		<input type="checkbox"/> Voting interest	_____ %
Zip Code		Birthdate		<input type="checkbox"/> Membership interest	_____ %
7) Name		Social Security No. (if individual)		Check All That Apply	
Residence Address		Tax Identification No. (if applicable)		<input type="checkbox"/> Managing Member	
City and State		Telephone No.		<input type="checkbox"/> Voting interest	_____ %
Zip Code		Birthdate		<input type="checkbox"/> Membership interest	_____ %
8) Name		Social Security No. (if individual)		Check All That Apply	
Residence Address		Tax Identification No. (if applicable)		<input type="checkbox"/> Managing Member	
City and State		Telephone No.		<input type="checkbox"/> Voting interest	_____ %
Zip Code		Birthdate		<input type="checkbox"/> Membership interest	_____ %
9) Name		Social Security No. (if individual)		Check All That Apply	
Residence Address		Tax Identification No. (if applicable)		<input type="checkbox"/> Managing Member	
City and State		Telephone No.		<input type="checkbox"/> Voting interest	_____ %
Zip Code		Birthdate		<input type="checkbox"/> Membership interest	_____ %

Transfer, #18441010005

FOR OFFICE USE ONLY

NEW TRANSFER REN

PERMIT #

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/liqr>



LIMITED LIABILITY COMPANY DISCLOSURE FORM
 (This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company Sbarro LLC	DBA Name	
Permit Premises Address 7721 Sawmill Road	City, State Dublin, OH	Zip Code 43017
Township, if in Unincorporated Area	Tax Identification No. (TIN) 11-2501939	
Email Address:	asavino@perez-morris.com; ljurcevich@perez-morris.com	

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

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.

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

EACH OFFICER 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	BIRTHDATE
1) CEO		
2) President J. David Karam	280-42-0538	6/11/1958
3) Vice-President Anne E. Pritz	294-76-8238	10/20/1980
4) Secretary Mark S. Inzetta	295-48-5670	4/14/1956
5) Treasurer		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

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.

			INTEREST
1) Name	J. David Karam	Social Security No. (if individual)	280-42-0538
Residence Address	2380 Onandaga Drive	Tax Identification No. (if applicable)	
City and State	Columbus, OH	Telephone No.	(614) 737-7825
Zip Code	43221	Birthdate	6/11/1958
			Check All That Apply
			<input checked="" type="checkbox"/> Managing Member
			<input type="checkbox"/> Voting interest _____ %
			<input type="checkbox"/> Membership interest _____ %
2) Name	Mark S. Inzetta	Social Security No. (if individual)	295-48-5670
Residence Address	10535 Wellington Blvd	Tax Identification No. (if applicable)	
City and State	Powell, OH	Telephone No.	(614) 769-9920
Zip Code	43065	Birthdate	4/14/1956
			Check All That Apply
			<input checked="" type="checkbox"/> Managing Member
			<input type="checkbox"/> Voting interest _____ %
			<input type="checkbox"/> Membership interest _____ %

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, Franklin COUNTY ss,

I, Mark S. Inzetta being first duly sworn, according to law, deposes and says that he/she is (Title) Secretary

of the Sbarro LLC, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) [Signature] (Print Name and Title) Mark S Inzetta, Secretary

Sworn to and subscribed in my presence this 2nd day of March, 2016

(Notary Public)



ROBERT J. HESSLER
 (Notary Public, State of Ohio)
 Attorney At-Law
 Lifetime Commission

DLC4032 (LIMITED LIABILITY COMPANY DISCLOSURE FORM)

**SECTION C.
(CONTINUED)**

List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

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.



3) Name	Ann E. Pritz	Social Security No. (if individual)	294-76-8232	Check All That Apply
Residence Address	64 Brookehill Drive	Tax Identification No. (if applicable)		<input checked="" type="checkbox"/> Managing Member
City and State	Powell, OH	Telephone No.	(614) 769-9926	<input type="checkbox"/> Voting interest _____ %
Zip Code	43065	Birthdate	10/20/1980	<input type="checkbox"/> Membership interest _____ %
4) Name	New Sbarro Intermediate Holdings, Inc	Social Security No. (if individual)		Check All That Apply
Residence Address	1328 Dublin Road, 2nd Fl	Tax Identification No. (if applicable)	32-0359105	<input type="checkbox"/> Managing Member
City and State	Columbus, Ohio	Telephone No.	(614) 769-9911	<input checked="" type="checkbox"/> Voting interest <u>100</u> %
Zip Code	43215	Birthdate		<input checked="" type="checkbox"/> Membership interest <u>100</u> %
5) Name		Social Security No. (if individual)		Check All That Apply
Residence Address		Tax Identification No. (if applicable)		<input type="checkbox"/> Managing Member
City and State		Telephone No.		<input type="checkbox"/> Voting interest _____ %
Zip Code		Birthdate		<input type="checkbox"/> Membership interest _____ %
6) Name		Social Security No. (if individual)		Check All That Apply
Residence Address		Tax Identification No. (if applicable)		<input type="checkbox"/> Managing Member
City and State		Telephone No.		<input type="checkbox"/> Voting interest _____ %
Zip Code		Birthdate		<input type="checkbox"/> Membership interest _____ %
7) Name		Social Security No. (if individual)		Check All That Apply
Residence Address		Tax Identification No. (if applicable)		<input type="checkbox"/> Managing Member
City and State		Telephone No.		<input type="checkbox"/> Voting interest _____ %
Zip Code		Birthdate		<input type="checkbox"/> Membership interest _____ %
8) Name		Social Security No. (if individual)		Check All That Apply
Residence Address		Tax Identification No. (if applicable)		<input type="checkbox"/> Managing Member
City and State		Telephone No.		<input type="checkbox"/> Voting interest _____ %
Zip Code		Birthdate		<input type="checkbox"/> Membership interest _____ %
9) Name		Social Security No. (if individual)		Check All That Apply
Residence Address		Tax Identification No. (if applicable)		<input type="checkbox"/> Managing Member
City and State		Telephone No.		<input type="checkbox"/> Voting interest _____ %
Zip Code		Birthdate		<input type="checkbox"/> Membership interest _____ %

18441010005 PERMIT NBR
CUCINOVA HOLDINGS LLC
7721 SAWMILL RD
DUBLIN OH 43017

J DAVID KARAM	02/24/2016 ACTIVE	PRESIDENT	MAN-MBR
ANNE E PRITZ	02/24/2016 ACTIVE	VICE PRES.	MAN-MBR
MARK S INZETTA	02/24/2016 ACTIVE	SECRETARY	MAN-MBR

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

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	ORC 4303.13 Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	ORC 4303.14 Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.

4303.13 D-1 permit.

Permit D-1 may be issued to the owner or operator of a hotel, of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter, or of a club, amusement park, drugstore, lunch stand, boat, or vessel, to sell beer at retail either in glass or container, for consumption on the premises where sold; and to sell beer at retail in other receptacles or in original containers having a capacity of not more than five and one-sixth gallons not for consumption on the premises where sold. The fee for this permit is three hundred seventy-six dollars for each location, boat, or vessel.

Effective Date: 2003 HB95 09-26-2003

4303.14 D-2 permit.

Permit D-2 may be issued to the owner or operator of a hotel, of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter, or of a club, boat, or vessel, to sell wine and prepared and bottled cocktails, cordials, and other mixed beverages manufactured and distributed by holders of A-4 and B-4 permits at retail, either in glass or container, for consumption on the premises where sold. The holder of this permit may also sell wine and prepared and bottled cocktails, cordials, and other mixed beverages in original packages and not for consumption on the premises where sold or for resale. The fee for this permit is five hundred sixty-four dollars for each location, boat, or vessel.

Effective Date: 2003 HB95 09-26-2003

Sunday Sales

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

4303.182 D-6 permit.

(A) Except as otherwise provided in divisions (B) to (K) of this section, permit D-6 shall be issued to the holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under that permit as follows:

(1) Between the hours of ten a.m. and midnight on Sunday if sale during those hours has been approved under question (C)(1), (2), or (3) of section [4301.351](#) or [4301.354](#) of the Revised Code, under question (B)(2) of section [4301.355](#) of the Revised Code, or under section [4301.356](#) of the Revised Code and has been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code, under the restrictions of that authorization;

(2) Between the hours of eleven a.m. and midnight on Sunday, if sale during those hours has been approved on or after October 16, 2009, under question (B)(1), (2), or (3) of section [4301.351](#) or [4301.354](#) of the Revised Code, under question (B)(2) of section [4301.355](#) of the Revised Code, or under section [4301.356](#) of the Revised Code and has been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code, under the restrictions of that authorization;

(3) Between the hours of eleven a.m. and midnight on Sunday if sale between the hours of one p.m. and midnight was approved before October 16, 2009, under question (B)(1), (2), or (3) of section [4301.351](#) or [4301.354](#) of the Revised Code, under question (B)(2) of section [4301.355](#) of the Revised Code, or under section [4301.356](#) of the Revised Code and has been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code, under the other restrictions of that authorization.

(B) Permit D-6 shall be issued to the holder of any permit, including a D-4a and D-5d permit, authorizing the sale of intoxicating liquor issued for a premises located at any publicly owned airport, as defined in section [4563.01](#) of the Revised Code, at which commercial airline companies operate regularly scheduled flights on which space is available to the public, to allow sale under such permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code.

(C) Permit D-6 shall be issued to the holder of a D-5a permit, and to the holder of a D-3 or D-3a permit who is the owner or operator of a hotel or motel that is required to be licensed under section [3731.03](#) of the Revised Code, that contains at least fifty rooms for registered transient guests, and that has on its premises a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and is affiliated with the hotel or motel and within or contiguous to the hotel or motel and serving food within the hotel or motel, to allow sale under such permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code.

(D) The holder of a D-6 permit that is issued to a sports facility may make sales under the permit between the hours of eleven a.m. and midnight on any Sunday on which a professional baseball, basketball, football, hockey, or soccer game is being played at the sports facility. As used in this division, "sports facility" means a stadium or arena that has a seating capacity of at least four thousand and that is owned or leased by a professional baseball, basketball, football, hockey, or soccer franchise or any combination of those franchises.

(E) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of beer or intoxicating liquor and that is issued to a premises located in or at the Ohio history connection area or the state fairgrounds, as defined in division (B) of section [4301.40](#) of the Revised Code, to allow sale under that permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code.

(F) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of intoxicating liquor and that is issued to an outdoor performing arts center to allow sale under that permit between the hours of one p.m. and midnight on Sunday, whether or not that sale has been authorized under section [4301.361](#) of the Revised Code. A D-6 permit issued under this division is subject to the results of an election, held after the D-6 permit is issued, on question (B)(4) as set forth in section [4301.351](#) of the Revised Code. Following the end of the period during which an election may be held on question (B)(4) as set forth in that section, sales of intoxicating liquor may continue at an outdoor performing arts center under a D-6 permit issued under this division, unless an election on that question is held during the permitted period and a majority of the voters voting in the precinct on that question vote "no."

As used in this division, "outdoor performing arts center" means an outdoor performing arts center that is located on not less than eight hundred acres of land and that is open for performances from the first day of April to the last day of October of each year.

(G) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of beer or intoxicating liquor and that is issued to a golf course owned by the state, a conservancy district, a park district created under Chapter 1545. of the Revised Code, or another political subdivision to allow sale under that permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code.

(H) Permit D-6 shall be issued to the holder of a D-5g permit to allow sale under that permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code.

(I) Permit D-6 shall be issued to the holder of any D permit for a premises that is licensed under Chapter 3717. of the Revised Code and that is located at a ski area to allow sale under the D-6 permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code.

As used in this division, "ski area" means a ski area as defined in section [4169.01](#) of the Revised Code, provided that the passenger tramway operator at that area is registered under section [4169.03](#) of the Revised Code.

(J) Permit D-6 shall be issued to the holder of any permit that is described in division (A) of this section for a permit premises that is located in a community entertainment district, as defined in section [4301.80](#) of the Revised Code, that was approved by the legislative authority of a municipal corporation under that section between October 1 and October 15, 2005, to allow sale under the permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code.

(K) A D-6 permit shall be issued to the holder of any D permit for a premises that is licensed under Chapter 3717. of the Revised Code and that is located in a state park to allow sales under the D-6

permit between the hours of ten a.m. and midnight on Sunday, whether or not those sales have been authorized under section [4301.361](#), [4301.364](#), [4301.365](#), or [4301.366](#) of the Revised Code.

As used in this division, "state park" means a state park that is established or dedicated under Chapter 1541. of the Revised Code and that has a working farm on its property.

(L) If the restriction to licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises is applicable, the division of liquor control may accept an affidavit from the permit holder to show the proportion of the permit holder's gross receipts derived from the sale of food and other goods and services. If the liquor control commission determines that affidavit to have been false, it shall revoke the permits of the permit holder at the premises concerned.

(M) The fee for the D-6 permit is five hundred dollars when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee for the D-6 permit is four hundred dollars when it is issued to the holder of a C-2 permit.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 131st General Assembly File No. TBD, HB 141, §1, eff. 9/29/2015.

Amended by 128th General Assembly File No.38, HB 519, §1, eff. 9/10/2010.

Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.

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Related Legislative Provision: *See 128th General Assembly File No.9, HB 1, §743.11.*