



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR PUBLIC HEALTH**

Steven L. Beshear
Governor

Division of Public Health Protection & Safety
Environmental Management Branch HS 1C-D
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Janie Miller
Secretary

7 July 2015

Steve Divine, Environmental Director
Northern Kentucky Health Department
610 Medical Village Drive
Edgewood, KY 41017

Dear Mr. Divine;

This is in reference to the conference held at the Northern Kentucky Health Department, 610 Medical Village Drive, Edgewood, KY on 25 June 2015. Enclosed you will find the conference report for S & J Hospitality Group, LLC, Owner/permit holder of Florence Inn located at 8049 Dream Street, Florence, KY 41042.

In this report is the recommendation for your review and conclusive decision on this matter. Upon your authorized signature, a copy of this report will need to be submitted by the Northern Kentucky Independent Health Department S & J Hospitality Group, LLC, Owner/permit holder Florence Inn located at 8049 Dream Street, Florence, KY 41042.

It is with sincere hope my recommendation will be of assistance to you and your staff in resolving this case. If you should need further information, please feel free to contact me at my office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vonja L. Grabeel".

Vonja L. Grabeel, RS
Conference Officer
Environmental Health Section Supervisor
Environmental Management Branch
Office # (502) 564-4856

Cc Ted Talley, Environmental Program Manager



CONFERENCE REPORT

In the matter of:

S&J Hospitality Group, LLC, Owner
Florence Inn
8049 Dream Street
Florence, KY 41042

PETITIONER

Permit No.: 010539

and

Northern Kentucky Health Department
610 Medical Village Dr.
Edgewood, KY 41017

RESPONDENT

INTRODUCTION

A conference was held on 25 June 2015, at 11:00 a.m., at the Northern Kentucky District Health Department, Edgewood, Kentucky, for the purpose of allowing Sridhar Kadaba (S&J Hospitality Group, LLC), Owner, Florence Inn ("Petitioner"), located at 8049 Dream St. Florence, KY the opportunity to respond to an official notice issued by Northern Kentucky District Health Department ("Respondent"), on 1 June 2015, in regard to a violation of **Kentucky Revised Statute 219.011 to 219.081, 219.991 (1) and 902 KAR 7:010 Hotel and Motel Code** noted during a complaint inspection.

Those attending the conference were:

PETITIONER(S): Sridhar Kadaba, Owner, Florence Inn
Ricky L. Robbins

RESPONDENT(S): Mr. Rob Caudill, Health Environmentalist, Mr. Ted Talley, Environmental Health Manager and Robert Krebs, Fire Marshal-Florence

CONFERENCE OFFICER: Vonia L. Grabeel, RS, CHFS-Environmental Health Section Supervisor, Conference Officer

OBSERVER: Mr. Michael Gullatte, CHFS-Intern

The Conference Officer requested that all witnesses be sworn in, explained the purpose of the conference, confirmed that notice of the conference was mailed to the Petitioner at least ten (10) days prior to the scheduled conference date, advised the parties that the conference would be recorded and advised the Petitioner of the right to be represented by an attorney.

After the preliminary remarks, Mr. Talley, Environmental Health Manager, gave a brief overview of what brought us to the proceedings. There was a complaint investigation that was the impetus of the conference. Mr. Caudill, Registered Sanitarian, was asked to review the inspection reports and to summarize the procedures which resulted in this conference; and to offer pertinent testimony and evidence.

The complaint investigation of the facility dated 18 March 2015 (see attached), by Mr. Rob Caudill, Registered Sanitarian confirmed the complainant's concerns with the hotel. The condition of the hotel warranted a full inspection. The regular inspection was conducted on 2 April 2015.

A joint inspection was conducted with the Florence Fire Department, Police Department and Code Enforcement on 2 April 2015 (see attached inspections). The Health Department's inspection debited both critical and non-critical violations resulting in a score of 74% (see attached). The owner of the facility was asked to provide the Health Department a written action plan by 20 April 2015 as to how they were going to address the violations noted on 2 April 2015. That plan was submitted on 21 April 2015 (see attached).

Mr. Robert Krebs, Florence Fire Marshal, testified that building three (3) was closed due to the fact the floor in the hot water heater room was in such disrepair that the heater was leaning causing a high concentration of carbon monoxide because it was not properly vented. He also entered into evidence a copy of a letter dated 10 April 2015 that was sent to the owner outlining his inspectional results and a time frame in which corrections were to be made (see attached). Among other issues, the City required the owner to obtain the services of a structural engineer to determine if the building can be made safe.

Mr. Jermei Kleier, Community Services Superintendent of the Public Services Department, could not attend the conference; however, the Health Department submitted a letter dated 10 April 2015 that was sent to the owner from Mr. Kleier outlining the deficiencies he found during his inspection, along with copies of the citations and pictures (see attached).

The Health Department also requested that an inspection be conducted by Jan Brown with the Kentucky Department for Public Health, Pool Safety Engineering Program to find out what would be needed in order for the swimming pool to be operational for the 2015 season (see attached report dated 12 May 2015).

A follow-up inspection of the facility, dated 26 May 2015 (see attached), revealed the failure to correct all of the critical and non-critical violations cited on 2 April 2015. This inspection resulted in a score of 90%. Mr. Krebs testified that the owner has temporary fixes in Building 3 so the water heaters are operational at this time.

Mr. Talley introduced historical data, multiple inspections and complaints were also entered into evidence to show that the facility has a history of noncompliance (see attached). Mr. Talley also mentioned the previous conference 20 April 2014 (see attached recommendations) and that they had not been able to get compliance from the owners with the recommendations from that conference.

Due to the above, a "Notice of Intent to Suspend" and a "Request for Conference" form were issued on 1 June 2015. The "Request for Conference" was received by the Northern Kentucky District Health Department on 3 June 2015. The Conference was scheduled for 25 June at 11:00 a.m. at the Northern Kentucky District Health Department.

Petitioner's Comments:

Mr. Sridhar Kadaba, owner, Florence Inn located at 8049 Dream St. Florence, KY 41042 explained that he had been operating as an absentee owner and was unaware of the condition of his property and that his partner had taken care of the day to day running of the facility. Mr. Kadaba indicated that when he became aware of the issues, he came down from New Jersey to get the violations corrected in the hotel.

Mr. Kadaba inferred he could not find honest contractors in the area to make the repairs to the hotel. According to Mr. Kadaba, many of the repairs have been made; however, he did not submit evidence supporting his claims.

When asked by Mr. Talley about the structural engineer's report, Mr. Kadaba admitted he had not followed up with the engineer because he did not think Mr. Krebs needed the report, though they are being fined by the City on a daily basis.

Ms. Grabeel asked Mr. Ricky L. Robbins, a contractor for Mr. Kadaba, how long it was going to take to make all necessary repairs to bring the hotel into compliance. According to Mr. Robbins, it will take two (2) months to make the necessary repairs.

FINDING OF FACTS

1. S&J Hospitality Group, LLC, Knights Inn of Florence, is currently operating Hotel/Motel facility with a permit located at 8049 Dream St. Florence, KY.
2. A Complaint Inspection of this facility on 20 March 2015 disclosed a critical violation.

3. The Florence Inn is in violations of the Fire/EMS and Public Services Departments' lawful regulations, statutes and ordinances as demonstrated on letters dated 10 April 2015.
4. A Follow-up Inspection of the facility, 26 May 2015, revealed the failure to correct all of the critical violations cited on 20 March 2015.
5. A "Notice to Suspend", as well as a "Request for Conference" form was issued 1 June 2015.

CONCLUSIONS OF LAW

1. The purpose of the statute and regulations for Kentucky Hotel Act of 1972 (KRS 219.011 to 219.081 and 902 KAR 7:010) is to establish uniform standards for the construction and layouts: sanitary standards for operation and other matters necessary to insure a safe and sanitary Hotel/Motel operation.
2. Pursuant to KRS 219.021, no person shall operate a hotel without having obtained a permit to operate from the Cabinet for Health and Family Services.
3. The Northern Kentucky District Health Department is mandated by state law to insure that Hotel/Motel Facilities operate in strict compliance with KRS 219.011 to 219.081 and 902 KAR 7:010.
4. The Northern Kentucky District Health Department acted in accordance with the applicable laws and regulations in conducting inspections and issuing appropriate notices.
5. The Petitioner, S&J Hospitality Group, LLC, Knights Inn of Florence, was operating in violation of the provisions of the Kentucky Hotel Act of 1972 Law and Regulation on the aforementioned inspection date.

After listening to all responses and comments and having reviewed all pertinent data, the following recommendations are being submitted to Mr. Steve Divine, Environmental Health Director of the Northern KY District Health Department.

It is to be understood that these recommendations are being made by the Conference Officer in regard to the Notice / Order issued by the Health Authority and that a final decision on this matter will be issued by Mr. Steve Divine, Environmental Health Director of the Northern KY District Health Department.

RECOMMENDATIONS:

The contractor for the S&J Hospitality Group, LLC, Owner, Florence Inn ("Petitioner"), located at 8049 Dream St. Florence, KY informed the conference officer that to make the necessary repairs to the hotel to bring it into compliance with the applicable laws and regulations, it would take two (2) months. Thus, it is the recommendation of the Cabinet that joint follow-up inspections be conducted by the three principle agencies, Northern Kentucky District Health Department, Fire/EMS Department and the Public Services Department. If at that time, the hotel is not in substantial compliance with the applicable laws and regulations, the permit is to be suspended.

The above recommendations are respectively submitted to the Northern Kentucky District Health Department on 7 July 2015 by Ms. Vonja L. Grabeel, RS, Conference Officer.

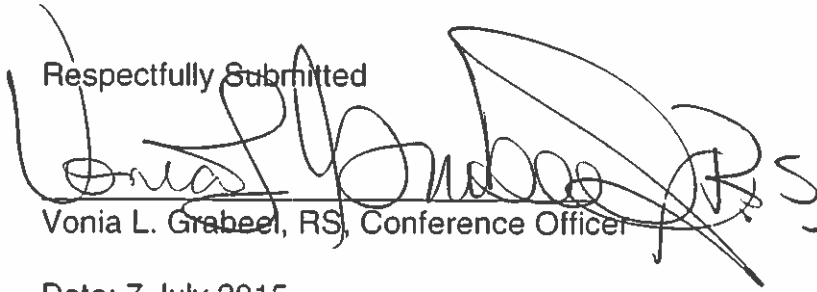
- () Recommendations disapproved.
- () Recommendations approved as submitted.
- () Recommendations approved with the following modifications:

_____, Environmental Health Director of the Northern KY District Health Department

Date: _____ 20 ____

NOTICE: The Petitioner is advised that upon entry of a final decision by the Northern KY District Health Department, an appeal may be filed with the Cabinet for Health and Family Services within ten (10) days of receipt of the final decision, by mailing a letter of appeal to the Commissioner for Public Health, Department for Public Health, 275 East Main Street, Frankfort, KY 40621.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Vonja L. Grabeel', followed by the initials 'RS'. The signature is written over a horizontal line.

Vonja L. Grabeel, RS, Conference Officer

Date: 7 July 2015

C: Mr. Ted Talley, Environmental Program Manager, Northern KY District Health Department