galion city
HEALTH DEPARTMENT

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NOTICE OF PROPOSED LICENSE REVOCATION

March 18, 2016

BJ's Family Restaurant
Attn: Barbara Brown
741 Portland Way South
Galion, Ohio 44833
License #SZMA-99NP5T

Dear Ms. Brown,

WHEREAS, the Galion City Board of Health may suspend or revoke a food service operation license upon determining that the license holder is in violation of any requirement Ohio Revised Code (ORC) chapter 3717 or rules adopted thereunder, pursuant to ORC section 3717.49;

WHEREAS, this matter came before the Board of Health during a hearing on March 15, 2016, when BJ's Family Restaurant's numerous documented violations since October 17, 2013, were discussed;

WHEREAS, the Board of Health passed a motion at the conclusion of the hearing that Environmental Health Director Stephanie Zmuda would conduct a follow-up inspection between March 15 and 18, 2016, and if critical violations were found, the procedures for license revocation were to ensue immediately;

WHEREAS, a follow-up inspection was conducted on March 18 at 09:30, and critical violations of the following Ohio Administrative Code (OAC) sections were documented: 3717-1-02.4(B), 3717-1-3.2(C), 3717-1-3.2(N)(1), and 3717-1-03.2(U);

NOW, THEREFORE, BE IT RESOLVED that the License to Operate a Food Service Operation, # SZMA-99NP5T, issued to BJ's Family Restaurant, is hereby formally notified of revocation actions pursuant to ORC section 3717.49.

WHEREAS, Ohio Revised Code (ORC) section 3717.41 states in part, "…no person or government entity shall operate a food service operation without a license." ORC section 3717.01 defines food service operation: (a) Means a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this definition, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received;

WHEREAS, Whoever violates ORC section 3717.41 is guilty of a misdemeanor of the third degree on a first offense; for a second offense or subsequent offense, such person is guilty of a misdemeanor of the second degree, per ORC section 3717.99;

This order may be appealed pursuant to ORC Section 3717.49, and in accordance with OAC section 3701-21-26 by filing a notice of appeal within fifteen (15) days, with Galion City Health Department or the Crawford County Court of Common Pleas. If the Galion City Health Department does not receive a timely request for hearing, the Board of Health may immediately enter an order as proposed in this notice. This notification does not in any way preclude Galion City Health Department from arguing any jurisdictional matters.

Trish Factor, MPH, MCHES, CHEP, Health Commissioner
Galion City Health Department

Richard Brown 3-18-16
Received by Date