

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 Licenses : L159-50759-Food Restaurant at 1821 East Lake Street
L159-50664-Food Restaurant at 2910 Pillsbury Avenue #134
L159-51055-Food Restaurant at 912 East 24th Street B#131

Osman Mohamed
Qoraxlow Restaurant #4
1821 East Lake Street
Minneapolis, MN 55407

Qoraxlow Restaurant #2
2910 Pillsbury Avenue #134
Minneapolis, MN 55408

Qoraxlow Coffee
2910 Pillsbury Avenue #134
Minneapolis, MN 55408

Qoraxlow-Village Market Restaurant
912 East 24th Street
Minneapolis, MN 55407

Qoraxlow Restaurants, Inc
1304 East Lake Street
Minneapolis, MN 55407

10-0772140

RE: L159-50759-Food Restaurant at 1821 East Lake Street
L159-50664-Food Restaurant at 2910 Pillsbury Avenue #134
L149-50766-Food Manufacturer at 2910 Pillsbury Avenue #138
L159-51055-Food Restaurant at 912 East 24th Street B#131
L159-51110-Food Restaurant at 1304 East Lake Street

This matter came before a License Settlement Conference on Wednesday, June 23, 2010. Appearing for Regulatory Services was Deputy Director of Licenses Ricardo Cervantes, Lead License Inspector Julie Casey, Environmental Health District Supervisor Tim Jenkins, Code Compliance Inspector Kathy Loudon, Katie Lampi, and Bob Becker. Appearing for the licensee was Osman Mohamed , the owner, his consultant Jeff McElmury, and his attorney, Daniel

Kennedy. A language interpreter was present. Based on the information presented at the hearing the Department makes the following findings of fact.

FINDINGS OF FACT

1. Health violations were reported at 1821 East Lake Street Avenue as follows:
 - a. 8-4-08- 21 violations with 7 critical
 - b. 7-29-09-18 violations with 7 critical. Citations issued in the amount of \$1000
 - c. 11-4-09-7 violations with 3 critical. Citations issued in the amount of \$1600
 - d. 5-23-10-17 violations with 3 critical. Citations issued in the amount of \$800

2. Health violations were reported at 2910 Pillsbury Avenue South #134 as follows:
 - a. 4-26-06-10 violations with 1 critical
 - b. 10-22-07-11 violations with 1 critical. A citation was issued for \$200
 - c. 6-17-09-14 violations with 5 critical. Citations issued in the amount of \$400
 - d. 7-15-09-6 violations with 1 critical. Citations issued in the amount of \$800
 - e. 5-24-10-31 violations with 12 critical. Citations issued in the amount of \$1800
 - f. 6-16-10-14 violations with 6 critical. Citations issued in the amount of \$2400

3. Health violations were reported at 912 East 24th Street as follows:
 - a. 6-2-10-11 violations with 6 critical. A citation was issued for \$200
 - b. 6-22-10-6 violations with 4 critical. Citations issued in the amount of \$1,000

4. A license settlement conference was held to discuss the alleged violations of the environmental health codes and nonpayment of citations. The Licensee's consultant Jeffrey McElmury presented a plan to resolve the health related violation at all three establishments. This plan includes bringing in a professional food manager to work with the employees to prevent further health violations. The attendees also discussed the possibility of utilizing a professional training program from the University of Minnesota to train employees.

5. On 6-23-10, a new application was received for a food manufacturer's license at 2910 Pillsbury Avenue Suite 138. This location is across the hall from the current restaurant location of 2910 Pillsbury Avenue Suite 134. The new location is the result of a building remodeling project that separated the original restaurant space into two. This application was not sent to the City Council for approval due to the outstanding license settlement conference agreement. On 9-28-10, an inspection by Environmental Health Inspector Kathy Loudon resulted in an emergency closure due to no hot water. Other violations were noted including 3 other critical violations. Administrative citations in the amount of \$2400 were issued as a result of this inspection.

6. On 9-2-10, a new application was received for a food restaurant license at 1304 East Lake Street. This application has not been recommended for approval to the Minneapolis City Council due to the outstanding issues at the other Qoraxlow Restaurant locations.

7. On 9-27-10, an inspection at 912 East 24th Street, conducted by Environmental Health Inspector Bob Becker, resulted in an emergency closure for lack of pest control. Other violations were noted including one critical and 15 non critical. Administrative citations in the amount of \$1800 were issued as a result of this inspection.
8. On 9-28-10, an inspection at 1821 East Lake Street, conducted by Environmental Health Inspector Katie Lampi, resulted in violations orders for 2 critical and six non critical violations. On 11-3-10, an inspection at 1821 East Lake Street, conducted by Environmental Health Inspector Katie Lampi, showed all previous violations had been abated and there were no new violations.
9. On 10-27-10 an inspection at 2910 Pillsbury Avenue, conducted by Environmental Health Inspector Kathy Loudon, resulted in the issuance of an administrative citation in the amount of \$2000 for alleged temperatures of cold hold above 41 degrees. The licensee disputes the validity of this citation because it had received specific permission fro Inspector Loudon to operate according to the protocol it was following for the preparation and handling of sambusa. The licensee has appealed this citation.
10. To date, all outstanding administrative citations have been paid in full by the Licensee, with the exception of the most recent citation issued 10-27-10 and referenced in Finding #9, above.

CONCLUSIONS

1. Qoraxlow Restaurants located at 1821 East Lake Street, 2910 Pillsbury Avenue and 912 East 24th Street, failed to comply with environmental health codes in Title 10 of the Minneapolis Code of Ordinances.

RECOMMENDATIONS

1. Each Qoraxlow location shall serve a two day suspension of their business licenses, on days they are normally scheduled to be open to the public. The suspensions shall be served prior to April 1, 2011. The Licensee may select the days to be served for the suspension and the days need not be consecutive. The suspension shall involve complete closure of the location to the public for the entire regularly scheduled business day, although employees may be present to receive training. The Licensee or its representative shall notify License Inspector Julie Casey [*Julie.Casey@ci.minneapolis.mn.us* or (612) 673-3905] at least one week prior to the service of any suspension day and notify her of the day(s) selected for each location.
2. The application for a restaurant license at 1304 East Lake Street shall be withdrawn within one week of signing this agreement and it is agreed between the parties that no new application for the proposed location or any other potential new site shall be submitted to the City prior to March 1, 2011 for licensure in the licensing period beginning April 1, 2011. The level of compliance of the Licensee with the terms of this Agreement and with the requirements of applicable laws and codes may be utilized by the

City and its Licensing Division in making future recommendations and decisions regarding subsequent applications by the Licensee.

3. The administrative citation issued on 10-27-10 by Inspector Loudon shall be dismissed upon final approval of this Agreement by the Minneapolis City Council.
4. The location at 2910 Pillsbury Avenue Suite 138 will be permitted to split into two separate licensed facilities including a food manufacturer license and a restaurant license, as such licensure most appropriately and accurately reflects the physical establishment.
5. All Qoraxlow Restaurant employees shall attend a professional training program on food safety. The program shall be approved by the Environmental Health Division. A list of all employees that attended shall be submitted to Environmental Health within seven days of the training.
6. All Qoraxlow Restaurants locations shall employ a professional consultant until November 1, 2011 to supervise food service to ensure compliance with all Health codes and ordinances. A plan to comply with all Health codes shall be written and approved by the Environmental Health Division prior to approval of this Agreement.
7. All locations shall comply with the certified food manager requirements of the Food Code and, in addition, until November 1, 2011, a minimum of two certified food managers shall be employed by each restaurant. The food manager requirement is to ensure that all employees of Qoraxlow Restaurants, all locations, shall follow all Environmental Health Regulations.
8. The Environmental Health Division shall conduct unannounced inspections on a quarterly basis for a period of one year and the licensee will pay a fee of \$100.00 per inspection. The licensee understands that if he fails to meet environmental health codes resulting in critical violations and/or repeat violations, adverse license action could result. Payment shall be made to the "Minneapolis Finance Department" in the form of check or money order addressed to Minneapolis Environmental Health, 250 South 4th St, Room 414, Minneapolis, MN 55415
9. Osman Mohamed, as owner of Qoraxlow Restaurants, all locations, shall promptly enroll and fully participate in the Minneapolis food safety self-inspection program, but any code violations reported through self inspection shall not serve as a basis for administrative citations or other adverse license action.
10. Osman Mohamed as owner of Qoraxlow Restaurants all locations, shall designate a person in charge (certified food manager) and ensure that a person in charge is present at the food establishment as specified in paragraph 7 above. Based on the risks of foodborne illness inherent to the food operation, during inspections and upon request by the regulatory authority, the person in charge shall demonstrate to the regulatory authority knowledge of foodborne 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 wash their hands by training all employees on proper handwashing procedures and through demonstrations and review and explaining when handwashing is required in a food service establishment. Handwashing must be routinely monitored by the person in charge;
- C. 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;
- D. Employees must ensure potentially hazardous foods are properly cooked to minimum cooking temperatures and holding time through routine monitoring of the cooking temperatures by certified food manager;
- E. 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' and routine monitoring of food temperatures during cooling and compliance with the protocol agreed with the City for the preparation and handling of sambusa;
- F. Employees must monitor all coolers throughout all three establishments every 2-3 hours for temperature and record food and cooler temperatures in temperature log to ensure proper cold holding temperature is maintained and that all equipment is in proper working order;
- G. Employees properly sanitize equipment and utensils before they are used, through routine monitoring of chemical concentration;
- H. Employees implement and maintain food safety standards in the facility;
- I. Employees must have digital thermometers, at all locations, to monitor food temperatures and appropriate test kits to monitor sanitizer strength.

Osman Mohamed 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 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 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:

Osman Mohamed


(signature)

Its: President

Dated: December 1, 2010

For the City of Minneapolis:


Ricardo Cervantes
Deputy Director of Licenses

Dated: 12-6, 2010