

**Clermont County General Health District
Board of Health Meeting-Special Session**

A special session of the Clermont County Board of Health was held on June 24, 2009, at 9:00 a.m. The purpose of the special session was to conduct a Smoke-free Workplace Administrative Review for Mt. Carmel Pub, 4501 Mount Carmel Tobasco Road, Cincinnati Ohio, 45244

James Hansbauer, President, called the meeting to order at 9:00 a.m.

Roll call:	James Hansbauer, present	Andrew Crum, present
	Dr. Janet Rickabaugh, present	Larry Cadwallader, present
	Dr. William Miller, absent	

Others present included: Marty Lambert, Health Commissioner; Elizabeth Mason, Assistant Prosecuting Attorney for Clermont County; Sarah Pounder, Sanitarian-in-Training; Scott Bradley, Registered Sanitarian; Melissa Jones, Administrative Secretary; Julie Patrick, court reporter; Jim Martin, owner of Mt. Carmel Pub; and Larry Brokamp, Attorney representing Mr. Martin and an unidentified guest accompanying Mr. Martin and Mr. Brokamp.

Smoke-Free Workplace Administrative Review

Mt. Carmel Pub – On behalf of the Clermont County Board of Health, Marty Lambert, Health Commissioner, called to order the Administrative Review of the Clermont County General Health District’s Notice of Proposed Civil Fine in the amount of \$100.00 issued to the Mt. Carmel Pub, 4501 Mount Carmel Tobasco Road, Cincinnati OH 45244. It was noted that the Health District was represented by Elizabeth Mason, Assistant Prosecuting Attorney for Clermont County and Mt. Carmel Pub was represented by Attorney Larry Brokamp.

Ms. Lambert stated the purpose of the Administrative Review and presented an overview of the administrative review procedures which would be followed.

Sarah Pounder and Jim Martin were both sworn in by the court reporter.

Ms. Mason presented a summary of the Smoke-Free Workplace inspection history for Mt. Carmel Pub, including complaint #7584 which was made on March 3, 2009, and the resulting \$100 fine.

Sarah Pounder gave testimony regarding her investigation on March 4, 2009, of the smoking complaint made against Mt. Carmel Pub, 4501 Mount Carmel Tobasco Road, Cincinnati, Ohio. Ms. Pounder stated that during the inspection she witnessed 3 or 4 people sitting at the bar smoking. She approached the bartender, Michelle, and asked her to tell the patrons that no smoking was allowed in the establishment. Michelle did ask the patrons to put out their cigarettes but some refused and extinguished them when they were done smoking.

Jim Martin, owner of Mt. Carmel Pub, 4501 Mount Carmel Tobasco Road, gave testimony in defense of Mt. Carmel Pub regarding the complaints against the facility and the Health District staff’s investigation of the complaints. Mr. Martin testified that it is the policy of Mt. Carmel Pub that no smoking is allowed. He indicated that his staff is instructed to inform patrons of this policy but if they insist on smoking they are not to take any additional actions to enforce the policy.

Following the presentation of summaries by Ms. Mason and Mr. Brokamp, Ms. Lambert related that the Board of Health could deliberate the matter involving Mt. Carmel Pub in Executive Session. She stated that a copy of

their final decision would be mailed to Mr. Martin and his legal counsel, Mr. Brokamp, within 30 days of the next Board of Health meeting scheduled for July 8, 2009, at which time the minutes of today's special meeting will be approved. Ms. Lambert informed Mr. Martin that if he wanted to wait until the Board returned to Regular Session, he would be told their decision today, with formal notification to follow after the July 8, 2009 Board of Health meeting.

The hearing was closed at 9:30 a.m.

At 9:30 a.m. Mr. Crum made a motion to go into Executive Session to discuss legal issues. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

At 9:45 a.m. Mr. Crum made a motion to return to Regular Session. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

Mr. Crum made a motion to impose the \$100 fine against Mt. Carmel Pub, 4501 Mount Carmel Tobasco Road, Cincinnati, Ohio. The motion was seconded by Mr. Cadwallader. The vote was as follows: Mr. Hansbauer, aye; Mr. Crum, aye; Mr. Cadwallader, aye; Dr. Rickabaugh, aye, motion carried.

ADJOURNMENT

Dr. Rickabaugh made a motion to adjourn the meeting at 9:50 a.m. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

JAMES HANSBAUER, PRESIDENT

ANDREW CRUM, V-PRESIDENT

LARRY CADWALLADER

DR. JANET RICKABAUGH

DR. WILLIAM MILLER

Respectfully Submitted
