

The Board of the Logan County Health District met in special session on Wednesday, April 15, 2009. President Spath called the meeting to order at 3:30 p.m. The following members were present on roll call: Mr. Spath, Dr. Varian, Mr. Alloway, Mrs. Price, Mr. Henschen, Mr. Hines. Staff members present were Health Commissioner Boyd C. Hoddinott, Administrator Lisa G. Downing, Environmental Health Director Craig D. Kauffman, Registered Sanitarians Lisa Engle and Timothy Smith, and Plumbing Inspector John Clary. Guests in attendance were Peter Garg, Victor Garg, Candace Watson, Ed Wallace, Sandy Musser, John Schultz, Russ Foust, and Dustin Buell. Reporter Mandy Hochstedler of the *Bellefontaine Examiner* was also present.

IN THE MATTER NUISANCE HEARING – DAYS INN MOTEL

1134 North Main Street, Bellefontaine OH

Raxon General Trading USA, Inc., owner

Nerra Garg, statutory agent

Peter Garg, general manager

Health Commissioner Boyd C. Hoddinott, M.D. offered opening remarks which included the purpose of this special meeting, Board of Health authority under section 3707.01 of the Ohio Revised Code, and explanation that the licensing authority for motels/hotels in Ohio is the State Fire Marshal's office. He also reminded Board members that they have no jurisdiction over licensure or tax issues, only whether or not the motel in its current state represents a public health hazard. Logan County Health District sanitarian Lisa Engle then narrated a slideshow of photographs taken in various rooms of the motel.

Environmental Health Director Craig D. Kauffman provided the chronology of the Days Inn Motel investigation beginning February 23, 2009, with complaints from out-of-town-guests. His report noted that complaints were received by the State Fire Marshal on that same date, and that the fire hazards were his immediate concern. Initial inspections of the facility were performed separately by LCHD and the State Fire Marshal's office on February 25, 2009, and both documented numerous violations. A joint inspection was requested by the State Fire Marshal's office following a 30 day period, and this was conducted on April 7, 2009, where nuisance, plumbing, and fire code violations were documented. On April 8, 2009, Health Commissioner Hoddinott requested that the facility close voluntarily, and they obliged. On April 9, 2009, LCHD employees John Clary and Timothy Smith observed a closed sign on the facility door, and noted one (1) remaining guest scheduled to check out at 12:00 p.m. that day. On the afternoon of April 9, 2009, LCHD received a letter from Days Inn general manager Peter Garg requesting to reopen and be granted 25 days to bring the building to complete compliance. Mr. Kauffman stated that conditions of licensing require all rooms to be rentable whether or not they are rented.

Deputy State Fire Marshal Dustin Buell reviewed documented fire code violations, stating they were actually more minor in nature than the public health issues. Cited fire code violations included inoperable smoke detectors due to missing batteries, broken glass in a fire extinguisher cabinet, a hot plate used for cooking, and an extension cord used for permanent wiring in the hot water room. He stated his formal complaint will be presented to the State Board of Appeals in Reynoldsburg at which time he will recommend a licensure suspension hearing, but cautioned this is a lengthy process that could take up to one year. Mr. Buell also indicated that the motel license can be amended per his office to reflect the number of rooms that are rentable, should this be the desire of the Board.

LCHD Plumbing Inspector John Clary noted plumbing code violations in at least 18 rooms of the 65-bed facility, including everything from improperly flushing toilets to inoperable toilets to some toilets not bolted to the floor.

When addressing the Board, Days Inn general manager Peter Garg stated "30 of the 65 objections have been corrected. We have a big investment in this property. We cannot afford to shut down." Documentation he submitted to the Board of Health indicated:

- Mold problems in two rooms have been fixed with professional consultation from Fournier Robson Associates LLC, with equipment, tools, and a fogging machine rented to complete the mold elimination;
- Plumbing issues, electric problems, smoke detector problems, sanitary problems and cleanliness have been taken care of;
- And fire code violations cited in the State Fire Marshal's report have been fixed in 29 rooms.

Interested parties addressing the Board with their concerns included Candace Watson, Director of Convention and Tourism of the Logan County Area Chamber of Commerce; Ed Wallace, LCACC President; and Sandy Musser, the

proprietor of the Whitmore House Bed & Breakfast and a local caterer. All indicated they have been aware of the sanitary conditions at the motel for quite some time, and offered comments on less than desirable rooms, lack of hot water, and the overall cleanliness of the facility. Mr. Wallace also voiced his concern regarding the financial stability of the business, indicating they are one to two years behind on payment of county bed taxes. "To allow this facility to reopen would be a travesty", he stated.

It was moved by Mr. Alloway that the Board order the facility to remain closed at this time until it passes joint State Fire Marshal and Logan County Health District inspections, and Dr. Varian seconded the motion. During discussion, Dr. Varian stated he did not believe he could trust the gentlemen representing the Days Inn to complete repairs in a timely fashion and to the standards expected for a facility of that nature. Health District environmental health employees Lisa Engle and Tim Smith, and Plumbing Inspector John Clary agreed that it would be unlikely the facility could be ready to reopen any time soon, given the number and the severity of the violations.

The roll call vote:

Dr. Varian- aye
Mr. Alloway- yes
Mrs. Price- aye
Mr. Henschen- aye
Mr. Hines- aye

Motion carried.

Mr. Spath adjourned the meeting at 4:10 p.m.

Don Spath, President

Boyd C. Hoddinott, M.D., Secretary