



OHIO LIQUOR CONTROL COMMISSION
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FOR IMMEDIATE RELEASE

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LIQUOR CONTROL COMMISSION HEARS CASES REGARDING COVID-19
PUBLIC HEALTH REGULATIONS

(COLUMBUS, Ohio, September 14, 2020) – The Ohio Liquor Control Commission (Commission) conducted administrative hearings last week (September 8th through 11th) for liquor permit holders cited with violations related to Ohio’s health and safety regulations aimed to prevent the spread of COVID-19 within the state.

There were 19 cases heard by the Commission. Charges included violating social distancing orders and engaging in various forms of improper conduct in violation of Ohio Department of Health orders. Two permit holders had a prior pending violation, which the Commission also heard.

The following are the details of the charges for each case and the Commission’s decisions:

- **HIGHLAND TAVERN LLC, AKRON, OH**

Violations:

No. 1: On or about Saturday, August 8, 2020, you, your agent(s), and/or employee(s) allowed consumption of beer, wine, mixed beverages, or spirituous liquor on the premises Monday to Sunday between the hours of 11:00 p.m. and 5:30 a.m. in violation of Rule 4301:1-1- 80(A)(2) of the Ohio Administrative Code (“limitation of hours for on-premises sales and consumption”).

No. 2: On or about Saturday, August 8, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section 2917.11 (A)(5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder entered a denial as to all the violations, but stipulated to the facts. Based on the evidence presented, the Commission found the permit holder in violation. The Commission revoked the permit effective October 2, 2020.

- **HIGHLAND TAVERN LLC, AKRON, OH**

Violation:

On or about Thursday, August 6, 2020, you, your agent(s), and/or employee(s) allowed consumption of beer, wine, mixed beverages, or spirituous liquor on the premises Monday to Sunday between the hours of 11:00 p.m. and 5:30 a.m. in violation of Rule 4301:1-1- 80(A)(2) of the Ohio Administrative Code (“limitation of hours for on-premises sales and consumption”).

Outcome:

At the hearing, the permit holder entered a denial as to the violation, but stipulated to the facts. Based on the evidence presented, the Commission found the permit holder in violation. The Commission revoked the permit effective October 2, 2020.

- **HIGHLAND TAVERN LLC, AKRON, OH**

Violations:

No. 1: On or about Saturday, August 22, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section 2917.11(A) (5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1- 1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

No. 2: On or about Saturday, August 22, 2020, you, your agent(s), and/or employee(s) allowed consumption of beer, wine, mixed beverages, or spirituous liquor on the premises Monday to Sunday between the hours of 11:00 p.m. and 5:30 a.m. in violation of Rule 4301:1-1-80(A)(2) of the Ohio Administrative Code (“limitation of hours for on-premises sales and consumption”).

No. 3: On or about Saturday, August 22, 2020, you, your agent(s), and/or employee(s) allowed the sale of beer, wine, mixed beverages, or spirituous liquor on the premises Monday to Sunday between the hours of 10:00 p.m. and 5:30 a.m. in violation of Rule 4301:1-1-80(A)(1) of the Ohio Administrative Code (“limitation of hours for on-premises sales and consumption”).

Outcome:

At the hearing, the permit holder entered a denial as to all the violations, but stipulated to the facts. Based on the evidence presented, the Commission found the permit holder in violation. The Commission revoked the permit effective October 2, 2020.

- **IDENTITY INNOVATION INTERNATIONAL LLC (DBA: CAPTIV8 POTATO BAR), CLEVELAND, OH**

Violations:

No. 1: On or about Saturday, August 1, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed the consumption of beer, wine, mixed beverages, or spirituous liquor on the permit premises between the hours of 11:00 p.m. and 5:30 a.m. in violation of Ohio Admin Code 4301:1-1-80(A)(2) (“limitation of hours for on-premises sales and consumption”).

No. 2: On or about Saturday, August 1, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES, as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section 2917.11 (A)(5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

No. 3: On or about Saturday, August 1, 2020, you, your agent(s), and/or employee(s) failed to display your permit in a conspicuous place on the licensed premises and produce same upon request in violation of Ohio Admin. Code 4301:1-1-21 (“permit not posted”).

Outcome:

At the hearing, the permit holder entered a denial as to violations 2 and 3, but stipulated to the facts. Violation 1 was dismissed upon motion of the Ohio Attorney General. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 5-day suspension beginning at noon, October 9, 2020.

- **IDENTITY INNOVATION INTERNATIONAL LLC (DBA: CAPTIV8 POTATO BAR), CLEVELAND, OH**

Violations:

No. 1: On or about Friday, December 20, 2019, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DRUG POSSESSION, in, upon and/or about the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(5) (“illegal drugs and/or drug paraphernalia on or about premise”).

No. 2: On or about Friday, December 20, 2019, you, your agent(s), and/or employee(s), knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DRUG USE, in, upon and/or about the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(5) (“illegal drugs and/or drug paraphernalia on or about premise”).

No. 3: On or about Friday, December 20, 2019, you, your agent(s) and/or employee(s) refilled and/or partly refilled a bottle that formerly contained alcoholic beverages in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-47 and/or sold, offered for sale and/or possessed intoxicating liquor in any original container that had been refilled and/or partly refilled in violation of Ohio Revised Code Section 4301.68.

Outcome:

At the hearing, the permit holder entered a denial as to violations 1 and 2, but stipulated to the facts. Violation 3 was dismissed upon motion of the Ohio Attorney General. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 5-day suspension beginning at noon, October 14, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$1,000 in lieu of serving the suspension.

- **GWMKD INC (DBA: A TOUCH OF ITALY), SHAKER HGTS, OH**

Violations:

No. 1: On or about Saturday, August 1, 2020, you, your agent(s), and/or employee(s) sold beer, wine, mixed beverages, or spirituous liquor for on-premises consumption between the hours of 10:00 p.m. and 5:30 a.m. in violation of Ohio Admin Code 4301:1-1-80(A)(1) (“limitation of hours for on-premises sales and consumption”).

No. 2: On or about Saturday, August 1, 2020, you, your agent(s), and/or employee(s) allowed patrons to consumer beer, wine, mixed beverages, or spirituous liquor for on-premises consumption between the hours of 11:00 p.m. and 5:30 a.m. in violation of Ohio Admin Code 4301:1-1-80(A)(2) (“limitation of hours for on-premises sales and consumption”).

No. 3: On or about Saturday, August 1, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES, as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section 2917.11(A)(5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder admitted to violations 1 and 2. Violation 3 was dismissed upon motion of the Ohio Attorney General. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 5-day suspension beginning at noon, October 9, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$1,000 in lieu of serving the suspension.

- **NIESE BROTHERS ASSOCIATES LLC (DBA: T & JS SMOKEHOUSE) PUT IN BAY, OH**

Violation:

On or about Friday, July 25, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: recklessly caused inconvenience, annoyance, or alarm to another by creating a condition that presents a risk of illness, by an act or acts that served no lawful and reasonable purpose of the permit

holder in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder entered a denial as to the violation. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 30-day suspension beginning at noon, October 9, 2020.

- **COMMODORE RESORTS (DBA: COMMODORE MOTEL), PUT IN BAY, OH**

Violation:

On or about Friday, July 24, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section 2917.11 (A)(5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder entered a denial as to the violation. Based on the evidence presented, the Commission found the permit holder in violation, but issued no penalty.

- **VALLEY SIX LLC, AKRON, OH**

Violations:

No.1: On or about Thursday, August 6, 2020, you, your agent(s), and/or employee(s) sold beer, wine, mixed beverages, or spirituous liquor on the premises Monday to Sunday between the hours of 10:00 p.m. and 5:30 a.m. in violation of Rule 4301:1-1-80(A)(2) of the Ohio Administrative Code (“limitation of hours for on-premises sales and consumption”).

No.2: On or about Thursday, August 6, 2020, you, your agent(s), and/or employee(s) allowed the consumption of beer, wine, mixed beverages, or spirituous liquor on the premises Monday to Sunday between the hours of 11:00 p.m. and 5:30 a.m. in violation of Rule 4301:1-1- 80(A)(2) of the Ohio Administrative Code (“limitation of hours for on-premises sales and consumption”).

Outcome:

At the hearing, the permit holder entered a denial as to violation 2, but stipulated to the facts. Violation 1 was dismissed upon motion of the Ohio Attorney General. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 5-day suspension beginning at noon, October 9, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$1,500 in lieu of serving the suspension.

- **1909 W25 LLC, CLEVELAND, OH**

Violation:

On or about July 16, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: recklessly caused inconvenience, annoyance, or alarm to another by creating a condition that presents a risk of illness, by an act or acts that served no lawful and reasonable purpose of the permit holder in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder entered a denial as to the violation. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 5-day suspension beginning at noon, October 9, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$1,000 in lieu of serving the suspension.

- **D & R RIVERSIDE INC (DBA: RIVERSIDE RESTAURANT), POWHATAN POINT, OH**

Violation:

On or about Friday, July 17, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: recklessly caused inconvenience, annoyance, or alarm to another by creating a condition that presents a risk of illness, by an act or acts that served no lawful and reasonable purpose of the permit holder in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder entered a denial as to the violation, but stipulated to the facts. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 10-day suspension beginning at noon, October 9, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$2,000 in lieu of serving the suspension.

- **FWD FLATS LLC, CLEVELAND, OH**

Violation:

On or about Saturday, July 18, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES, as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section

2917.11 (A)(5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder entered a denial as to the violation, but stipulated to the facts. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 10-day suspension beginning at noon, October 9, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$2,500 in lieu of serving the suspension.

- **LGCE HOLDING GROUP LLC, CLEVELAND, OH**

Violation:

On or about Monday, July 20, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section 2917.11 (A)(5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder entered a denial as to the violation. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 30-day suspension beginning at noon, October 9, 2020.

- **LGCE HOLDING GROUP LLC, CLEVELAND, OH**

Violation:

On or about Saturday, December 7, 2019, you, your agent(s), and/or employee(s) failed to display your permit in a conspicuous place on the licensed premises and produce same upon request in violation of Ohio Admin. Code 4301:1-1-21 (“permit not posted”).

Outcome:

At the hearing, the permit holder entered a denial as to the violation. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 3-day suspension beginning at noon, November 8, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$600 in lieu of serving the suspension.

- **BREWERY 33 HOCKING HILLS LLC, LOGAN, OH**

Violations:

No. 1: On or about Saturday, May 2, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully sold beer, wine, mixed beverages or spirituous liquor for on-

premises consumption in violation of Emergency Order 4301:1-1-13(A) of the Ohio Administrative Code in effect on the date of the violation.

No. 2: On or about Saturday, May 2, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: recklessly caused inconvenience, annoyance, or alarm to another by creating a condition that presents a risk of illness, by an act or acts that served no lawful and reasonable purpose of the permit holder in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder entered a denial as to violation 2, but stipulated to the facts. Violation 1 was dismissed upon motion of the Ohio Attorney General. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 3-day suspension beginning at noon, October 9, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$600 in lieu of serving the suspension.

- **GRILLE 55 LLC, SOUTH EUCLID, OH**

Violation:

On or about Friday, July 24, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section 2917.11 (A)(5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder admitted to the violation. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 5-day suspension beginning at noon, October 9, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$1,000 in lieu of serving the suspension.

- **VIADUCT BAR AND GRILL LLC, TIFFIN, OH**

Violation:

On or about Saturday, July 18, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES, as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section 2917.11 (A)(5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder admitted to the violation. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 10-day suspension beginning at noon, October 9, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$2,000 in lieu of serving the suspension.

- **VIADUCT BAR AND GRILL LLC, TIFFIN, OH**

Violations:

No. 1: On or about Thursday, April 23, 2020, you, your agent(s), and/or employees sold or furnished beer or intoxicating liquor for on-premises consumption in violation of Ohio Admin. Code 4301:1-1-13(A) (“failure to comply with emergency rule regarding on-premises consumption”).

No. 2: On or about Thursday, April 23, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES, as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section 2917.11 (A)(5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder admitted to the violations. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 5-day suspension beginning at noon, October 19, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$500 in lieu of serving the suspension.

- **J & K RACE PROMOTIONS LLC (DBA: WAYNE COUNTY SPEEDWAY), ORRVILLE, OH**

Violation:

On or about Saturday, August 8, 2020, you, your agent(s), and/or employee(s) knowingly and/or willfully allowed and/or engaged in improper conduct, to wit: DISORDERLY ACTIVITIES, as defined in Rule 4301:1-1-52(A)(1) and as further set forth in Section 2917.11(A)(5) of the Revised Code, in and upon the permit premises in violation of Ohio Admin. Code 4301:1-1-52 (B)(1) (“allowing persons to engage in disorderly activities”).

Outcome:

At the hearing, the permit holder entered a denial as to the violation, but stipulated to the facts. Based on the evidence presented, the Commission found the permit holder in violation. The Commission issued a 5-day suspension beginning at noon, October 9, 2020, but gave the permit holder the option to pay a financial forfeiture in the amount of \$500 in lieu of serving the suspension.

For information regarding future hearings docketed before the Commission, please see the Commission's website at lcc.ohio.gov

The Liquor Control Commission is an adjudication and rule-making agency that oversees the alcohol beverage industry. The mission of the Commission is to ensure compliance with the liquor laws and regulations of the state of Ohio and to provide fair and impartial hearings for the protection of the public and liquor permit holders. The Commission works in conjunction with the Ohio Department of Commerce, Division of Liquor Control, and the Ohio Department of Public Safety, Investigative Unit.