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COMMON PLEAS COURT
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IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

YOHANNES PARKWOOD
DBA FAST & FRIENDLY,

CASE NO. 10CVF-8867

APPELLANT,

JUDGE SCHNEIDER

VS.

LIQUOR CONTROL COMMISSION,

APPELLEE.

DECISION ON MERITS OF APPEAL

Entered this 21 day of September, 2010.

This appeal has been brought from a decision and order of the Ohio Liquor Control Commission mailed May 28, 2010. That order affirmed the Division of Liquor Control (Division) which determined to non-renew the liquor permit of Appellant Yohannes Parkwood dba Fast & Friendly. The Commission reached its decision after a hearing on May 14, 2010 which was not attended by Appellant or a representative.

Appellant was notified by the Division of non-renewal based upon unpaid sales and withholding taxes. Appellant filed an appeal to the Commission but states in the notice of appeal to this Court that his legal representative told him he did not have to attend.

The record has been submitted in this matter and Appellee has moved to dismiss the appeal for lack of prosecution or to determine the appeal on the record presented. Since the record of administrative proceedings has been offered, the Court will determine the appeal on its merits. The record and Appellant's own notice of appeal confirms that taxes were delinquent. While Appellant may have been attempting to work out an agreement with the Department of Taxation on such arrearage, there is nothing to indicate success.

The standard of review in this appeal is whether the Commission had substantial, reliable and probative evidence to support its decision and whether it was in accordance with law. The record supports the action of the Commission and no error of law has been offered. The Court must therefore AFFIRM the order of the Commission. Counsel for the Commission shall prepare and submit a Judgment Entry pursuant to Local Rule 25.01.



Judge Charles Schneider

Appearances:

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Appellant

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