



LIVINGSTON COUNTY Health Department

Enforcement Summary for Food Service Establishments

Correction Time Frame: If a violation of the Food Code or Food Law is cited during an inspection, it must be corrected in the required time frame; for a priority or priority foundation violation, that is within 10 days of the routine inspection, and for a core violation that is within 90 days of the routine inspection. Violations of the Food Law may be either a 10 or 90 day correction depending on the item.

Risk Control Plan: A Risk Control Plan is a written document developed by the establishment in cooperation with the department for the purpose of correcting a priority or priority foundation violation that has been repeated on two or more consecutive inspections. A risk control plan should address what the problem is, why it is a problem, how it will be solved as well as methods to ensure it does not occur again. Successful risk control plans are often developed with a team of people instead of individually. They involve training, teaching and coaching staff on proper procedures. Risk control plans will be reviewed by department representatives. The review may be in our office or during a follow-up inspection to verify that the risk control plan corrects the violation.

Definitions:

Chronic Violation: A specific violation that is documented on three (3) of the last five (5) routine inspections, but which need not be on consecutive inspections. Chronic violation does not include those items that have had two (2) consecutive routine inspections in compliance.

Continuous Violation: A specific violation that is observed during an evaluation, is documented, and persists on the next two routine and/or follow up evaluations without correction. (Example: routine evaluation/follow-up evaluation/follow-up evaluation.)

Enforcement Follow-up: A food safety assessment of a food service establishment conducted by the Health Department to verify correction of a chronic/continuous violation. A re-inspection fee shall be required for enforcement follow-up inspections. In addition an office conference may be scheduled.

- **An enforcement follow-up will be conducted within 90 days**
- **A \$100 re-inspection fee will be assessed on your next year's license**

Sample Enforcement for a Specific Violation "X":

| Routine Inspection 1 | Routine Inspection 2 | Routine Inspection 3 | Routine Inspection 4 | Routine Inspection 5 | Outcome |
|----------------------|----------------------|----------------------|----------------------|----------------------|--|
| | | | | | Inspection #2: Optional Risk Control Plan. Inspection #3: Administrative Action Request and Enforcement Follow-up Inspection. |
| | | | | | Inspection #2: Optional Risk Control Plan. Inspection #3: Administrative Action Request and Enforcement Follow-up Inspection. Inspection #4: Compliance Conference. |
| | | | | | Inspection #2: Optional Risk Control Plan. Inspection #3: Administrative Action Request and Enforcement Follow-up Inspection. Inspection #4: Compliance Conference. Inspection #5: Informal Hearing. |
| | | | | | Inspection #3: Optional Risk Control Plan. Inspection #5: Administrative Action Request and Enforcement Follow-up inspection because violation X was cited on 3 of 5 of last Routine Inspections |
| | | | | | Inspection #2: Optional Risk Control Plan. Inspection #4: Administrative Action Request and Enforcement Follow-up Inspection. |
| | | | | | Routine Inspection #3: Optional Risk Control Plan. Routine Inspection #4: Administrative Action Request and Enforcement Follow-up Inspection. |
| | | | | | Inspection #2: Optional Risk Control Plan. #5: Administrative Action Request but no enforcement follow-up inspection because 2 routine inspections occurred with Violation X in compliance. |
| | | | | | Inspection #4: Optional Risk Control Plan. Inspection #5: Administrative Action Request but no enforcement follow-up inspection because 2 routine inspections occurred with Violation X in compliance. |

KEY: = Violation cited on report = Violation not cited on report

Compliance Conference: A Compliance Conference is a meeting between an establishment owner, or a designated representative, and department representatives for the purpose of reviewing the severity of observed violations, the need for correction and consequences of allowing violations to continue. In addition, the conference is intended to reach agreement on procedures that, if followed, will result in compliance with Food Law and Food Code. Office conferences are preliminary to informal hearings. A compliance conference may be held for any or all of the following reasons:

1. A written request from licensee.
2. A chronic violation is found on 3 of the last 5 routine inspections. A violation is NOT considered chronic if it is in compliance for a period of 2 consecutive routine inspections during that time frame.
3. A risk control plan was not developed after a violation is cited on two consecutive routine inspections.
4. Numerous and repeated core violations are found that impact the overall safety and sanitation of the establishment.
5. Lack of active managerial control is exhibited at the establishment.

Informal Hearing: An informal hearing is held to determine correction schedules and license limitations necessary to create compliance with Michigan's food service regulations and to protect the public's health. An informal hearing may be held for any or all of the following reasons:

1. Failure to comply with an order of the Health Officer.
2. Interfering with an agent of the Health Officer in performance of his/her official duties.
3. A written request from licensee.
4. Repeat priority or priority foundation violations are found during either of the two routine inspections following an Administrative Conference. If the violation(s) that lead to the informal hearing are in compliance on the two routine inspections following the Compliance Conference, the enforcement process stops for that item(s). The violation would need to become chronic or continuous to reenter the enforcement procedures.
5. Numerous and repeated core violations are found that impact the overall safety and sanitation of the establishment.
6. Lack of active managerial control is exhibited at the establishment.

Formal Hearing: Either upon request to the Health Officer by or on behalf of any licensee or licensee's representative whose license has been revoked or if a foodservice establishment has failed to comply with requirements set forth by an informal hearing, a formal hearing shall be afforded as soon as possible, within a period not to exceed ten (10) working days, provided that this shall in no way affect any order to cease food service operations or revocation of license in advance of said hearing. The hearing shall be conducted during the working hours of Livingston County Environmental Health at the time and place designated by the Health Officer. The Hearing Board shall consist of at least two members described as follows: the Health Officer, a member of the Livingston County Board of Commissioners, and a food service representative appointed by the Livingston County Board of Commissioners. Upon conclusion of the presentations at the hearing, the Hearing Board shall determine whether and under what stipulations the affected license shall be reinstated or shall be further suspended, or limited, or revoked, and shall notify the licensee in writing of the determinations.

The decision of the Hearing Board following the hearing shall be final unless appealed to a court of competent jurisdiction. The licensee or licensee's representative may attend the hearing with witnesses, and may be represented by legal counsel. In the event the licensee or licensee's representative fails to attend said hearing, the licensee shall be deemed to have been afforded an opportunity to comply with said regulations.