

**NOTICE OF WORK SESSION  
DELAWARE CITY COUNCIL  
MONDAY, MARCH 7, 2016  
6:30 P.M.  
1 SOUTH SANDUSKY STREET  
COUNCIL CHAMBERS**

**AGENDA**

1. Roll Call
2. CONSIDERATION OF A NEW LIQUOR PERMIT/TREX
  - A. Scoreboard Pub & Grill, 6 Troy Rd., Delaware, OH 43015. (Formerly Final Score)  
Class: D5  
With the signature of the City Manager confirming that this is an economic development project, Mr. Thompson and Mr. Moore will apply for a Transfer Exempt Permit (TRES) which would bring a D5 permit from another Ohio community into the City of Delaware because there are no available D5 permits in the City at this time. After the TRES application endorsement is signed, the City will receive the D5 Notice to Legislative Authority Waiver of Objections after processing by the Ohio Division of Liquor Control and the applicant has applied for the actual permit to be transferred. The staff recommends that the City sign the TRES application endorsement and in order to expedite the D5 permit, give the City Manager authority to waive objections to the D5 permit consideration based on the D5 TRES application endorsement that Council will act on Monday evening.
3. Transportation Levy Follow-up Discussion
4. Adjournment

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## Delaware Police Department Liquor Permit Report

DPD Report Number <b>L-16-002</b>		Investigating Officer Det. Tom Donoghue #47	
Applicant (Primary Shareholder) Robert Thompson		Company Name (LLC) Scoreboard Pub & Grill LLC	
Common Name Scoreboard Pub & Grill		Address 6 Troy Rd. Delaware, Ohio 43015	
Applicant Phone Number 614.348.0323		Applicant E-Mail Address:	
<input type="checkbox"/> Existing Business	Type of Business Restaurant/bar	Notification Type: TRES-transfer / new	Date of Report 2/19/2016
<input checked="" type="checkbox"/> New Business (Supplement Attached)			
<b>Permit Type</b> <input type="checkbox"/> C1/C2X Beer only in original sealed container for carry out only. <input type="checkbox"/> C2 Wine and mixed beverages in sealed containers for carry out. <input type="checkbox"/> D1/D2X Beer only for on premises consumption or in sealed containers for carry out. <input type="checkbox"/> D2 Wine and mixed beverages for on premises consumption or in sealed containers for carryout. <input type="checkbox"/> D4 Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am. <input checked="" type="checkbox"/> D5 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am. <input checked="" type="checkbox"/> Other D6/Sunday sales until midnight.			

### Location Information

Churches, Libraries and or schools within 500 feet <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	School, church or library objection <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No Note: Objections are only permitted for <i>new permits</i> .
Police Calls for Service in past 12 months: (14) fourteen	Number of Police Reports in past 12 months: (1) one.
Calls for Service <i>excluding calls not related to the business</i> in past 12 months: (4) four	Location is excessive drain on Police Resources: <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No
Nuisance Abatement Pending <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Accessible by Law Enforcement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site compliance checked by Dept. of Commerce <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Private Club (Restricted Access Door) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Applicant Information

Records Checked <input checked="" type="checkbox"/> Ohio Law Enforcement Gateway <input checked="" type="checkbox"/> Delaware Police Department Database	
Applicant has an active warrant <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Record located for Liquor Law Violation <input type="checkbox"/> Yes <input type="checkbox"/> No
Local Record on file <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criminal History Checked by Dept. of Commerce <input type="checkbox"/> Yes <input type="checkbox"/> No
Problem History with DPD <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No	Contact made with Applicant <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### Determination on Objection

The Delaware Police Department does not find a legislative basis for requesting a hearing to object to the issuance of a liquor permit for this business.

The Delaware Police Department recommends requesting a hearing into the issuance of a liquor permit for this business, due to one or more of the following criteria for objection as set forth by the Ohio Revised Code.

- Site does not conform to local building, safety and health codes (excluding zoning).
- Law enforcement or state agents do not have ready access to the premises where alcoholic beverages are being served.
- Physical location causes a public nuisance.
- Site has been officially classified as a nuisance according to State Law.
- Conviction of a crime by the applicant that relates to operating a liquor establishment.
- Past improper operation of a location with a liquor permit.
- Misrepresentation of material fact on the application.
- Addiction of the applicant to alcohol or narcotics.
- Formal objection by specific types of other locations to which the site is in certain proximity.
- Conviction of the applicant of food stamp or WIC fraud.

(Supplement Attached)



Delaware Police Department  
Liquor Permit Report

Supplement

Supplement Type

- New Business Description
- Police Department Objection
- Community Objection
- Other

Scoreboard Pub & Grill, LLC has entered into a business purchase agreement with a Gahanna, Ohio based liquor permit holder. Scoreboard Pub & Grill, LLC is applying for a "TRES" Economic Development Transfer of that permit to the proposed 6 Troy Rd. location formerly operated as Final Score bar. Managing member Robert Thompson indicates the need for the TRES process due to the Final Score's liquor permit having active State of Ohio Liquor Control sanctions relating to tax issues. These open sanctions were not feasible for Scoreboard Pub & Grill, LLC to assume, as they are due to the management of the previous proprietor, not Scoreboard Pub & Grill, LLC. The permit Scoreboard Pub & Grill, LLC is seeking to TRES, permit #9181155, is in "safekeeping" status with State of Ohio Liquor Control. That permit therefore, may be transferred to the 6 Troy Rd. location, pending approval of the TRES by the City of Delaware and State of Ohio Liquor Control.

Robert Thompson and minority partner Robert Moore intend Scoreboard Pub & Grill, LLC to be a family based restaurant/bar with a sports inspired theme. Thompson's ideal plans are to establish a meeting place for families to enjoy the food/cuisine and atmosphere provided by Scoreboard Pub & Grill, LLC. In addition, Thompson hopes to revive the location as a lunch destination for nearby businesses, as he feels was the case in years past. Thompson feels that children would not be in the establishment beyond 10:00pm, and the location could take on a sports bar atmosphere until closing. The permits do contain a Sunday sales addition and Thompson is aware sales shall end at midnight on Sunday. Thompson and Moore have completely stripped the interior of the establishment and are having complete renovations done to rebuild the floorplan similarly to what was previously in place. Thompson indicates arcade game(s) and a pool table will be in place for children's entertainment, but the major focus will be sports programming on numerous televisions and audio streams. Thompson is in touch with City of Delaware's Engineer's Office as Scoreboard Pub & Grill, LLC renovations are being conducted (not complete now).

While Scoreboard Pub & Grill, LLC is presented as a new business, the previous tenants have had police "calls for service" activity in the previous twelve months. The nature of those police contacts includes fighting, disorderly conduct, reported DUI, suspicious persons, and 911 hangup. As far as actual police reports and/or arrests, only report #15-1799 is listed. This was a disorderly conduct arrest made in August 2015. There is no indication that the man arrested was served at this location, however, as the proprietor at that time called in the complaint to have the man removed. There is no indication that 6 Troy Rd. has been any excessive drain on police resources, with other retail venues not associated with alcohol having more calls, generally. The previous establishment did have a case on file with State of Ohio Liquor Control for "hindering inspection," but again, that was the previous proprietor/business and the case is now inactive.

Scoreboard Pub & Grill, LLC is within 500 feet of Delaware City Vineyard Church, located at 32 Troy Dr., within the same plaza. Contact has been made with the pastoral staff there and they indicate no formal objections to the new establishment or their proposed business model. The nearest schools, while outside of 500 feet (therefor not contacted), are Carlisle Elementary and Dempsey Middle Schools. Grady Memorial Hospital is located across the street on W. Central Ave. There are two (2) nearby locations that serve or sell alcoholic products by permit currently.

As Scoreboard Pub & Grill, LLC is under renovation construction, the City building permits have not been finalized, nor



**Delaware Police Department  
Liquor Permit Report**

has the work they seek approval for been completed. For these reasons, an occupancy permit cannot and has not yet been issued by the City of Delaware.

The TREX permit process requires a City endorsement and acknowledgement that this transfer will be to an economic development project. The applicant cannot submit the permit transfer forms to the Ohio Department of Commerce – Division of Liquor Control until such TREX is signed by the City of Delaware. Since this and other forms have not been submitted to the State of Ohio yet, Liquor Control has no planned site inspection or application review scheduled. Liquor Control therefore, has no information to provide based on any investigation they would conduct, nor any information available on any violations reference the applicant(s). Once Scoreboard Pub & Grill, LLC is able to submit the required documents to Liquor Control, and a Liquor Permit issued, Delaware City Police can finalize a liquor permit report for the City.

*Det. J. Boyle*

*2/17/16*

Investigating Officer Signature

Date

*Det. Sgt. David [unclear]*

*2-25-16*

Supervisor Signature

Date

For Questions call  
 (614) 644-3156  
 Office hours - 8:00 a.m. to 5:00 p.m.

Ohio Department of Commerce  
 Division of Liquor Control  
 6606 Tussing Road, P.O. Box 4005  
 Reynoldsburg, Ohio 43068-9005  
 http://www.com.ohio.gov/liqr



**APPLICATION FOR TRANSFER OF OWNERSHIP OR OWNERSHIP & LOCATION OF ALL PERMIT CLASSES LISTED BELOW**  
**CAUTION: ALLOW 10 TO 12 WEEKS FOR PROCESSING. RETURN TO ADDRESS LISTED ABOVE**

**FEE: \$100.00 PROCESSING FEE - made payable to the Division of Liquor Control (Non-Refundable)**

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

Seller (Individual, Corporation, Partnership or LLC): <b>V J K Sports Inc</b>		Buyer (Individual, Corporation, Partnership or LLC): <b>Scoreboard Pub &amp; Grill LLC</b>	
DBA (doing business as):		DBA (doing business as):	
Premises Address: <b>1137 N Hamilton Rd</b>		Premises Address: <b>6 Troy St</b>	
Township (if outside city limits):	County: <b>Franklin</b> ▼	Township (if outside city limits):	County: <b>Delaware</b> ▼
City & Zip Code: <b>Gahanna 43230</b>		City & Zip Code: <b>Delaware 43015</b>	
Email:		Email:	
Mailing Address: <b>356 Invicta Pl</b> <b>Gahanna OH 43230</b>		Mailing Address:	
Phone Number:		Phone Number:	
Attorney's Name & Address: <b>James Andrioff</b> <b>22 E Gay St</b> <b>Columbus OH 43215</b>		Attorney's Name & Address: <b>Nathan Gordon</b> <b>2485 E Broad St</b> <b>Columbus OH 43209</b>	
Attorney's Telephone Number: <b>614-221-2700</b>	Seller's Permit Number: <b>9181155</b>	Attorney's Telephone Number:	

SELECT Class(es) of Permit(s) Being Transferred:  A1  A1A  A2  A3  A4  B1  B2  B3  B4  B5  
 C1  C2  C2X  D1  D2  D-2X  D3  D3A  D3X  D5  D6  D7  OTHER \_\_\_\_\_

SELECT Type of Transaction:  CORPORATE NAME CHANGE  CONVERSION  GIFT  MERGER  
 SALE  OTHER \_\_\_\_\_

SELECT Type of Business:  INDIVIDUAL If Individual, list Social Security Number: \_\_\_\_\_  
 CORPORATION  LLC  PARTNERSHIP

Is this an Economic Development (TRES) Transfer?  YES  NO If you answered "YES," you must submit Form DLC4244 (See page 4 of this form for further TRES information).

FOR DIVISION USE ONLY		
Data Entry Initials: _____	Data Entry Action:	Comments/Notes:
RECEIPT NUMBER:	Violations: <input type="checkbox"/> YES <input type="checkbox"/> NO If "YES", what type _____	
TAXING DISTRICT	Ren Status: <input type="checkbox"/> ISSD <input type="checkbox"/> PEND	
SELLERS NUMBER	Proc. Fee Pd: <input type="checkbox"/> YES <input type="checkbox"/> NO	
BUYERS NUMBER	BCI Fee Amount Paid: \$ _____	
	BUS. TYPE	

1. Do you or any partner, office holder, managing member, 5% stockholder or member, spouse, or other person involved in this permit hold or have any interest in another permit business?  YES  NO  
If YES, Give permit number & address on the line provided \_\_\_\_\_

2a. Have you or any partner, office holder, managing member, 5% stockholder or member, spouse, or other person involved in this permit ever been convicted of a felony or misdemeanor, including any alcohol-related offenses?  YES  NO  
If YES, attach a written explanation.

2b. If applicant is a sole proprietor or partnership, will spouse work on the permit premises?  YES  NO  
If YES, indicate spouse's full name \_\_\_\_\_

3. Have you or any partner, office holder, managing member, 5% stockholder or member, spouse, or other person involved in this permit ever been refused a permit, denied a renewal, or had a permit revoked from another state, by this Division, or the Liquor Commission? If YES, attach a written explanation.  YES  NO

4. Does applicant own the real estate on which the proposed business will be located?  YES  NO  
If NO, submit a signed and dated copy of your LEASE, RENTAL CONTRACT, OR DLC 4085 Summary of Tenancy Rights Form.

5. Will the applicant be the sole owner of the fixtures and equipment?  YES  NO  
If NO, submit a signed and dated copy of the rental agreement for the fixtures and equipment.

6. Will any person, partnership, LLC, or corporation, excluding banks, building and loan associations, or the seller have ANY financial interest (such as money, loans, installment contracts, property or other interests) or share in the profits in your business or your property, real or personal?  YES  NO  
If YES, attach a written explanation. NOTE: Ohio Revised Code Section 4303.293 provides a criminal penalty for failure to answer this question completely and correctly.

7. If transferring C or D class permits, do you or any partner, office holder, managing member, member, stockholder, employee, spouse or any other person involved in this permit own any stock or have any interest in the business of a manufacturer or wholesale distributor of alcoholic beverages? If YES, attach a written explanation.  YES  NO

8. If transferring A or B class permits, do you or any partner, office holder, managing member, member, stockholder, employee, spouse or any other person involved in this permit own any stock or have any interest in the business of a retail permit holder? If YES, attach a written explanation.  YES  NO

THE FOLLOWING MUST BE COMPLETED BY THE SELLER(S):

I, Karolyn Meheran, hereby authorize the Division of Liquor Control to process this application  
 X Karolyn Meheran CEO  
 (Signature and Title)  
356 INVICA PL SAVANNA OH 43230 614-471-2708  
 (Residence Address) (City) (State) (Zip Code) (Area Code & Phone No.)

THE FOLLOWING MUST BE COMPLETED BY THE BUYER(S):

WARNING: Ohio Law provides that as a proposed buyer you could be liable as a successor of the permit holder's unpaid sales, use, and withholding tax liabilities. The Division of Liquor Control will be unable to transfer the permit until the tax and assessment matters are resolved to the satisfaction of the particular agency. The buyer should request that seller obtain a sales tax release certificate, by contacting the Ohio Department of Taxation, Sales and Use Tax Division, Release Unit. A Withholding Tax Release Certificate Request should be made by contacting the Ohio Department of Taxation, Withholding Tax Division, Business Billing Unit. Also, the current permit holder may still owe Unemployment Compensation payments. To discuss these possible liabilities, you should contact the Ohio Department of Job & Family Services.

DELIBERATE MISREPRESENTATION OF ANY OF THE INFORMATION ON THE APPLICATION CAN RESULT IN THE DIVISION'S REFUSING TO APPROVE THIS APPLICATION.

Robert R. Thompson Manager 2-12-16  
 (Signature of Individual Partner, Officer, Managing Member, (Print Name) (Title) (Date)  
 or 5% or more Stockholder or Member)  
1744 FRANCISCO RD Columbu oh 43220 (614) 348-0323  
 (Residence Address) (City) (State) (Zip Code) (Area Code & Phone No.)

(To be completed by Notary Public)  
 Sworn to before me and subscribed in my presence this 12<sup>th</sup> day of February, 2016.



James H. Larson, AUDITOR OF ALL  
 NOTARY PUBLIC - STATE OF OHIO  
James H. Larson Notary  
 (Notary Public) (Notary Expiration)

NOTE: ALL DOCUMENTS BECOME PART OF THE PERMIT FILE AND WILL NOT BE RETURNED

**FOR OFFICE USE ONLY**  
 NEW    TRANSFER    REN  
 PERMIT #

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL  
 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005  
 Telephone: (614) 644-2360 - http://www.com.ohio.gov/liqr



**LIMITED LIABILITY COMPANY DISCLOSURE FORM**  
 (This form must accompany all applications of an LLC business entity)

**SECTION A.**

Name of Limited Liability Company Scoreboard Pub and Grill, LLC	DBA Name Scoreboard Pub and Grill	
Permit Premises Address 6 Troy St.	City, State Delaware, OH	Zip Code 43015
Township, if in Unincorporated Area	Tax Identification No. (TIN) 81-0862085	
Email Address: shamus@cassidylawltd.com		

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

**SECTION B.** List the top five (5) officers of the captioned business. If an office is NOT held, please indicate by writing NONE.

EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

NAME OF OFFICER	SOCIAL SECURITY NUMBER	BIRTHDATE
1) CEO      None		
2) President    None		
3) Vice-President   None		
4) Secretary    None		
5) Treasurer    None		

**SECTION C.** List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

			INTEREST
1) Name	Robert Thompson	Social Security No. (if individual)	Check All That Apply <input checked="" type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input checked="" type="checkbox"/> Membership interest 51 %
Residence Address	1744 Frances Road	Tax Identification No. (if applicable)	
City and State	Columbus, OH	Telephone No.      614-348-0323	
Zip Code	43220	Birthdate	
2) Name	Robert Moore	Social S	Check All That Apply <input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input checked="" type="checkbox"/> Membership interest 49 %
Residence Address	925 Coaltrain Ct.	Tax Identification No. (if applicable)	
City and State	Delaware, OH	Telephone No.      (740) 272-3964	
Zip Code	43015	Birthdate      5/20/69	

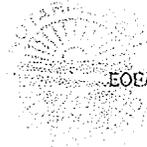
(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, Franklin COUNTY ss.

I, Robert Thompson being first duly sworn, according to law, deposes and says that he/she is (Title) Manager of the Scoreboard Pub and Grill, LLC, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) Robert R Thompson (Print Name and Title) Robert R Thompson, Manager

Sworn to and subscribed in my presence this 12<sup>th</sup> day of February, 2016



Shamus B. Cassidy, Attorney At Law  
 Notary Public, State of Ohio  
 EOE/ADA SERVICE PROVIDER  
 Dec. 14, 2010

ACS  
 (Notary Public)

Never  
 (Notary Expiration)



Ohio Department of Commerce - Division of Liquor Control  
 6606 Tussing Road, P.O. Box 4005  
 Reynoldsburg, Ohio 43068-9005  
 http://www.com.ohio.gov/liqr

Office hours - 8:00am to 5:00pm  
 For Questions call (614) 644-2496

## ECONOMIC DEVELOPMENT (TREX) TRANSFER FORM

Ohio Revised Code 4303.29 allows for the transfer of location or the transfer of ownership and location of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from municipal corporation or the unincorporated area of a township to an economic development project located in another municipal corporation or the unincorporated area of another township in which no additional permits of that class may be issued to the applicant under the permit quota. However the transfer may occur only if the applicant notifies the municipal corporation or township to which the location of the permit will be transferred regarding the transfer and the municipal corporation or township acknowledges in Section B of this form OR in writing to the Division of Liquor Control, that the transfer will be to an economic development project. A permit may be transferred to a different owner at the same location, or to the same owner or a different owner at a different location in the same municipal corporation or in the unincorporated area of the same township. NOTE: The statute requires the applicant to provide the endorsement by the municipal corporation or township at the time the application for the transfer is filed with the division, therefore once Section B is completed return this form to the applicant so they may attach this information to their transfer application.

<b>Seller(s) -Current Permit Holder - (Individual, Corp., LLC or Partnership)</b> V J K Sports Inc	<b>Buyer(s) -Prospective Permit Holder - Name &amp; addresses</b> Individual, Corporation, LLC or Partnership) Scoreboard Pub & Grill LLC 6 Troy St., Delaware, OH 43015
Permit Number: 9181155	

CHECK Class(es) of Permit(s) Being TREX Transferred:

C-1   
  C-2   
  C-2X   
  D-1   
  D-2   
  D-2X   
  D-3   
  D-3A   
 D-5   
 D-6

### SECTION A: (To be completed by the Applicant)

NOTE: Section A is for you to provide information to the local legislative authority (City, Village or Township Office) in which this Economic Development Project (Trex) will be located. In addition to the below information, you may be required to provide a projected earnings statement (brand new business), or a profit and loss statement (existing business), and a copy of building plans/drawings outlining any construction plans. The Division will also use this information to determine if you qualify and meet the criteria outlined under Section 4303.29(B)(2)(b).

1. The total amount invested in this project is \$ 250,000

2. The total number of jobs that will be created by this economic development project is 20 - 25

3 Existing or Estimated Tax Revenue generated by this project is:  
 (Type or print on the lines provided the type of tax & amount, i.e., Sales Tax, Property Tax, Unemployment Tax, etc.)

Sales Tax	\$ <u>48,000</u>
Ohio Unemployment Tax	\$ <u>16,000</u>
State Withholding Tax	\$ <u>6,000</u>
	\$ _____

On behalf of the applicant as indicated above I am signing below and certifying that all the information provided with this application is complete and accurate to the best of my knowledge.

<u>Robert R Thompson</u> Print or Type Name	<u>[Signature]</u> Signature
<u>2-12-16</u> Date	<u>614.348.0323</u> Phone Number
	<u>MANAGER</u> Title

### SECTION B: (The applicant MUST have this Section completed by the City, Village or Township Office in which this Economic Development Project (Trex) will be located. This form MUST be returned to the applicant to accompany the transfer application).

Based upon the factors outlined above, the City/Village/Township of \_\_\_\_\_ hereby endorses  
 (City, Village or Township Name)

and acknowledges that this transfer will be to an economic development project.

_____ Print or Type Name	_____ Signature of Mayor, Legislative Office Holder or Law Director
_____ Date	_____ Title (e.g., Mayor, Clerk of City Council, Fiscal Officer or Law Director)

## PURCHASE AGREEMENT

THIS AGREEMENT is made this 12<sup>th</sup> day of February, 2016 by and between **VJK Sports, Inc., 1137 N. Hamilton Road, Gahanna, OH 43230**, hereinafter referred to as "Seller," and **Scoreboard Pub & Grill LLC, 6 Troy Road, Delaware OH 43015**, hereinafter referred to as "Buyer."

1. **PURCHASE OF BUSINESS ASSETS:** For and in consideration of the purchase price of Twenty Thousand Dollars (\$20,000.00), Seller agrees to transfer its interest in D5-6 permit #9181155, formerly located at 1137 N. Hamilton Road, Gahanna, OH 43230, (the "Liquor Permit"), and Buyer agrees to buy the D5-6 license to be located at 6 Troy Road, Delaware, OH 43015.
2. **PURCHASE PRICE:** The purchase price of the business assets as set out in Paragraph 1, shall be paid as follows: Twenty Thousand Dollars (20,000.00) shall be placed in escrow with Nathan Gordon IOLTA upon execution of this Agreement with Seventeen Thousand Five Hundred Dollars (\$17,500.00) paid to the Seller upon transfer of the permit; and the remaining Two Thousand Five Hundred Dollars (\$2,500.00) paid to Seller upon issuance of tax releases.
3. **SELLER WARRANTIES:** The Seller warrants the following:
  - (a) No alleged violations, citations or suspensions are presently pending against the Liquor Permit.
  - (b) The Liquor Permit is free and clear of all liens and applicable Federal, State and Local taxes, and is in good standing with the Ohio Department of Liquor Control.
  - (c) Seller will indemnify and hold Buyer harmless from any and all claims, demands and actions of third parties relative to the above-mentioned assets and permit.

- (d) Seller agrees that social security, withholding, sales and unemployment insurance taxes to the City, County, State and Federal governments will be paid in full as of the date of the closing, and Seller shall provide a certificate of Sales Tax Release and Withholding Tax Release to Buyer at the time of closing.
- (e) There are no judgments, liens, actions or proceedings pending against Seller in any Court with respect to the Liquor Permit, nor will there be at the time of closing.

4. **BUYER'S WARRANTIES:** Buyer warrants that it has no knowledge of any reason why an application for a transfer of a liquor permit to it should not be approved by the Department of Liquor Control.

5. **OBLIGATIONS OF SELLER AND BUYER:** Seller and Buyer recognize that time is of the essence and agree to promptly execute and deliver any and all documents necessary to accomplish issuance and transfer of the Liquor Permit. Buyer will promptly file a transfer of ownership application with the Ohio Division of Liquor Control and will pay the processing fee of \$100 and such other charges that may be levied by the Ohio Division of Liquor Control. Each of the parties hereto agree to execute all documents and perform all prerequisites necessary to best effectuate the transfer of the license as herein contemplated.

6. **RIGHT TO ASSIGN:** The Buyer, without divesting itself of any liability hereunder, shall have the right to assign to its nominee all rights or obligations it may have under this agreement, provided such assignment includes the funds held in escrow.

7. **CONTINGENCIES:** This agreement is contingent upon the approval of the application by the Ohio Department of Liquor Control of the transfer of the Liquor Permit to Buyer under the terms set forth herein.

In the event the Ohio Department of Liquor control refuses to grant approval of the application for transfer, the Buyer or Seller may, at its option,

declare this Agreement null and void, in which event all escrow funds shall be returned to Buyer with no liability accruing to either party herein; or Buyer may appeal said decision of said Department within Ten (10) days of notification, to such administration agencies, court of courts which the Buyer believes may be necessary. If the Buyer chooses to appeal a disapproval and does not ultimately prevail, the funds shall be returned to the Buyer and no liability shall accrue to either party herein.

8. CLOSING: The closing of this transaction shall take place upon receipt by Seller and Buyer of notification of approval of transfer of the Liquor Permit by the Department of Liquor Control to Buyer and Seller providing to Buyer the documents called for in Paragraph 3(d).

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the date and year first written above.

SELLER:  
VJK Sports, Inc.

By: Karolyn McKernan

Title: CEO

BUYER:  
Scoreboard Pub & Grill, LLC

By: \_\_\_\_\_

Title: \_\_\_\_\_

declare this Agreement null and void, in which event all escrow funds shall be returned to Buyer with no liability accruing to either party herein; or Buyer may appeal said decision of said Department within Ten (10) days of notification, to such administration agencies, court of courts which the Buyer believes may be necessary. If the Buyer chooses to appeal a disapproval and does not ultimately prevail, the funds shall be returned to the Buyer and no liability shall accrue to either party herein.

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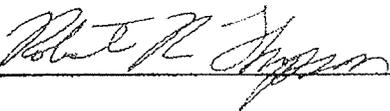
**IN WITNESS WHEREOF**, the parties have hereunto set their hands as of the date and year first written above.

SELLER:  
VJK Sports, Inc.

By: \_\_\_\_\_

Title: \_\_\_\_\_

BUYER:  
Scoreboard Pub & Grill, LLC

By: 

Title: Manager