

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L159 50076 JASMINE DELI for FOOD RESTAURANT

Held by:

LE HUYNH TRUONG
2532 NICOLLET AVE. S.
MINNEAPOLIS, MN 55404

This matter came before a License Settlement Conference hearing on Thursday, September 24, 2009. Appearing was the licensee and owner, Le Truong. Appearing for Licenses and Consumer Services were District Supervisor Patrick Hilden and License Inspector George Pridmore. Manager Curt Fernandez, Inspector Sebastian Cherayil and Inspector Robert Becker represented the Minneapolis Environmental Health Department. Based on the evidence presented at the hearing, the department makes the following findings of fact:

FINDINGS OF FACT

1. On February 25, 2008, Code Compliance Inspector Sebastian Cherayil conducted an inspection at Jasmine Deli following a salmonella complaint. 14 total violations were found including 7 critical violations.
2. On March 11, 2008, Code Compliance Inspector Sebastian Cherayil conducted a re-inspection at Jasmine Deli. 7 total violations were found including 3 critical violations.
3. On July 9, 2008, Code Compliance Inspector Sebastian Cherayil conducted a second re-inspection at Jasmine Deli. 15 total violations were found including 4 critical violations.
4. On July 2, 2009, Code Compliance Inspector Robert Becker conducted an inspection at Jasmine Deli. 23 total violations were found including 6 critical violations. An administrative citation (EHFS 09-00536) in the amount of \$1600 was issued. This administrative citation was paid before the license settlement conference was held.
5. On July 21, 2009, Code Compliance Inspector Robert Becker conducted a re-inspection at the Jasmine Deli. 10 total violations and 2 critical violations were found. An administrative citation (EHFS 09-00556) in the amount of \$2200 was issued. This administrative citation was not paid before the license settlement conference and the licensee reports she is appealing the citation.

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6. Environmental Management reports the licensee has failed to pay \$220 in PCAB fees.

CONCLUSIONS

1. Jasmine Deli, located at 2532 Nicollet Ave. S. has failed to maintain a food safety management system to prevent public health risk factors and to keep the restaurant kitchen in clean and sanitary conditions in compliance with applicable provisions of Chapters 186 and 188 of the Minneapolis Code of Ordinances.

2. Jasmine Deli failed to timely pay PCAB (Pollution Control Annual Billing) fees in violation of Minneapolis Code of Ordinance 259.15

RECOMMENDATIONS

Based on evidence presented at the hearing, the Department makes the following recommendations:

1. Jasmine Deli must implement a food protection system and monitor food safety. The licensee will enroll and participate fully in the self-audit program.
2. Jasmine Deli agrees to quarterly food safety inspections, beginning the last quarter of 2009, to be conducted by the City of Minneapolis Environmental Health Division, and shall pay a fee of \$100.00 per inspection to Environmental Health Division. At the end of one year the City will assess the need to continue quarterly inspections. All repeated violations will result in adverse license action or administrative citations.
3. Licensee shall maintain a regular training schedule regarding food handling for all staff and shall document the date, time, and subject matter of each training.
4. Licensee shall schedule an educational inspection by the Environmental Health and Food Safety department before October 30, 2009, and shall ensure attendance by Jasmine Deli kitchen staff.
5. Licensee shall continue with all pest control efforts.
6. Licensee shall pay past-due PCAB fees in the amount of \$222.00 by October 30, 2009.
7. Licensee shall employ and maintain a State of Minnesota certified Food Manager at Jasmine Deli and shall ensure their State of Minnesota Certificate is displayed at all times. This person will spend the majority of their employment time at the business.
8. Time shall also be used as a public health control while working with potentially hazardous foods prior to cooking, or for ready-to-eat potentially hazardous foods that are displayed or held for immediate consumption. In addition:
 - a. The food shall be marked or otherwise identified with the time within which it shall be cooked, served, or discarded;

b. When the food that is provided for service and consumption is removed from temperature control, the food:

(1) Is served or discarded within four hours; and

(2) Is not removed from time control and returned for use at a later time;

c. Food in unmarked containers or packages, or for which the time expires, is discarded

d.. Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request, to ensure compliance with:

(1) Items A to C; and

(2) Part 4626.0385 for food that is prepared, cooked, and refrigerated before time is used as a public health control.

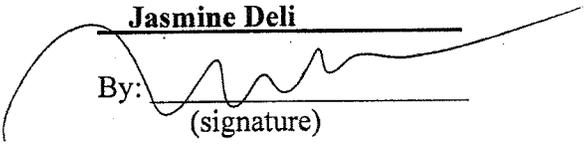
Jasmine Deli understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, it is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

Jasmine Deli

By: 

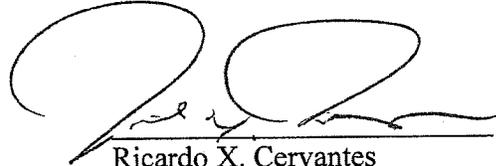
(signature)

Its: Owner

(title)

Dated: 10/27/09, 2009

For the City of Minneapolis:



Ricardo X. Cervantes

Deputy Director of Licenses

Dated: 10/28/09, 2009