

MEMORANDUM

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

From: Jennifer D. Readler, Law Director

Date: January 9, 2019

Re: Revolucion Holdings DBA Condado Tacos
Application for New D5J Liquor Permit

I. INTRODUCTION

The City of Dublin recently received a Notice to Legislative Authority (“Notice”) from the Ohio Division of Liquor Control (“Division”) concerning Revolucion Holdings DBA Condado Tacos (“Condado”). Dublin has received this Notice pursuant to R.C. 4303.26 because Condado has applied for a new liquor permit and 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

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

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

Condado is a limited liability corporation that is actively registered with the Ohio Secretary of State. The location designated for the permit premises is at 104 N. High Street, Dublin, Ohio 43017 which falls within the Scioto North CED. Condado is seeking a D5J liquor permit, which is the same as a D5 permit, but issued only within CEDs.

Condado also has an application pending with the Division for a D6 permit, which permits the sale of intoxicating liquor on Sunday between the hours of 10:00 a.m. and midnight. The City has not yet received the Notice to Legislative Authority for the D6 permit. application is currently pending before the Ohio Division of Liquor Control (the “Division”).

Below is a chart that tracks the D5J liquor permit applications that have been submitted for each CED. Condado’s application is currently pending before the Division. According to the Division’s records, Condado does not have a history of violating Ohio liquor permit laws.

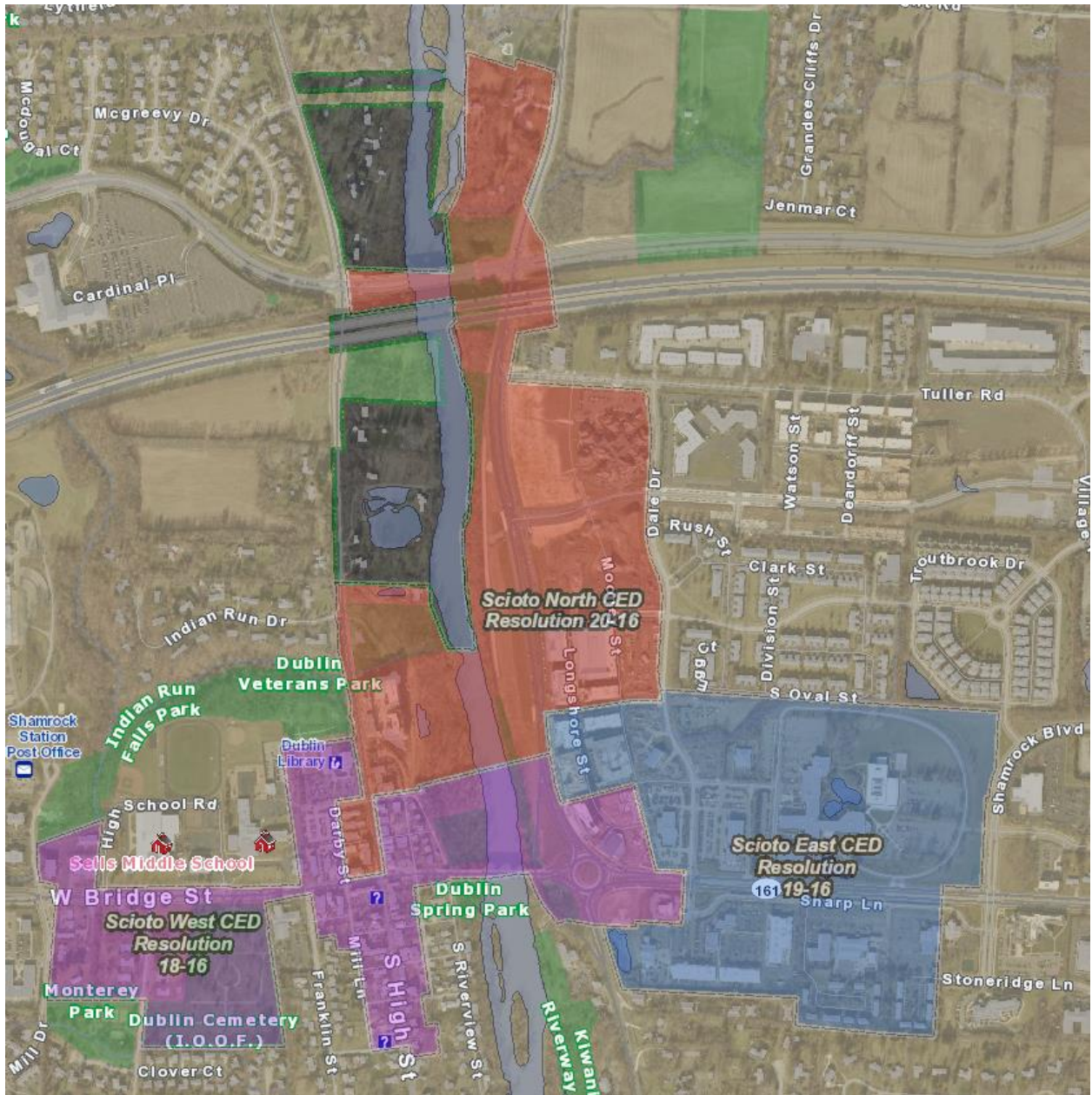
<i>Scioto North CED</i>	<i>Scioto West CED</i>	<i>Scioto East CED</i>
Vrable Vi Inc. DBA Digger & Fitch	Cameron Mitchell Restaurants LLC DBA Exchange	Oakland Nursery Inc.
Harvest Dublin, LLC DBA Harvest Dublin	Bridge Park Hotel LLC DBA Dublin Bridge Park AC	Pins Mechanical Co. Dublin LLC
Dublin Arts Council	Vine and Tap LLC DBA Vine and Tap	Local Cantina Dublin LLC DBA Local Cantina
Fukuryu Ramen Dublin Inc. DBA Fukuryu Ramen		Z Cucina Dublin LLC DBA Z Cucina (pending)
A V Nail Spa Bridge Park Inc DBA Anthony Vince Nail Spa		
Cameron Mitchell Restaurants LLC DBA The Avenue Steak Tavern		
Dublin Irish Pub LLC DBA Fado		
Jordan Restaurant Group HQ LLC DBA Hen Quarter		
<i>Revolucion Holdings LLC DBA Condado Tacos (pending)</i>		

III. RECOMMENDATION

It appears unnecessary to request a hearing in this matter. There are several Condado restaurants operating within Central Ohio and none have a record of liquor violations.

Regardless of whether Dublin desires to request a hearing, the Notice must be signed and returned to the Ohio Division of Liquor Control by January 31, 2019.

Community Entertainment District (“CED”) Map



**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

1657350 PERMIT NUMBER		NEW TYPE	CONDADO TACOS 9 LLC 104 N HIGH ST DUBLIN OH 43017
ISSUE DATE			
12 17 2018 FILING DATE			
D5J PERMIT CLASSES			
25 TAX DISTRICT	066 B	C16885 RECEIPT NO.	

FROM **12/31/2018**

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



MAILED **12/31/2018**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **01/31/2019**

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 1657350**

(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

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

	SEARCH CRITERIA
Permit Number	1657350
Permit Name / DBA	
Member / Officer Name	

Search**Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 1657350; Name: CONDADO TACOS 9 LLC; DBA: ; Address: 104 N HIGH ST DUBLIN 43017		
REVOLUCION HOLDINGS INC	MANAGE MEM	

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

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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 .

(J) Permit D-5j may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and 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 beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5j permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

The D-5j permit shall be issued only within a community entertainment district that is designated under section [4301.80](#) of the Revised Code. The permit shall not be issued to a community entertainment district that is designated under divisions (B) and (C) of section [4301.80](#) of the Revised Code if the district does not meet one of the following qualifications:

- (1) It is located in a municipal corporation with a population of at least one hundred thousand.
- (2) It is located in a municipal corporation with a population of at least twenty thousand, and either of the following applies:
 - (a) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code.
 - (b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.
- (3) It is located in a township with a population of at least forty thousand.
- (4) It is located in a township with a population of at least twenty thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the township.
- (5) It is located in a municipal corporation with a population between seven thousand and twenty thousand, and both of the following apply:
 - (a) The municipal corporation was incorporated as a village prior to calendar year 1880 and currently has a historic downtown business district.
 - (b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district.
- (6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.
- (7) It is located in a municipal corporation with a population of at least three thousand, and not less than one hundred fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.

The location of a D-5j permit may be transferred only within the geographic boundaries of the community entertainment district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

Not more than one D-5j permit shall be issued within each community entertainment district for each five acres of land located within the district. Not more than fifteen D-5j permits may be issued within a single community entertainment district. Except as otherwise provided in division (J)(4) of this section, no quota restrictions shall be placed upon the number of D-5j permits that may be issued.

The fee for a D-5j permit is two thousand three hundred forty-four dollars.

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-2f, 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;