

MEMORANDUM

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

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

Date: February 23, 2017

Re: One OH Columbus ES Management LLC DBA Embassy Suites Dublin
New Application for D5A Liquor Permit

I. INTRODUCTION

The City of Dublin recently received a Notice to Legislative Authority (“Notice”) from the Ohio Division of Liquor Control concerning an application for a D5A liquor permit from One OH Columbus ES Management LLC DBA Embassy Suites Dublin (“Embassy Suites”). Dublin received this Notice pursuant to R.C. 4303.26 because the proposed location for the permit premises is 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

Embassy Suites is a foreign limited liability company that is actively registered with the Ohio Secretary of State. The address designated for the permit premises is 5100 Upper Metro Place, Dublin, Ohio 43017, which is located off Frantz Road just south of U.S. Route 33. Embassy Suites is seeking a D5A liquor permit. A D5A permit is identical to a typical D5 permit, but is for hotels and motels with 50 or more rooms for transient guests. It permits 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. The application is pending before the Division. Embassy Suites also has a pending application for the transfer of a D5A and D6 liquor permit for the same location. Typically, when a new owner applies for a transfer of currently-existing liquor permits for the premises, a new permit application will be submitted as well. Ultimately, only one permit is accepted and the other application is eventually canceled. New owners do this for expedience in order to obtain the permit(s) as quickly as possible.

According to the Division’s records, Embassy Suites does not have a history of violating Ohio liquor permit laws.

III. RECOMMENDATION

It would appear that it is unnecessary to request a hearing in this matter because Embassy Suites does not have a history of liquor law violations. Regardless whether Dublin desires to request a hearing, the Notice must be signed and returned to the Ohio Division of Liquor Control by March 13, 2017.

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

65478090005 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	ONE OH COLUMBUS ES MANAGEMENT LLC DBA EMBASSY SUITES DUBLIN 5100 UPPER METRO PLACE DUBLIN OH 43017	
ISSUE DATE				
01 20 2017 <small>FILING DATE</small>				
D5A <small>PERMIT CLASSES</small>				
25	066	B	B49493	
<small>TAX DISTRICT</small>		<small>RECEIPT NO.</small>		

FROM 02/08/2017

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



MAILED 02/08/2017

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/13/2017

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 6547809-0005**

(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

65478090005 PERMIT NBR
ONE OH COLUMBUS ES MANAGEMENT LLC
DBA EMBASSY SUITES DUBLIN
5100 UPPER METRO PLACE
DUBLIN OH 43017

TOWER ROCK HOTEL & RESORT 02/03/2017 ACTIVE 5%VOT5%MEM
JOHN C ONEILL 02/03/2017 ACTIVE CEO

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

Permit Class	Permit Fee	Description
D5A	\$2,344	QRC 4303.181 (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

4303.181 D-5a permits.

(A) Permit D-5a may be issued either to 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 or is owned by a state institution of higher education as defined in section [3345.011](#) of the Revised Code or a private college or university, and that qualifies under the other requirements of this section, or to the owner or operator of a restaurant specified under this section, 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 registered guests in their rooms, which may be sold by means of a controlled access alcohol and beverage cabinet in accordance with division (B) of section [4301.21](#) of the Revised Code; 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. The premises of the hotel or motel shall include 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 that is affiliated with the hotel or motel and within or contiguous to the hotel or motel, and that serves food within the hotel or motel, but the principal business of the owner or operator of the hotel or motel shall be the accommodation of transient guests. In addition to the privileges authorized in this division, the holder of a D-5a permit may exercise the same privileges as the holder of a D-5 permit.

The owner or operator of a hotel, motel, or restaurant who qualified for and held a D-5a permit on August 4, 1976, may, if the owner or operator held another permit before holding a D-5a permit, either retain a D-5a permit or apply for the permit formerly held, and the division of liquor control shall issue the permit for which the owner or operator applies and formerly held, notwithstanding any quota.

A D-5a permit shall not be transferred to another location. No quota restriction shall be placed on the number of D-5a permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.