IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

CITY OF CINCINNATI,	:	APPEAL NO. C-260057 TRIAL NO. A-2403128
Plaintiff-Appellee,	:	
vs.	:	
RISCONI BAR & KITCHEN, LLC, d.b.a. RUSCONI BAR & KITCHEN,	:	
	:	*JUDGMENT ENTRY*
CHERELLE JACKSON, f.k.a. CHERELLE BRUNIS,	:	
and	:	
MARTEZ JACKSON,	:	
Defendants-Appellants.	:	

This cause was heard upon the appeal, the record, the briefs, and arguments.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 10/21/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer Hunsley
Administrative Judge

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CHERELLE JACKSON, f.k.a. CHERELLE BRUNIS,	:	*O P I N I O N*
and	:	
MARTEZ JACKSON,	:	
Defendants-Appellants.	:	

Civil Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: October 21, 2026

Emily Smart Woerner, City Solicitor, *Susan M. Zurface*, Chief Prosecuting Attorney, and *David M. Laing* and *Monica Windholtz*, Assistant City Solicitors, for Plaintiff-Appellee,

Jeffrey A. Burd, for Defendants-Appellants.

MOORE, Judge.

{¶1} Defendants-appellants Risconi Bar & Kitchen, LLC, d.b.a. Rusconi Bar & Kitchen ("Rusconi's"),[1] Cherelle Jackson ("Mrs. Jackson"), and Martez Jackson ("Mr. Jackson") appeal the trial court's grant of summary judgment in favor of plaintiff-appellee the City of Cincinnati ("the City"). We hold that there was no genuine dispute of material fact that Rusconi's was a disorderly house nuisance under R.C. 3767.01(C)(3), and that Rusconi's, Mrs. Jackson, and Mr. Jackson were individually guilty of maintaining a nuisance under R.C. 3767.02(A). Furthermore, Rusconi's eviction from its location did not render the issues in the case moot. Therefore, the City was entitled to judgment as a matter of law, and the trial court did not err in granting the City's motion for summary judgment. Accordingly, we overrule the appellants' sole assignment of error and affirm the judgment of the trial court.

I. Factual and Procedural History

{¶2} Rusconi's was a bar located at 126 West Sixth Street in downtown Cincinnati. It was in operation from 2022 until 2025. On July 12, 2024, the City filed a complaint against Rusconi's, seeking to declare it a nuisance under R.C. 3767.01(C)(3) and to enjoin it from further operation under R.C. 3767.05(D).

{¶3} Initially, the City named the following parties as defendants: (1) Risconi Bar & Kitchen, LLC, (2) Cherelle Jackson, the sole member of Risconi Bar & Kitchen, LLC, and (3) Martez Jackson, Cherelle's husband who completed tasks at the bar at his wife's instruction. The City also named 126 Sixth Street Owner, LLC, the owner of the premises where Rusconi's was located, as a defendant. On August 22, 2025, however, the City voluntarily dismissed all claims against 126 Sixth Street Owner, LLC,

[1] The record before us fails to explain why Risconi Bar & Kitchen, LLC, did business as Rusconi Bar & Kitchen, spelled with a "u" instead of an "i."

without prejudice after it evicted Rusconi's from the premises.

{¶4} The City's complaint alleged that Rusconi's frequently violated the liquor laws and fire code by serving alcohol outside the legal hours for sale, selling alcohol to people under the legal drinking age, and exceeding the occupancy limits set by the Cincinnati Fire Department. The complaint consisted of three counts. Count I asserted that the prevalence of liquor-law violations at Rusconi's rendered the property a disorderly house nuisance under R.C. 3767.01(C)(3) and that the defendants were guilty of maintaining that nuisance. Count II asserted that Rusconi's chronic overcrowding was a violation of the fire code. Count III asserted that the defendants created and maintained a nuisance under the common law.

{¶5} Ultimately, the City sought (1) a declaration that Rusconi's was a nuisance under R.C. 3767.01(C)(3), (2) an order finding the defendants guilty of maintaining a nuisance under R.C. 3767.02(A), (3) a preliminary and permanent injunction enjoining the defendants from establishing or maintaining the nuisance at that location or any other location under R.C. 3767.05(D), and (4) an order closing the business.

{¶6} On September 20, 2024, Cherelle and Martez Jackson were deposed. Mrs. Jackson testified that her husband accepted deliveries and cleaned the bar when she asked him to. Additionally, Mrs. Jackson testified that Rusconi's had committed several violations of liquor laws, including underage sales and after-hours sales. Mr. Jackson testified that he went to Rusconi's frequently, including when his wife needed him to get something done. Mr. Jackson also testified that he had no evidence to dispute that Rusconi's had violated the liquor laws on numerous occasions.

{¶7} On October 24, 2025, the City filed a motion for partial summary judgment seeking declaratory and injunctive relief on Count I of its complaint, its

statutory-nuisance claim. The City attached to its motion authenticated copies of the findings of the Liquor Control Commission that determined that Rusconi's had violated several liquor laws on multiple occasions. In its brief, the City also referenced the depositions of the Jacksons.

{¶8} The trial court granted the City's motion for partial summary judgment on January 23, 2026. The court found that there were no genuine issues of material fact that Rusconi's was a disorderly house nuisance under R.C. 3767.01(C)(3) and that the Jacksons were individuals who maintained the nuisance under R.C. 3767.02(A). Specifically, the trial court noted that "[t]he record in this case is replete with violations of overcrowding and liquor sales to minors in which both Cherelle Jackson and Martez Jackson maintained control over the premises." The trial court noted that Mrs. Jackson maintained control over the business by being the sole managing member of the LLC and by having her name on the liquor permit. The trial court noted that Mr. Jackson maintained sufficient control over the business by "act[ing] numerous times at the behest of his wife to operate Risconi's." Accordingly, the defendants were permanently and perpetually enjoined from maintaining the nuisance at that location or anywhere else.

{¶9} Risconi Bar & Kitchen, LLC, Cherelle Jackson, and Martez Jackson (collectively, "the appellants") have appealed.

II. Analysis

{¶10} On appeal, the appellants' sole assignment of error is that the trial court erred in granting the City's motion for summary judgment. Under this assignment of error, the appellants raise three issues: (1) the City was not entitled to summary judgment; (2) there was no basis for piercing the corporate veil or finding that Mrs. Jackson and Mr. Jackson personally maintained a nuisance; and (3) the issues in the

case were moot when the motion for summary judgment was considered by the trial court. Because mootness is a threshold issue, we address it first.

A. Mootness

{¶11} "Our duty as an appellate court is to decide controversies between parties that can be carried into effect, and we need not render an advisory opinion on a moot question or question of law that cannot affect the issues in the case." *City of Cincinnati v. Twang, LLC*, 2021-Ohio-4387, ¶ 27 (1st Dist.), citing *Schwab v. Lattimore*, 2006-Ohio-1372, ¶ 10 (1st Dist.). As a result, Ohio courts decline jurisdiction over a case that no longer presents a live controversy. *Paige v. Ohio High School Athletic Assn.*, 2013-Ohio-4713, ¶ 7-8 (1st Dist.).

{¶12} The appellants argue that the trial court should not have granted the City's motion for summary judgment because the issues in the case were moot after Rusconi's was evicted from the premises. The appellants argue that the case no longer presented a live controversy because there was no longer any nuisance to abate—the bar was permanently closed, and the appellants were permanently dispossessed of the property after the eviction. In support of their position, the appellants cite *Ohio Receivers Group v. Damene*, 2023-Ohio-4620, ¶ 17 (1st Dist.), for the proposition that a nuisance claim is rendered moot when the parties accused of causing the nuisance lose their right to access the property.

{¶13} The appellants' reliance on *Damene* is misplaced. The action in *Damene* was brought under the public-nuisance statute, R.C. 3767.41, which deals with buildings that are "a menace to the public health, welfare, or safety" because they are structurally unsafe or unsanitary. *Damene* at ¶ 3. The present case deals with an entirely different type of statutory nuisance, a disorderly house nuisance as defined by R.C. 3767.01.

{¶14} The plain text of the disorderly-house-nuisance statute makes clear that the case is not moot. R.C. 3767.03 provides that the City may bring an action "to abate the nuisance and to *perpetually* enjoin the person maintaining the nuisance from further maintaining it." (Emphasis added.) R.C. 3767.05(D) further provides that "[i]f the existence of the nuisance is established . . ., a judgment shall be entered that perpetually enjoins the defendant and any other person from further maintaining the nuisance at the place complained of and the defendant from *maintaining the nuisance elsewhere*." (Emphasis added.)

{¶15} Taken together, this language indicates that the case is not moot. Through its motion for summary judgment, the City sought to perpetually enjoin the appellants from maintaining the nuisance at its original location or anywhere else. Thus, it is of no consequence that Rusconi's was evicted from 126 West Sixth Street. There remained a live controversy for the trial court to address because the City was seeking a permanent injunction that was not limited to the original location of the nuisance.

{¶16} It similarly does not matter that Rusconi's was no longer in operation. Under R.C. 3767.05(E)(2), "[t]he court need not find that the property was being unlawfully used at the time of the hearing on the matter if the court finds there existed a nuisance as described in [R.C. 3767.01(C)(3)]." The statute explicitly provides that the nuisance does not need to be ongoing for the City to obtain relief, so long as the nuisance existed at some point.

{¶17} Thus, the case was not moot when the trial court considered the City's motion for summary judgment. We turn now to the other two issues raised under the appellants' sole assignment of error: that the City was not entitled to summary judgment and that the trial court improperly pierced the corporate veil to impose

liability on the Jacksons.

B. The City's Entitlement to Summary Judgment

{¶18} We review a trial court's decision on a motion for summary judgment de novo. *Al Neyer, LLC v. Westfield Ins. Co.*, 2020-Ohio-5417, ¶ 13 (1st Dist.). Summary judgment is proper where "there is no genuine issue as to any material fact" and "the moving party is entitled to judgment as a matter of law." Civ.R. 56(C). The moving party carries the initial burden of producing evidence to demonstrate that it is entitled to summary judgment. *Al Neyer, LLC* at ¶ 15. If the moving party meets this burden of production, the nonmoving party must then produce evidence establishing a genuine dispute of material fact to defeat summary judgment. *Id.* We must construe the evidence in favor of the nonmoving party where possible. *Id.* at ¶ 14.

{¶19} R.C. 3767.01(C)(3) defines a disorderly house nuisance as "[a]ny room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured, sold, bartered, possessed, or kept in violation of law." A violation of law "includes, but is not limited to, sales to any person under the legal drinking age." *Id.* The statute also provides that a disorderly house nuisance exists in "such a room, house, building, boat, structure, or place as described in division (C)(3) of this section where the operation of that place substantially interferes with public decency, sobriety, peace and good order." *Id.* Under R.C. 3767.05(A), "evidence of the general reputation of the place where the nuisance is alleged to exist or an admission or finding of guilt of any person under the criminal laws against prostitution, lewdness, assignation, or other prohibited conduct at the place is admissible for the purpose of proving the existence of the nuisance."

{¶20} Attached to the City's motion for summary judgment were authenticated copies of the Liquor Control Commission's findings that Rusconi's

violated several liquor laws on multiple occasions. Additionally, in its brief in support of its motion for summary judgment, the City referenced the deposition testimony of Mrs. Jackson and Mr. Jackson where they each admitted that the violations identified by the Liquor Control Commission had, in fact, occurred.

{¶21} The appellants argue that the City was not entitled to summary judgment because it failed to meet its burden of production under the summary-judgment standard. While the appellants acknowledge that the City put forth the Liquor Control Commission's findings, they argue that these administrative findings were inadequate evidence that Rusconi's sold alcohol in violation of law. Rather, the appellants argue that the City was required to prove that there were criminal convictions resulting from the violations of law in order for Rusconi's to be deemed a disorderly house nuisance. Put differently, the appellants argue that the City never presented the requisite "findings of guilt" that constitute prima facie evidence of a nuisance.

{¶22} We disagree. R.C. 3767.01(C)(3) defines a disorderly house nuisance as a place where alcohol is sold in violation of law. To be entitled to summary judgment, the City was required to put forth evidence that Rusconi's was a place where alcohol was sold in violation of law. The findings of the Liquor Control Commission and the admissions of the Jacksons establish precisely that—that Rusconi's sold alcohol in violation of law.

{¶23} Furthermore, R.C. 3767.05(A) provides that "evidence of the general reputation of the place where the nuisance is alleged to exist or *an admission* or finding of guilt of any person under the criminal laws against prostitution, lewdness, assignation, or other prohibited conduct at the place is admissible" to prove that a nuisance exists. (Emphasis added.) Contrary to the appellants' argument, the City was

not required to demonstrate criminal convictions resulting from Rusconi's violations of the liquor laws. Rather, the statute permits general reputation evidence and admissions of criminal law violations, in addition to criminal convictions, to establish the existence of a nuisance. Even though no criminal convictions ever resulted from Rusconi's violations of the liquor laws, both Mrs. Jackson and Mr. Jackson admitted in their depositions that the violations identified by the Liquor Control Commission had occurred. Among these violations were the sales of alcohol to people under the legal drinking age, in violation of R.C. 4301.22(A) and 4301.69(A). This violation of law is explicitly mentioned in R.C. 3767.01(C)(3). Because the Jacksons admit that Rusconi's sold alcohol in violation of law as identified by the Liquor Control Commission, the City was not required to put forth evidence of any resulting criminal convictions.

{¶24} Ultimately, the City's evidence satisfied its burden of production under the summary-judgment standard to prove the existence of a disorderly house nuisance. As a result, the burden of production shifted to the appellants to demonstrate a genuine dispute of material fact. Because the appellants failed to produce any evidence indicating that Rusconi's did not sell alcohol in violation of law, there was no genuine issue of material fact that Rusconi's was a disorderly house nuisance. Thus, the City was entitled to judgment as a matter of law.

{¶25} The appellants further argue that the City did not meet its burden of production because R.C. 3767.01(C)(3) requires the City to demonstrate both that (1) Rusconi's was a place where alcohol was sold in violation of law and (2) the operation of Rusconi's substantially interfered with public decency, sobriety, peace, and good order. In support of their position, the appellants cite two trial court decisions, one from Montgomery County and one from Butler County, where the trial court found a

disorderly house nuisance to exist based both on a violation of law and a substantial interference with public decency, sobriety, peace, and good order. *City of Huber Hts. v. Dandt Amusements, LLC*, Montgomery C.P. No. 2015 CV 05096, 2015 Ohio Misc. LEXIS 7621 (Sept. 30, 2015); *City of Hamilton ex rel. Lewis v. Brown*, Butler C.P. No. CV 2017 09 2012, 2017 Ohio Misc. LEXIS 14834 (Nov. 1, 2017).

{¶26} R.C. 3767.01(C)(3) provides in full that

> (C) "Nuisance" means any of the following:
>
> (3) Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured, sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture of beer or intoxicating liquor and beer or intoxicating liquor contained in the room, house, building, boat, structure, or place, *or* the operation of such a room, house, building, boat, structure, or place as described in division (C)(3) of this section where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. "Violation of law" includes, but is not limited to, sales to any person under the legal drinking age as prohibited in division (A) of section 4301.22 or division (A) of section 4301.69 of the Revised Code and any violation of section 2913.46 or 2925.03 of the Revised Code.

(Emphasis added.)

{¶27} The plain meaning of the text of R.C. 3767.01(C)(3) does not require additional evidence of a substantial interference with public decency, sobriety, peace, and good order so long as there is evidence that alcohol was sold in violation of law.

The word "or" precedes the language in the statute requiring proof of a substantial interference. "Or" is disjunctive and indicates that the substantial-interference clause is a separate and independent ground for establishing a nuisance, not an additional requirement. If the law required both a violation of law and a substantial interference, the statute would include the word "and" instead of "or." In conclusion, R.C 3767.01(C)(3) requires the City to prove a violation of law *or* a substantial interference with public decency, sobriety, peace, and good order. It does not require the City to prove both.

{¶28} The two trial court decisions cited by the appellants do not compel us to hold that R.C. 3767.01(C)(3) requires proof of both a violation of law and a substantial interference, especially when the plain meaning of the text indicates otherwise. Even if those cases were binding on this court, the cases merely indicate that there was evidence of both violations of law and substantial interference with public decency, sobriety, peace, and good order in those particular cases. They do not indicate that the statute requires evidence of both to establish a nuisance in all cases.

{¶29} Since the City put forth evidence that Rusconi's sold alcohol in violation of law, and the appellants failed to produce any evidence to the contrary, the trial court correctly found that there was no genuine dispute of material fact that Rusconi's was a disorderly house nuisance, and that the City was entitled to judgment as a matter of law. Consequently, the trial court did not err in granting summary judgment.

C. Piercing the Corporate Veil

{¶30} In its order granting the City's motion for summary judgment, the trial court found that Mrs. Jackson and Mr. Jackson were guilty of maintaining a nuisance under R.C. 3767.02(A) as individuals who were in control of the nuisance. As a result, the Jacksons were "permanently and perpetually enjoined from further maintaining

the nuisance at that location or elsewhere." The appellants argue that the trial court improperly imposed personal liability on Mrs. Jackson solely due to her status as a member of Risconi Bar & Kitchen, LLC. Furthermore, the appellants argue that the trial court improperly imposed personal liability on Mr. Jackson solely due to his status as Mrs. Jackson's husband, who assisted her with the business on occasion.

{¶31} According to the appellants, LLC members can only be held liable for the misdeeds of the company they own if (1) their control over the LLC is so complete that the business "has no separate mind, will, or existence of its own," (2) their control over the LLC is "exercised in such a manner as to commit fraud or an illegal act," and (3) their control over the LLC causes injury to a third party. *Belvedere Condominium Unit Owners' Assn. v. R.E. Roark Cos., Inc.*, 67 Ohio St.3d 274, 289 (1993). While the appellants concede that an LLC member can be held personally responsible for torts that they personally participate in, they argue that there was insufficient evidence in the record for the trial court to find that either of the Jacksons personally participated in maintaining the nuisance. Since the City failed to demonstrate that all three *Belvedere* elements were met, the appellants argue that the trial court erred in finding the Jacksons personally responsible.

{¶32} Although a member of an LLC is not responsible for the liabilities of the LLC solely by reason of being a member, R.C. 1706.26, "the shield of limited liability does not insulate a wrongdoer from liability for his own tortious acts." *Gator Dev. Corp. v. VHH, Ltd.*, 2009-Ohio-1802, ¶ 38 (1st Dist.). As a result, we do not need to pierce the LLC veil to impose liability on a person who personally participated in tortious conduct.

{¶33} Furthermore, R.C. 3767.02(A) imposes direct liability on certain individuals. Specifically, "[a]ny person, who uses, occupies, establishes, or conducts a

nuisance, or aids or abets in the use, occupancy, establishment, or conduct of a nuisance; the owner, agent, or lessee of an interest in any such nuisance; any person who is employed in that nuisance by that owner, agent, or lessee; and any person who is in control of that nuisance is guilty of maintaining a nuisance." *Id.* This statutory language does not require the City to pierce the LLC veil so long as there is evidence that the Jacksons satisfy the conditions of R.C. 3767.02(A).

{¶34} Our review of the record supports the trial court's finding that both the Jacksons were guilty of maintaining a nuisance. Regarding Mrs. Jackson, the trial court properly concluded that Mrs. Jackson was a "person who is in control of that nuisance." *See* R.C. 3767.02(A). While it is true that Mrs. Jackson was the sole member of Risconi Bar & Kitchen, LLC, she was sued by the City as a result of her conduct, not her mere status as a member. As a result, the trial court did not need to consider the *Belvedere* elements. Mrs. Jackson admits that she was physically present at the bar several days a week. She was informed of all the liquor-law violations after they occurred and had conversations with the employees that had directly committed the violations. Mrs. Jackson had the power to terminate employees and declined to take any action against the employees that sold alcohol in violation of law. Furthermore, Mrs. Jackson communicated with her staff several times a week about how they must stay compliant with the liquor laws by checking all customers' identification cards before selling them alcohol. These facts, all of which were admitted by Mrs. Jackson in her deposition, indicate that she was an individual in control of Rusconi's. As a result, the trial court did not need to pierce the LLC veil to impose liability on Mrs. Jackson. Rather, Mrs. Jackson's liability was based upon her control over the nuisance. Because the City's evidence establishes that Mrs. Jackson was a person in control of the nuisance, she was properly found guilty of maintaining a nuisance under

R.C. 3767.02(A).

{¶35} Even if the LLC's veil of limited liability shielded Mrs. Jackson from responsibility under R.C. 3767.02(A)—which it does not—it would certainly not shield Mr. Jackson from liability as he was not a member of Risconi Bar & Kitchen, LLC. Regardless, the trial court imposed liability on Mr. Jackson as a person in control of a nuisance. This was the same basis of liability as for Mrs. Jackson. While the record is not clear that Mr. Jackson's involvement rose to the level of control, we agree with the trial court that Mr. Jackson may be found guilty of maintaining the nuisance. Specifically, Mr. Jackson was a person who "aids or abets in the use, occupancy, establishment, or conduct of a nuisance." *See* R.C. 3767.02(A). The deposition testimony of both Jacksons indicate that Mr. Jackson frequently performed tasks at Rusconi's. He accepted deliveries and cleaned the bar. He visited the bar often and did whatever his wife needed him to do for the business. Even if he is merely an unpaid volunteer, his actions aided the operation of the bar. Any error by the trial court in imposing liability on Mr. Jackson due to his supposed control over the bar is ultimately harmless because he is still guilty of maintaining the nuisance as a person who aids the conduct of a nuisance.

{¶36} Ultimately, the trial court did not err in finding that there was no genuine issue of material fact that the Jacksons were guilty of maintaining the nuisance under R.C. 3767.02(A).

{¶37} Having disposed of all three of the appellants' issues, we overrule the appellants' sole assignment of error.

III. Conclusion

{¶38} The trial court did not err in granting summary judgment in favor of the City. First, Rusconi's eviction from the premises did not render the case moot because

R.C. 3767.05(D) perpetually enjoins a defendant from maintaining the nuisance at its original location or anywhere else. Second, there was no genuine issue of material fact that Rusconi's was a disorderly house nuisance under R.C. 3767.01(C)(3) as a place where alcohol was sold in violation of law. Third and finally, there was no genuine issue of material fact as to whether Mrs. Jackson and Mr. Jackson were individually guilty of maintaining the nuisance. Mrs. Jackson was guilty of maintaining the nuisance as a person in control of Rusconi's. Mr. Jackson was guilty of maintaining the nuisance as a person who aided and abetted the conduct of Rusconi's. Given the lack of any genuine dispute of material fact, the City was entitled to judgment as a matter of law. Accordingly, we affirm the trial court's grant of summary judgment.

Judgment affirmed.

ZAYAS, P.J., concurs.
BOCK, J., concurs in judgment only.