

Casino smoking triggers complaints, 2 investigations

Written by Administrator

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Horseshoe Casino recently added The Parlor, an outdoor smoking patio, (lower left hand corner of photo). The Cincinnati health department says the patio, doesn't meet its definition of an outdoor patio and should be designated a non-smoking area like the rest of the downtown casino. Inspectors have cited the casino for violating Ohio's smoke-free workplace law, but health officials say the casino is now fighting to keep its patio open to smokers. (Photo: The Enquirer/Cara Owsley)

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The smoking patio at Cincinnati's Horseshoe casino is the subject of two state health department investigations and at least 19 complaints, including some from people who say they work at the casino and are worried about their health.

Concerns about the \$5 million smoking patio, known as The Parlor, arose soon after it opened in late 2014, according to records from the Ohio Department of Health.

"This area is always full of smoke," said an anonymous complaint from a casino employee in February. "We were hired for a non-smoking facility & now we have this dirty, smelly atmosphere to work in."

"I am forced to work out there," said another complaint filed the same month. "The smoke is very intense."

Health inspectors say an investigation they launched in October, shortly after The Parlor

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opened, resulted in a violation letter last week warning that the patio does not meet the definition of an outdoor patio under Ohio law. A second investigation based on more recent complaints is now underway.

"We've had several meetings with casino management," said Dr. Camille Jones, Cincinnati's assistant health commissioner.

Casino officials said Wednesday they collaborated with city officials in the design and construction of The Parlor and they believe it "meets both the regulatory requirements and health code guidelines for gaming and smoking."

"Horseshoe Cincinnati looks forward to continuing to work closely with the city's building, planning and health departments to ensure full compliance," the company said in a statement.

Although no penalty is being assessed at this time, Horseshoe eventually could face fines as high as \$5,000 a day if it refuses to comply with the findings of state inspectors. The casino's owners have 30 days to appeal the violation notice to the state health department. If that fails, they can turn to the courts.

The dispute is a test for Ohio's smoke-free workplace law, which went into effect in 2006 and banned smoking in most indoor public places. It's also a test for the casino, because smokers often like to light up when they gamble and having a place for them to do it is a competitive advantage.

Smoking still is permitted at Indiana's riverboat casinos, just a short drive away.

Horseshoe invested heavily in The Parlor last year, filling it with 17 flat-screen TVs, a 41-foot bar and 150 slot machines and electronic table games. A casino press release in October touted the patio as "another example of the Horseshoe making it right for our customers and remaining best in class in the Cincinnati market."

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The problem, inspectors say, is the patio may not really be a patio. Ohio law requires an outdoor patio to be at least 50 percent open, and city health inspectors say The Parlor doesn't make the grade.

A walk through the patio Wednesday morning found two of the four walls lined with decorative grates that allowed air in from the outside, while the roof and the other two walls were not open to the outside. The patio had only a few customers and no visible smoke, though it did smell of smoke.

One of the complaints claimed the casino sometimes covers part of the open walls with panels, preventing outside air from coming in. It said the panels are hidden when inspectors visit.

All of the complaints are anonymous, which state officials say is typical, so it's unclear how many individuals filed them. They include complaints about working conditions, health concerns, smoke creeping into the main casino, and technical arguments about whether the patio qualifies as a patio.

"Smoke migrates from the smoking area to the non-smoking areas," said a complaint filed in early June.

"I am a nonsmoker and I have a problem to work in that section," said a complaint filed in January. "Most of the servers have the same issue because we don't want to work with smoke. They said we can get fired for refusing because it's part of our job."

Casino workers are unionized, but union officials could not be reached for comment.

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