

Food Protection Hearing and Advisory Board Meeting Notice and Agenda

Members

Christopher Romm
Sergio Guzman
Michael Chaump
David DeMars
J.P. Pinocchio
George Heinemann
Christopher Thompson

Monday, March 19, 2018
1:00 p.m.

Washoe County Administration Complex, Building B
Health District South Conference Room
1001 East Ninth Street
Reno, NV

An item listed with asterisk (*) next to it is an item for which no action will be taken.
1:00 p.m.

1. *Roll Call and Determination of Quorum
2. *Pledge of Allegiance
3. *Public Comment

Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

4. Approval of Agenda – (For possible action)
March 19, 2018
5. Approval of Draft Minutes – (For possible action)
December 20, 2017
6. Appeal to staff decision to place food on hold order according to Section 240.045 (B) of the Regulations of the Washoe County District Board of Health Governing Food Establishments. Case #1-18FP (For possible action)
Staff Representative: Tony Macaluso
7. *Board Comment
Limited to announcements or issues for future agendas.
8. *Public Comment
Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

9. Adjournment – (For possible action)

Possible Changes to Agenda Order and Timing. Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

Special Accommodations. The Food Protection Hearing and Advisory Board Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administrative Health Services in writing at the Washoe County Health District, PO Box 1130, Reno, NV 89520-0027, or by calling 775.328.2416, 24 hours prior to the meeting.

Public Comment. During the “Public Comment” items, anyone may speak pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment will only be heard during items that are not marked with an asterisk (*). Any public comment for hearing items will be heard before action is taken on the item and must be about the specific item being considered by the Board. In order to speak during any public comment, each speaker must fill out a “Request to Speak” form and/or submit comments for the record to the Recording Secretary. Public comment for individual agenda items is limited as follows: three minutes for individual speakers.

Response to Public Comment. The Food Protection Hearing and Advisory Board can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Food Protection Hearing and Advisory Board. However, responses from the Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Food Protection Hearing and Advisory Board will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Health District Staff action or to ask that a matter be listed on a future agenda. The Food Protection Hearing and Advisory Board may do this either during the public comment item or during the following item: “Board Comments – Limited to Announcement or Issues for future Agendas.”

Posting of Agenda; Location of Website.

Pursuant to NRS 241.020, Notice of this meeting was posted at the following locations:

Washoe County Health District, 1001 E. 9th St., Reno, NV
Reno City Hall, 1 E. 1st St., Reno, NV
Sparks City Hall, 431 Prater Way, Sparks, NV
Washoe County Administration Building, 1001 E. 9th St, Reno, NV
Downtown Reno Library, 301 S. Center St., Reno, NV
Washoe County Health District Website www.washoecounty.us/health
State of Nevada Website: <https://notice.nv.gov>

How to Get Copies of Agenda and Support Materials. Supporting materials are available to the public at the Washoe County Health District located at 1001 E. 9th Street, in Reno, Nevada. Ms. Laura Rogers, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Rogers is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at lrogers@washoecounty.us. Supporting materials are also available at the Washoe County Health District Website www.washoecounty.us/health pursuant to the requirements of NRS 241.020.

Food Protection Hearing and Advisory Board Meeting Minutes

Members

Christopher Romm
Sergio Guzman
Michael Chaump
David DeMars
J.P. Pinocchio
George Heinemann
Christopher Thompson

**Wednesday, December 20, 2017
9:00 a.m.**

**Washoe County Administration Complex, Building B
Health District South Conference Room
1001 East Ninth Street
Reno, NV**

1. *Roll Call and Determination of Quorum

Chair DeMars called the meeting to order at 9:00 a.m.

The following members and staff were present:

Members present: David DeMars, Chair
Christopher Romm
George Heinemann
Christopher Thompson
Sergio Guzman (arrived 9:23 a.m.)

Members absent: J.P. Pinocchio
Michael Chaump

Ms. Rogers verified a quorum was present

Staff present: Chad Westom, Environmental Health Division Director
Dave McNinch, Environmental Health Specialist Supervisor
Amber English, Senior Environmental Health Specialist

2. *Pledge of Allegiance

Those present pledged allegiance to the flag.

3. *Public Comment

As there was no one wishing to speak, Chair DeMars closed the public comment period.

4. Approval of Agenda

December 20, 2017

Chair DeMars moved to approve the agenda for the December 20, 2017, Food Protection

Hearing and Advisory Board meeting. Mr. Romm seconded the motion which was approved four in favor and none against.

5. Staff's Recommendation for Approval of Variance Case No. 1-17FP Pignic Pub & Patio Application for Variance to Sections 200.055(B)(Outdoor food establishment, food preparation by consumer), 200.055(E) (Outdoor food establishment, food preparation by consumer), and 060.205(A)(Food equipment, certification and classification) of the Regulations of the Washoe County District Board of Health Governing Food Establishments.

Staff Representative: Chad Westom

Mr. Westom stated that Board Member's packets contained the request for variance from Pignic Pub & Patio, staff recommendations, and documentation outlining the circumstances leading to this request for variance.

Mr. Westom informed that the Health District has been working with Pignic to find a resolution to issues that would allow them to operate with their unique business model. He informed that the Health District has concerns over a number of compliance issues outside of those Pignic has requested variance from, and because of those, the Health District has taken a neutral stance on their requests and are seeking direction from the Food Protection Hearing and Advisory Board (FPHAB).

Mr. Romm inquired of Environmental Health staff how many hand washing sinks and signs were on site at Pignic for the public's use. Mr. McNinch informed that Pignic does have a Food Establishment permit and have an area for food preparation in the basement, as well as the patio grill area which is the portion of their restaurant that they are requesting the variance for.

Ms. English informed that there are four stations available for hand washing, and each include burners, a small refrigerator and multiple grills in the area.

Chair DeMars inquired of the owners what the original concept for Pignic's business model was. Mr. Goldhammer, co-owner of Pignic Pub & Patio, informed their concept was presented informally in 2013 to Health District staff and then in a more formal fashion during the permitting process in 2014. Mr. Goldhammer stated that the concept from 2014-2017 has been that of standard pub operation with a community grill yard. The concept included that individuals or groups could bring in their own groceries, including meat to grill, either as a planned event or for spur-of-the-moment use. Patrons were invited to either bring their own cooler or use the on-site refrigeration storage. Mr. Goldhammer informed that patrons could then prepare food to be consumed within their party, much like any public park equipped with an outdoor grill area. He informed that this is how the Pub has operated for the past three years. He detailed the various types of equipment available for public use, listed the contents of the grill box that guests are provided, and informed there are plates, silverware, communal spices and barbeque sauces for their use. Chair DeMars inquired if this was the concept presented to the Health District, and Mr. Goldhammer confirmed that it was, both informally and again during the formal permitting process in 2014. Mr. Goldhammer informed that Pignic does carry a small selection of products to sell to patrons, but that their concept has never been designed to carry a large inventory or be the sole supplier of food for patrons.

Chair DeMars inquired if there were Certified Food Protection Managers (CFPM) employed by Pignic and on site at all times. Mr. Goldhammer stated that there are and that they are on site at all times, and Pignic's revised business plan includes having more staff certified.

Mr. Romm inquired if staff would assist a guest with grilling should they be requested to.

Mr. Goldhammer stated that the staff's function is provide guidance to patrons and to provide supplies as needed, but not actually do grilling for the guest. If an event is planned and a Certified Grill Master is requested, Pignic provides that option at a charge. Mr. Romm inquired how a guest's spur-of-the-moment request for staff to grill for them would be handled. Mr. Goldhammer informed the guest would be denied that service.

Mr. Clark, representing Pignic Pub & Patio, informed that Pignic staff educates the public as to safe food handling practices, that the grill basket includes a thermometer for patron's use to help prevent undercooked meats being consumed, and that food is only consumed within a party.

Mr. Clark stated that each guest signs a waiver and assumes personal responsibility for safe preparation of the food they will consume. Chair DeMars inquired if the waiver included in the packet had been in place since opening. Mr. Goldhammer informed that, in working with the Washoe County Health District Supervisors, there had been an addendum included that more clearly outlines safety procedures, cooking temperatures, etc. He stated that the waiver had been more of a verbal contract prior to creating the waiver included in the packets.

Mr. Romm inquired how many employees they have monitoring guests. Mr. Goldhammer stated it was dependent on how busy Pignic was on a given day, but that there was always one person on site although they were not always in the grilling yard. On busier days, there could be two to four employees available to supervise grilling.

Mr. Romm inquired if there was a checklist in use to verify stations were cleaned between use and customers were informed of procedures. Mr. Goldhammer informed there were opening and closing procedures observed by staff, and that staff received training to instruct patrons on safe grilling methods. He stated that staff would review grill operation and assure the grill is up to temperature for the customer. Mr. Goldhammer informed there is no physical check list in use, but that he was in full support of the waiver being more complete.

Mr. Romm inquired how many Certified Food Protection Managers are on staff. He noted that there had been inspections when there was not one CFPM on site. Mr. Goldhammer informed that they have four on staff, but due to turnover, it might have caused the instance that there were none available. He stated that is something they are willing to address immediately.

FPHAB Member Mr. Guzman arrived at 9:23 a.m.

Mr. Thompson inquired of the three sections of the regulations listed for variance that two appear to be the same. Mr. McNinch informed the Board that there are several chapters in the regulations; one of those is the Outdoor Food Establishment chapter which is a new section of the regulations implemented in 2015 during the revision of the Regulations of the Washoe County District Board of Health Governing Food Establishments. He informed this chapter was intended to fill a gap that existed between Temporary Foods and Permanent "brick and mortar" type facilities and was designed to provide more latitude than regulations had previously allowed. Mr. McNinch informed that the Outdoor Food Establishment component is dependent on there being an associated permitted facility on the same site that meets brick and mortar requirements. He informed that Section 200.055(B) allows that consumers may be permitted to cook, baste and season while cooking food items for their own personal consumption provided the consumer uses only food items, utensils and equipment provided from the supporting food establishment or outdoor food establishment. He stated that this is the approved source issue that Pignic is requesting variance from. Mr. McNinch informed that Section 200.055(E) states that consumers may be permitted to cook,

baste and season while cooking food items for their own personal consumption provided the consumer is not cooking, basting or seasoning while cooking food items for anyone's consumption but their own. This section refers to the concept of a "potluck" which is not acceptable under current regulations. Mr. McNinch stated the Health District is requesting direction from the Board for the variance Pignic seeks from this regulation. Mr. McNinch stressed that the Health District does not consider loose association as a group of people, and so need to have the term "group" clearly defined in order to enforce this regulation appropriately. He stated that a food establishment is held to a higher standard, that current law supports that stance and the public expects to be protected. The variance requested would allow a close group of persons who arrive to dine together be allowed to do so, but would not allow sharing of food between groups.

Mr. Guzman opined that Mr. McNinch's explanation of the Sections made sense, as well as the requirement that food establishments are held to a higher standard.

Mr. Romm inquired how many times per year is Pignic being inspected. Mr. McNinch informed that state law requires one inspection per year, but the Health District will inspect as many times as necessary in order to insure compliance. He stated that there are progressive levels of enforcement that will ensure the Health District's concerns have been met.

Mr. Romm inquired of Pignic representatives if persons can bring in food and also purchase food from Pignic, and if that was tracked. Mr. Goldhammer informed that it is possible to both bring in food and buy it from their establishment.

Mr. Goldhammer wished to clarify that previous to this current situation, the outside grill area was not permitted and was treated as a public space with no requirement that he was aware of for there to be Certified Food Protection Managers available to monitor the area. He noted that it was allowed to operate for two years in this fashion even after the revision of the regulations in 2015. He opined that Pignic wasn't being neglectful or doing anything wrong because it wasn't a permitted area of their establishment.

Mr. Goldhammer also wished to state for the record that, regarding the discussion of public expectations, he opined that in Pignic's three years of operation they have adequately demonstrated what the public expectation is. He opined that the public's expectation is to be responsible for their own health and safety and to not be regulated on what they can cook, how they can eat it and where they can eat it.

Mr. Clark thanked the new Board Members for their service which allowed this meeting to take place. He informed that in his meeting earlier in the year with the District Health Officer and staff, it was decided that Pignic's operation fit better within the new Outdoor Food Establishment Chapter. Pignic was directed to apply for the new permit standard and simultaneously apply for the variance from the sections that Mr. McNinch reviewed to be able to operate as they had been.

Mr. Clark stated that Pignic owners and staff have been working diligently to assure the Operations Plan provides clear guidelines for staff responsibilities to assure they can maintain compliance. He stated that one of the biggest issues had been the definition of an approved food source, and that one condition in the variance requires food brought on to the property by a consumer to be in its original packaging with the original receipt. Mr. Clark expressed concern that the requirement of the receipt may hamper their business and that they would prefer not to have that condition be enforced; opining that the original packaging had sufficient information to verify the food had been purchased at an approved source. He stated that the Operations Plan will be the guideline for their operation to maintain compliance with regulations and conditions of the variance. He opined that Pignic and the Health District staff have reached an agreement that Pignic can and will comply with.

Mr. Thompson noted the eight recommendations that the Health District has listed as required to allow the variance to be granted, and that Pignic seems to agree with all but the requirement of the receipt for food. Mr. Clark agreed with his assessment, but that Pignic would be willing to comply if there were no latitude given on that point.

Mr. Romm inquired of Health District staff if a picture of the receipt would suffice. Mr. Clark indicated that option had been discussed, but noted that the Food Protection Hearing and Advisory Board's decision would then be reviewed by the District Health Officer for final determination whether to allow the variance.

Mr. Goldhammer stated that Pignic does not want to have conditions included as requirements for the variance to be approved that would be difficult to comply with, and that their goal is to be in compliance one hundred percent of the time. He expressed hope that the receipt requirement could be discussed further. He informed that Pignic's stance on this issue is that the original packaging of a product has sufficient information to verify its source.

Mr. Westom stated that the Health District would consider altering the condition of the consumer providing a receipt for food brought into Pignic to that of the consumer providing a picture of the receipt.

Mr. Westom brought the Board's attention to the packet they had been provided detailing compliance issues and inquired if each of them had reviewed in in depth. He expressed concerns of the many compliance issues, and stressed that the Health District's priority is to ensure that Pignic operates safely and follows their Operations Plan, but moreover, that the Health District is obligated to enforce laws and regulations and will do so. He stated that he would be happy to answer any questions the Board may have.

Mr. Thompson made note of Pignic's statement earlier of the four Certified Food Protection Managers they have on staff. He inquired of Mr. Westom if the number of CFPMs in an organization would equate to less compliance issues. Mr. Westom replied that if CFPMs are on staff and present to monitor operations it could help ensure compliance and opined it may help Pignic, however, this point is a non-issue in his professional opinion because CFPMs have not been present at Pignic during Health District visits. Mr. Westom expressed that he could not see evidence of trained CFPMs employed by Pignic and that there was no benefit if they were not available to monitor operations.

Mr. DeMars expressed his concern for the obstacles and challenges that exist and inquired how Pignic's compliance would be enforced. Mr. Westom stated that the Health District has options available for progressive enforcement. He informed that when violations are found at an establishment that reports are issued outlining the compliance issues, the establishment has to respond, there will be follow up inspection(s) with fees charged for those inspections, and permits can be suspended. He noted that Pignic's food service permit was currently suspended, and stated suspension will remain in place until the Health District is satisfied that the customers and public at large are protected. He informed that there are also citations that can be issued by the Health District, and that an establishment's permit can be revoked for non-compliance. Mr. Westom informed that each step has the possibility of a hearing.

Mr. Westom stated that the he and the Health District take their jobs very seriously and want to make sure that no one is harmed through unnecessary illness or death with an organization that is non-compliant and unwilling to work with the Health District to maintain compliance.

Mr. Romm stated that Pignic Pub & Patio are trailblazers in this community and informed that many of the Board Members have experienced some of what they are going through now, explaining the reason for the many questions asked of them. He inquired how many groups Pignic could accommodate at a time. Mr. Goldhammer informed there are six

cooking stations, so a maximum of six groups could be cooking at once. On a busy night, Mr. Romm inquired what staff would be present. Mr. Goldhammer informed there would be three bar backs/grill yard attendants, two bar tenders and there would usually be an employee acting as a host.

Mr. Clark stated that, in his research, Pignic is breaking new ground by being the only business of its type nationwide, and that it is Pignic's intent to comply once guidelines are set. Mr. DeMars stated his concern was with Pignic's history of noncompliance. Mr. Goldhammer stated that the grill yard area of Pignic was not a permitted food establishment and so, to his knowledge, it was not required to have employees monitoring the grill yard since its inception. He stated that if food was being cooked for guests there was a licensed person preparing the food. He stated that he'd never been informed by Health District staff that it was required to have licensed personnel monitoring the grill yard at all times.

Mr. Goldhammer informed the Board that if they looked at Pignic's history of violations from 2014-2016, he didn't believe they would see compliance issues. He stated there is a spike in compliance issues in 2017 over events held at Pignic in relation to what constitutes a group. He opined that a group created on Facebook should be allowed to be considered a group for their purposes and so should be able to share food. Mr. Thompson inquired if the attendees of this group bought food into Pignic or if it was cooked onsite for them. Mr. Goldhammer informed that their customers did bring in food and food was also cooked onsite. Mr. Thompson opined that the point the Health District would have found fault with was that people were cooking in an unregulated situation.

Mr. Goldhammer stated that, although he did not agree with the Health District, Pignic stopped the potluck and provided free pizza. He informed that this incident precipitated the many visits and noncompliance findings since. Mr. Goldhammer opined that many restaurants are found to have one or two compliance issues in any inspection by the Health District. He stated that he believed that Pignic had only had one or two minor issues found in previous inspections that were corrected immediately or corrected by the return visit. Mr. Goldhammer informed that the inspection involving the basement resulted in major compliance issues found, but that the situation was rectified quickly with an investment of between seven and eight thousand dollars.

Mr. Romm inquired if gloves for food handling are included in the grill kit for customer use. Mr. Goldhammer informed that there are gloves next to other grilling supplies inside, but that they are not in the basket. Mr. Romm inquired if customers use the gloves and are they encouraged to do so by staff. Mr. Goldhammer stated that he would encourage customers to use the gloves and that the waiver could be adjusted to include the suggestion that they do.

Mr. DeMars inquired if Mr. Goldhammer owned another food establishment. Mr. Goldhammer stated that he is part owner in two Noble Pie Parlors, one located in downtown and the other in midtown.

Ms. Admirand asked the Board to ask for Public Comment prior to their beginning deliberation.

As there was no one wishing to speak, Chair DeMars closed the public comment period.

Ms. Admirand informed that the next step would be Board discussion and directed them to have that discussion in public.

Chair DeMars opined that the whole of the Board wanted to see Pignic Pub & Patio succeed, but they also want the establishment to adhere to strict safe food handling practices.

Mr. Guzman stated it was clear to him that the most important task for the Board is to

uphold laws to protect the public. He stated that he'd read the entire report and saw there were many sanitation issues at Pignic, but opined these could be corrected fairly easily. Regarding the four Certified Food Protection Managers that were said to be on Pignic's staff, Mr. Guzman stated that practices they are trained in must be applied in the operation of the business for it to benefit the public's safety. He encouraged Pignic to employ the use of a simple checklist to verify that grilling stations are safe for each new group to use.

Mr. Romm agreed with Mr. Guzman's suggestion that Pignic use a checklist as part of their Standard Operating Procedures to improve sanitation levels and to provide a document to refer to in the event of an issue.

Mr. Goldhammer stated the Standard Operating Procedure developed in collaboration with the Health District and Pignic would act as a checklist and training guide for staff, and could be laminated for staff use. Mr. Romm inquired if this checklist could be added to the waiver that customers sign.

Mr. McNinch stated the waiver is not required by the Health District nor is it for the purpose of protecting public safety, but is a waiver of liability for Pignic's protection. Mr. McNinch informed that Pignic was receptive to Health District suggestions for information to include in the waiver to raise public awareness.

Mr. Goldhammer stated that Pignic is aware of that distinction, but what Pignic wants to accomplish with the waiver is to transfer responsibility to the consumer for the inspection of their grill area.

Mr. Romm reiterated that staff should have a simple checklist to ensure that all steps to prepare a grill area are complete before it is used, and that this list be saved as documentation in the event of any issues that may arise.

Mr. Goldhammer agreed that a checklist could be put into place for staff to use.

Mr. Thompson inquired that, when a guest signs the waiver, is it taken from them right away, his point being that safe cooking temperatures are included on the waiver. Mr. Goldhammer stated that was correct, and physical copies are kept. Mr. Thompson inquired if cooking temperatures were included in the grill basket, and Mr. Goldhammer informed Pignic has been directed by the Health District to have that information posted at the grills.

Mr. Heinemann suggested that the Certified Food Protection Manager sign off on the waiver, as well.

Mr. DeMars noted that the requirement for original packaging and receipt would prevent consumers bringing in meats they had marinated. Mr. Goldhammer agreed, and that limiting the ways in which the consumer could enjoy their food was a concern for Pignic. He stated that consumers marinating meats at home would not be allowed as the variance for regulations is written.

Mr. Guzman inquired how it would be possible to enforce temperature control when they bring product from home. Mr. Goldhammer stated it was not possible to ensure there had not been temperature abuse, and understands Pignic is a food establishment and is governed by strict regulations; however, he opined that customers should take personal responsibility for their own safety. He stated that Pignic would not be able to police 100% of consumer activity, and at some point it would have to make the distinction that the guest has some sort of personal responsibility.

Mr. Thompson opined the Health District's concern is with the potluck situation, in that the waiver does not cover the instance of one customer cooking for another. Mr. Goldhammer stated he understands the limit of sharing food only within the immediate party, and stressed that those members in the immediate party as adults have a responsibility to act in their own best interests. He opined it is similar to grilling in an unsupervised park. Mr. Romm stated that the difference between Pignic and a public park is that an instance of a

customer becoming ill from food eaten at Pignic would reflect badly on his establishment. Mr. Goldhammer informed that there had not been an instance of illness associated with Pignic since it opened.

Mr. Romm inquired if customers bring in marinated meats to cook at Pignic. Mr. Goldhammer informed that they did bring in marinated foods frequently.

Regarding a question about food temperature control, Mr. Westom detailed the Health District's recommended conditions contained in the staff report that would address those concerns, should the Board support the waiver of regulations for Pignic. He noted that the District Health Officer, Mr. Dick, would then review the Board's decision to decide if he would be in agreement with their decision.

Mr. Westom cited other entities that allowed customers to purchase proteins from the establishment to cook for themselves and consume the food after preparing it on the provided commercial grade equipment. He informed that these are allowed functions for a food establishment without variance from existing regulations. He stated that this would not resolve the marinated meat issue, but inquired if it would be an option for Pignic to supply a marinated meat option for purchase by the consumer.

Mr. DeMars inquired if Pignic had considered this as a plan of operation. Mr. Goldhammer stated that it had been considered, but discarded due to the lack of refrigerated storage for food items. He stated that the concept of an outdoor grill yard was discussed with the Health District in 2013 and approved in 2014. In 2015 when regulations changed, he stated that the Health District continued to support their concept through October of 2017. Mr. Goldhammer stated that Pignic based an entire business concept upon that support. He stated that it would be a hardship to change their business model after functioning within their plan for the past three years, because that is what their clientele has come to expect. He opined that they might not have gone into business at all if that was their option for a business model, and that approximately 90% of their guests bring in their own protein to grill.

Mr. Thompson opined that there is not enough of Pignic's staff that are Certified Food Protection Managers or sufficient supervision in the grill yard on a daily basis, but noted that there has been no reported illness since their opening. He also stated that customers should not bring in food prepared in their own kitchen because of restaurant regulations put in place for the safety of the public. He opined a picture of the original receipt would be sufficient with a photo of the product in its original packaging to upload and saved for a determined length of time.

Mr. Goldhammer stated they have maintained the condition of the basement to its post inspection/renovation condition, have been diligent in checking the dishwasher to assure it to be in good working order and sanitization procedures are implemented as they should be.

Mr. Romm inquired if Pignic sells marinated meats. Mr. Goldhammer stated that they just carry whole muscle meats due to previous attempts at carrying stock resulting in food waste.

Mr. Thompson asked if customers would be able to bring in meat and marinade from an approved source and Pignic staff marinade it onsite for the customer. Mr. Goldhammer stated it might be a solution, but not one that had been discussed. Mr. Romm opined this to be problematic with food being brought in and then handled by the restaurant employees.

Mr. Westom stated that meat could be brought to Pignic in original packaging from an approved source and be marinated by the consumer with product provided by Pignic, but would not support marinade brought in by the consumer unless it was prepackaged.

Mr. Goldhammer stated that Pignic would be willing to concede having marinated foods due to the complexity of the regulations involved.

Mr. Romm inquired if a UL Listed tabletop marinater could be used.

Mr. McNinch stated that the Health District would be in agreement with this equipment being provided for use and persons bringing in ingredients to make a marinade, as long as the ingredients are from an approved source and proper food handling takes place.

Mr. Romm inquired the percentage of guests that bring marinated product to Pignic. Mr. Goldhammer stated approximately 25-30%, but reiterated that Pignic is willing to move forth with the process and remove the concept of marinated meats from the equation for now, possibly to revisit the subject in the future.

Mr. Romm inquired of Health District staff if it would approve pre-marinated meats purchased from an approved source to be brought in to Pignic for grilling and Mr. McNinch confirmed that it would be acceptable.

Mr. McNinch stressed that Pignic having Certified Food Protection Managers on site and performing in that capacity are a critical condition for the Health District's agreement to this request for variance. He cited differences of opinion highlighted in these proceedings between the Health District and Pignic, but stressed that the Health District's requirements for food safety are not negotiable. He informed that the Health District has gone through a very extensive process to assist Pignic develop an Operational Plan to allow them to operate within parameters designed to protect the public, and that it will not change the Health District's enforcement actions.

Mr. McNinch stated the Health District requests the Food Protection Hearing and Advisory Board act strongly to enforce this agreement in support of the Health District, and know that the Health District intends to strictly enforce the regulations. He stated that whether this business model can work will be up to Pignic, and requested the Board to consider this in their deliberations.

Mr. Thompson opined that condition # 3 could be amended to change the requirement to a photographic image of the receipt be required versus the original receipt, and that the record include a picture of the waiver. Mr. Romm agreed.

Chair DeMars moved to approve Variance Case No. 1-17FP Pignic Pub & Patio Application for Variance to Sections 200.055(B)(Outdoor food establishment, food preparation by consumer), 200.055(E) (Outdoor food establishment, food preparation by consumer), and 060.205(A)(Food equipment, certification and classification) of the Regulations of the Washoe County District Board of Health Governing Food Establishments, with amendment to condition #3 to accept a photograph of the receipt instead of requiring the original receipt. Mr. Romm seconded the motion which carried five in favor and none against.

Mr. Thompson directed Pignic Pub & Patio to improve their utilization of Certified Food Protection Managers.

Mr. McNinch stated for the record that the Board's recommendation will go to the District Health Officer for consideration and his final decision whether or not to approve the variance.

6. *Board Comment

7. *Public Comment

Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

8. Adjournment

Mr. Romm moved to adjourn the meeting at 10:40 a.m. Mr. Thompson seconded the motion which was approved five in favor and none against.

Possible Changes to Agenda Order and Timing. Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

Special Accommodations. The Food Protection Hearing and Advisory Board Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administrative Health Services in writing at the Washoe County Health District, PO Box 1130, Reno, NV 89520-0027, or by calling 775.328.2416, 24 hours prior to the meeting.

Public Comment. During the “Public Comment” items, anyone may speak pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment will only be heard during items that are not marked with an asterisk (*). Any public comment for hearing items will be heard before action is taken on the item and must be about the specific item being considered by the Board. In order to speak during any public comment, each speaker must fill out a “Request to Speak” form and/or submit comments for the record to the Recording Secretary. Public comment for individual agenda items is limited as follows: three minutes for individual speakers.

Response to Public Comment. The Food Protection Hearing and Advisory Board can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Food Protection Hearing and Advisory Board. However, responses from the Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Food Protection Hearing and Advisory Board will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Health District Staff action or to ask that a matter be listed on a future agenda. The Food Protection Hearing and Advisory Board may do this either during the public comment item or during the following item: “Board Comments – Limited to Announcement or Issues for future Agendas.”

Posting of Agenda; Location of Website.

Pursuant to NRS 241.020, Notice of this meeting was posted at the following locations:

Washoe County Health District, 1001 E. 9th St., Reno, NV
Reno City Hall, 1 E. 1st St., Reno, NV
Sparks City Hall, 431 Prater Way, Sparks, NV
Washoe County Administration Building, 1001 E. 9th St, Reno, NV
Downtown Reno Library, 301 S. Center St., Reno, NV
Washoe County Health District Website www.washoecounty.us/health
State of Nevada Website: <https://notice.nv.gov>

How to Get Copies of Agenda and Support Materials. Supporting materials are available to the public at the Washoe County Health District located at 1001 E. 9th Street, in Reno, Nevada. Ms. Laura Rogers, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Rogers is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at lrogers@washoecounty.us. Supporting materials are also available at the Washoe County Health District Website www.washoecounty.us/health pursuant to the requirements of NRS 241.020.

DD	CW	-
DHO		KD
DA	LA	
Risk		

Staff Report
Board Meeting Date: March 19, 2018

TO: Food Protection Hearing and Advisory Board

FROM: Tony Macaluso, REHS, Environmental Health Specialist Supervisor
(775) 328-2431, tmacaluso@washoecounty.us

SUBJECT: Delitaly LLC
Appeal to staff decision to place food on hold order according to Section 240.045 (B) of the Regulations of the Washoe County District Board of Health Governing Food Establishments. Case #1-18FP

Authority to hold hearing on variance requests:

Pursuant to Section 240.105 (A) of the regulations of the Washoe County District Board of Health Governing Food Establishments, the Food Protection Hearing and Advisory Board shall hold hearings to consider appeals to staff decisions which adversely affect said person in any manner.

District Health Strategic Objective supported by this item: Healthy Environment – Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

Applicable Regulations:

Section 050.340 (B) A food establishment that packages potentially hazardous food (time/temperature control for safety food) using a reduced oxygen packaging method shall have an approved HACCP plan that contains the information specified in these regulations.

Section 050.335 (B) (C) (D) A food establishment operator shall obtain a waiver from the Health Authority before:

- B. Curing food;
- C. Using food additives or adding components such as vinegar:
 - 1. As a method of food preservation rather than as a method of flavor enhancement, or
 - 2. To render a food so that it is not potentially hazardous (time/temperature control for safety food);
- D. Packaging food using a reduced oxygen packaging method except as specified in these regulations where a barrier to Clostridium botulinum in addition to refrigeration exists;

Section 110.005 (A) (B) Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder must submit to the Health Authority for approval a properly prepared HACCP plan as specified in these regulations

- B. A permit applicant or permit holder must have a properly prepared HACCP plan when packaging potentially hazardous food (time/temperature control for safety food) using a reduced oxygen packaging method without a waiver.

Section 110.020 Except as indicated in these regulations, no person shall conduct food processing operations in any establishment unless the operations are conducted in accordance with an approved HACCP plan.

Section 240.045 (B) The Health Authority, may, upon written notice to the owner, operator or person-in-charge, place a hold order on any food which he determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.

Section 240.045 (D) After the owner, operator or person-in-charge has had a hearing as provided in NRS 446.895, and on the basis of evidence produced at such hearing or on the basis of his examination in the event a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order, or may, by written order direct the owner or person-in-charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of NRS 446. Such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of NRS 446 shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

Previous Action:

On October 31, 2017, Washoe County Health District (WCHD) staff issued a permit to operate a Deli for Delitaly located at 185 Glendale Avenue in Sparks. It was noted during the opening inspection that this facility would be a Risk 2 category. It would be serving Italian dishes, Italian desserts, sandwiches, pizza and coffee and pre-package beverages. A full time certified food protection manager (CFPM) would be required and the operator was given 60 day to obtain one.

On February 20, 2018 WCHD staff conducted an annual routine inspection at which time five (5) critical items were noted. Critical items are defined as violations that are more likely than other violations to contribute to food contamination, illness, or environmental health hazards. Three non-critical items were also noted. The three (3) non-critical items included not obtaining a CFPM within 60 days as required in the opening inspection. The following critical items were observed and noted on an inspection report:

- (2) 10 foot deli cases with processed sausages using nitrates and having sodium nitrite on-site. Curing meat is a special process and requires a HACCP plan that is approved by the health authority prior to curing meats. These manufactured processed meats must be properly labeled and may be subject to inspection by USDA
- Noted sausages hot holding in oven with recorded temp of 99°F. Tomato sauce was hot holding at 107°F. All hot holding PHF/TCS foods must hot hold at 135°F or above. Both sausages and tomato sauce were discarded.
- Noted on counter oil in garlic mixture at 67°F and parmesan cheese at 67°F. Noted Cannelloni's in makeup unit at 53°F. All food that was found above 41°F was discarded.
- Observed "Instacure #2", a sausage maker dry curing additive used to cure meat (sausages and jerky). Using this additive requires an approval, HACCP plan and a waiver prior to use for food processing.

- A food establishment operator shall obtain a waiver from the Health Authority before curing food (Regulation 050.335) and for packaging food using a reduced oxygen packaging method (Vacuum Packaging) "VP". Additionally, a food establishment that packages PHF/TCS food using "VP" method shall have an approved HACCP plan (Regulation 050.340). Conducting food processing operations without an approved HACCP plan is prohibited (Regulation 110.020).
- Observed (2) 10 ft. deli cases with "VP" cured deli meats and a rack of improperly labeled processed/cured meat jerky without approved HACCP plan approved by Health Authority. * A Hold Order was placed on all cured and "VP" foods. DO NOT REMOVE OR DISPOSE WITHOUT CONSENT OF HEALTH AUTHORITY.

On February 23, 2018 WCHD conducted a re-inspection it was noted the salted meats, cured sausages, and vacuum package meats under the hold order were at 43°F in the display case. During this re-inspection staff discussed with Mr. Carrano HACCP requirements for vacuum packaging and curing of meats. The appeal process was also reviewed with Mr. Carrano.

Findings of Fact:

The Hearing Board may recommend approval of the appeal only if, after a hearing on due and proper notice, it determines by a preponderance of evidence the following:

1. The food that is currently on hold can be released without endangering the health and safety of the persons living in the Washoe County Health District.

Recommendation:

Staff recommends that the Board advise the District Health Officer to deny the appeal and order the owner or person-in-charge of the food which was placed under the hold order to denature or destroy such food.

Alternatives:

1. The Hearing Board members could recommend to the District Health Officer to approve Mr. Carrano appeal to staff's decision and allow him keep the product which has been placed on hold.
2. The Hearing Board members could recommend that the District Health Officer approve staff's recommendation with amended or additional conditions.

Possible Motion:

Should the Board agree with staff's recommendation, a possible motion would be "Move to deny the appeal and order the owner or person-in-charge of the food which was placed under the hold order to denature or destroy such food."

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

**WASHOE COUNTY HEALTH DISTRICT
ENVIRONMENTAL HEALTH SERVICES DIVISION**
1001 East Ninth Street • P.O. Box 11130 • Reno, Nevada 89520
Telephone (775) 328-2434 • Fax (775) 328-6176
www.washoecounty.us/health

5
No. of Critical Risk
Factor/Intervention violations

**FOOD ESTABLISHMENT OFFICIAL
INSPECTION REPORT**

Facility Status:

- Pass
 Conditional Pass
 Closed

DBA/Name: DELITALY LLC		Risk Category: 2	Type: Delicatessen	Date: 2/20/2018
Address: 185 E GLENDALE AVE		City/Zip: SPARKS 89431		Permit #: H17-0444FOOD
Owner/Operator: DELITALY LLC	Person in Charge: Felice Carrano			Phone #: (214) 998-6127
Hours of Operation: 6:30 am - 11:00 pm	Area NO: 04	Inspection Type: Routine Inspection	Time In: 2:18PM	Time out: 4:30PM
Certified Food Protection Manager: need by 03/15/18	Exam Provider: need by 03/15/18	Certification #: need by 03/15/18		Date Expired: need

Any item marked "OUT" on this inspection report is a NOTICE of VIOLATION of the Washoe County District Board of Health Regulations Governing Food Establishments and is an ORDER to abate the violations within the time frame(s) specified. Any critical item marked "OUT" is denoted in bold text. Critical violations are items that are more likely to directly contribute to foodborne illness.

Failure to correct violations prior to the re-inspection date may result in the assessment of re-inspection fees. Any or all violations may be posted on the Washoe County Health District website: www.WashoeEats.com.

Risk Factor Interventions

Key: IN = In Compliance; N/A = Not Applicable; N/O = Not Observed; OUT = Out of Compliance; COS = Corrected On-Site; R = Repeat Violation

Compliance Status		COS	R	Compliance Status		COS	R
Supervision							
1	OUT			15a	IN		
Demonstration of Knowledge/Active Managerial Control				After being sold or served to a consumer, food is not reserved			
Employee Health							
2	IN			15b	IN		
Communicable Diseases: Knowledge, responsibilities, reporting				Discarding or reconditioning unsafe, adulterated, or contaminated Food			
3	IN			PHF/TCS Foods			
Communicable Diseases: Proper use of restriction/exclusion				16	N/O		
				Food cooked to proper final cook temperature			
				17	N/O		
				Proper reheating procedures for hot holding			
				18	N/O		
				Proper cooling time and temperatures			
4	IN			19	OUT		X
Proper eating, tasting, drinking or tobacco use				Proper hot holding temperatures			
5	IN			20	OUT		X
No discharge from eyes, nose, and mouth				Proper cold holding temperatures			
Control of Hands as a Vehicle of Contamination							
6	IN			21a	OUT		
Hands clean and properly washed				Proper date marking and disposition			
7	IN			21b	N/A		
No bare hand contact with ready-to-eat (RTE) foods; pre-approved alternative procedure properly followed				Time as a public health control: written procedures and records			
8a	IN			Consumer Advisory			
Handwashing sinks accessible; conveniently located				22	N/A		
8b	IN			Consumer advisory provided if required			
Handwashing sinks supplied				Highly Susceptible Populations			
Approved Sources							
9a	OUT		X	23	N/A		
Food obtained from approved source				Pasteurized food used; prohibited foods not offered			
9b	N/A			Food/Color Additives and Toxic Substances			
Molluscan shellfish from ICSSL listed sources; no recreationally caught fish or shellfish				24	OUT		X
				Food additives; approved and properly used			
9c	N/A			25a	IN		
Game animals and wild mushrooms approved by regulatory authority				Poisonous or toxic chemicals properly identified, stored, and used			
10	N/O			25b	N/A		
Food received at proper temperature				Poisonous or toxic materials held for retail sale properly stored			
11	IN			Conformance with Approved Procedures			
Food in good condition, safe, and unadulterated				26	OUT		X
12a	N/A			Waiver/variance obtained; Compliance with waiver/variance, specialized processes, ROP criteria and HACCP Plan			
12b	N/A			Equipment and Facilities			
Food Protection from Contamination							
13a	IN			27	IN		
Separating raw animal foods from raw or cooked RTE foods				Insects, rodents and animals not present/outer opening protected			
13b	IN			28	IN		
Separating raw animal foods from each other during storage, preparation, holding, and display				Warewashing equipment installed, maintained, and used; proper sanitization			
13c	OUT			29	IN		
Food protected from environmental contamination				Hot and cold water available; approved source			
14	IN			30	IN		
Food-contact surfaces: frequency of cleaning and sanitizing; protected from environmental contamination				Sewage and wastewater properly disposed; availability of toilet facilities			

Approved Retail Practices

Key: IN = In Compliance; N/A = Not Applicable; N/O = Not Observed; OUT = Out of Compliance; COS = Corrected On-Site; R = Repeat Violation

Compliance Status			COS	R	Compliance Status			COS	R
Safe Food									
31	N/A	Pasteurized eggs used where required			43	IN	Single-service / single-use articles: properly stored and used		
Food Temperature Control									
32	N/O	Proper cooling methods used; adequate equipment for temperature control			44	N/A	Slash resistant / cloth gloves used properly		
33	N/O	Plant food properly cooked for hot holding			Utensils, Equipment and Vending				
34	N/O	Approved thawing methods used			45	IN	Food and non-food contact surfaces cleanable, properly designed, constructed, and used		
35	IN	Thermometers provided and accurate			46	IN	Non-food contact surfaces clean		
Food Identification									
36	IN	Food properly labeled; original container			Physical Facilities				
Prevention of Food Contamination									
37	IN	Contamination prevented during food preparation, storage and display			47	IN	Plumbing installed; proper backflow devices		
38	IN	Personal cleanliness			48	IN	Toilet facilities: properly constructed, supplied, and clean		
39	IN	Wiping cloths: properly used and stored			49	IN	Garbage and refuse properly disposed; facilities maintained		
40	IN	Washing fruits and vegetables			50	IN	Physical facilities installed, maintained, and clean		
Proper Use of Utensils									
41	IN	In-use utensils: properly stored			51	IN	Adequate ventilation and lighting; designated areas used		
42	IN	Utensils, equipment and linens: properly stored and used							

Comments:

Temperatures Observed: Item/Location/Temperature

Cut tomatoes @ 38 F, cooked turkey @ 39 F, provolone cheese @ 39 F, & salami @ 41 F @ make up unit.

Observations and Corrective Actions:

Item #	Violation
1	Permit holder was required to acquire Certified Food Protection Manager by 12/31/17. Facility does not have a "CFPM" and must acquire CFPM by 03/15/18; no exceptions. PIC person in charge and permit holder unaware of proper cold holding temps for potentially hazardous foods.
9a	Observed (2) 10 ft. deli cases with processed sausages using nitrates and sodium nitrite on-site. Curing meat is a special process and requires a HACCP plan that is approved by the Health Authority prior to curing meats. These manufactured processed meats must be properly labeled and may be subject to inspection by USDA.
13c	Observed large plastic container of (salt) stored in walk-in with no cover. ensure food is covered when not in use. No direct contamination observed.
19	Noted sausages hot holding in oven with recorded temp of 99 F. Tomato sauce at stovetop hot holding @ 107 F. All hot holding PHF/TCS foods must hot hold at 135 F or above. Both sausages and tomato sauce discarded. C.O.S. = corrected on site.
20	Noted oil in garlic mixture at 67 F on counter. Noted parmesan cheese at 67 F grated on counter. Noted Cannelloni's in make-up unit @ 53 F. All cold holding PHF/TCS foods must cold hold at 41 F or below. Ensure cold holding foods maintain proper cold holding by temping PHF/TCS foods with a food thermometer. All food discarded found out of temperature above 41 F.
21a	Observed inconsistent date marking in-use. Ensure prepared foods are properly marked.
24	Observed "Instacure #2" The sausage maker dry curing additive used to cure meat (sausages and jerky) This additive requires an approval and HACCP plan and waiver prior to use for food processing.
26	A food establishment operator shall obtain a waiver from the Health Authority before curing food. (Regulation 050.335) and for packaging food using a reduced oxygen packaging method (Vacuum Packaging) "VP". Additionally, a food establishment that packages PHF/TCS food using "VP" method shall have an approved HACCP plan. (Regulation 050.340). Conducting food processing operations without an approved HACCP plan is prohibited. (Regulation 110.020).
	Observed (2) 10 ft. deli cases with "VP" cured deli meats and a rack of improperly labeled processed/cured meat jerky without approved HACCP plan approved by Health Authority. * A Hold Order was placed on all cured and "VP" foods. DO NOT REMOVE ORE DISPOSE WITHOUT CONSENT OF HEALTH AUTHORITY. **Owner/permit holder may appeal "hold order." All appeals to the Food Protection Hearing and Advisory Board can be done by filing a written notice within (10) business days after the person bringing the appeal has received any order. A hearing may be conducted by the board and a decision made (Regulation 240.105).

Failure to abate violation required in this notice may result in immediate suspension of the Permit to Operate. An opportunity for an appeal will be provided if a written request for a hearing is filed within the period of time established in this notice for the correction of violations. (Reference: NRS 446.896)

Re-Inspection Date (on or after): 02/27/18

Environmental Health Specialist: Kim Franchi	Received By:
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FOOD ESTABLISHMENT OFFICIAL INSPECTION REPORT

Facility Status:
 Pass
 Conditional Pass
 Closed

DBA/Name: DeItaly	Risk Category: 2	Type: Deli	Date: 02/20/18
Address: 185 E. Glendale Ave.	City/Zip: Sparks, 89431	Permit #: H17-0449FOOD	Phone #: (249) 998-6127
Owner/Operator: Felice Carrano	Person In Charge: Felice Carrano	Hours of Operation: 6:30 am - 11:00 p.m.	Time Out: 4:30 pm
Certified Food Protection Manager: need by 03/15/18	Exam Provider: need	Inspection Type: routine insp	Date Expired: need

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Failure to correct violations prior to the re-inspection date may result in the assessment of re-inspection fees. Any or all violations may be posted on the Washoe County Health District website: www.WashoeEats.com

Compliance Status				
#	IN	NA	NO	OUT
				OUT Critical
				OUT Non Critical

Risk Factor Interventions

Supervision							
1				X	Demonstration of Knowledge/Active Managerial Control	R	
Employee Health							
2	X				Communicable Diseases: knowledge, responsibilities, reporting	R	
3	X				Communicable Diseases: proper use of restriction/exclusion	R	
Good Hygienic Practices							
4	X				Proper eating, tasting, drinking, or tobacco use	R	COS
5	X				No discharge from eyes, nose, and mouth	R	COS
Control of Hands as a Vehicle of Contamination							
6	X				Hands clean and properly washed	R	COS
7	X				No bare hand contact with ready-to-eat (RTE) foods; pre-approved alternative procedure properly followed	R	COS
8a	X				Handwashing sinks accessible; conveniently located	R	COS
8b	X				Handwashing sinks supplied	R	COS
Approved Sources							
9a				X	Food obtained from approved source	R	COS
9b		X			Molluscan shellfish from ICSSL listed sources; no recreationally caught fish or shellfish	R	COS
9c		X			Game animals and wild mushrooms approved by regulatory authority	R	COS
10			X		Food received at proper temperature	R	COS
11					Food in good condition, safe, and unadulterated	R	COS
12a		X			Required Records: parasite destruction	R	
12b		X			Required Records: Shellstock tags maintained for 90 days in chronological order	R	
Food Protection from Contamination							
13a	X				Separating raw animal foods from raw or cooked RTE foods	R	COS
13b	X				Separating raw animal foods from each other during storage, preparation, holding, and display	R	COS
13c	X			X	Food protected from environmental contamination	R	COS
14	X				Food-contact surfaces: frequency of cleaning and sanitizing; protected from environmental contamination	R	COS
15a	X				After being sold or served to a consumer, food is not reserved	R	COS
15b	X				Discarding or reconditioning unsafe, adulterated, or contaminated Food	R	COS
PHF/TCS Foods							
16			X		Food cooked to proper final cook temperature	R	COS
17			X		Proper reheating procedures for hot holding	R	
18			X		Proper cooling time and temperatures	R	COS
19				X	Proper hot holding temperatures	R	COS
20				X	Proper cold holding temperatures	R	COS
21a				X	Proper date marking and disposition	R	COS
21b		X			Time as a public health control: written procedures and records	R	COS
Consumer Advisory							
22		X			Consumer advisory provided if required	R	COS
Highly Susceptible Populations							
23		X			Pasteurized foods used; prohibited foods not offered	R	COS

Compliance Status					
#	IN	NA	NO	OUT Critical	OUT Non Critical

Food/Color Additives and Toxic Substances

24				X		Food additives; approved and properly used	R	COS
25a	X					Poisonous or toxic chemicals properly identified, stored, and used	R	COS
25b		X				Poisonous or toxic materials held for retail sale properly stored	R	COS

Conformance with Approved Procedures

26				X		Waiver/variance obtained; Compliance with waiver/variance, specialized processes, ROP criteria and HACCP Plan	R	COS
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Equipment and Facilities

27	X					Insects, rodents and animals not present/outer openings protected	R	COS
28	X					Warewashing equipment installed, maintained, and used; proper sanitization	R	COS
29	X					Hot and cold water available; approved source	R	COS
30	X					Sewage and wastewater properly disposed; availability of toilet facilities	R	COS

Approved Retail Practices

Safe Food

31		X				Pasteurized eggs used where required	R	COS
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Food Temperature Control

32			X			Proper cooling methods used; adequate equipment for temperature control	R	COS
33			X			Plant food properly cooked for hot holding	R	COS
34			X			Approved thawing methods used	R	COS
35	X					Thermometers provided and accurate	R	COS

Food Identification

36	X					Food properly labeled; original container	R	COS
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Prevention of Food Contamination

37	X					Contamination prevented during food preparation, storage and display	R	COS
38	X					Personal cleanliness	R	COS
39	X					Wiping cloths: properly used and stored	R	COS
40	X					Washing fruits and vegetables	R	COS

Proper Use of Utensils

41	X					In-use utensils: properly stored	R	COS
42	X					Utensils, equipment and linens: properly stored, dried, and handled	R	COS
43	X					Single-service / single-use articles: properly stored and used	R	COS
44		X				Slash resistant / cloth gloves used properly	R	COS

Utensils, Equipment and Vending

45	X					Food and non-food contact surfaces cleanable, properly designed, constructed, and used	R	COS
46	X					Non-food contact surfaces clean	R	COS

Physical Facilities

47	X					Plumbing installed; proper backflow devices	R	COS
48	X					Toilet facilities: properly constructed, supplied, and clean	R	COS
49	X					Garbage and refuse properly disposed; facilities maintained	R	COS
50	X					Physical facilities installed, maintained, and clean	R	COS
51	X					Adequate ventilation and lighting; designated areas used	R	COS

Key: IN = In Compliance ; N/A = Not Applicable; N/O = Not Observed; OUT = Out of Compliance; COS = Corrected On-Site; R = Repeat Violation

Temperatures Observed: Item / Location / Temperature
 Cut tomatoes @ 38°F, cooked turkey @ 39°F, provolone cheese @ 39°F + salami @ 41°F @ make up unit.

Observations and Corrective Actions:

① Permit holder was required to acquire Certified Food Protection Manager by 12/31/17. Facility does not have a CFPM and must acquire CFPM by 03/15/18; no exceptions. PIC person in charge and permit holder unaware of proper cold holding temps for potentially hazardous foods.

9a The Observed (2) 10 ft deli cases with processed sausages using nitrites and sodium nitrite on-site. Curing meat is a special process and requires a HACCP plan that is approved by the Health Authority prior to curing meats. These manufactured processed meats must be properly labeled and may be subject to inspection by USDA.

Failure to abate violation required in this notice may result in immediate suspension of the Permit to Operate. An opportunity for an appeal will be provided if a written request for a hearing is filed with the Health Authority within the period of time established in this notice for the correction of violations. (Reference: NRS 446.895)

Re-Inspection Date (on or after): 02/27/18
 Environmental Health Specialist: *Maria Franckie #715* Received By: *[Signature]*

FOOD ESTABLISHMENT OFFICIAL INSPECTION REPORT

Facility Status:
 Pass
 Conditional Pass
 Closed

DBA/Name: Risk Category Type: Address: Person In Charge:	Deitaly 185 E Glendale Felice Carrano	City/Zip: Sparks, 89431	Date: 02/20/18 Permit #: H-17-0444 FOOD
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Observations and Corrective Actions Continued:

(19) Noted sausages not holding in oven with recorded temp of 99°F. Tomato sauce at stovetop not holding @ 107°F. All hot holding PHF/TCS foods must hot hold at 135°F or above. Both sausages and tomato sauce discarded. C.O.S. - corrected on site

(20) Noted oil in garlic mixture at 67°F on counter. Noted parmesan cheese at 67°F grated on counter. Noted Cannelloni's in make-up unit @ 53°F. All cold holding PHF/TCS foods must cold hold at 41°F or below. Ensure cold holding foods maintain proper cold holding by temping PHF/TCS foods with a food thermometer. All food discarded found out of temperature above 41°F. (21a) Observed inconsistent date marking in-use. Ensure prepared foods are properly marked.

(13c) Observed large plastic container of ~~Flour~~ ^(Salt) stored in walk-in with no cover. Ensure food is covered when not in use. No direct contamination observed.

(24) Observed "Instacure #2" The Sausage maker dry curing additive used to cure meat (sausages and jerky). This additive requires an approval and HACCP plan and waiver prior to use for food processing. A food establishment operator shall obtain a waiver from the Health Authority before curing food. (Regulation 050.335) and for packaging food using a reduced oxygen packaging method (Vacuum Packaging) VP. Additionally, a food establishment that packages PHF/TCS food using "VP" method shall have an approved HACCP plan. (Regulation 050.340). Conducting food processing operations without an approved HACCP plan is prohibited. (Regulation 110.020). Observed (2) 10 fl deli cases with "VP" cured deli meats and a rack of improperly labeled processed/cured meat jerky without approved HACCP plan approved by Health Authority. A Hold Order was placed on all cured and "VP" foods. DO NOT REMOVE OR DISPOSE WITHOUT CONSENT OF HEALTH AUTHORITY.

* Owner/permit holder may appeal "hold order" All appeals to the Food Protection Hearing and Advisory Board can be done by filing a written notice within (10) business days after the person bringing the appeal has received any order. A hearing may be conducted by the board and a decision made. (Regulation 240.105).

Failure to abate violation required in this notice may result in immediate suspension of the Permit to Operate. An opportunity for an appeal will be provided if a written request for a hearing is filed with the Health Authority within the period of time established in this notice for the correction of violations. (Reference: NRS 446.895)

Re-Inspection Date (on or after):	02/27/18
Environmental Health Specialist:	Therese Franklin 6715
Received By:	

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

**WASHOE COUNTY HEALTH DISTRICT
ENVIRONMENTAL HEALTH SERVICES DIVISION**
1001 East Ninth Street • P.O. Box 11130 • Reno, Nevada 89520
Telephone (775) 328-2434 • Fax (775) 328-6176
www.washoecounty.us/health

2
No. of Critical Risk
Factor/Intervention violations

**FOOD ESTABLISHMENT OFFICIAL
INSPECTION REPORT**

Facility Status:
 Pass
 Conditional Pass
 Closed

DBA/Name: DELITALY LLC		Risk Category: 2	Type: Delicatessen	Date: 2/23/2018
Address: 185 E GLENDALE AVE		City/Zip: SPARKS 89431		Permit #: H17-0444FOOD
Owner/Operator: DELITALY LLC	Person in Charge: Felice Carrano			Phone #: (214) 998-6127
Hours of Operation: 6:30 am- 11:00 pm	Area NO: 04	Inspection Type: Routine Reinspection w/o Fee	Time In: 9:45AM	Time out: 10:30AM
Certified Food Protection Manager: Required by 03/15/18	Exam Provider: Need by 03/15/18	Certification #: Need	Date Expired: Need	
Any item marked "OUT" on this inspection report is a NOTICE of VIOLATION of the Washoe County District Board of Health Regulations Governing Food Establishments and is an ORDER to abate the violations within the time frame(s) specified. Any critical item marked "OUT" is denoted in bold text. Critical violations are items that are more likely to directly contribute to foodborne illness.				
Failure to correct violations prior to the re-inspection date may result in the assessment of re-inspection fees. Any or all violations may be posted on the Washoe County Health District website: www.WashoeEats.com.				

Risk Factor Interventions

Key: IN = In Compliance; N/A = Not Applicable; N/O = Not Observed; OUT = Out of Compliance; COS = Corrected On-Site; R = Repeat Violation

Compliance Status		COS	R	Compliance Status		COS	R
Supervision							
1	IN			15a	After being sold or served to a consumer, food is not reserved		
Employee Health							
2				15b	Discarding or reconditioning unsafe, adulterated, or contaminated Food		
3				PHF/TCS Foods			
Good Hygienic Practices							
4				16	Food cooked to proper final cook temperature		
5				17	Proper reheating procedures for hot holding		
Control of Hands as a Vehicle of Contamination							
6				18	Proper cooling time and temperatures		
7				19	IN Proper hot holding temperatures		
8a				20	OUT Proper cold holding temperatures		
8b				21a	Proper date marking and disposition		
Approved Sources							
9a	IN			21b	Time as a public health control: written procedures and records		
9b				Consumer Advisory			
9c				22	Consumer advisory provided if required		
10				Highly Susceptible Populations			
11				23	Pasteurized food used; prohibited foods not offered		
12a				Food/Color Additives and Toxic Substances			
12b				24	IN Food additives; approved and properly used		
Food Protection from Contamination							
13a				25a	Poisonous or toxic chemicals properly identified, stored, and used		
13b				25b	Poisonous or toxic materials held for retail sale properly stored		
13c	IN			Conformance with Approved Procedures			
14				26	OUT Waiver/variance obtained; Compliance with waiver/variance, specialized processes, ROP criteria and HACCP Plan	X	
Equipment and Facilities							
13a				27	Insects, rodents and animals not present/outer opening protected		
13b				28	Warewashing equipment installed, maintained, and used; proper sanitization		
13c	IN			29	Hot and cold water available; approved source		
14				30	Sewage and wastewater properly disposed; availability of toilet facilities		

Approved Retail Practices

Key: IN = In Compliance; N/A = Not Applicable; N/O = Not Observed; OUT = Out of Compliance; COS = Corrected On-Site; R = Repeat Violation

Compliance Status		COS	R	Compliance Status		COS	R
Safe Food				43	Single-service / single-use articles: properly stored and used		
31	Pasteurized eggs used where required			44	Slash resistant / cloth gloves used properly		
Food Temperature Control				Utensils, Equipment and Vending			
32	Proper cooling methods used; adequate equipment for temperature control			45	Food and non-food contact surfaces cleanable, properly designed, constructed, and used		
33	Plant food properly cooked for hot holding			46	Non-food contact surfaces clean		
34	Approved thawing methods used			Physical Facilities			
35	Thermometers provided and accurate			47	Plumbing installed; proper backflow devices		
Food Identification				48	Toilet facilities: properly constructed, supplied, and clean		
36	Food properly labeled; original container			49	Garbage and refuse properly disposed; facilities maintained		
Prevention of Food Contamination				50	Physical facilities installed, maintained, and clean		
37	Contamination prevented during food preparation, storage and display			51	Adequate ventilation and lighting; designated areas used		
38	Personal cleanliness						
39	Wiping cloths: properly used and stored						
40	Washing fruits and vegetables						
Proper Use of Utensils							
41	In-use utensils: properly stored						
42	Utensils, equipment and linens: properly stored and used						

Comments:

Health Inspector Kim Franchi and Environmental Health Supervisor Tony Macaluso made contact with Felice Carrano, owner of Delitaly and discussed HACCP plan requirements for vacuum packaging and curing of meats. Reviewed appeal process with owner. Mr. Felice Carrano requests to keep all product on hold order by Health Authority for personal use only. The Health Authority will make a determination on this request. Please submit letter of appeal within 10 business days as of 02/20/18.

Temperatures Observed: Item/Location/Temperature

Salted meat in deli case noted at 43 F. Cured sausages at 43 F in deli case (VP) Vacuum packaged noted @ 43 F. All "VP" and cured, salted meats in deli case have a "hold order" in place.

Observations and Corrective Actions:

Item # Violation

20
26

Failure to abate violation required in this notice may result in immediate suspension of the Permit to Operate. An opportunity for an appeal will be provided if a written request for a hearing is filed within the period of time established in this notice for the correction of violations. (Reference: NRS 446.895)

Re-Inspection Date (on or after): 02/20/18

Environmental Health Specialist: Kim Franchi

Received By:

Facility Status:

- Pass
 Conditional Pass
 Closed

FOOD ESTABLISHMENT OFFICIAL INSPECTION REPORT

DBA/Name: <u>Delitaly LLC</u>	Risk Category: <u>2</u>	Type: <u>Deli</u>	Date: <u>02/23/18</u>
Address: <u>185 E Glendale Ave</u>	City/Zip: <u>Sparks, 89431</u>	Permit #: <u>H17-0444FOOD</u>	
Owner/Operator: <u>Delitaly LLC</u>	Person In Charge: <u>Felice Carrano</u>	Phone #: <u>(775) 998-6127</u>	
Hours of Operation: <u>6:30 am - 11:00 pm</u>	Area NO: <u>HFO4</u>	Inspection Type: <u>no fee re inspection</u>	Time In: <u>9:45 am</u>
Certified Food Protection Manager: <u>Required by 03/13/18</u>	Exam Provider: <u>need by 03/13/18</u>	Certification #: <u>need</u>	Date Expired: <u>need</u>

Any item marked "OUT" on this inspection report is a NOTICE of VIOLATION of the Washoe County District Board of Health Regulations Governing Food Establishments and is an ORDER to abate the violations within the time frame(s) specified. Critical violations are items that are more likely to directly contribute to foodborne illness.

Failure to correct violations prior to the re-inspection date may result in the assessment of re-inspection fees. Any or all violations may be posted on the Washoe County Health District website: www.WashoeEats.com

Compliance Status							
#	IN	NA	NO	OUT Critical	OUT Non Critical		
Risk Factor Interventions							
Supervision							
<u>1</u>					X	Demonstration of Knowledge/Active Managerial Control	R
Employee Health							
2						Communicable Diseases: knowledge, responsibilities, reporting	R
3						Communicable Diseases: proper use of restriction/exclusion	R
Good Hygienic Practices							
4						Proper eating, tasting, drinking, or tobacco use	R COS
5						No discharge from eyes, nose, and mouth	R COS
Control of Hands as a Vehicle of Contamination							
6						Hands clean and properly washed	R COS
7						No bare hand contact with ready-to-eat (RTE) foods; pre-approved alternative procedure properly followed	R COS
8a						Handwashing sinks accessible; conveniently located	R COS
8b						Handwashing sinks supplied	R COS
Approved Sources							
<u>9a</u>	X					Food obtained from approved source	R COS
9b						Molluscan shellfish from ICSSL listed sources; no recreationally caught fish or shellfish	R COS
9c						Game animals and wild mushrooms approved by regulatory authority	R COS
10						Food received at proper temperature	R COS
11						Food in good condition, safe, and unadulterated	R COS
12a						Required Records: parasite destruction	R
12b						Required Records: Shellstock tags maintained for 90 days in chronological order	R
Food Protection from Contamination							
13a						Separating raw animal foods from raw or cooked RTE foods	R COS
13b						Separating raw animal foods from each other during storage, preparation, holding, and display	R COS
<u>13c</u>	X					Food protected from environmental contamination	R COS
14						Food-contact surfaces: frequency of cleaning and sanitizing; protected from environmental contamination	R COS
15a						After being sold or served to a consumer, food is not reserved	R COS
15b						Discarding or reconditioning unsafe, adulterated, or contaminated Food	R COS
PHF/TCS Foods							
16						Food cooked to proper final cook temperature	R COS
17						Proper reheating procedures for hot holding	
18						Proper cooling time and temperatures	R COS
19	X					Proper hot holding temperatures	R COS
<u>20</u>					X	Proper cold holding temperatures	R COS
21a						Proper date marking and disposition	R COS
21b						Time as a public health control: written procedures and records	R COS
Consumer Advisory							
22						Consumer advisory provided if required	R COS
Highly Susceptible Populations							
23						Pasteurized foods used; prohibited foods not offered	R COS

Compliance Status							
#	IN	NA	NO	OUT Critical	OUT Non Critical		
Food/Color Additives and Toxic Substances							
24	X					Food additives; approved and properly used	R COS
25a						Poisonous or toxic chemicals properly identified, stored, and used	R COS
25b						Poisonous or toxic materials held for retail sale properly stored	R COS
Conformance with Approved Procedures							
26				(X)		Waiver/variance obtained; Compliance with waiver/variance, specialized processes, ROP criteria and HACCP Plan <i>Hold order</i>	R (COS)
Equipment and Facilities							
27						Insects, rodents and animals not present/outer openings protected	R COS
28						Warewashing equipment installed, maintained, and used; proper sanitization	R COS
29						Hot and cold water available; approved source	R COS
30						Sewage and wastewater properly disposed; availability of toilet facilities	R COS
Approved Retail Practices							
Safe Food							
31						Pasteurized eggs used where required	R COS
Food Temperature Control							
32						Proper cooling methods used; adequate equipment for temperature control	R COS
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Food Identification							
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Prevention of Food Contamination							
37						Contamination prevented during food preparation, storage and display	R COS
38						Personal cleanliness	R COS
39						Wiping cloths: properly used and stored	R COS
40						Washing fruits and vegetables	R COS
Proper Use of Utensils							
41						In-use utensils: properly stored	R COS
42						Utensils, equipment and linens: properly stored, dried, and handled	R COS
43						Single-service / single-use articles: properly stored and used	R COS
44						Slash resistant / cloth gloves used properly	R COS
Utensils, Equipment and Vending							
45						Food and non-food contact surfaces cleanable, properly designed, constructed, and used	R COS
46						Non-food contact surfaces clean	R COS
Physical Facilities							
47						Plumbing installed; proper backflow devices	R COS
48						Toilet facilities: properly constructed, supplied, and clean	R COS
49						Garbage and refuse properly disposed; facilities maintained	R COS
50						Physical facilities installed, maintained, and clean	R COS
51						Adequate ventilation and lighting; designated areas used	R COS

Key: IN = In Compliance ; N/A = Not Applicable; N/O = Not Observed; OUT = Out of Compliance; COS = Corrected On-Site; R = Repeat Violation

Temperatures Observed: Item / Location / Temperature
 Salted meat in deli case noted at 43°F. Cured sausages at 43°F in deli case (VP) vacuum packaged noted @ 43°F. All "VP" and cured, salted meats in deli case have a "hold order" in place.

Observations and Corrective Actions:
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Re-Inspection Date (on or after): 02/20/18
 Environmental Health Specialist: Kim Franchi # 765 Received By: *[Signature]*

To Be Correspond,

My Name is Felice Carrano, I am the owner of The Italian deli also known as "Delitaly". I would like to appeal with The Food Protection Hearing and Advisory Board about the decision to keep a hold on the sausages and meats at my deli. I would like to explain the process it took to make the meats, to give a better understanding of how I did it.

Sincerely,

A handwritten signature in black ink, appearing to read "Felice Carrano". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Felice Carrano, Owner

Italian Deli

RECEIVED
MAR 02 2018
Washoe County Health District
Environmental Health



WALSH COUNTY COMMUNITY HEALTH DEPARTMENT

Under the authority granted by various federal statutes and the various laws of the State of Oregon, the Department of Health, the County Health Officer and the Board of Health.

HOLD ORDER

Do not remove or dispose of material contained on

Community Food and Beverage
Inventory of Walsh County Health Department

WALSH COUNTY
Department of Health
at the following agent:

Date 11/15/2018 By Patricia J. ...
Agent







