

WITNESS INFORMATION FORM

Please complete the Witness Information Form before testifying:

Date: 3/23/21

Name: JOE KOSTELNIK

Are you representing: Yourself Organization

Organization (If Applicable): DLN HOSPITALITY LLC

Position/Title: OWNER

Address: 300 E. WOOSTER ST

City: BOWLING-GREEN State: OH Zip: 43402

Best Contact Telephone: 419-297-5383 Email: jkostelns@gmail.com

Do you wish to be added to the committee notice email distribution list? Yes No

Business before the committee

Legislation (Bill/Resolution Number): HOUSE BILL 127

Specific Issue: _____

Are you testifying as a: Proponent Opponent Interested Party

Will you have a written statement, visual aids, or other material to distribute? Yes No

(If yes, please send an electronic version of the documents, if possible, to the Chair's office prior to committee. You may also submit hard copies to the Chair's staff prior to committee.)

How much time will your testimony require? 5-10 MIN

Please provide a brief statement on your position:

I AM IN FULL SUPPORT OF THIS LEGISLATION

Please be advised that this form and any materials (written or otherwise) submitted or presented to this committee are records that may be requested by the public and may be published online.

Joe Kostelnik
DKN Hospitality, LLC
300 E Wooster St
Bowling Green, OH 43402

March 23, 2021

Subject: HB127 Proponent Testimony

Chair Wiggam, Vice Chair John, Ranking Member Kelly, and the members of the House State and Local Government Committee:

My name is Joe Kostelnik and I have owned two bars in Bowling Green for a combined twenty-two years. The Covid restrictions put on our industry have been crippling. Unlike many other industries effected, we were the only industry to be given compliance checks and issued citations for non-compliance. Despite this, the bar/restaurant industry has been one of the most creative, compliant, and adaptive during this pandemic just to stay afloat. Sadly, thousands of these businesses in our state have already closed their doors.

My business partners and I have taken this pandemic serious from the very beginning. I myself, had Covid and know first-hand the severity and importance of the health guidelines issued. For the first few months of the pandemic, our local Health Commissioner, Fire Chief, as well as local police were frequently in our establishment doing compliance checks as well as being a resource should we have any questions. Frequently, myself and my staff were told that we were doing a fantastic job.

One of my bars was issued a citation on October 4th. The reason, four people standing. There was a football game on tv and after they had gotten their drinks, they were briefly watching a play before they returned to their table on our covered patio. Three of the gentlemen were wearing masks and the fourth had his around his chin and was actively consuming a beverage. The Ohio Investigative Unit entered our establishment and took a picture of this through a window and issued a citation. There were 25 people total in the entire establishment. They never stepped foot onto our patio, they didn't speak to the gentlemen at fault, nor did they give us any time to simply tell them to return to their seats. The agents were in and out in less than ten minutes and even made a joke that it "wasn't that big of a deal" and that everyone was getting them. It was a big deal, to us. This was our first citation ever, in 22 years. Being in a college town, this is no small accomplishment.

We went before a hearing and pleaded our case. The prosecuting attorney stated that it was a very minor offense, but nevertheless it was an offense. The magistrate recommended to the liquor commission a \$100 fine or a one-day shutdown. Several weeks later, without any reasoning or explanation, the liquor commission raised that to \$500 or a five-day shutdown. We never had a chance to present our evidence or even speak to them. Even worse, we found out about this altered penalty through a local news company via Facebook. The liquor commission issued a press release before even notifying us what our penalty was. Of course, there were repercussions from locals, many stating how irresponsible we were and how we

should have our liquor permit pulled. Our name was dragged through the mud when in fact, we were taking all of the necessary steps, had invested over ten thousand dollars into PPE and outdoor seating areas, and had taken this serious from the beginning. What they have done to our industry is sad. We have been unfairly targeted and have been made the villains in this pandemic

It's hard to put into words how much our industry has suffered. The amount of people that we've had to deal with that refuse to or yell at us for telling them to put on their masks. This is a daily occurrence that ends with these customers telling us they'll never come back. Somewhere along the line, we have become responsible for everyone. It's because of this and many other reasons that I am asking for your full support of this bill. I sincerely appreciate your time and would be more than happy to answer any questions you may have regarding our incident or how we have been affected. My contact information is below. I have also enclosed the letter from our local fire chief for reference.

Thank you,



Joe Kostelnik
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DKN Hospitality LLC
Owner

Ziggy's

Bill Moorman <bmoorman@bgohio.org>

Tue, Nov 17, 2020, 1:15 PM

To: Joe Kostelnik <jkostels@gmail.com>

To whom it may concern,

The Bowling Green Fire Division in conjunction with the Wood County Health Department have been conducting random inspection of the downtown bars of Bowling Green Ohio since the onset of COVID-19.

These inspections are for the purpose of educating the establishment owners, their staff, and their customers about the benefits of socially distancing and mask compliance while frequenting these business's. At first I will admit there was a lot of confusion and questions initially, in a short period of time it was evident that the bar owners and staff were making positive steps in having their patrons abide by the Governors orders. During those inspections I found Ziggy's to be making every attempt to abide by the Governors orders. I will not say they were 100% successful but I will say they were making every attempt to comply.

Respectfully



CITY OF BOWLING GREEN OHIO

Bill Moorman

Fire Chief

Fire Division

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