

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 567

Representative Yates

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A B I L L

To amend section 4301.04 of the Revised Code to 1
require that certain hearings of the Liquor 2
Control Commission be held in the county seat of 3
the county where the premises that is the subject 4
of the hearing is located. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4301.04 of the Revised Code be 6
amended to read as follows: 7

Sec. 4301.04. The liquor control commission has the following 8
powers which it may exercise by the vote of a majority of the 9
commissioners: 10

(A) To suspend, revoke, and cancel permits. A majority of the 11
commissioners constitutes a quorum for the transaction of any 12
business, for the performance of any duty, or for the exercise of 13
any power of the commission. No vacancy in the commission shall 14
impair the right of the remaining commissioners to exercise all 15
powers of the commission. The act of a majority of the commission, 16
when in session, is the act of the commission. A finding, order, 17
or decision of the commission to suspend a permit shall state and 18
fix the effective date of the commencement and the period of 19
duration of such suspension. Such finding, order, or decision of 20

the commission to revoke or cancel a permit shall state and fix 21
the effective date thereof. 22

(B) To consider, hear, and determine all appeals authorized 23
by Chapters 4301. and 4303. of the Revised Code, to be taken from 24
any decision, determination, or order of the division of liquor 25
control, and all complaints for the revocation of permits. The 26
liquor control commission shall accord a hearing to any person 27
appealing or complained against, at which such person has the 28
right to be present, to be represented by counsel, to offer 29
evidence, and to require the attendance of witnesses. 30

Whenever the commission conducts a final hearing relating to 31
the issuance, renewal, transfer of ownership, transfer of 32
location, suspension, or revocation of a permit, the commission 33
shall conduct the hearing in the county seat of the county in 34
which the premises that is the subject of the hearing is located. 35

(C) To adopt, repeal, and amend bylaws in relation to its 36
meetings and the transaction of its business and regulating its 37
procedure on appeal. 38

(D) To consider and make recommendations upon any matter 39
which the superintendent of liquor control submits to it for 40
recommendation and determine any matter which the superintendent 41
submits to it for determination. 42

(E) To require of the superintendent and of any officer, 43
department, board, or commission of the state of any county, 44
township, or municipal officer in this state, information with 45
respect to the social and economic effects of such chapters; and 46
all such officers, departments, boards, and commissions shall 47
furnish such information when requested in writing by the liquor 48
control commission. 49

(F) To submit to the governor amendments to any laws 50
affecting the sale of intoxicating liquor in this state when it 51

deems desirable. 52

(G) For the purpose of any hearing or investigation which 53
they are respectively authorized or required by such chapters to 54
conduct, the liquor control commission or any member thereof, the 55
superintendent, or any agent of the division designated in writing 56
for that purpose, may administer oaths, take depositions, issue 57
subpoenas, compel the attendance of witnesses and the production 58
of books, accounts, papers, records, documents, and testimony. In 59
case of disobedience of any person with respect to an order of the 60
commission or a subpoena issued by the liquor control commission 61
or any member thereof, the superintendent or such agent, or on the 62
refusal of a witness to testify to any matter regarding which the 63
witness may be lawfully interrogated, a judge of the court of 64
common pleas of the county in which the person resides, on 65
application of any member of the liquor control commission or the 66
superintendent, shall compel obedience by attachment proceedings 67
as for contempt, as in the case of disobedience with respect to 68
the requirements of a subpoena issued from such court or a refusal 69
to testify in such court. Each officer who serves such subpoena 70
shall receive the same fees as a sheriff, and each witness who 71
appears, in obedience to a subpoena, before the liquor control 72
commission or any member thereof, or the superintendent, shall 73
receive for attendance the fees and mileage provided for witnesses 74
in civil cases in courts of common pleas, which shall be audited 75
and paid upon presentation of proper vouchers approved by any two 76
members of the commission. No witness subpoenaed at the instance 77
of a party other than the liquor control commission or any member 78
thereof, the superintendent, or such agent, is entitled to 79
compensation unless the commission certifies that the testimony of 80
the witness was material to the matter investigated. 81

Section 2. That existing section 4301.04 of the Revised Code 82
is hereby repealed. 83