

4301:1-1-08 Permit, issuance of after revocation or refusal to issue, transfer or renew.

(A) ~~The division shall not, absent an order from the commission waiving the enforcement of this rule as described in paragraph (D) of this rule, issue a liquor permit for a period of one-year as defined in paragraphs (B) and (C) of this rule to any applicant at a location where a:~~

~~(1) Former or current permit holders~~

~~(1) A former or current permit holder's liquor permit was revoked by the commission in accordance with section 4301.25 of the Revised Code whose permit was:~~

~~(2) (a) Was revoked by the commission in accordance with section 4301.25 of the Revised Code; for cause based on an administrative citation shall not be issued any permit for a period of one year at that location following the effective date of the revocation. or~~

~~(2b) fRenewal or transfer liquor permit application was rejected by the division under A former or current permit holder whose permit was not renewed or transferred to a location under divisions (A)(2), (B)(1), (B)(2), or (D) of section 4303.292 of the Revised Code shall not be issued any permit for a period of one year at that location following the effective date of the non-renewal or refusal to transfer; or.~~

~~(3) New liquor permit (B2) Applicants~~

~~(1) An applicant's whose new or transfer application was rejected by the division permit is not issued pursuant to divisions (A)(2), (B)(1), (B)(2), or (D) of section 4303.292 of the Revised Code. shall not be issued any permit for a period of one year at that location following the effective date of the refusal to issue.~~

~~(2) The superintendent of the division of liquor control shall not issue or transfer any permit for a period of one year to a location where a previously issued permit was revoked.~~

~~(3) The superintendent of the division of liquor control shall not issue or transfer any permit for a period of one year at a location where the division of liquor control refused to issue, transfer or renew a previously issued permit pursuant to division (A)(2), (B)(1), (B)(2), or (D) of section 4303.292 of the Revised Code.~~

~~(EB) Computation of time~~

~~(1) In determining the one-year period established under paragraph (A) (1) or (B)(2) of this rule starts to run:~~

~~(1) fFrom the last date that the former or current liquor permit holder or transfer applicant had operating privileges at the applicable location; or~~

~~(2) tThirty days from the mailing date of the division's order rejecting the new or transfer liquor permit application of any permit under division (A)(2), (B)(1), (B)(2), or (D) of section 4303.292 of the Revised Code., a revocation order shall be considered effective.~~

(C) A former or current permit holder's last date of having operating privileges operation means:

(1) +Thirty days from the mailing date of the division's order rejecting a renewal or transfer application of any permit class under divisions (A)(2), (B)(1), (B)(2), or (D) of section 4303.292 of the Revised Code provided that no appeal is filed to the commission by the affected party;

(2) +The date that an order, whether issued by the commission or a court pursuant to an appeal filed under section 119.12 of the Revised Code, allowed a permit holder to continue selling beer or intoxicating liquor during the pendency of their appeal as permitted under the class of permits issued to them terminated; or

(3) (a) Twenty-one days from the mailing date of the commission's revocation order revoking a liquor permit under 4301.25 of the Revised Code provided that no appeal under 119.12 of the Revised Code is filed by the party that is the subject of the order.;

(D)(b) Upon final determination by a court if appealed pursuant to section 119.12 of the Revised Code.

(e) If an appeal is filed with a court and a stay order is not granted, then the date of the revocation shall be considered effective as stated in the agency's order.

(2) In determining the one year period established under paragraph (A)(2), (B)(1) or (B)(3) of this rule, an order shall be considered effective:

(a) On the mailing date of the superintendent of the division of liquor control's order denying the issuance, transfer, or renewal of any permit under division (A)(2), (B)(1), (B)(2), or (D) of section 4303.292 of the Revised Code.

(b) If an appeal is filed with the liquor control commission and a stay order is granted, on the mailing date of the liquor control commission's order.

(c) Upon final determination by a court if appealed pursuant to section 119.12 of the Revised Code.

(d) If an appeal is filed with the liquor control commission or a court and a stay order is not granted, then the effective date of the refusal to issue, transfer or renew any permit under division (A)(2), (B)(1), (B)(2) or (D) of section 4303.292 of the Revised Code shall become effective as stated in the agency's or court's order.

(D) Waiver by the commission

(1) If a permit is revoked or the superintendent of the division of liquor control refuses to issue, transfer, or renew any permit under division (A)(2), (B)(1), (B)(2) or (D) of section 4303.292 of the Revised Code, An applicant who applies for a liquor permit at that a location that is subject to this rule may file an appeal with the liquor control commission in the same manner as set forth in this chapter.

(2E) The liquor control commission shall have the discretion to waive the enforcement of this rule when special circumstances are shown. Special circumstances may include but are not limited to:

(a1) The relationship of the applicant, and any of its shareholders or members, to the permit that was revoked, or not issued, transferred or renewed under division (A)(2), (B)(1), (B)(2) or (D) of section 4303.292 of the Revised Code:-

(b2) The last date that permit privileges were exercised at the applied-for location: or-

(e3) The factual circumstances surrounding the revocation or the refusal to issue, transfer or renew the previously issued previously issued permit.

(d) ~~The circumstances surrounding the refusal to issue, transfer or renew the previously issued permit.~~