



Department
of Commerce

Division of Liquor Control

John R. Kasich, Governor
Jacqueline T. Williams, Director

ORDER

Mailed: December 20, 2018

VIA CERTIFIED AND FIRST CLASS MAIL

ARTICLE #92147969009997901625251167, 92147969009997901625251174

Thomas E. Schoenheit, Vice President
Family Dollar Stores of Ohio, Inc.
10301 Monroe Road
Matthews, NC 28105

Thomas E. Schoenheit
1305 Brittle Creek Drive
Matthews, NC 28105

RE: New Permit Application
Permit #2631275-8275, Class C-1-2, D-6
Family Dollar Stores of Ohio, Inc.
dba Family Dollar #8275
3407 Harrison Avenue
Cheviot, OH 45211

Dear Mr. Schoenheit:

The Division of Liquor Control has carefully considered the application for the issuance of this Class C-1-2, D-6 liquor permit. The Division held a hearing on September 28, 2018, at the request of Cheviot City Council upon the advisability of the issuance of this permit. An investigation was conducted which included an inspection of the proposed permit premises and a review of the application and information gathered from various documents and reports. The Division also reviewed the evidence submitted at the hearing held on September 28, 2018.

The Division denies and rejects the application for the issuance of this Class C-1-2, D-6 liquor permit based upon the following grounds and facts:

- 1) The place for which the permit is sought is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace, or good order would result from the issuance of the permit and operation thereunder by the applicant. R.C. §4303.292(A)(2)(c).
- 2) The applicant, any partner, member, officer, director, or manager thereof has shown a disregard for the laws, regulations, or local ordinances of the State, and will operate the permit business in a manner that demonstrates a disregard for the laws, regulations, or local ordinances of the State. R.C. §4303.292(A)(1)(b).

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This application for a New Class C-1-2, D-6 liquor permit was filed with the Division on April 5, 2018 and was immediately put into process.

According to the Cheviot Police, without a liquor permit issued there, there were 180 calls for police service and 39 business checks directed to the proposed permit premises between April 29, 2017 and August 21, 2018. Of the 180 calls for police service, 46 of them were for theft. There have been incidents where thefts included assault or violence. The number of calls for police service exceeds by six times and the thefts exceed by 46 times as compared to a similar nearby business. The applicant has a history of not prosecuting shoplifting defendants. The volume of calls creates a strain on the Cheviot Police Department.

Area business owners are faced with constant trash problems emanating from the applicant's business. Layers of corporate management have made it difficult to communicate with a person of authority to address problems at the proposed permit premises.

According to the City, the applicant has had a history of noncompliance with the City property maintenance code since 2012. These issues have included litter, not cutting grass or weeds, parking bumpers not secured and pushed onto the sidewalk, and a failure to empty trash dumpsters. At times, the grass has been two feet tall. Despite a city order to maintain the property on a daily basis, trash is not being cleaned up. The failure to place the lid on the dumpster results in trash blowing around, which the city has cleaned up. The lid is often found on the ground next to the dumpster.

The City indicated that there are constant complaints from neighbors, both residents and businesses. The city indicated that they do not have similar issues with other stores in the city limits.

- 3) The Division also denies and rejects the new application for good cause pursuant to its general authority to grant or refuse permits. The Division has considered environmental factors affecting the maintenance of public decency, sobriety, and good order, including the number and location of permit premises in the immediate area, as authorized or required by law. R.C. §4301.10(A)(2) and O.A.C. §4301:1-1-12(B).

The pleadings and facts recited in one (1) through two (2) are restated as if fully rewritten herein.

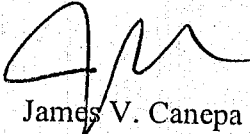
You are entitled to appeal this Order to the Ohio Liquor Control Commission. If you want to appeal this Order, you must file an appeal within thirty (30) days of the mailing date of this Order with the:

**Liquor Control Commission
77 South High Street, 18th Floor
Columbus, Ohio 43215-0565
(614) 466-3132**

The notice of appeal should contain a statement of your reasons for appeal. Please attach a copy of this Order with your appeal.

If a notice of appeal is not filed with the Commission within 30 days of the effective date of this Order, the Order will become final.

Sincerely,



James V. Canepa
Superintendent

/sat

cc: Jenny M. Eilermann, Clerk
Cheviot City Council
3814 Harrison Avenue
Cheviot, OH 45211

Chief Emmett Stone
Cheviot Police Department
3814 Harrison Avenue
Cheviot, OH 45211

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