

## MEMORANDUM

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

From: Jennifer D. Readler, Law Director  
Yazan S. Ashrawi

Date: September 23, 2016

Re: Oakland Nursery Inc. DBA Oakland Nursery  
Application for New D5J 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 Oakland Nursery Inc. DBA Oakland Nursery (“Oakland Nursery”). Dublin received this Notice pursuant to R.C. 4303.26 because Oakland Nursery has applied for a new D5J permit and the proposed location for the permit premises is 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**

A D5J permit is a liquor permit that is specific to Community Entertainment Districts (“CEDs”). A D5J permit is identical to a typical D5 permit, but is CED-specific. It allows spirituous liquor for on premises consumption only; and beer, wine, and mixed beverages for on premises or off premises consumption in original sealed containers, until 2:30am.

A CED is defined as a bounded area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments within close proximity. This Council recently approved three new CEDs in Dublin: (1) Scioto East CED; (2) Scioto West CED; and (3) Scioto North CED. The Ohio Division of Liquor Control completed its process to create these CEDs and is now accepting D5J applications. Each CED has up to 15 available D5J permits; accordingly, Council should expect to see several D5J permit requests in the future.

Oakland Nursery is a domestic for-profit corporation that is actively registered with the Ohio Secretary of State. The address designated for the permit premises is 4261-71 W. Dublin Granville Road, Dublin, Ohio 43017, which is located across from the Wendy’s Headquarters and within the Scioto East CED. Oakland Nursery is seeking a D5J permit, which is the same as a D5 permit, but issued only within CEDs. Below is a chart that tracks the D5J liquor permit

applications that have been submitted for each CED. Oakland Nursery's application is currently pending before the Ohio Division of Liquor Control ("the Division"). According to the Division's records, Oakland Nursery does not have a history of violating Ohio liquor permit laws.

<i>Scioto North CED</i>	<i>Scioto West CED</i>	<i>Scioto East CED</i>
Vrable Vi Inc. DBA Digger & Fitch		<i>Oakland Nursery Inc.</i>
Dublin Arts Council		

### **III. RECOMMENDATION**

It would appear that it is unnecessary to request a hearing in this matter. Oakland Nursery does not have a history of liquor law violations. 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 October 14, 2016.

**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>6485545</b> <small>PERMIT NUMBER</small>		<b>NEW</b> <small>TYPE</small>	<b>OAKLAND NURSERY INC</b>	
<b>07 06 2016</b> <small>ISSUE DATE</small>		<b>DBA OAKLAND NURSERY</b>		
<b>07 06 2016</b> <small>FILING DATE</small>		<b>4261-71 W DUBLIN GRANVILLE RD</b>		
<b>D5J</b> <small>PERMIT CLASSES</small>		<b>DUBLIN OH 43017</b>		
<b>25</b> <small>TAX DISTRICT</small>	<b>066</b> <small>PERMIT CLASSES</small>	<b>B</b> <small>PERMIT CLASSES</small>	<b>B27360</b> <small>RECEIPT NO.</small>	

FROM **09/13/2016**

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



MAILED **09/13/2016**

RESPONSES MUST BE POSTMARKED NO LATER THAN.

**10/14/2016**

**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 NEW 6485545**

(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**

SOCIAL SECURITY HOLDER CROSS REFERENCE  
DISPLAY

PGECE

SSN	PERMIT NBR	EFF DATE	NAME	OFFICE
[REDACTED]	6485545	08/08/2016	REINER PAUL S	
[REDACTED]	6485545	08/08/2016	REINER JOHN G	

ENTER NEXT PERMIT NUMBER TO BE PROCESSED

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

**4303.18 D-5 permit.**

Permit D-5 may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant or night club for purposes of this chapter, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. A person who is the holder of both a D-3 and D-3a permit need not obtain a D-5 permit. The fee for this permit is two thousand three hundred forty-four dollars.

Effective Date: 2003 HB95 09-26-2003

D5

\$2,344

[ORC 4303.18](#) 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.

D5J

\$2,344

[ORC 4303.181](#) (Same as D5). Community Entertainment District.