

**CARROLL COUNTY GENERAL HEALTH DISTRICT**  
**301 Moody Avenue, S.W., P. O. Box 98**  
**Carrollton, Ohio 44615**



**Public Health**  
Prevent. Promote. Protect.

**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

4/17/2018

Virginia Restaurant & Lounge

89 W Main St

Carrollton, OH 44615-1335

**COPY**

This letter is to inform you that a report was filed against Virginia Restaurant & Lounge at 89 W Main St, Carrollton, OH 44615-1335, 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, Mar 8, 2018, for alleged violations occurring on Tuesday, Mar 6, 2018. 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:

**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.**

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 Smoking" 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.

**COPY**


Sincerely,

*Myra Pancher*

Myra Pancher RS  
Environmental Health

Enclosures

## Investigation Worksheet

Business/Individual name <i>Virginia Restaurant + Lounge</i>	Investigation number <i>#76148</i>
Proprietor/Owner name <i>Jennifer Kaser</i>	Investigation date <i>04 / 17 / 2018</i>
Business/Individual address <i>89 W. Main St</i>	Time of investigation <i>5:45</i> 
City <i>Carrollton</i>	ZIP <i>44615</i>
Person(s) interviewed <i>Candy Davisson</i>	

## Notes:

*Went w/ Tina. Came in side door. There was an ashtray in the corner by the stage on a stack of ~~chairs~~ chairs, with several butts in the ashtray.*

*Didn't notice any other signs of smoking*

## Explain questions checked "Yes" in Notes.

- Are signs adequately and appropriately posted?  
☐ Yes ☒ No
- Is there a visible smoke or haze or the smell of smoke?  
☐ Yes ☒ No
- Is there smoking in a prohibited area?  
☐ Yes ☒ No Approx Number \_\_\_\_\_
- Are there ashtrays present?  
☒ Yes ☐ No Type \_\_\_\_\_
- Are there employees smoking in a prohibited area?  
☐ Yes ☒ No
- Approximate number of people in the facility. *6*

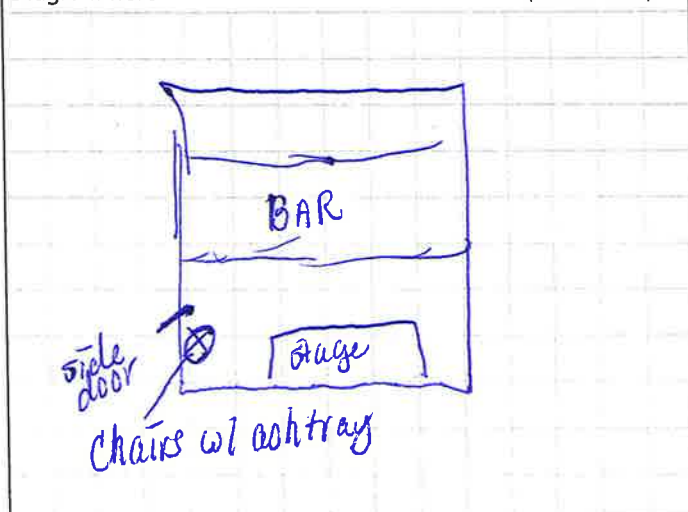
Investigator signature

*Melissa R. Pancher*

HEA 7741 3/10

Diagram here

(not to scale)



★ Proprietor ✕ Smoker ● Investigator — Door ▲ Ashtray

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7/19/2018 Wendy Gotschall, DNP, RN, NE-BC, Interim Health Commissioner  
Richard D. Clark, M.D., Medical Director

Virginia Restaurant & Lounge

89 W Main St

Carrollton, OH 44615-1335

**COPY**

Re: Letter of Warning 76148

Dear Proprietor:

Based on the results of our investigation, you have been found in violation of the Smoke-Free Workplace Law (ORC Chapter 3794.) which became effective on December 7, 2006. Carroll Co Gen Health Dist received a report of smoking in prohibited area and ashtray present occurring at 89 W Main St, Carrollton, OH 44615-1335, on Tuesday, March 6, 2018.

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

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

As you have not contested this finding or as the department has affirmed it, this letter shall constitute a final finding and serve as a warning that you or your establishment were found in violation of Ohio Revised Code 3794. (Ohio Smoke-Free Workplace Law). Subsequent violations may result in the imposition of a civil fine upon the proprietor or individual. This fine may range anywhere from \$100 to \$2,500. Once a finding of violation has been issued, fines may be assessed on a daily basis for continuing violations.

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, 246 N. High Street, Columbus, Ohio, 43215 and the Franklin County Court of Common Pleas within fifteen days after the mailing of this letter.

Full ashtray found by stage For questions about compliance or enforcement please call (330) 627-4866.

Sincerely,

Myra Pancher RS

Environmental Health

LOW