



CITY OF SAINT PAUL
INTERDEPARTMENTAL MEMORANDUM

DATE: 09/20/11
TO: Christine Rozek
FROM: Bill Gunther *WFG*
RE: Asia Special Drinks
217 Como Ave
Inspection Number: 11 262631
Inspection Date: 09/12/11

REQUEST FOR LICENSE ADVERSE ACTION

The Environmental Health Division conducted a re-inspection of the facility at 217 Como Ave on 09/12/11 and is recommending license adverse action (Section 331A.11 of the Saint Paul Legislative Code). The food code violations listed below were noted as being uncorrected during the inspection. A copy of the full inspection report is attached.

The following penalties are being recommended:

Location: FRONT COUNTER -

Violation 1 Severity: CRITICAL (Major) Comply By: 09/06/11 Notice # 2

RECOMMENDED PENALTY: \$250

Foods have not been properly marked with the time when they must be consumed or discarded. ON THE FRONT COUNTER SHELF: PACKAGED SPRING ROLLS HELD 83F, RICE ROLLS HELD AT 95F AND VEGETABLE EGG NOODLES HELD AT 88F

When using time only rather than time and temperature as a public health control, for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, the food must be marked or otherwise identified with the time within which the food is to be cooked, served, or discarded. (MN 4626.0410)

The penalties listed above were based on the food code penalty guideline and the following mitigating or aggravating factors:

Potential for harm or imminent threat to public health:

Improper food holding temperatures are a major cause of foodborne illness. In this case there were potentially hazardous foods held at room temperature with no time/date marking.

Extent of deviation from statutory or regulatory requirements:

The temperatures extremely deviated from the required 140 F. In fact, the temperatures were in the range of optimal growth for foodborne illness organisms.

Degree of willfulness or negligence:

The operators were instructed to either correct the holding temperatures or to use an approved procedure for using time as a control factor and then time/date mark the food. They did neither.

Demonstration of good faith efforts to correct a violation:

The operator had two options but did not do either. He continued to hold the foods at room temperature and did not use an approved time as a control factor procedure.

cc: Bill Gunther
Ricardo X. Cervantes