1/16/2018

Corner Restaurant & Lounge
701 Murray Ave
Minerva, OH 44657-1735

This letter is to inform you that a report was filed against Corner Restaurant & Lounge at 701 Murray Ave, Minerva, OH 44657-1735, for an alleged violation of the new Ohio Smoke-Free Workplace Law (R.C. Chapter 3794), that became effective on Dec. 7, 2006. The report was received on Thursday, Jan 4, 2018, for alleged violations occurring on Wednesday, Jan 3, 2018 at approximately 10AM. An investigation has been opened in response to this report. Any additional reports received prior to the conclusion of this investigation will be included in this investigation and you will not receive additional notices. Enclosed, please find a copy of the report. The alleged violations are:

Ashtray Present (OAC 3701-52-02(F); R.C. 3794.06(B))

Smelled like smoke

You may contest the above referenced alleged violations within 30 days from the receipt of this letter. If you intend to contest, you must do so by submitting written evidence to Carroll Co Gen Health Dist at 301 Moody Avenue SW, Carrollton, OH 44615-0098.

Carroll Co Gen Health Dist will be contacting you or visiting your establishment to investigate this claim.

Compliance with Chapter 3794 of the Ohio Revised Code was required beginning on Dec. 7, 2006.

The major requirements of the statute include:

• Prohibiting smoking in any public place or place of employment.
• Removing all ashtrays and other receptacles used for disposing of smoking materials from any area where smoking is prohibited by the statute.
• Posting conspicuous signs in every public place and place of employment where smoking is prohibited, including at each entrance. The law (R.C. 3794.06) requires these signs to say "No Smocking" or have the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). The signs must be clearly legible and shall contain the toll free number established by the Director of Health for reporting violations [1-866-559-OHIO (6446)].

Downloadable versions of sample signs are posted on the ODH website, http://www.odh.ohio.gov.
• Discontinuing smoking when asked to do so by a proprietor or any employee of an employer of the public place, place of employment or establishment, facility or outdoor area.

To ensure that you are aware of your requirements to comply with the law, we have enclosed a summary to help you in implementing the law. A full text version of the law and administrative rules can be found at (http://www.odh.ohio.gov).

If you or your establishment are found in violation of the law and have received no findings of violation of the Smoke-Free Workplace Law within the past two years, you may receive a letter of warning. If you or your establishment have received a letter of warning within the past two years, a finding of violation may result in a fine ranging from $100 to $2,500 for businesses and up to $100 for individuals. For questions about compliance or enforcement please call (330) 627-4866.
Sincerely,

Tina Marini SIT
Environmental Health

Enclosures
Investigation Worksheet

Business/Individual name: Corner Restaurant
Proprietor/Owner name: Hartung
Business/Individual address: 701 Murry Ave
City: Minawa
Zip: 44057
Investigation number: 5769
Investigation date: 01/11/18
Time of investigation: 2:50 pm

Notes:
Walked into Restaurant, at least 3-4 people smoking sitting at bar. Stong smoke smell in air. Altroid cans being used as ash trays.

Explain questions checked "Yes" in Notes.
1. Are signs adequately and appropriately posted? Yes ☑ No
2. Is there a visible smoke or haze or the smell of smoke? Yes ☑ No
3. Is there smoking in a prohibited area? Yes ☑ No Approx Number __________
4. Are there ashtrays present? Yes ☑ No Type __________
5. Are there employees smoking in a prohibited area? Yes ☑ No
6. Approximate number of people in the facility: 10

Diagram here

★ Proprietor  ✗ Smoker  ● Investigator — Door  ▲ Ashtray

Investigator signature: [Signature]

[Diagram with Kitchen and Bar areas marked]
2/26/2018

Corner Restaurant & Lounge
701 Murray Ave
Minerva, OH 44657-1735

Re: Proposed Violation 75769

Dear Proprietor:

Based on the results of our investigation, you have been found in violation of the Smoke-Free Workplace Law (R.C. Chapter 3794,) which became effective on Dec. 7, 2006. Carroll Co Gen Health Dist received a report of ashtray present and smelled like smoke occurring at 701 Murray Ave, Minerva, OH 44657-1735, on Wednesday, Jan 3, 2018 at approximately 10AM.

On Tuesday, Jan 16, 2018 I conducted an investigation of the allegations listed above and observed the following activity: Observed approximately four customers smoking at the bar. Observed altoid cans being used as ashtrays.

Specifically, you have been found in violation of the following:

- Smoking in Prohibited Area (OAC 3701-52-02(A); R.C. 3794.02(A))
- Ashtray Present (OAC 3701-52-02(F); R.C. 3794.06(B))

You have 30 days from the receipt of this letter to contest the above referenced alleged violations. You may do this by submitting written evidence to Carroll Co Gen Health Dist at 301 Moody Avenue SW Carrollton, OH 44615-0098.

If contested, Carroll Co Gen Health Dist may either affirm, amend or rescind this finding. If the finding is affirmed, you will receive a letter of warning. Subsequent violations may result in the imposition of a civil fine upon the proprietor or individual. This fine may range anywhere from $100 to $2500 and may be assessed on a daily basis once a finding of violation has been issued.
For questions about compliance or enforcement, please call (330) 627-4866.

I hereby swear and affirm that the foregoing statements or attached investigation notes are true and accurate.

[Signature]
Tina Marini SIT
Environmental Health
Carroll Co Gen Health Dist

Sworn to and signed in my presence this 24 day of February, 2018.

[Signature]
Corinne L. Rex
Notary Public
Term expires September 21, 2022
4/19/2018

Corner Restaurant & Lounge
701 Murray Ave
Minerva, OH 44657-1735

Re: Dismissal of Investigation 76241

Dear Proprietor:

Carroll Co Gen Health Dist has investigated the violation(s) reported against you or your business for smoking in prohibited area and ashtray present. The report was made on Tuesday, Apr 3, 2018, and listed violation(s) occurring on Friday, Mar 30, 2018. Based on information obtained during our investigation, this matter has been dismissed. No further action against you or your business will be taken regarding this report.

No violations observed at time of inspection. For questions about compliance or enforcement please call (330) 627-4866.

Sincerely,

Tina Marini SIT
Environmental Health
CARROLL COUNTY GENERAL HEALTH DISTRICT
301 Moody Avenue, S.W., P. O. Box 98
Carrollton, Ohio 44615

Our Mission: To promote healthy lifestyles and protect the health and well-being of its residents by providing for personal and environmental health services.
Wendy Gotschall, DNP, RN, NE-BC, Interim Health Commissioner
Richard D. Clark, M.D., Medical Director

4/19/2018
Corner Restaurant & Lounge
701 Murray Ave
Minerva, OH 44657-1735

Re: Proposed Civil Fine 75769

Dear Proprietor:

You have been found in violation of the Smoke-Free Workplace Law (R.C. Chapter 3794) which became effective on Dec. 7, 2006. Carroll Co Gen Health Dist received a complaint of ashtray present and smelled like smoke occurring at 701 Murray Ave, Minerva, OH 44657-1735, on Wednesday, Jan 3, 2018 at approximately 10AM.

On Tuesday, Jan 16, 2018, I conducted an investigation of the allegations listed above and observed the following activity: Three to four people smoking at the bar; altoid tins used as ashtrays

Specifically, you have been found in violation of the following:

Smoking in Prohibited Area (OAC 3701-52-02(A); R.C. 3794.02(A))
Ashtray Present (OAC 3701-52-02(F); R.C. 3794.06(B))

As you have received one or more violations of this law within the past two years, you are receiving a civil fine of $200 for this subsequent violation of Ohio Revised Code 3794. (Ohio Smoke-Free Workplace Law). The Carroll Co Gen Health Dist has determined that you have intentionally violated 3794 of Ohio Revised Code or 3701-52 of Ohio Administrative Code. Pursuant to ORC 3794.07(B), your fine has been doubled. You have 30 days from the receipt of this letter to request, in writing, an administrative review of this action by the Ohio Department of Health, Smoke-Free Workplace Program, 246 N. High St., Columbus, OH 43215. The relevant administrative rules can be found at http://codes.ohio.gov/oac/3701-52-08. If a review is requested, the Ohio Department of Health will notify you of a date for this administrative hearing.

If you fail to request an administrative review within 30 days of receipt of this letter, this letter shall constitute a final finding. In accordance with R.C. sections 119.12, you may appeal this final finding by filing a notice with the Ohio Department of Health, setting forth the order appealed from and the grounds for your appeal and you are required to file this notice with Franklin County Court of Common Pleas.
The notice of appeal must be filed with the Ohio Department of Health, Smoke-free Workplace Program, 246 N. High Street, Columbus, Ohio, 43215 and the Franklin County Court of Common Pleas within fifteen days after the mailing of this letter.

If you choose not to request an administrative review and not to appeal to the Franklin County Court of Common Pleas, you will receive an invoice for the amount listed above and it will be payable within 30 days of the date of the invoice. Please do not send payment until you receive an invoice.
Subsequent violations of this law may result in the imposition of more severe civil fines upon the proprietor or individual. Additional fines may range from $500 to $2,500 and may be assessed on a daily basis once a finding of violation has been issued and may be doubled if the violation is found to be intentional on the part of the proprietor or individual.

For questions about compliance or enforcement please call (330) 627-4366.

I hereby swear and affirm that the foregoing statements or attached investigation notes are true and accurate.

[Signature]
Tina Marini SIT
Environmental Health
Carroll Co Gen Health Dist

Sworn to and signed in my presence this 19 day of April 2018.

[Signature]
Notary Public
My Commission Expires September 21, 2022

PCF1-cert
4/17/2018

Corner Restaurant & Lounge
701 Murray Ave
Minerva, OH 44657-1735

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- Smoking in Prohibited Area (OAC 3701-52-02(A); R.C. 3794.02(A))
- Ashtray Present (OAC 3701-52-02(F); R.C. 3794.06(B))

You may contest the above referenced alleged violations within 30 days from the receipt of this letter. If you intend to contest, you must do so by submitting written evidence to Carroll Co Gen Health Dist at 301 Moody Avenue SW, Carrollton, OH 44615-0098.

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Sincerely,

[Tina Marini's signature]

Tina Marini SIT
Environmental Health

Enclosures
Ohio Department of Health • Smoke-free Workplace Program

Investigation Worksheet

Business/Individual name: Corner Restaurant & Lounge
Proprietor/Owner name: Richard Hartong
Business/Individual address: 701 Murray Ave
City: Minerva
Personal interviewed: Janet Craven

Investigation number: 76241
Investigation date: 4/17/19
Time of investigation: 5:10 pm
ZIP: 44657

Notes:
Signs posted
No smoking in facility.
No signs/smell of smoke in facility.

Explain questions checked "Yes" in Notes:
1. Are signs adequately and appropriately posted?
   Yes [X] No [ ]

2. Is there a visible smoke or haze or the smell of smoke?
   Yes [X] No [ ]

3. Is there smoking in a prohibited area?
   Yes [ ] No [X] Approx. Number ________

4. Are there ashtrays present?
   Yes [X] No [ ] Type __________

5. Are there employees smoking in a prohibited area?
   Yes [ ] No [X]

6. Approximate number of people in the facility. ________

Investigator signature: [Signature]

Diagram here (not to scale)

★ Proprietor  ✗ Smoker  ● Investigator  — Door  △ Ashtray

HEA 7741 3/10