

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

TEVAURANT, LTD.,]	
]	CASE NO. 12CVF-14044
Appellant,]	
vs.]	JUDGE BEATTY
]	
OHIO LIQUOR CONTROL COMMISSION]	
]	
Appellee]	

DECISION AND JUDGMENT ENTRY
AFFIRMING THE ORDER OF THE OHIO LIQUOR CONTROL COMMISSION
AND
NOTICE OF FINAL APPEALABLE ORDER

BEATTY, JUDGE

This is an appeal pursuant to R.C. 119.12 from an October 25, 2012 Order of the Ohio Liquor Control Commission (the “Commission”).

Appellant was charged with furnishing beer to an underage person in violation of R.C. 4301.69(A). A hearing was held before the Commission in this matter on October 11, 2012. Appellant admitted to the violation. (Transcript, p. 4; Permit Holder Exhibit 1).

On October 25, 2012, the Commission issued its Order finding Appellant in violation as charged and imposing either a forfeiture in the amount of \$1,500.00 or a ten-day suspension of Appellant’s liquor permit. Appellant filed this appeal on November 8, 2012.

This Court must affirm the Order of the Commission if the order is supported by reliable, probative and substantial evidence and is in accordance with law. R.C. 119.12; *Univ. of Cincinnati v. Conrad*, 63 Ohio St. 2d 108, 111 (1980).

In this appeal, Appellant admits the violation, but argues that the penalty imposed is excessive, given Appellant's history of compliance and mitigation of the violation.

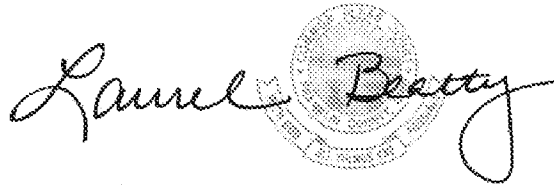
Under Ohio law, this Court has no authority to modify a penalty lawfully imposed by the Commission. *Jones v. Liquor Control Comm.*, 10th Dist. No. 01AP-344, 2001-Ohio-8766; *Henry's Café, Inc. v. Bd. of Liquor Control*, 170 Ohio St. 233 (1959). The penalties imposed here are authorized by R.C. 4301.25(A) and 4301.252.

Having reviewed the record, the Court finds that the Commission's Order is supported by reliable, probative, and substantial evidence and is in accordance with law. Accordingly, the Commission's Order is hereby **AFFIRMED**. This is a final, appealable Order. Costs to Appellant.

Franklin County Court of Common Pleas

Date: 02-28-2013
Case Title: TEVAURANT LTD LLC -VS- OHIO STATE LIQUOR CONTROL COMMISSION
Case Number: 12CV014044
Type: DECISION/ENTRY

It Is So Ordered.

A handwritten signature in cursive script, reading "Laurel Beatty", is written over a circular official seal. The seal is partially obscured by the signature and contains some illegible text around its perimeter.

/s/ Judge Laurel A. Beatty

Court Disposition

Case Number: 12CV014044

Case Style: TEVAURANT LTD LLC -VS- OHIO STATE LIQUOR
CONTROL COMMISSION

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes