

HEARING 24-001

January 9, 2024

**BEFORE THE  
FRANKLIN COUNTY DISTRICT BOARD OF HEALTH  
COLUMBUS, OHIO**

In the matter of:

Food Service Operation License  
Suspension or Revocation  
El Tequila Mexican Restaurant  
1111 Hill Road  
Pickerington, Ohio 43146  
License: SMUG-CKQRLN  
Licensee: El Tequila Mexican Restaurant of Pickerington, LLC  
Designation: Food Service Operation (FSO)

**FINDINGS AND ORDERS**

**WHEREAS**, the Board of Health may suspend or revoke a food service operation license upon determining that the license holder is in violation of any requirement of Ohio Revised Code Chapter 3717 or rules adopted thereunder pursuant to Ohio Revised Code Section 3717.49;

**WHEREAS**, pursuant to Ohio Revised Code Section 3717.49 the licensee received notice of a proposed suspension or revocation of the food service operation license from Franklin County Public Health on December 19, 2023;

**WHEREAS**, pursuant to Ohio Revised Code Section 3717.23 (F) the licensor may place restrictions or conditions on a retail food establishment license based on the equipment or facilities of the establishment, limiting the types of food that may be stored, processed, prepared, manufactured, or otherwise held or handled for retail sale. Limitations pertaining to a mobile retail food establishment shall be posted on the back of the license;

**WHEREAS**, on November 28, 2023, an Administrative Hearing was conducted. The facility owner was present and agreed to the terms set in the outcome letter if compliance was not achieved by December 18<sup>th</sup>, 2023;

**WHEREAS**, the facility installed a bar area without prior approval. The facility has failed to provide proper documents for plumbing plan review to ensure compliance with the Food Code and Plumbing Code;

**WHEREAS**, Staff visited the facility 11 times between 10/10/22 and 12/19/23. The facility has been using the bar area at each visit/inspection even after being told not to use it until it is approved:

- 2 warning letters issued
- 2 Hearing letters issued;

**WHEREAS**, the following evidence was presented and fully incorporated and admitted into the hearing record on January 9, 2024:

- 2023 FSO License
- Inspection Reports
- Administrative Hearing documentation
- Board of Health Hearing notice
- Warning letters;

**WHEREAS**, the licensee was/was not present, and was/was not represented by legal counsel;

**WHEREAS**, Karin Kasper, Rebecca Keller, James Smith, Tania Nur and Brien Bellous testified;

**WHEREFORE**, based upon the evidence and testimony at the hearing conducted on January 9, 2024

**THE BOARD OF HEALTH HEREBY ORDERS:**

1. That the licensee had violated provisions of Ohio Administrative Code Sections 3717-1-05.1(B)(1), 3717-1-05.3(C), 3717-1-05.1(S), and 3701-21-03.
2. Suspension of the Food Service Operation License until compliance with plumbing permits and code.
3. Facility will remain closed until compliance with plumbing permits.
4. Franklin County Public Health Staff shall post these Findings and Orders at the Facility.

This order may be appealed pursuant to Ohio Revised Code Chapter 3717.49(D) by filing a notice of appeal within thirty (30) days, with Franklin County Public Health and the Franklin County Court of Common Pleas. In addition, the Franklin County Municipal Court, Environmental Division, may have jurisdiction for such an appeal, pursuant to Ohio Revised Code Section 1901.181. This notification does not in any way preclude Franklin County Public Health from arguing any jurisdictional matters.

**IT IS SO ORDERED.**

**Franklin County District Board of Health  
Board Members**

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