



Ohio Department of Commerce

Division of Liquor Control

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Bob Taft
 Governor

Lt. Governor Jennette Bradley
 Director

June 24, 2004

Chad D. Baus
 Vice Chairman
 Ohioans for Concealed Carry PAC
 14761 Pearl Road, #308
 Cleveland, OH 44136

Dear Mr. Baus:

Your facsimile communications of May 12, 2004 and May 26, 2004 to Rae Ann Estep, Superintendent of the Ohio Division of Liquor Control ("Division"), have been referred to me for reply. As the Division Counsel, I appreciate the opportunity to respond to your concerns.

You requested that the Division send correspondence to all class D permit holders to clarify the law regarding the carrying of concealed handguns in class D permit premises. You further point out that you believe the Division's April 5, 2004 correspondence to permit holders and posted message on the Division's website may have been less than clear on this subject.

Please be advised that as an administrative agency of the state, it is not the Division's responsibility to issue advisory opinions to the public regarding the concealed carry law, or to enforce this law.

The purpose of the Division's April 5, 2004 correspondence to the approximately 415 privately owned spirituous liquor agency stores was to make the agency stores aware of Amended Substitute House Bill 12 ("H.B. 12") and to provide general guidance only. Similarly, the purpose of the Division's message on its website is to provide general guidance to the public, not legal advice. In fact, the message on the website specifically provides the following:

We suggest that permit holders who have questions or concerns about how H.B. 12 affects their business consult with private legal counsel.

Also, as there are approximately 13,650 class D permit holders in this state, excluding the D-6 (Sunday sales only) permit holders, it would not be practical for the Division to send correspondence to all class D permit holders on this subject. The Division's April 5, 2004 letter was sent to only the 415 liquor agency stores, 98 of which hold class D permits.

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Please note that the Division's responsibility to provide the Firearms Warning Sign to all D permit holders has not changed with the enactment of H.B. 12. The Division's duty to provide the Firearms Warning Sign for posting applies to all class D permit holders, not only those which sell for on premises consumption. Ohio Revised Code Section 4301.637(B) provides the following in pertinent part:

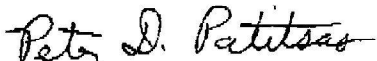
Every place in this state for which a D permit has been issued under Chapter 4303. of the Revised Code shall be issued a printed card by the division . . .

Furthermore, as private employers, the class D permit holders are governed by Ohio Revised Code Section 2923.126(C)(1) regarding whether they choose to post a sign stating that no person shall carry a concealed weapon onto their property. However, the Division is duty bound to provide the class D permit holders with the sign required by Ohio Revised Code Section 4301.637(B) for the permit holders to post. If class D permit holders have chosen to post a sign other than the sign the Division was statutorily required to provide to them, this was not done upon the direction of the Division.

Finally, class D permit holders are private businesses which are to confer with their own legal counsel regarding compliance with statutory requirements. Each situation is unique and only an attorney retained by a client on a specific legal matter can be aware of the totality of the facts and circumstances necessary to provide comprehensive and thorough legal advice to that client.

Please feel free to contact the Division if you have questions.

Sincerely,



Peter D. Patitsas
Division Counsel

/sat

cc: Rae Ann Estep, Superintendent
Ryan Augsburg, Legislative Liaison
Pete Thomas, Senior Deputy Attorney General, Executive Agencies