

FOR IMMEDIATE RELEASE

Thursday, August 15, 2019

Official Statement of Village of Russells Point RE: *Silwani et al. v. The Hon. Robin Reames et al.*, Case No. 2:19-CV-03356

Recently, Mr. Sari Silwani, individually and as Trustee of the Sari K. Silwani Trust, sued the Village of Russells Point, its Mayor, and its Council Members. In short, Mr. Silwani claims civil rights violations, suggesting the Village has treated him differently based upon his ethnicity and religion. He also claims the Village has violated Ohio's Sunshine Laws. The Village denies all claims and will vigorously defend its actions.

Mr. Silwani and/or his representatives attended four regularly scheduled Village Council meetings on March 4, 2019, March 18, 2019, April 1, 2019, and April 15, 2019. Mr. Silwani and his representatives asked Council to vote on an application to begin a process to transfer what is called a TREX liquor license permit into the Village. Mr. Silwani and his attorney were told, via email, when, where and at what time the meetings were conducted. As part of a TREX transfer application process, every applicant is placed on notice by Ohio's Liquor Control Board that any municipality can request whatever documentation Council deems necessary to determine whether or not the TREX is appropriate for the municipality.

As documented by official meeting minutes, Village Council requested a business plan on two (2) separate occasions so that it could determine the economic impact and benefit to Russells Point. Mr. Silwani failed to provide any business plan or economic projections. Instead, Mr. Silwani provided a proposed menu that did not match what he had initially reported to Council, seating arrangements, and internal architectural designs. Despite being requested to twice by Council, Mr. Silwani failed to provide any economic or financial projections that would show the economic development benefit to the Village. Mr. Silwani failed to provide the Village with adequate and customary documentation to sufficiently explain his business proposal which was supposed to spur economic growth for the Village. And, contrary to the allegations in his lawsuit papers and statements made by Mr. Silwani's previous attorney at the April 1, 2019 Council meeting, no request for approval was ever served upon the Village by Ohio's Liquor Control Board related to Mr. Silwani's proposed application. In addition, while Mr. Silwani claims he had located a potential TREX permit to transfer, he never owned or otherwise acquired legal title to the permit before Village Council's rejection of his TREX transfer application – the law does not permit ownership at the pre-application stage. Ownership may only occur after a multi-phase process administered by the Ohio Department of Liquor Control.

Furthermore, and before Mr. Silwani's first personal appearance before Council on March 18, 2019, Village zoning officials requested Mr. Silwani consult with the Code Enforcement Officer before undertaking any improvements or construction on his property. Village zoning officials provided Mr. Silwani, his attorney, and his architect with all related zoning regulations and permit applications. Mr. Silwani refused to comply with local zoning regulations that all businesses are held accountable to and instead told Village officials in an email: "In as much as the building and additional half acre parking and equipment were purchased and all paid for in cash, I do not see any need to further explain my business plans or financial statement. I own real estate businesses throughout Ohio and numerous other regions, in the same fashion and style since 1991 without partnerships and mostly without bank financing." Shortly after this, Mr. Silwani requested the Village offer approval through a Council vote for the first step of making application for a TREX liquor permit transfer.

The Village Council only discussed this topic at Mr. Silwani's request and in the presence of Mr. Silwani and/or his representatives. The vote that occurred, which denied Mr. Silwani's request, also occurred at his insistence. Village Council had tabled the issue three separate times to allow Mr. Silwani time to produce the customary documentation to sufficiently explain his business proposal. Despite three separate requests by Council for this documentation, Mr. Silwani only provided it with a menu which included multiple typographical errors, seating arrangements, and interior architectural plans. The Village was never provided with the requested information needed to determine whether or not this proposed business to operate a restaurant would create a direct impact on the economic development of Russells Point. While Mr. Silwani eventually provided figures he labeled potential gross and net income and taxable income, he never offered any documentation, such as a business plan as specifically requested by Council on two separate occasions, to explain how he arrived at those figures. It still remains unknown how the purported restaurant business would have actually been configured so that its impact on the main thoroughfare could be evaluated. An antique store operated out of this site before Mr. Silwani purchased it. Study was required to evaluate a purported large, busy restaurant operation in this space to consider its affects not only traffic and safety concerns, but also to evaluate what affects, if any, would result to the surrounding established businesses and residential neighborhood in the immediate vicinity.

The Village is not forced to guess on how traffic patterns would flow, including the need for large delivery trucks to maneuver in that already tight space when Mr. Silwani was suggesting he intended to build a wrap-around porch on the exterior of the building, something that may or may not severely limit how delivery trucks could make an approach to the building. While it is true Mr. Silwani owns additional property near the proposed restaurant site, Mr. Silwani never offered any written development plans to allow Council to consider how that property would facilitate his proposal. Simply, Mr. Silwani wanted Council to take his word that this would all work out one way or another. In the absence of documented plans, the Village officials were not in a position to offer the approval Mr. Silwani requested of them.

The requests made of Mr. Silwani do not differ from requests made of other existing businesses in the Village. Typically, the Village receives well documented proposals from businesses seeking to locate in Russells Point.

For those that follow Mr. Silwani's active social media accounts, Mr. Silwani voices concerns over his ethnicity and religion. Village officials welcomes Mr. Silwani as it does all people, and no consideration whatsoever to Mr. Silwani's ethnicity or religion played a factor in any request made of him. Mr. Silwani was, however, expected to follow standard process, just like anyone else would be expected to follow. Village records document that Mr. Silwani chose, for his own reasons, not to comply.

While Village Officials will decline to offer comment given that they each have been sued in their official and personal capacities, and Mr. Silwani's lawsuit makes clear it is his goal to personally and financially punish each of them for performing their official job duties, Ohio law subjects Village records to public inspection. The Village has nothing to hide. The Village will continue to conduct business to serve its citizens and surrounding communities with the integrity and conscientiousness it has always used.

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