

**HEARING OFFICER'S RECOMMENDATION**

**TO:** Ernie Davis, Acting Superintendent, Division of Liquor Control  
**FROM:** James P. Bally, Hearing Officer, Legal Section  
**RE:** Recommendation

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**RE:** Transfer of Ownership Application  
Permit #3759195, Class C-1  
Heng and Zhu, Inc.  
dba China Garden  
14867 Detroit Avenue  
Lakewood, OH 44107

The evidence and testimony offered for the record by the Lakewood City Council is insufficient to sustain its objection to the transfer of ownership of this class C-1 permit.

The Lakewood City Council presented evidence of a substantial nature regarding the criminal activities of an employee of China Garden, Angel Rossato. However, this is the transfer of ownership from Yim Wah Kwok to her uncle, Zeng Chun Huang. There was no evidence that Yim Wah Kwok, the issued permit holder, has anything in her background that would deprive her of being the issued permit holder. The City of Lakewood has never objected to the annual renewal of this permit even though they had information relating to Angel Rossato as early as 2004. Angel Rossato was never in the position of management at this premise, and was only an occasional employee during the last several years. Sustaining the city's position in this matter would mean that this permit would remain as an issued permit with Yim Wah Kwok.

Therefore, it is this Hearing Officer's opinion that the Lakewood City Council did not present substantial, reliable, and probative evidence sufficient enough to deny the transfer of this permit. There was no evidence detrimental to the character of Zeng Chun Huang, the sole shareholder and chief executive officer of Heng and Zhu, Inc., the applicant in this matter. While the permit has been issued to Yim Wah Kwok, there have no citations, no liquor violations, no expressions of police activity, and no evidence of any neighborhood interference relating to this business. Should Angel Rossato continue to be employed at this premise, and should the above premise cause a problem for the city, Lakewood City Council has every right to object to the annual renewal of the license issued to China Garden.

For the above stated reasons, it is the recommendation of this Hearing Officer that the objection by the Lakewood City Council to the transfer of ownership of this class C-1 permit be overruled.

James P. Bally 9/30/10  
James P. Bally, Hearing Officer  
Legal Section

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