

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- (1) Liquor permit was revoked by the commission in accordance with section 4301.25 of the Revised Code;
- (2) Renewal or transfer liquor permit application was rejected by the division under divisions (A)(2), (B)(1), (B)(2), or (D) of section 4303.292 of the Revised Code; or
- (3) New liquor permit application was rejected by the division pursuant to divisions (A)(2), (B)(1), (B)(2), or (D) of section 4303.292 of the Revised Code.

(B) The one-year period established under paragraph (A) of this rule starts to run:

- (1) From the last date that a liquor permit holder or transfer applicant had operating privileges at the applicable location; or
- (2) Thirty days from the mailing date of the division's order rejecting the new liquor permit application.

(C) Last date of having operating privileges means:

- (1) Thirty days from the mailing date of the division's order rejecting a renewal or transfer application of any permit class 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) Twenty-one days from the mailing date of the commission's 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) An applicant for a liquor permit at a location that is subject to this rule may file an appeal with the commission in the same manner as set forth in this chapter.

(E) The 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:

- (1) The relationship of the applicant, and any of its shareholders or members, to the permit that was revoked, or not issued, transferred or renewed under division (A)(2), (B)(1), (B)(2) or (D) of section 4303.292 of the Revised Code;
- (2) The last date that permit privileges were exercised at the applied-for location; or
- (3) The factual circumstances surrounding the revocation or the refusal to issue, transfer or renew the previously issued permit.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	4301.03
Rule Amplifies:	4301.03(G)