



KENT CITY HEALTH DEPARTMENT

201-G E. ERIE STREET, KENT OHIO 44240 (330) 678-8109 FAX (330) 678-2082

Food Protection Program Enforcement Procedures

Enforcement Actions

When a food service operation (FSO) or retail food establishment (RFE) is found to be noncompliant for critical violations or 15 plus noncritical violations during a routine inspection, a follow-up inspection will occur within 3 business days. If there are repeat critical violations or little signs of improvement during the follow-up inspection pre-hearing conference may be recommend by the sanitarian. A pre-hearing conference is a meeting between an establishment owner/operator, or a designate representative of the establishment, and the Kent City Health Department. The purpose of the meeting is to explain the severity of observed violations, the need for correction, education about the violations, and the consequences of allowing violations to continue. Person In Charger Food Safety Training will be required for all persons in charge of the facility. If there are repeat critical violations at the follow-up inspection after the pre-hearing conference, a formal hearing may occur. During the formal hearing that is conducted by the health commissioner, the case will be reviewed and the recommendations that will be made to the Board of Health for review at the next regularly scheduled Health Board Meeting are discussed.

Following the first re-inspection that continues to show violations, a written statement indicating enforcement action is hand delivered or sent certified mail to the establishment. If a second re-inspection is conducted and violations are still present, a written statement indicating a scheduled administrative hearing is hand delivered or sent certified mail to the established. If it becomes necessary to close the establishment, another written letter will be sent certified mail or hand delivered informing them of such enforcement actions.

If there are violations that are an immediate danger to public health, immediate voluntarily closure will be requested by the sanitarian at the time of inspection. Refusal by operator to immediate voluntarily close, an order to cease and desist will be issued from the Health Commissioner. A majority Health Board decision is recommended but, not required.

Enforcement Penalties

Along with the above enforcement actions, a business may have their food license limited or suspended for a period of time if the violations are found to be an immediate danger to public health. Below are the actions the Board of Health may take after the Formal Hearing:

Limit: limitations may be placed on the license limiting high risk food handling processes and not be permitted in the facility.

Period of Increased Frequency Monitoring: The business is placed under “special alert” by the Board of Health and is inspected frequently and monitored often during a period of time determined by the Board of Health.

License Suspension: The FSO or RFE license is suspend or revoked until violations are eliminated and facility is re-inspected. Education for the food employees is conducted during this time and physical repairs are made to the facility as needed.

Revocation: The business is closed indefinitely by the Kent City Health Department due to repeated critical violations.

BOH Review Date: March 10, 2015

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