



## Court clears 610 Tap owner of charge

BY JENNIFER BAILEY

DANVILLE July 18, 2008 10:12 pm

— One of three bar owners who pleaded not guilty in April to smoking ban violations had the charge dropped after appearing in court on Friday.

The Vermilion County State's Attorney's office dropped the charge against M&K Gritton Inc., represented by 610 Tap, 610 N. Vermilion St., owner Kathy Gritton, of allowing smoking in a public place and a place of employment where it is prohibited under state law.

Gritton appeared at a bench trial before Associate Judge James Borbely.

She faced a \$250 fine for a first offense.

Assistant state's attorney Ted Pasierb said Gritton is making "a good-faith effort to comply with the law."

He said Kolby Riggle, director of environmental health at the Vermilion County Health Department, spent "very little time" in the bar and there was insufficient evidence that the bartender had a chance to notice someone smoking.

Pasierb said it appears Gritton was not knowingly trying to violate the law.

"She seems genuine in not allowing smoking," he added.

If a bar owner is in good faith trying to comply with the law, he doesn't see why they should be penalized.

"It didn't look like she was intentionally allowing smoking to happen," Pasierb said.

Steve Diveley, owner of the Halfway Inn, 1401 Warrington Ave., or an attorney on his behalf, did not appear in court on Friday on a violation of having ashtrays out in his establishment.

A warrant was issued.

Pasierb said this charge isn't as easy to dismiss.

The ashtrays were not out for potato chips, he said.

The bench trial for Julia Gay, owner of Julee's Shooting Star in Westville, was pushed back to Aug. 22 for health reasons, according to Riggle.

The Vermilion County Health Department ticketed her also for allowing smoking in her bar against state law.

The three bar owners had pleaded not guilty in connection with alleged smoking ban violations, causing the bench trials.

Gay previously said making sure underage drinking is not happening is more important to her than monitoring those smoking.

Riggle said he wasn't really surprised the charge against M&K Gritton Inc. was dropped.

"There are some problems with (the smoking ban act) as far as enforcement," Riggle said.

He said the case wasn't strong enough.

Riggle visited four taverns on March 11 after receiving multiple citizen complaints about them.

Riggle cited three, but in the fourth instance, there was only one patron inside and he didn't see anyone smoking or any violations.

He said the department has "a number of cases" to investigate, but he wanted to see what happens with these first court cases and if the state law changes.

Since Jan. 1, the health department has received more than 40 complaints passed down through the Illinois Department of Public Health received through the state hotline or Internet.

Jan. 1 marked the start of the Smoke-Free Illinois Act, a statewide smoking ban in public places and within 15 feet of building's entrances.

Copyright © 1999-2008 cnhi, inc.