

January 8, 2025

To: Mayor and Members of City Council

202500002

From: Sheryl M.M. Long, City Manager 

Subject: Report on Liquor Permit Violations and Enforcement

REFERENCE DOCUMENT # Motion 202402230

On October 23, 2034, the Council referred the following for a report:

WE MOVE for the administration to provide a report within 60 days on the following: 1. A list of establishments in the Central Business District and/or the 45202 zip code for which liquor licenses have been revoked or denied from January 1, 2023 to the present; 2. Violations of every bar or restaurant with an existing liquor license in the Central Business District and/or the 45202 zip code from January 1, 2023 to the present; and 3. In both reports, include the name and address of the bar or restaurant, as well as the number of violations, violation type, date of the violations, and if available, the race and gender of the establishment's owner. (Balance of motion on file).

REPORT

The following reports details (A) pertinent background on the liquor permit process including application and enforcement; information requested by the Motion related to liquor permits in the Central Business District for 2023-2024 including (B) number of permits revoked/denied and (C) liquor violations (type, number, and date).

A. Ohio Division of Liquor Control: Permit Applications and Enforcement

The ability to sell beer, wine and intoxicating liquor is regulated in Ohio by the state, specifically the Ohio Department of Commerce. Through the Ohio Division of Liquor Control (ODLC), the Department of Commerce manages the liquor permit process from beginning to end.

When a new application is received, ODLC reviews the submission to ensure that the applicant and location of the business meets the statutory requirements related to holding a permit. Different classes of permits are available for different activities, for example: selling beer versus hard liquor, carry-out versus consumption on the premises; or selling on Sundays, etc. ODLC will notify the local jurisdiction of the application and conduct its own inspection of the premises prior to making a final determination to issue. When a determination is made, it can be appealed to ODLC, then the Ohio Liquor Control Commission, then to court.

In contrast, municipalities have a more restricted role in the process. Cities may object to a new permit or to the annual renewal of a permit based on specific statutory grounds. The City is also required to engage in liquor compliance as part of funding from the state. However, local law enforcement cannot directly enforce administrative liquor violations against a permit holder. When a compliance check uncovers a violation of liquor law, local law enforcement must notify the state and request the issuance of a liquor violation notice from the state. The state then issues a notice of violation, holds a hearing and issues a decision to uphold or reject the violation.

Most liquor permits holders—100% of the permits located in the Central Business District—choose to hold their permits in a business entity or trust. Consequently, the owner, being an artificially constructed person under the law, has no demographic information. While ODLC requires each person with more than 5% ownership interest in the business entity to be disclosed, demographic information is not requested or maintained.

B. Liquor Permits Denied/Revoked

The City does not maintain a database with the information requested regarding all revoked or rejected permits. However, a review of ODLC records indicate there are 274 addresses with an associated liquor permit in the 45202 zip code. Of those, there have been seven liquor permits in the 45202 zip code that were revoked or rejected since January 1, 2023:

- All American Burger Bar LLC DBA Americano
- Cincinnati I HOB LLC DBA Bar 4S/East Side 1st FL & Patio
- Cincinnati I HOB LLC
- Cincinnati I HOB LLC DBA Bar 3 S/West Side 1st FL & Patio
- MTA Convenience Store LLC
- New Management Group LLC
- Studio 615 LLC DBA Studio 615

As referenced above, the owners of all permits are business entities without demographic information.

C. Liquor Permit Violations

To fulfill the City's obligations, the Cincinnati Police Department conducts regular compliance checks at liquor permit premises. Officers verify compliance with liquor laws including basic health code requirements, underage consumption, after hours consumption, and Sunday sales.

Over the last twelve months, the City conducted 156 compliance checks at 92 different locations in the 45202 zip code. Seventeen establishments had at least one violation.

When a violation occurs, the Cincinnati Police Department will typically follow up at the same establishment to ensure the violation is corrected. Of the seventeen establishments with one violation in the 45202 zip code, only six establishments had liquor violations at subsequent compliance checks:

- Bar on Race LLC (2)
- Sporting Club Management LLC DBA Scene (2)
- Jack Potts LLC DBA the Drinkery (2)
- Nattiz LLC DBA Knockback Nats (3)
- El Barril Mexican Sport Bar LLC (5)
- Risconi Bar & Kitchen LLC (8)

The number in parenthesis indicates the number of separate dates with a liquor violation. Attached as Appendix I is additional information on each violation including the type and date of occurrence. Again, the owners of all permits are business entities without demographic information.

cc: Emily Smart Woerner, City Solicitor
Colonel Theresa Theetge, Police Chief

APPENDIX I

<u>Violation No.</u>	<u>Violations</u>	<u>Date</u>	<u>Permit No.</u>	<u>DBA</u>	<u>Name</u>
49388	4301.69(A) - Furnishing Intoxicating Liquor To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Intoxicating Liquor To A Person Under 21 Years Of Age	06/06/2024	0435353		BAR ON RACE LLC
50658	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	01/11/2024	0435353		BAR ON RACE LLC
49342	4301:1-1-21 - Permit Not Posted; 4301:1-1-46(B) - Sale Or Transfer Of Alcoholic Beverages Between Permit Holders	09/29/2023	8437503	SCENE	SPORTING CLUB MANAGEMENT GROUP LLC
49341	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	08/25/2023	8437503	SCENE	SPORTING CLUB MANAGEMENT GROUP LLC
49370	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	11/30/2023	7038805	THE DRINKERY	JACK POTTS LLC
49339	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	8/25/2023	7038805	THE DRINKERY	JACK POTTS LLC
49507	4301:1-1-17(J) - Insanitary Conditions (Alcoholic Beverages Not Maintained In Potable Condition); 4301:1-1-52(B)(5) - Improper Conduct - Drug Possession	8/4/2023	6315799	KNOCKBAC K NATS	NATTIZ LLC
49506	4301:1-1-52(B)(5) - Improper Conduct - Drug Possession; 4301:1-1-52(B)(5) - Improper Conduct - Drug Sales; 4301:1-1-52(B)(5) - Improper Conduct - Drug Use	8/1/2023	6315799	KNOCKBAC K NATS	NATTIZ LLC

<u>Violation No.</u>	<u>Violations</u>	<u>Date</u>	<u>Permit No.</u>	<u>DBA</u>	<u>Name</u>
49505	4301:1-1-52(B)(5) - Improper Conduct - Drug Possession; 4301:1-1-52(B)(5) - Improper Conduct - Drug Sales; 4301:1-1-52(B)(5) - Improper Conduct - Drug Use	7/25/2023	6315799	KNOCKBAC K NATS	NATTIZ LLC
49512	4301:1-1-17(E) - Insanitary Conditions (Fixtures, Equipment, Tables, Counters, Coolers/Refrigerators, Or Utensils Not Clean Or Sanitary); 4301:1-1-28(E) - Failure To Maintain Coil Cleaning Records; 4301:1-1-17(J) - Insanitary Conditions (Alcoholic Beverages Not Maintained In Potable Condition)	03/21/2024	0470146		EL BARRIL MEXICAN SPORT BAR LLC
49476	4301:1-1-17(E) - Insanitary Conditions (Fixtures, Equipment, Tables, Counters, Coolers/Refrigerators, Or Utensils Not Clean Or Sanitary); 4301:1-1-17(J) - Insanitary Conditions (Alcoholic Beverages Not Maintained In Potable Condition);	07/13/2023	0470146		EL BARRIL MEXICAN SPORT BAR LLC
49475	4301:1-1-53 - Gambling - Acquire, Possess, Control Or Operate A Gambling Device; 4301:1-1-53 - Gambling - Electronic Video Gambling Device; 4301:1-1-53 - Gambling - Game Of Chance For Profit Or Scheme Of Chance; 4301:1-1-53 - Gambling - Operating A Gambling House	07/11/2023	0470146		EL BARRIL MEXICAN SPORT BAR LLC
49474	4301:1-1-53 - Gambling - Acquire, Possess, Control Or Operate A Gambling Device; 4301:1-1-53 - Gambling - Electronic Video Gambling Device; 4301:1-1-53 - Gambling - Game Of Chance For Profit Or Scheme Of Chance; 4301:1-1-53 - Gambling - Operating A Gambli; 4301:1-1-53 - Gambling - Game Of Chance For Profit Or Scheme Of Chance; 4301:1-1-53 - Gambling - Operating A Gambling House	05/19/2023	0470146		EL BARRIL MEXICAN SPORT BAR LLC

<u>Violation No.</u>	<u>Violations</u>	<u>Date</u>	<u>Permit No.</u>	<u>DBA</u>	<u>Name</u>
49473	4301:1-1-53 - Gambling - Acquire, Possess, Control Or Operate A Gambling Device; 4301:1-1-53 - Gambling - Electronic Video Gambling Device; 4301:1-1-53 - Gambling - Game Of Chance For Profit Or Scheme Of Chance; 4301:1-1-53 - Gambling - Operating A Gambling House	04/21/2023	0470146		EL BARRIL MEXICAN SPORT BAR LLC
49472	4301:1-1-53 - Gambling - Acquire, Possess, Control Or Operate A Gambling Device; 4301:1-1-53 - Gambling - Electronic Video Gambling Device; 4301:1-1-53 - Gambling - Game Of Chance For Profit Or Scheme Of Chance; 4301:1-1-53 - Gambling - Operating A Gambling House	03/31/2023	0470146		EL BARRIL MEXICAN SPORT BAR LLC
49586	4301.69(A) - Furnishing Intoxicating Liquor To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Intoxicating Liquor To A Person Under 21 Years Of Age	6/19/2024	7391066		RISCONI BAR & KITCHEN LLC
49585	4301.69(A) - Sale Of Intoxicating Liquor To A Person Under 21 Years Of Age; 4301.69(A) - Furnishing Intoxicating Liquor To A Person Under 21 Years Of Age	6/6/2024	7391066		RISCONI BAR & KITCHEN LLC
50654	4301.66 - Hindering Or Obstructing Inspection; 4301:1-1-17(I) - Insanitary Conditions (Toilet Facility Not Clean Or Sanitary); 4301:1-1-28(E) - Failure To Maintain Coil Cleaning Records; 4301:1-1-49 - After Hours Consumption Of Beer; 4301:1-1-49 - After Hours Consumption Of Intoxicating Liquor	1/20/2024	7391066		RISCONI BAR & KITCHEN LLC

<u>Violation No.</u>	<u>Violations</u>	<u>Date</u>	<u>Permit No.</u>	<u>DBA</u>	<u>Name</u>
50641	4301.58(C) - Illegal Possession Of Intoxicating Liquor Not Obtained From An Authorized Source; 4301:1-1-49 - After Hours Consumption Of Intoxicating Liquor; 4301:1-1-49 - After Hours Sale Of Intoxicating Liquor; 4301:1-1-49 - Failure To Comply With Provision(S) Of Hours Of Sale Of Alcoholic Beverages	1/13/2024	7391066		RISCONI BAR & KITCHEN LLC
49368	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	11/30/2023	7391066		RISCONI BAR & KITCHEN LLC
49347	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	11/8/2023	7391066		RISCONI BAR & KITCHEN LLC
49344	4301:1-1-49 - After Hours Consumption Of Intoxicating Liquor	10/14/2023	7391066		RISCONI BAR & KITCHEN LLC