



Hamilton County LAW LIBRARY NEWS

Professional legal information, services, and education

February 2018

The Basics of Booze: Can a municipal corporation get rid of its local punch palace?

By Susan M. Bungard of Walter, Haverfield LLP. Reprinted with permission.

Although liquor permits in Ohio are issued by the state, a municipality has the right to request a hearing on the renewal of any permit within its borders. It can do so by objecting to the permit's renewal as provided in Ohio Revised Code §4303.271. All liquor permits in Ohio, for the sale of beer and wine for carry-out ("C" permits), and for the sale of beer, wine and spirituous liquor for on-site consumption ("D" permits), are issued by the Ohio Division of Liquor Control. Each political subdivision (municipality, township or county) is assigned a specific number of permits that can be issued within the boundaries of that subdivision. This number is known as a quota. The permit quota is based on the population of the political subdivision at the last census.

ANNUAL RENEWAL REQUIRED

All liquor permits must be re-

newed every year. The state is separated into three regions for liquor permit renewal purposes. Permits in the northeast region (which includes Cuyahoga and its local counties) renew on October 1 of each year. Permits in the central eastern region (which includes Franklin County) renew on February 1 each year. And permits in the western region renew on June 1 each year. Permit holders are required to file a renewal application and fee each year.

HOW TO OBJECT

The legislative authority of the political subdivision objects to the renewal of a permit within its boundaries by filing a separate resolution for each permit with the Division of Liquor Control. That resolution must specify the reasons for the objection. These objections must be filed at least 30 days prior to the expiration of the permit and must be accompanied by a statement by the

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Hamilton County Law Library

Hamilton County
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1000 Main Street
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Cincinnati, OH 45202
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Open Monday-Friday 8 - 4

<http://lawlibrary.hamilton-co.org>

Tech Tip: Accessing superseded Ohio Revised Code Sections on Westlaw.

Julie Koehne, Systems Librarian

Westlaw offers ORC sections going back to 1993. Our library has a hardcopy archive of Ohio codes since Ohio became a state. See instructions below to quickly access the code you are researching.

The screenshot shows the Westlaw interface for the statute **2929.13 Sentencing guidelines for various specific offenses and degrees of offenses**. A yellow callout points to the search bar containing "RC 2929.13" with the text "Search for the ORC." Below the search results, the statute text is displayed, including the "Credits" section. A second yellow callout points to the "History (727)" tab in the navigation menu, which is expanded to show "Versions (17)". A third yellow callout points to the "Versions (17)" option, with the text: "To view a codified version of the code for a particular time, hover over the 'History' tab then select 'Versions'." The main document content shows the current version of the statute, effective October 17, 2017, and lists various legislative history materials.

2929.13 Sentencing guidelines for various specific offenses and degrees of offenses
Baldwin's Ohio Revised Code Annotated | Title XXIX. Crimes--Procedure | Effective: October 17, 2017 (Approx. 9 pages)

Document | Notes of Decisions (337) | History (727) | Citing References (5,970) | Context & Analysis (165) | Powered by KeyCite

Versions (17)

NARROW
Search within results

Select all items | No items selected

Latest Legislation (see Credits for additional information)

- 2929.13 Sentencing guidelines for various specific offenses and degrees of offenses
OH ST § 2929.13
Effective October 17, 2017

Prior Versions (16)

- 2929.13 Sentencing guidelines for various specific offenses and degrees of offenses
OH ST § 2929.13
Effective July 1, 2017 to October 16, 2017
- 2929.13 Sentencing guidelines for various specific offenses and degrees of offenses
OH ST § 2929.13
Effective September 14, 2016 to June 30, 2017
- 2929.13 Sentencing guidelines for various specific offenses and degrees of offenses
OH ST § 2929.13
Effective September 13, 2016 to September 13, 2016
- 2929.13 Sentencing guidelines for various specific offenses and degrees of offenses
OH ST § 2929.13
Effective September 29, 2015 to September 12, 2016
- 2929.13 Sentencing guidelines for various specific offenses and degrees of offenses
OH ST § 2929.13
Effective September 29, 2013 to September 28, 2015
- 2929.13 Sentencing guidelines for various specific offenses and degrees of offenses
OH ST § 2929.13
Effective March 22, 2013 to September 28, 2013

To view the code for that time frame, click on the blue link of the code you are looking for.

Baldwin's Ohio Revised Code Annotated
Title XXIX. Crimes--Procedure (Refs & Annos)
Chapter 2929. Penalties and Sentencing (Refs & Annos)
Felony Sentencing

This section has been updated. Click [here](#) for the updated version.

Effective: September 13, 2016 to September 13, 2016

R.C. § 2929.13

2929.13 Sentencing guidelines for various specific offenses and degrees of offenses

(A) Except as provided in division (E), (F), or (G) of this section and unless otherwise provided, a court that imposes or is precluded from being imposed pursuant to law, a court that imposes a felony may impose any sanction or combination of sanctions on the offender to 2929.18 of the Revised Code.

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to [section 2929.18 of the Revised Code](#) or a sanction of

This is how the code read at the particular time the code was in effect.

We are here to help, so please don't hesitate to ask our reference staff for assistance.

(Continued from page 1)

chief legal officer of the political subdivision that the objection is based on substantial legal grounds within the meaning and intent of O.R.C. §4303.292. Examples of legal grounds include but are not limited to: the owner has been convicted of a crime that relates to his/her fitness to operate a liquor permit establishment; the building where the permit is located has been declared a nuisance or does not conform to the building, health or safety requirements of the municipality; or the permit premises will cause substantial interference with the public decency, sobriety, peace or good order of the neighborhood.

HEARING BEFORE THE DIVISION OF LIQUOR CONTROL

By objecting to the renewal of a permit, the legislative authority is requesting a hearing. It then must establish grounds upon which the renewal of the permit should be denied. The permit holder and the objecting legislative authority are parties to the hearing, which would be held in the county seat of the county in which the permit premise is located. These hearings are generally done via videoconferencing with a hearing officer from the Division of Liquor Control. The legislative authority must be represented by counsel. The Division of Liquor Control may deny the renewal of the permit for the reasons set forth in O.R.C. §4303.292.

FURTHER APPEALS

Either party that participated in a renewal objection hearing can appeal the decision to the Ohio Liquor Control Commission. The

hearing before the commission takes place in Columbus. If the appeal was taken by the permit holder, the attorney general's office represents the legislative authority (but the legislative authority's attorney is required to attend the hearing). If the appeal is taken by the legislative authority, the attorney for the legislative authority presents the case to the commission.

Either party can then appeal to the Franklin County Court of Common Pleas and then to the Tenth District Court of Appeals. In theory, a party could appeal to the Ohio Supreme Court but because all liquor matters are now heard by the Tenth District Court of Appeals, there is never a conflict in the case law between courts. So it is very unlikely that the Supreme Court would take a case unless it is a novel issue.

When a municipality has a bar or carry-out that is a problem, and the municipality is notified of the renewal deadline for liquor permits within its boundaries, it is worth evaluating whether grounds exist to object to the renewal of the permit. If so, council should pass the necessary resolution, the chief legal officer should attach the required statement, and he/she should file this information with the Division of Liquor Control to start the objection process. Eventually, the municipality may be able to get rid of its punch palace.¹

¹ The municipality may also want to consider using ORC Chapter 3767 (known as Ohio's "Padlock Law") and have the local common pleas court declare the property as a nuisance.

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Upcoming CLEs

Free to subscribers; \$50 for non-subscribers
Registration is required.

To register, call 513.946.5300, email reference@cms.hamilton-co.org, or register via the website <http://lawlibrary.hamiltoncountyohio.gov/classes/calendar/>

Ohio Legislative History Research

Presenter: Laura Dixon-Caldwell
Wednesday, February 28
Noon-1pm
Approved for 1.0 hour of general CLE credit in Ohio. Kentucky CLE credit is pending.

West Keycite and Citation Checking

Presenter: Denice Fogle
Tuesday, March 20
Noon-1pm
1.0 hour of general credit pending in Ohio

Staffing News

We're sad to announce that Laura Dixon-Caldwell will be leaving the Hamilton County Law Library after over seven years of outstanding service. Laura has served as the Law Library's reference librarian since November 2010, organizing our CLEs, publishing our newsletter and providing excellent service to our patrons daily. She will be missed! If you need assistance with anything, please feel free to email us at reference@cms.hamilton-co.org. Please join us in wishing Laura well in her future endeavors!

2018 Subscriber Renewals

Many of our subscribers have renewed for 2018, planning to take good advantage of the Law Library's legal information, services, and education in the year ahead. We mailed second notices recently so it's time to remind some of you that we revoke subscriber privileges on March 1 for anyone who hasn't paid by February 28. We hate to do that! We know you value the research support, CLEs, coffee, and everything else that is bundled into the annual fee, but we have to cut off the service at some point. If you need more information or a replacement invoice, please contact [Lauren](#) or [Vanessa](#).

Credit Card Payments

Also, as we mentioned last month, we are now able to accept credit card payments for subscriber renewals. If you haven't yet renewed and would like to pay by credit card, please email Vanessa Seeger or the [reference staff](#) and we'll send you the link to our secure site to make your payment.



Board Meeting Change

The April meeting of the Hamilton County Law Library Resources Board has been changed from Thursday April 12, 2018 at 12pm to Wednesday April 18 at 12pm. Meetings of the HCLLRB take place in the Law Library Boardroom and are open to the public.

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive legal information databases from the Law Library, including Westlaw, IntelliConnect, Overdrive e-books, HeinOnline, and Loislaw treatises

Wireless network throughout the Law Library

Polycom videoconferencing

Five meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

CLE seminars throughout the year, on legal research and substantive topics

Subscribers' lounge, magazines, daily newspapers, and coffee

Bi-weekly news alerts by practice area

Discounted rates for photocopying

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises, HeinOnline (for under 50 attorney firms), EBSCOhost, and IntelliConnect Law, Business, Tax, and Accounting

You and the Legal System: Tax Trouble

Join us as attorney Ben Cramer discusses what you should do if you find yourself in trouble with the IRS. Whether it's owing taxes or discovering that you've made an error on past paperwork, Mr. Cramer will talk you through next steps and best practices to help you avoid severe penalties on Friday, February 23, from Noon-1pm.

To register, call 513.946.5300 or register via our website at

<https://lawlibrary.hamiltoncountyohio.gov/event-registration/?ee=136>

Please note that this is not a CLE event; it is intended for the general public. However, attorneys are welcome to attend and may want to pass along the program announcement to clients, staff and community organizations. If you would like more information, please contact [Vanessa Seeger](#).

You and the Legal System is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service. Save the date for our next event, Immigration Law with Thomas Geygan on Friday, March 16.



Overdrive Ebooks

Law Library subscribers have access to a variety of ebooks via Overdrive. Check out some of the selections below. If you have questions, or have a suggestion for a title to add, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300

Anderson's Appellate Practice and Procedure in Ohio

Anderson's Ohio Criminal Practice and Procedure

Anderson's Ohio Manual of Criminal Complaints and Indictments

Anderson's Ohio Personal Injury Litigation Manual

Anderson's Ohio School Law

Anderson's The Simple Will in Ohio

Cross-Examination Science and Techniques

Entertainment Industry Contracts

Medical Malpractice

Ohio Business Entities

Ohio Civil Procedure Litigation Manual

Ohio Consumer Law Manual

Ohio Creditors' Rights Manual

Ohio Domestic Relations Practice Manual

Ohio Evidence Courtroom Manual

Ohio Pre-Trial Litigation Practice Manual

Ohio Real Property Law and Practice

Ohio Rules of Court Annotated

A Practical Guide to Disputes Between Adjoining Landowners--Easements

Principles of Conflict of Laws

Principles of Contract Law

Principles of Constitutional Law

Principles of Counter-Terrorism Law

Principles of Employment Law

Principles of Sales Law

Principles of Tort Law

Search and Seizure

Sixth Circuit Criminal Handbook

Weissenberger's Ohio Evidence Treatise

Understanding Family Law

Understanding Modern Real Estate Transactions

Understanding Trusts and Estates

For more info on how to borrow an ebook, check out Julie Koehne's [Tech Tip](#).

Upcoming Events:

February 23: You and the Legal System: Tax Trouble
February 28: CLE: Ohio Legislative History Research
March 20: CLE; Westlaw Keycite and Citation Checking

Law Library Holidays

The Law Library will be closed on Monday, February 19 in honor of Presidents' Day.



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