



City of St. Louis

Department of Health



FRANCIS G. SLAY
Mayor

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Interim Director of Health

MELBA R. MOORE, MS, CPHA
Commissioner of Health

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COPY

February 7, 2011

Mr. Larry L. Thompson, General Manager
Missouri Athletic Club
405 Washington Ave.
St. Louis, Missouri 63102

Dear Mr. Thompson:

On 1/4/11, Inspector Kevin Huntspon visited your business located at 405 Washington Avenue in response to a complaint of people smoking in the establishment. No one was observed smoking during his visit; however, Food and Beverage Director Joe Dietz admitted that employees and guests were still smoking in the establishment per permission of the General Manager of the Missouri Athletic Club (MAC). Mr. Dietz was given a copy of the ordinance and informed that under the new ordinance, the MAC would not be eligible for exemption. Mr. Dietz said he would forward the information to the Board of Directors.

On 1/19/11, Inspector James Boswell contacted you to find out what the MAC's policy was on smoking. The inspector reported you told him you had been advised by legal counsel that the ordinance does not impact the MAC. You also told him the MAC is a smoke-free club with three smoking areas, including four seats at the Washington Avenue entrance, the Jack Buck Grille, and a smoking area at the employee eating area.

On 1/24/11, Inspector James Boswell returned to inspect your business. During his inspection, the inspector noted people smoking inside the Washington Avenue entrance as well as in the restaurant. He also observed ashtrays set out for use by smokers, and no signage in place. Although the MAC is a private club the ordinance specifically states in Section Seven that the following private clubs are exempt: "Private clubs that have no employees, except when being used for a function to which the general public is invited; provided that smoke from such clubs does not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance." Based on his inspection that day, the following violations of Ordinance #68481 were noted:

Section Four: Prohibition of smoking in enclosed public places
 Section Five: Prohibition of smoking in places of employment
 Section Six: Prohibition of smoking in enclosed residential facilities
 Section Nine: Posting of Signs/Removal of Ashtrays
 Other: _____

Per Ordinance #68481 Section 12, the following administrative fine is due:

<input checked="" type="checkbox"/>	Smoking Ordinance Violation for a Business, 1 st Offense	\$100 fine
<input type="checkbox"/>	Smoking Ordinance Violation for a Business, 2 nd Offense	\$150 fine
<input type="checkbox"/>	Smoking Ordinance Violation for a Business, 3 rd Offense	\$250 fine

Total amount due: \$ 100.00, payable by business check or money order to: "St. Louis Health Commissioner." Fines can be paid within 10 days by mail or in person at: Environmental Health Services, 1520 Market, Room 4051, St. Louis, Missouri, 63103. Fines not paid within 10 days will be referred to court, and may incur additional court costs.

Sincerely,

Melba Moore
Melba R. Moore, MS, CPHA
Commissioner of Health