

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

Jeffrey Allen Douglas,	:	
Appellant-Appellant,	:	
v.	:	No. 11AP-133
Ohio Liquor Control Commission et al.,	:	(C.P.C. No. 10CVF-09-12966)
Appellees-Appellees.	:	(REGULAR CALENDAR)

D E C I S I O N

Rendered on May 17, 2012

James J. Andrioff, for appellant.

Michael DeWine, Attorney General, and *Scott A. Longo*, for appellees.

APPEAL from the Franklin County Court of Common Pleas

CONNOR, J.

{¶ 1} Appellant, Jeffrey Allen Douglas ("appellant"), appeals from the judgment of the Franklin County Court of Common Pleas that affirmed an order of the Ohio Liquor Control Commission ("the commission") denying appellant's renewal application for a liquor permit. Because we find the common pleas court did not abuse its discretion, we affirm.

I. Facts and Procedural History

{¶ 2} Appellant has operated a bar and grill known as Jeff's Place at 1402 Joyce Avenue in Columbus, Ohio since February 1997. The real estate at that location is owned by Edward M. Douglas ("Mr. Douglas"), the father of appellant, who previously operated the establishment under a different liquor license for several years. Mr. Douglas transferred the liquor license to appellant in 1997.

{¶ 3} On December 7, 2009, the Columbus City Council passed a resolution objecting to the 2010-2011 renewal of the liquor permit at Jeff's Place for a Class D-1-2-3-3A-6 permit. The resolution was sent to the Ohio Department of Commerce, Division of Liquor Control ("the division") the following day. The resolution contained a statement indicating the objection was based upon legal grounds set forth in R.C. 4303.292.

{¶ 4} The division subsequently scheduled a hearing to determine whether the renewal of the liquor permits should be denied based upon any of the reasons set forth in R.C. 4303.292(A). The hearing was held on February 23, 2010. Based upon the evidence presented at the hearing, the division denied and rejected the renewal of the 2010-2011 liquor permit, pursuant to an order dated March 12, 2010. The order stated the renewal was denied and rejected for the following reasons: (1) the place for which the permit is sought is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace, or good order would result from the issuance and operation of the permit; (2) the applicant has shown a disregard for the laws, regulations, or local ordinances of the state and will operate the permit business in a manner which demonstrates a disregard for said laws, regulations or ordinances; (3) the permit location does not conform to applicable building, safety, or health requirements; and (4) for good cause.

{¶ 5} On April 6, 2010, appellant filed an appeal with the commission and also requested a stay of execution of the division order. On April 8, 2010, the city of Columbus objected to the request for a stay. On April 16, 2010, the commission denied the motion for a stay of execution.

{¶ 6} On June 1, 2010, a de novo hearing was held before the commission. At the hearing, the following witnesses testified: (1) Detective Allen Brown, an employee of the Columbus Division of Police, Narcotics Bureau, Vice Section; (2) Officer Robert C. Vass, a 17-year veteran officer employed by the Columbus Division of Police in the Strategic Response Bureau, Gang Unit; and (3) Edward Douglas, owner of the real estate where the permit premises are located.

{¶ 7} Detective Brown testified he became familiar with Jeff's Place while in the performance of his job duties, which include investigating troubled liquor establishments in the city of Columbus. He testified the police department has received numerous

complaints about Jeff's Place, ranging from complaints about rowdiness to complaints that it is a hangout for gangs, and that the complaints triggered an inspection.

{¶ 8} Detective Brown identified a document he created showing the calls for service at Jeff's Place between January 2009 and January 22, 2010. He explained the document showed the number and nature of the runs dispatched to Jeff's Place and documented the city's expenditure of resources at that location. Detective Brown testified there were 130 dispatched runs to Jeff's Place, which he classified as "an extremely high number" as well as a "burden on the police resources." (Tr. 17; 19-20.) The reasons for the runs spanned various categories, including traffic accidents, traffic violations, domestic violence disturbances, suspicious persons, stolen vehicles, shots fired, calls to report persons with guns, shootings, narcotics activity, and robberies, as well as less exigent runs, such as house watch, requests for information and assistance, and park, walk and talk.

{¶ 9} Detective Brown also identified numerous specific police incident reports taken following runs dispatched to Jeff's Place for shootings in which an individual was injured and/or incidents where shots were fired but no one was injured. These were identified as plaintiff's exhibit Nos. 9 through 15.

{¶ 10} Specifically, exhibit No. 9 was identified as a report of an aggravated assault on March 5, 2009, which involved a shooting that resulted from a bar fight and which listed Jeff's Place as the location to which police were dispatched. Exhibit No. 10 was identified as a complaint regarding a man with a gun who refused to leave Jeff's Place on March 7, 2009. Exhibit No. 11 reported police were dispatched to Jeff's Place on March 8, 2009 on a weapons offense where the suspects were arrested for carrying a concealed weapon. Exhibit No. 12 was identified as a report of another aggravated assault/shooting which occurred at the intersection of Joyce and Windsor avenues near Jeff's Place on August 3, 2009. Exhibit No. 13 was identified as a report documenting an incident that occurred on October 6, 2009, where police responded to shots fired in the parking lot of Jeff's Place by several men, following a disturbance that began inside the bar when individuals began flashing gang signs. Police recovered eight spent shell casings from the parking lot. Exhibit No. 14 was identified as a report taken on November 6, 2009, following a call to investigate shots fired by an individual in a vehicle as he left Jeff's Place.

Finally, exhibit No. 15 documented a run on November 16, 2009, for a man firing shots in the parking lot of Jeff's Place. The report further reflects the patrons and employees at Jeff's Place refused to provide detailed information or answer specific questions about the incident.

{¶ 11} Detective Brown also identified exhibit No. 18. This was another police report dated April 5, 2010, which was approximately six weeks *after* the hearing before the division on February 23, 2010. It documented a call for service at Jeff's Place on a shooting that occurred inside the establishment in which the victim was seriously injured.

{¶ 12} In addition, Detective Brown testified he participated in a nuisance abatement group with the Columbus Department of Health, which inspected premises for violations and documented health and safety violations. Detective Brown identified several standard inspection reports from the department of health relating to Jeff's Place.

{¶ 13} Finally, Detective Brown testified that in the one-to-two year time period prior to appellant's application to renew his liquor permit, there has been an increase in the number of complaints registering problems at Jeff's Place as described by both officers and concerned citizens. He further described the distance between the establishment and the nearest house as 500 feet or less. (Tr. 47.)

{¶ 14} Officer Vass testified he was familiar with Jeff's Place because he previously was assigned to five precinct, the precinct in which Jeff's Place is located. He testified that Jeff's Place has always had its problems, but in the past two-to-two and one-half years, the establishment has become a cause for concern for the officers working in that precinct, as well as the citizens in the area. Officer Vass described the typical complaints as ranging from loud music, drug use, drug trafficking, and large fights, to shots fired, shootings, and homicides. Officer Vass testified he has had direct contact with the permit premises and has made arrests at that location for narcotics and weapons offenses. Officer Vass further acknowledged that of all the bars in five precinct, Jeff's Place was the most problematic.

{¶ 15} Officer Vass also testified to the presence of gang members at Jeff's Place. He described Jeff's Place as a Crip bar, but testified on many nights there will be representatives from various other local street gangs at the bar, such as members of the Bloods or Latin Kings gangs.

{¶ 16} Mr. Douglas testified that crime in five precinct and in the neighborhood around Jeff's Place has increased in the last two or three years. Mr. Douglas testified all of the patrons at the club have guns in their pockets and he did not know what to do about it besides call the police. He testified that he would remove patrons from the bar he suspected were gang members, but sometimes those patrons would jump the fence and re-enter the bar. Mr. Douglas acknowledged he did not try to increase the presence of security by either adding special duty police officers or additional security in the parking lot or inside the establishment. He admitted Jeff's Place had a lot of problems and that he did not know how to solve the problems, particularly in the parking lot. Mr. Douglas further testified there are only about 32 houses in the area down the street from the bar, but that additional development was scheduled for another 75 houses in the area.

{¶ 17} On August 16, 2010, the commission affirmed the division order, without opinion. Appellant then filed an appeal in the common pleas court on September 2, 2010, along with a motion for a stay of execution of the commission's order. On September 9, 2010, the common pleas court granted the stay. On January 11, 2011, the common pleas court affirmed the order of the commission, finding it was supported by reliable, probative, and substantial evidence and in accordance with law. This timely appeal now follows.

II. Assignment of Error

{¶ 18} Appellant raises a single assignment of error for our review:

THE TRIAL COURT ABUSED ITS DISCRETION WHEN IT RULED THAT THE ORDER OF THE OHIO LIQUOR CONTROL COMMISSION WAS SUPPORTED BY RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE.

III. Standard of Review

{¶ 19} In an administrative appeal, pursuant to R.C. 119.12, the trial court reviews an order to determine whether it is supported by reliable, probative, and substantial evidence and is in accordance with the law. In applying this standard, the court must "give due deference to the administrative resolution of evidentiary conflicts." *Univ. of Cincinnati v. Conrad*, 63 Ohio St.2d 108, 111 (1980).

{¶ 20} The Ohio Supreme Court has defined reliable, probative, and substantial evidence as follows:

(1) "Reliable" evidence is dependable; that is, it can be confidently trusted. In order to be reliable, there must be a reasonable probability that the evidence is true. (2) "Probative" evidence is evidence that tends to prove the issue in question; it must be relevant in determining the issue. (3) "Substantial" evidence is evidence with some weight; it must have importance and value.

(Footnotes omitted.) *Our Place, Inc. v. Ohio Liquor Control Comm.*, 63 Ohio St.3d 570, 571 (1992).

{¶ 21} The common pleas court's "review of the administrative record is neither a trial de novo nor an appeal on questions of law only, but a hybrid review in which the court 'must appraise all the evidence as to the credibility of the witnesses, the probative character of the evidence, and the weight thereof.' " *Lies v. Ohio Veterinary Med. Bd.*, 2 Ohio App.3d 204, 207 (2d Dist.1981), quoting *Andrews v. Bd. of Liquor Control*, 164 Ohio St. 275, 280 (1955). Due deference must be given to the administrative resolution of conflicting testimony. *Crumpler v. State Bd. of Edn.*, 71 Ohio App.3d 526, 528 (10th Dist.1991). "However, the findings of the agency are by no means conclusive." *Univ. of Cincinnati* at 111. On questions of law, the common pleas court conducts a de novo review in determining whether the administrative order is "in accordance with law." *Ohio Historical Soc. v. State Emp. Relations Bd.*, 66 Ohio St.3d 466, 471, 1993-Ohio-182.

{¶ 22} On appeal to this court, the standard of review is more limited. Unlike the court of common pleas, a court of appeals does not determine the weight of the evidence. *Rossford Exempted Village School Dist. Bd. of Edn. v. State Bd. of Edn.*, 63 Ohio St.3d 705, 707 (1992). In reviewing the court of common pleas' determination that the commission's order was supported by reliable, probative, and substantial evidence, this court's role is limited to determining whether the court of common pleas abused its discretion. *Roy v. Ohio State Med. Bd.*, 80 Ohio App.3d 675, 680 (10th Dist.1992). Absent an abuse of discretion on the part of the trial court, a court of appeals cannot substitute its judgment for that of the commission or the trial court. *Pons v. Ohio State Medical Bd.*, 66 Ohio St.3d 619, 621, 1993-Ohio-122. "The term 'abuse of discretion' connotes more than an error of law or judgment; it implies that the court's attitude is unreasonable, arbitrary or unconscionable." *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983), quoting *State v. Adams*, 62 Ohio St.2d 151, 157 (1980). However, on the

question of whether the commission's order was in accordance with the law, this court's review is plenary. *McGee v. Ohio State Bd. of Psychology*, 82 Ohio App.3d 301, 305 (10th Dist.1993), citing *Univ. Hosp., Univ. of Cincinnati College of Medicine v. State Emp. Relations Bd.*, 63 Ohio St.3d 339, 343 (1992).

IV. Arguments and Analysis

{¶ 23} Appellant makes several arguments to support his assignment of error asserting the trial court erred in finding the order is supported by reliable, probative, and substantial evidence.

A. Substantial Interference with Public Decency, Sobriety, Peace or Good Order

{¶ 24} First, appellant disputes the conclusion that the renewal of the permit license would substantially interfere with the public decency, sobriety, peace or good order of the neighborhood, arguing the neighborhood is not residential, the operation of the establishment has very little impact on an already crime-ridden area, and there is no nexus between the environmental conditions and appellant's operation of the business. We disagree with appellant's assertions.

{¶ 25} A permit holder is entitled to a renewal, pursuant to R.C. 4303.271, unless good cause exists to reject the renewal application. *Aysar, Inc. v. Ohio State Liquor Control Comm.*, 10th Dist. No. 06AP-958, 2007-Ohio-1470, ¶ 18. Pursuant to R.C. 4303.292(A)(2)(c), the division of liquor control may refuse to issue, transfer, or renew a retail permit if it finds "[t]hat the place for which the permit is sought * * * [i]s so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace, or good order would result from the issuance, renewal, transfer of location, or transfer of ownership of the permit and operation under it by the applicant."

{¶ 26} Where the basis for rejecting a renewal is R.C. 4303.292(A)(2)(c), the focus of this basis is the location of the permit business, not the person who operates the business. *Maggiore v. Ohio Liquor Control Comm.*, 10th Dist. No. 95APE06-713 (Mar. 29, 1996); *2971, Inc. v. Liquor Control Comm.*, 10th Dist. No. 04AP-1188, 2005-Ohio-3372. It is the renewal, rather than the business operations themselves, that must substantially interfere with public decency, sobriety, peace or good order. *Aysar* at ¶ 21.

{¶ 27} Appellant argues there must be some nexus between the environmental conditions and the liquor permit holder's operation of the business and cites to *Quaranta v. Liquor Control Comm.*, 17 Ohio App.3d 156 (7th Dist.1983), in support of his position. We note, as we did in *Asylum, Inc. v. Liquor Control Comm.*, 167 Ohio App.3d 498, 2006-Ohio-2679 (10th Dist.), that *Quaranta* was decided before the Ohio legislature's amendment to R.C. 4303.292(A)(2)(c), "which now expressly provides that the division may refuse to renew any retail permit exclusively on the basis of environmental conditions and does not require that any control or fault be shown on the part of the permit holder." *Asylum* at ¶ 19.

{¶ 28} Furthermore, the causation requirement for rejecting a renewal application based upon R.C. 4303.292(A)(2)(c) is "some connection between the permit premises and adverse effects upon the surrounding area." *Marciano v. Ohio Liquor Control Comm.*, 10th Dist. No. 02AP-943, 2003-Ohio-2023, ¶ 29. Therefore, the commission is not required to demonstrate that the permit holder's actions were directly related to the conduct of its patrons. *Asylum* at ¶ 20. " 'Even if other influences have asserted a negative affect on the area, outside of appellant's control, this can only underli[n]e the importance to the city and the commission of maintaining strict compliance with liquor control laws in the vicinity.' " *Harbi Abuzahrieh & Co., Inc. v. Liquor Control Comm.*, 8th Dist. No. 74556, 1999 WL 528503, *6, 1999 Ohio App. LEXIS 3396, *17 (July 22, 1999), quoting *TBBTR, Inc. v. Liquor Control Comm.*, 10th Dist. No. 93AP-158 (Oct. 19, 1993) (memorandum decision). See also *M&M Grill v. Ohio Liquor Control Comm.*, 10th Dist. No. 04AP-1244, 2005-Ohio-2431, ¶ 9 (evidence of fighting in and around the permit premises is relevant to the determinations under R.C. 4303.292(A)(2)(c)).

{¶ 29} A renewal application is properly rejected under R.C. 4303.292(A)(2)(c), even if the permit holder's operation does not per se cause the illicit activity, because there can be good cause to reject the permit application where " 'it constitutes a breeding ground for a deleterious environment.' " *Slammers Grill & Bar, LLC v. Liquor Control Comm.*, 10th Dist. No. 06AP-239, 2006-Ohio-6653, ¶ 12, quoting *Harbi Abuzahrieh & Co., Inc.* In numerous cases, we have determined that a showing of good cause for the nonrenewal of a liquor permit can be based upon evidence of the deleterious effect the sale of liquor has upon the surrounding environment and law enforcement,

notwithstanding the operations inside the establishment. *See M&M Grill; Marciano; 3M, Inc. v. Ohio Liquor Control Comm.*, 10th Dist. No. 00AP-529 (Jan. 25, 2001); *Ossie, Inc. v. Ohio Liquor Control Comm.*, 10th Dist. No. 02AP-1209, 2003-Ohio-2729. "[A] bar and its patrons' effect on the neighborhood are sufficient grounds for rejection of a liquor license, without the evidence concerning the inside operation of the premises." *Slammers Grill & Bar, LLC*. at ¶ 12, citing *Buckeye Bar, Inc. v. Liquor Control Comm.*, 32 Ohio App.2d 89 (10th Dist.1972).

{¶ 30} Additionally, appellant's claim that the renewal at issue does not affect a residential neighborhood is belied by the record. Although the neighborhood may be more industrial than residential, there was testimony that there were 32 residential homes down the street from Jeff's Place, that there was likely a residence within 500 feet of the establishment, and that an additional 75 homes were scheduled to be built in the neighborhood in 2010.

{¶ 31} Next, appellant disputes the reliability of the statistics provided by Detective Brown regarding the service calls dispatched by the police to the permit premises. Appellant contends the statistics are misleading, lack credibility, and are unreliable, arguing some of the statistics and categories, such as park, walk and talk, have been created for no apparent reason, and that some of the calls are not of a serious nature and are not criminal in nature.

{¶ 32} We have previously found that evidence of a high volume of police calls over a particular period of time can cause a strain on police resources, regardless of whether or not convictions resulted from those calls. *M&M Grill* at ¶ 12; *Asylum* at ¶ 27. While the sheer number of calls alone cannot be the touchstone for determinations under R.C. 4303.292(A)(2)(c), the severity of the incidents underlying those police calls must also be considered relevant in gaining a true understanding of the circumstances. *M&M Grill* at ¶ 12.

{¶ 33} In the instant case, based upon the statistics presented by Detective Brown at the hearing, there were 130 dispatched runs to Jeff's Place in a period of 387 days. Broken down, that equates to a police run to Jeff's Place approximately every three days. Admittedly, some of those runs were not in response to criminal activity or emergency situations which were currently ongoing, but rather were generated as a cautionary

measure in response to previous problems at the permit premises. Nevertheless, there was evidence introduced at trial via the testimony of Detective Brown and his identification of plaintiff's exhibit Nos. 9 through 15, as well as exhibit No. 18, which demonstrate the occurrence of numerous incidents at Jeff's Place which were severe in nature.

{¶ 34} For example, on March 5, 2009, a bar fight occurred at Jeff's Place, which resulted in a shooting. Two days later, on March 7, 2009, police were called to Jeff's Place on a report of a man with a gun who refused to leave the bar. The next day, March 8, 2009, three men were arrested in a vehicle sitting outside Jeff's Place for carrying a concealed weapon when police responded to a "gun run" call. On October 6, 2009, police responded to a call for shots fired in the parking lot of Jeff's Place following an incident inside the bar where patrons were throwing gang signs. Police found eight spent shell casings in the parking lot. One month later, on November 6, 2009, police responded to another call to investigate shots fired outside Jeff's Place. Ten days later, on November 16, 2009, police again responded to a call regarding a man firing gunshots in the parking lot of Jeff's Place. Even after appellant's application was denied but while the process was still ongoing, the problems continued. On April 5, 2010, a man was shot inside Jeff's Place and was seriously wounded.

{¶ 35} Notwithstanding the fact that some of the 130 calls for service during the 13-month time period at issue appear to have arisen as a result of preventive and/or cautionary measures taken on the part of the police based on previous problems at the permit premises, there is no doubt that the incidents cited above were most definitely of a serious and severe nature. These incidents clearly demonstrate the deleterious effect that appellant's sale of liquor had upon the surrounding environment, and the commission and the trial court properly relied upon the evidence related to these incidents. *See M&M Grill* at ¶ 13.

{¶ 36} Furthermore, we find it significant to note that this court has previously found that 60 police calls in a two-year time period could certainly be said to cause a strain on police resources. *Id.* at ¶ 13. In the instant case, there were more than twice that many calls in a time period that was half as long.

{¶ 37} Here, substantial evidence was presented regarding the adverse impact of the permit premises on the surrounding area, as well as the additional strain on police resources. The record before the commission clearly supports a finding that the location of the permit premises substantially interferes with public decency, sobriety, peace or good order pursuant to R.C. 4303.292(A)(2)(c).

B. Health Code Violation Reports—Disregard for Laws, Regulations, or Local Ordinances

{¶ 38} Finally, appellant challenges the finding that he has shown a disregard for laws, regulations, or local ordinances. At the hearing, the only violations cited involved health code violations. Appellant objected to the introduction of the health code violation reports at the hearing, arguing they were inadmissible due to lack of foundation. Appellant argues the reports should have been excluded as evidence and therefore do not represent reliable, probative, and substantial evidence on which the commission can rely.

{¶ 39} As a general rule, administrative agencies are not bound by the strict rules of evidence which are applicable in a court proceeding. *Felice's Main Street, Inc. v. Ohio Liquor Control Comm.*, 10th Dist. No. 01AP-1405, 2002-Ohio-5962, ¶ 17; *Holzhauser v. State Med. Bd. of Ohio*, 10th Dist. No. 06AP-1031, 2007-Ohio-5003, ¶ 19. Rather, the hearsay rule is relaxed in an administrative proceeding. *Felice's Main Street, Inc.* at ¶ 17; *Adanich v. Ohio Optical Dispensers Bd.*, 10th Dist. No. 91AP-300 (Oct. 8, 1991). Therefore, simply because the reports were hearsay does not automatically lead to the conclusion that the commission could not consider them. *Reynolds v. Ohio State Bd. of Examiners of Nursing Home Admrs.*, 10th Dist. No. 03AP-127, 2003-Ohio-4958, ¶ 19; *Felice's Main Street, Inc.* at ¶ 17. Statements or evidence that would be excluded as hearsay elsewhere are admissible in an administrative proceeding where they are not inherently unreliable and are sufficient to constitute substantial, reliable, and probative evidence. *Id.* at ¶ 18; *Holzhauser* at ¶ 17; *Doersam v. Gahanna*, 10th Dist. No. 96APF12-1766 (Sept. 30, 1997). However, the agency's discretion to consider hearsay evidence cannot be exercised arbitrarily. *Holzhauser* at ¶ 19; *Adanich*.

{¶ 40} In the instant case, the trial court did not abuse its discretion in failing to find that the commission erred by admitting the health code violation reports, despite the

fact that they were hearsay evidence, and despite the fact that appellant objected to the reports.

{¶ 41} Detective Brown testified that the documents were standard health and inspection reports used by the health department and the state to review any violations found during an inspection. The reports set forth multiple violations. Detective Brown also testified he was part of a nuisance abatement group which sometimes accompanied the health department on inspections. He further testified that he regularly saw such reports in the course of his inspection duties.

{¶ 42} There is nothing in the record to indicate that the reports were inherently unreliable. Notably, portions of administrative investigative reports can be admissible as an exception to the hearsay rule when a proper foundation has been laid. *Felice's Main Street, Inc.* at ¶ 18; *Dept. of Liquor Control v. BPOE Lodge 0107*, 10th Dist. No. 90AP-821 (June 4, 1991). The rationale behind this is that such reports have a high indicia of reliability. *Felice's Main Street, Inc.* at ¶ 18, citing *Husnia, Inc. v. Liquor Control Comm.*, 8th Dist. No. 74216 (June 24, 1999). Here, the reports bear significant indicia of trustworthiness that lead to a determination that they are reliable, especially in the absence of any evidence to suggest that they are not reliable. *See Felice's Main Street, Inc.* at ¶18, citing *Adanich* (finding the board could consider improperly admitted hearsay evidence which was not properly authenticated by a custodian because it had the indicia of reliability).¹

{¶ 43} Therefore, we reject appellant's contention that the trial court abused its discretion in considering the health code violations reports in reaching its determination.

V. Conclusion

{¶ 44} In conclusion, and based upon the foregoing, we find that appellant has failed to show that the trial court abused its discretion in finding the commission's order was supported by reliable, probative, and substantial evidence and in accordance with law. Absent an abuse of discretion on the part of the common pleas court, we cannot substitute our judgment for that of the common pleas court or the commission. *18121*

¹ We are mindful of the fact that appellant is arguing that a proper foundation was not laid in this case. Even assuming, arguendo, that appellant's assertion is correct, we believe the case law here is illustrative of the fact that reports of this nature have a high indicia of reliability.

Euclid, Inc. v. Liquor Control Comm., 10th Dist. No. 05AP-354, 2005-Ohio-7025, ¶33. Accordingly, we overrule appellant's single assignment of error. The judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

KLATT and DORRIAN, JJ., concur.
