

December 13, 2002

**In the Matter of the
Grocery, Food Manufacturer and
Meat Market Licenses for
1517-19 Franklin Avenue East
Minneapolis, MN
6th Ward**

**Findings of Fact,
Conclusions and
Recommendations**

This matter came before a Technical Advisory Committee hearing on Thursday, December 5, 2002. Appearing for the licensee were Corporation president Omar Gurase and his manager, Isse Omar. Appearing for the Department were Deputy Director Clara Schmit-Gonzalez, License Inspector Julie Casey, Environmental Health Supervisor Tim Jenkins and Environmental Health Specialist Laura Huseby. Based on the information presented at the hearing the Department makes the following findings of fact.

FINDINGS OF FACT

1. On April 30, 2002, Franklin Market signed an agreement with the Department following a Technical Advisory Committee hearing. The recommendations ranged from corrections of outstanding violations to future standards on maintaining the store.
- 2 Code Compliance Officer II, Laura Huseby conducted an inspection at the business on June 12, 2002. Ms. Huseby issued orders noting four critical violations of the Food and Beverage Codes. A letter was then sent to Mr. Gurase ordering a \$200 fine.
- 3 On September 8, 2002, Ms. Huseby investigated a complaint concerning cockroaches at Franklin Market. An inspection was conducted in response to this complaint on September 9, 2002. Ms. Huseby and South District Supervisor, Tim Jenkins noted four additional critical and five non-critical violations of the Food and Beverage Code. In addition to the four critical violations, the business did not have a contract with a pest control contractor, which violates previous TAC agreement Recommendation #7, which required a contract with a pest control contractor.
- 4 The site plan was not complete which violates previous TAC agreement Recommendation #2 that required the completion of the minor site plan changes by June 20, 2002.
5. Franklin Market, Inc. surpassed the number of critical violations allowed in a one-year period. They were allowed six (6) critical

violations in a one year period and they accumulated 8 critical violations in a five month period. This is a violation of the previous TAC agreement Recommendation # 14.

6. A hearing was called to discuss the above violations. The discussions surrounded whether Franklin Market has the ability to maintain their grocery, meat market and deli. The owners emphasized that they have made improvements to the building. They recently upgraded the flooring. Inspector Casey asked if they had obtained building permits for the work. They had not. Permits are required for this type of work. Franklin Market felt they had been trying to comply with the codes.
7. The Department gave Franklin Market, Inc the option to surrender their licenses within 90 days or hire professional consultants to assist in the management of their business. They were given one week to decide. They decided to try to comply with the requirements and conditions Licenses and Health was requesting.

CONCLUSIONS

1. Franklin Market, Inc failed to comply with their recommendations from their April 30, 2002 agreement with the License Department.
2. Inspections revealed significant Food Code violations.

RECOMMENDATIONS

Franklin Market, Inc agrees to comply with the following recommendations.

1. All recommendations from the April 30, 2002 agreement shall remain in effect unless changed under the current recommendations.
2. Franklin Market, Inc must take responsibility to implement and maintain necessary food safety standards to ensure the safety of the public. Disregard for food code and safety standards and failure to comply with the provisions of the Minnesota food code and Minneapolis ordinances could warrant a revocation of the current license. The person in charge/Certified Food Manager must be available to maintain the standards in day to day operations.

3. Employees must be able to demonstrate knowledge of food safety at all times. We strongly recommend Franklin Market, Inc. to hire a professional food safety consultant to assist in your operation to minimize number of critical violations to an acceptable level of three critical or six non-critical violations in two consecutive inspections.
4. Franklin Market, Inc shall pay the stayed fine in the amount of \$750.00. They shall also pay the \$300 for the four- (4) critical violations from the September inspection. Another \$2000 in administrative fines due to their failure to comply with the previous TAC agreement, the excessive Food and Beverage code violations and the increased number of inspections by Environmental Health.
5. Franklin Market, Inc. shall pay inspections fees in the amount of \$100.00 per hour on any future inspection required.

I have read the above report and recommendations. I agree with the report, and I agree with the above recommendations. I understand that failure on my part of the part of my business to adhere to this agreement with the Department may lead to further action against my license. I understand that this report must be accepted by the Minneapolis City Council and signed by the Mayor. I understand that future violations may put my license in jeopardy.

Licensee of Franklin Market, Incorporated

Date

Witness

Date