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LIQUOR CONTROL, DEPARTMENT OF—DUPLICATE PERMIT, §4303.30 R.C.—ORDER OF BOARD OF LIQUOR CONTROL REVOKING, SUSPENDING SUCH ORIGINAL PERMIT EFFECTS A REVOCATION, SUSPENSION OF DUPLICATE PERMITS ISSUED IN FAVOR OF SUCH ORIGINAL PERMIT.

SYLLABUS:

An order of the Board of Liquor Control suspending or revoking a "duplicate" permit issued under authority of Section 4303.30, Revised Code, has the effect of suspending or revoking the original permit under favor of which such duplicate was issued, and all other duplicate permits issued under favor of such original permit.

Columbus, Ohio, March 9, 1959

Hon. R. C. Crouch, Director
Department of Liquor Control, Columbus, Ohio

Dear Sir:

Your request for my opinion reads as follows:

"An Ohio Corporation, to-wit, Hotel Hollenden, Inc., is the holder of Permit No. 210,246, by which permit, as is noted thereon, operations are conducted at the 'Gazette Bar' and also at the 'Parisian Bar'.

"Pursuant to Section 4303.30, this corporation applied for and received duplicate permits to operate three other bars. The three duplicate permits received numbers when they were printed, but because of Section 4303.30 each of such duplicate permits were marked 'Duplicate of 210,246'.

"The Board of Liquor Control has issued an order regarding this permit holding corporation, suspending for a period of forty-two days one of the duplicate certificates.

"I request your opinion as to the construction of Section 4303.30 and any other statutory authority or court decision as to whether it is possible for me to treat the duplicate permits as if they were separate permits from the original certificate; and I request your advice as to whether the suspension can be carried out against one of the permit premises without affecting the other four premises operating under the permit held by said corporation."

There is a paucity of law on the questions that you raise. However, there seems no doubt but that the intent of Section 4303.30, Revised Code, was to permit the holder of a permit to obtain duplicates thereof for such premises as may accommodate more than two "counters commonly known as bars." The statute provides that the application for the duplicate must be made in the same manner as in the case of the original permit. The statute also directs that the word "duplicate" shall be printed in "bold face" type upon the secondary permit. There is the further requirement that the duplicate permit shall be identical with the original except for identifying the room or place where the duplicate is to be used. It is further required that your department place upon the duplicate permit the same number which appears upon the original permit.

Since the legislature has used the word "duplicate" in the statute, and has required that this word appear in an obvious way upon the permit, it seems pertinent to ascertain the exact meaning of the word.

In the Merriam-Webster New International Dictionary, (Unabridged, Second Edition, Copywrite, 1954, G. C. Merriam and Co.), the word "duplicate" as a noun is defined as follows:

"* * * that which exactly resembles or corresponds to something else; another, correspondent to the first, hence, a copy * * * counterpart * * *"

Synonyms given are:

"* * * copy, facsimile, replica, a double of something else; * * *"

An analgram given is:

"two * * * medals from the same die are duplicates . . ."

It is also noteworthy that the holder of a permit may obtain "duplicates" without being subject to the quotas set either by statute or by regulation.

It is clear, therefore, that the holder of "duplicate" permits under Section 4303.30, Revised Code, is the holder of only *one* permit.

If, in the instant case, the violation had occurred in the original premises, *i.e.* the premises the name of which appears upon the "original" permit, and if the Board saw fit to suspend or revoke said permit, the original as well as any supplementary or duplicate permits would clearly also be suspended or revoked.

Conversely, in the present situation, there can be no separation or distinction between the original permit or any duplicates subsequently issued in extension of or supplementary to such original permit. Therefore, notwithstanding the language employed by the order of the Board of Liquor Control, it will not suffice that you, in view of the provisions of Section 4303.30, Revised Code, suspend only a "duplicate" permit, or close only the counter or bar" of the permit premises the name of which appears upon the "duplicates" permit named in the board's order. Rather, your duty would be to execute the suspension order against the original permit and all duplicates thereof.

It is, therefore, my opinion that an order of the Board of Liquor Control suspending or revoking a "duplicate" permit issued under authority of Section 4303.30, Revised Code, has the effect of suspending or revoking the original permit under favor of which such duplicate was issued, and all other duplicate permits issued under favor of such original permit.

Respectfully,

MARK McELROY

Attorney General