

MEMORANDUM

To: Dublin City Council
Dana McDaniel, City Manager
Jennifer Delgado, Acting Clerk of Council

From: Jennifer D. Readler, Law Director
Jesse Shamp

Date: February 24, 2021

Re: Highgate Hotels LP DBA Homewood Suites - Application for Transfer of D5A and D6 Permits

I. INTRODUCTION

The City of Dublin recently received a Notice to Legislative Authority (“Notice”) from the Ohio Division of Liquor Control concerning the transfer of ownership of a D5A permit and a D6 permit from Pillar Hotels and Resorts LLC to Highgate Hotels LP DBA Homewood Suites (“Highgate”). 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 of the permits.

Council will recall that the City of Dublin received a Notice to Legislative Authority from the Ohio Division of Liquor Control for a new D5A permit for the same location and reviewed that request at the February 8, 2021 Council meeting. According to the Division, an entity that is requesting a permit transfer can also request a new permit for the same location. Once the Division decides whether to grant either the transfer or the new permit, the other request is automatically cancelled.

II. BACKGROUND

The address designated for the permit premises is the Homewood Suites located at 5300 Parkcenter Avenue, Dublin, Ohio 43017. Highgate is seeking the transfer of a D5A and a D6 permit. A D5A permit is identical to a typical D5 permit, but is specific to 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 2:30 a.m., which allows the sale of intoxicating liquor on Sunday between the hours of 10:00 a.m. and midnight. A D6 permit allows the sale of intoxicating liquor on Sundays between 10:00 a.m. and midnight.

According to the Division's records, Highgate does not have a history of violating Ohio liquor permit laws.

III. RECOMMENDATION

It appears unnecessary to request a hearing in this matter because Highgate 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 by March 11, 2021.

0127206.0607929 4821-6574-0253v1

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

38310950010		TRFO	HIGHGATE HOTELS LP	
PERMIT NUMBER		TYPE	DBA HOMEWOOD SUITES	
02	01	2020	& INDOOR POOL AREA ONLY 5300 PARKCENTER AV DUBLIN OH 43017	
ISSUE DATE				
02	04	2021		
FILING DATE				
D5A D6				
PERMIT CLASSES				
25	066	B	F24748	
TAX DISTRICT			RECEIPT NO.	

FROM 02/08/2021

6926853			PILLAR HOTELS AND RESORTS LLC	
PERMIT NUMBER		TYPE	DBA HOMEWOOD SUITES	
02	01	2020	& INDOOR POOL AREA ONLY 5300 PARKCENTER AV DUBLIN OH 43017	
ISSUE DATE				
02	04	2021		
FILING DATE				
D5A D6				
PERMIT CLASSES				
25	066			
TAX DISTRICT			RECEIPT NO.	



MAILED 02/08/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/11/2021

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 TRFO 3831095-0010

(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) - <input type="checkbox"/> Clerk of County Commissioner	(Date)
	<input type="checkbox"/> Clerk of City Council	
	<input type="checkbox"/> 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	<input type="text" value="3831905"/>
Permit Name / DBA	<input type="text"/>
Member / Officer Name	<input type="text"/>

[Search](#)[Reset](#)[Main Menu](#)

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 3831905; Name: HIGHGATE HOTELS LP; DBA: DBA HOMEWOOD SUITES; Address: 5300 PARKCENTER AVE DUBLIN 43017		
EDWARD W MARTIN III		
HIGHGATE HOTELS GP LLC		
PAUL R WOMBIE		
Permit Number: 38319050005; Name: HIGHGATE HOTELS LP; DBA: DBA DAYTON COURTYARD; Address: 7087 MILLER LN DAYTON 45414		
EDWARD WINSLOW MARTIN III		TREASURER
HIGHGATE HOTELS GP		0.00
PAUL RAY WOMBLE		VICE PRES.

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

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4303.26 Permit application - transfer of ownership or location - notice to political subdivision.

(A) Applications for regular permits authorized by sections [4303.02](#) to [4303.23](#) of the Revised Code may be filed with the division of liquor control. No permit shall be issued by the division until fifteen days after the application for it is filed. An applicant for the issuance of a new permit shall pay a processing fee of one hundred dollars when filing application for the permit, if the permit is then available, or shall pay the processing fee when a permit becomes available, if it is not available when the applicant initially files the application. When an application for a new class C or D permit is filed, when class C or D permits become available, or when an application for transfer of ownership of a class C or D permit or transfer of a location of a class C or D permit is filed, no permit shall be issued, nor shall the location or the ownership of a permit be transferred, by the division until the division notifies the legislative authority of the municipal corporation if the business or event is or is to be located within the corporate limits of a municipal corporation, or the clerk of the board of county commissioners and the fiscal officer of the board of township trustees in the county in which the business or event is or is to be conducted if the business is or is to be located outside the corporate limits of a municipal corporation, and an opportunity is provided officials or employees of the municipal corporation or county and township, who shall be designated by the legislative authority or the board of county commissioners or board of township trustees, for a complete hearing upon the advisability of the issuance, transfer of ownership, or transfer of location of the permit. In this hearing, no objection to the issuance, transfer of ownership, or transfer of location of the permit shall be based upon noncompliance of the proposed permit premises with local zoning regulations which prohibit the sale of beer or intoxicating liquor, in an area zoned for commercial or industrial uses, for a permit premises that would otherwise qualify for a proper permit issued by the division.

When the division sends notice to the legislative or executive authority of the political subdivision, as required by this section, the division shall also so notify, by certified mail, return receipt requested, or by personal service, the chief peace officer of the political subdivision. Upon the request of the chief peace officer, the division shall send the chief peace officer a copy of the application for the issuance or the transfer of ownership or location of the permit and all other documents or materials filed by the applicant or applicants in relation to the application. The chief peace officer may appear and testify, either in person or through a representative, at any hearing held on the advisability of the issuance, transfer of ownership, or transfer of location of the permit. The hearing shall be held in the central office of the division, except that upon written request of the legislative authority of the municipal corporation or the board of county commissioners or board of township trustees, the hearing shall be held in the county seat of the county where the applicant's business is or is to be conducted.

If the business or event specified in an application for the issuance, transfer of ownership, or transfer of location of any regular permit authorized by sections [4303.02](#) to [4303.23](#) of the Revised Code, except for an F-2 permit, is, or is to be operated, within five hundred feet from the boundaries of a parcel of real estate having situated on it a school, church, library, public playground, or township park, no permit shall be issued, nor shall the location or the ownership of a permit be transferred, by the division until written notice of the filing of the application with the division is served, by certified mail, return receipt requested, or by personal service, upon the authorities in control of the school, church, library, public playground, or township park and an opportunity is provided them for a complete hearing upon the advisability of the issuance, transfer of ownership, or transfer of location of the permit. In this hearing, no objection to the issuance, transfer of ownership, or transfer of location of the permit shall be based upon the noncompliance of the proposed permit premises with local zoning regulations which prohibit the sale of beer or intoxicating liquor, in an area zoned for commercial or industrial uses, for a permit premises that would otherwise qualify for a proper permit issued by the division. Upon the written request of any of these authorities, the hearing shall be held in the county seat of the county where the applicant's business is or is to be conducted.

A request for any hearing authorized by this section shall be made no later than thirty days from the time of notification by the division. This thirty-day period begins on the date the division mails notice to the legislative authority or the date on which the division mails notice to or, by personal service, serves notice upon, the institution. The division shall conduct a hearing if the request for the hearing is postmarked by the deadline date. The division may allow, upon cause shown by the requesting legislative authority or board, an extension of thirty

additional days for the legislative authority of the municipal corporation, board of township trustees of the township, or board of county commissioners of the county in which a permit premises is or is to be located to object to the issuance, transfer of ownership, or transfer of location of a permit. The request for the extension shall be made by the legislative authority or board to the division no later than thirty days after the time of notification by the division.

(B) When an application for transfer of ownership of a permit is filed with the division, the division shall give notice of the application to the tax commissioner. Within twenty days after receiving this notification, the commissioner shall notify the division of liquor control and the proposed transferee of the permit if the permit holder owes to this state any delinquent horse-racing taxes, alcoholic beverage taxes, motor fuel taxes, petroleum activity taxes, sales or use taxes, cigarette taxes, other tobacco product taxes, income taxes withheld from employee compensation, commercial activity taxes, or gross casino revenue taxes, or has failed to file any corresponding returns or submit any information required by the commissioner, as required for such taxes, to the extent that any delinquent payment or return, or any failure to submit information, is known to the department of taxation at the time of the application. The division shall not transfer ownership of the permit until payments known to be delinquent are resolved, returns known to be delinquent are filed, and any information required by the commissioner has been provided. As used in this division, "resolved" means that the delinquent payment has been paid in full or an amount sufficient to satisfy the delinquent payment is in escrow for the benefit of the state. The commissioner shall notify the division of the resolution. After the division has received the notification from the commissioner, the division may proceed to transfer ownership of the permit. Nothing in this division shall be construed to affect or limit the responsibilities or liabilities of the transferor or the transferee imposed by Chapter 3769., 4301., 4303., 4305., 5735., 5736., 5739., 5741., 5743., 5747., 5751., or 5753. of the Revised Code.

(C) No F or F-2 permit shall be issued for an event until the applicant has, by means of a form that the division shall provide to the applicant, notified the chief peace officer of the political subdivision in which the event will be conducted of the date, time, place, and duration of the event.

(D) The division of liquor control shall notify an applicant for a permit authorized by sections [4303.02](#) to [4303.23](#) of the Revised Code of an action pending or judgment entered against a liquor permit premises, of which the division has knowledge, pursuant to section [3767.03](#) or [3767.05](#) of the Revised Code if the applicant is applying for a permit at the location of the premises that is the subject of the action under section [3767.03](#) or judgment under section [3767.05](#) of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff. 9/29/2017.

Effective Date: 03-30-1999; 12-20-2005 .