

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 50867 1ST CUP CAFE
for FOOD RESTAURANT

Held by:
1ST CUP CAFE
ATTN: SAMME SISTE
2740 MINNEHAHA AVE #180
MINNEAPOLIS, MN 55406

11-0862379

This matter came to a License Settlement Conference on Tuesday, August 16, 2011. Appearing for the Regulatory Services Department were Environmental Health Supervisor Curt Fernandez, Environmental Health Inspector Sadie Koller, Business License Inspector Julie Casey, and Business License Manager Grant Wilson. Appearing for Hiawatha Pizza and First Cup Coffee was Samme Siste, the owner and Jeff McElmry, consultant.

FINDINGS OF FACT

1. On November 14, 2007, Samme Siste applied for and received a restaurant license for a restaurant license for First Cup Coffee, 2740 Minnehaha Avenue.
2. From July 22, 2008 to March 2011, First Cup Coffee did not meet the requirements of the Environmental Health Codes. On February 22, 2011, Environmental held a compliance meeting with Mr. Siste. Both parties agreed to compliance conditions to ensure compliance of the Environmental Health codes.
3. On March 4, 2011, Mr. Samme Siste, the owner of First Cup, applied for a new restaurant license for the vacant restaurant space next to his establishment. Mr. Siste had a history of failing to meet environmental health codes at his current establishment. Environmental Health felt that he was making progress toward meeting all health requirements and the new kitchen area would help him toward meeting those compliance goals. Mr. Siste was given an administratively issued license subject to business license operating conditions on March 18, 2011.

4. On May 25, 2011, Environmental Health Inspector Sadie Kolar conducted a quarterly inspection. At this inspection Ms. Kolar noted 24 violations of the Environmental Health codes. She issued \$3400 in administrative citations. Another inspection was conducted on June 13, 2011 and there were 11 violations. Administrative citations in the amount of \$4800 were issued. On July 13, 2011, another inspection was conducted and at this inspection, 5 violations were noted. Administrative citations in the amount of \$2400 were issued.
5. Environmental Health requested a license settlement conference to discuss the following:
 1. Failure to meet the environmental health codes.
 2. Failure to pay administrative citations in the amount of \$12,340.
 3. Combining the restaurant operations of First Cup with Hiawatha Pizza without notifying business licenses.
 4. Failure to comply with Business License operating conditions by:
 - a. Failure to pay fines and fees
 - b. No certified food manager in the establishment at all times.
 - c. failure to take responsibility for the establishment meeting all Food Code requirements.
6. At the end of July 2011, Mr. Siste hired a professional consultant to advise his business on meeting the environmental health codes. The consultant said at the hearing that he doing on site training and rearranging the kitchen to assist employees to meet the food codes. He would be continuing in that role until such time Mr. Siste would be able to take over that responsibility. Mr. Siste that he was having financial issues that was affecting his business operations. He stated that he was now running both businesses as one and was looking to have them combined.

CONCLUSIONS

1. First Cup Coffee and Hiawatha Pizza failed to comply with all Environmental Health codes in violation of Minneapolis Code of Ordinances 259.250(2).
2. Failure to pay administrative fines in the amount of \$12,340 as required by Minneapolis Code of ordinances 259.15.
3. Failure to report a change in the name and location of the business as required by Minneapolis Code of Ordinances 259.210.
4. Failure to comply with Business License Operating Conditions in violation of Minneapolis Code of Ordinances 259.250(9).

RECOMMENDATIONS

1. \$7200 in administrative fines will be stayed pending no same or similar violations found for food temperatures, cross-handling, cleanliness, and use of non NSF equipment for a one year period. \$5,140 in administrative fines will be paid as follows:
 - a. \$1000 is due to the Environmental Health Division upon signature of this agreement.
 - b. By September 30, 2011, another \$1000 is due to the Environmental Health Division.
 - c. By October 31, 2011, another \$1000 is due to the Environmental Health Division.
 - d. By November 30, 2011, another \$1000 is due to the Environmental Health Division.
 - e. By December 31, 2011, a final payment of \$1,140 is due to the Environmental Health Division.
2. First Cup Coffee/ Hiawatha Pizza shall employ a professional consultant to supervise food service to ensure compliance with all Food Codes and ordinances. A plan to comply with food codes shall be written and approved by the Environmental Health Division within two weeks of signing this agreement.
3. The Environmental Health Division shall conduct unannounced inspections on a quarterly basis and licensee will pay a fee of \$100 per inspection.
4. If any changes to the restaurant equipment and menu a Food Plan Review must occur by in Environmental Health before the equipment is purchased.
5. For a period of one year (September 1, 2011 to September 1, 2012), a certified food manager shall be in the restaurant at all times when food is present. The food manager is to ensure that all employees shall follow all Environmental Health Regulations.
6. Samme Siste, as owner of Hiawatha Pizza, shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food establishment all hours of operation. Based on the risks of food borne illness inherent to the food operation, and upon request by the regulatory authority, the person in charge shall demonstrate to the regulatory authority knowledge of food borne disease prevention. The person in charge shall ensure that:
 - A. employees and other persons, including delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and ware washing areas comply with the Code;
 - B. employees effectively clean their hands, by routinely monitoring the employees' hand washing;
 - E. employees visibly observe foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely

monitoring the employees' observations and periodically evaluating foods upon their receipt;

C. employees properly cook potentially hazardous food, being particularly careful in cooking those foods known to cause severe food borne illness and death, including eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures;

D. employees use proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling

E. employees properly sanitize cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing; and

F. employees implement and maintain food safety standards in the facility.

Samme Siste understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any 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

By: [Signature]
(signature)
Its: Owner
(title)

Dated: 9/1/11, 2011

For the City of Minneapolis:

[Signature]
Grant J. Wilson
Manager

Dated: 9-1-, 2011